



MOUNT WOLF BOROUGH

Zoning Ordinance

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MOUNT WOLF BOROUGH ZONING ORDINANCE OF 2023

AN ORDINANCE OF THE BOROUGH OF MOUNT WOLF, YORK COUNTY, PENNSYLVANIA, TO BE KNOWN AS THE MOUNT WOLF BOROUGH ZONING ORDINANCE OF 2023, AN ORDINANCE AMENDING AND RESTATING ORDINANCE 2020-01, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR AGRICULTURAL, RESIDENTIAL, INDUSTRIAL, COMMERCIAL, INSTITUTIONAL AND OTHER PURPOSES; REGULATING THE BULK AND SIZE OF BUILDINGS, STRUCTURES AND OTHER USES; ESTABLISHING ZONING DISTRICTS AND REGULATIONS FOR USES WITHIN SUCH ZONES; DEFINING TERMS USED IN THE ORDINANCE; ESTABLISHING PERFORMANCE STANDARDS AND REGULATIONS FOR USES; PROVIDING REGULATIONS FOR NONCONFORMING USES AND STRUCTURES; ADOPTING AN OFFICIAL ZONING MAP ESTABLISHING THE ZONING CLASSIFICATION OF ALL LAND WITHIN THE BOROUGH; PROVIDING FOR THE APPOINTMENT OF A ZONING OFFICER; PROVIDING FOR THE ADMINISTRATION OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF A ZONING HEARING BOARD AND THE POWERS AND DUTIES OF THE ZONING HEARING BOARD; ESTABLISHING REQUIREMENTS FOR PERMITS AND FEES; AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF MOUNT WOLF, YORK COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME:

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ZONING MAP

ARTICLE I

GENERAL PROVISIONS

SECTION 101 Short Title

This Ordinance shall be known and may be cited as the "Mount Wolf Borough Zoning Ordinance."

SECTION 102 Purpose

- A. The regulations of this Ordinance have been promulgated with the purpose of promoting, protecting, and facilitating:
1. Harmonious community development.
 2. Proper density of population.
 3. Adequate water and sewerage.
 4. Adequate schools, parks, and other public grounds and buildings.
 5. Adequate light and air.
 6. Adequate transportation, parking and loading space.
 7. The public health, safety, morals and general welfare.
- B. The regulations are also designed to prevent:
1. Overcrowding of land.
 2. Blight.
 3. Danger and congestion in travel and transportation.
 4. Injury and loss of health, life, or property from fire, flood, panic or other dangers.

SECTION 103 Community Development Objectives

This Ordinance is enacted as a component of the overall plan for the orderly growth and harmonious development of Mount Wolf Borough. As such, this Ordinance is based upon the expressed or implied community development objectives provided for in the Mount Wolf Borough Comprehensive Plan and the York County Comprehensive Plan.

SECTION 104 Interpretation

In the interpretation of the regulations and provisions of this Ordinance, the regulations and provisions of this Ordinance shall be held to be the minimum requirements and standards adopted for the protection and promotion of the public health, safety, morals and general welfare.

It is not intended by this Ordinance to repeal, abrogate, annul or in any way affect the existing provisions and requirements of other ordinances or the existing provisions or requirements of the laws, rules and regulations prescribed by the State and federal governments or any of their respective regulatory agencies or existing private restrictions placed upon property or restrictive covenants running with the land and imposed by deed or other private agreement. In cases where the laws of the State or federal governments or any of their respective regulatory agencies impose a greater restriction or a stricter requirement upon lands, buildings, structures, uses or other features than is imposed by this Ordinance, or in cases where private restrictions or private covenants running with the land impose a greater restriction or a stricter requirement upon lands, buildings, structures, uses or other features than is imposed by this Ordinance, such laws, rules, regulations, private restrictions or private covenants shall control. However, where this Ordinance imposes a greater restriction or a stricter requirement, this Ordinance shall control.

SECTION 105 Application

Except as hereinafter provided, no building, structure, land or parts thereof in the Borough shall be used or occupied, erected, constructed, assembled, moved, enlarged, demolished or removed in full or part, reconstructed or structurally altered unless in conformity with the provisions of this Ordinance.

SECTION 106 Authority

This Ordinance is adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, P.L. 805 (53 PS 1011 *et seq.*), as reenacted and amended.

SECTION 107 Uses Not Provided For

Whenever a use is not specifically permitted in a zoning district under this ordinance, it is prohibited in that zoning district. Any use not specifically permitted in any zoning district shall be allowed by special exception in a zoning district where similar uses are allowed, provided that the applicant can demonstrate to the Zoning Hearing Board that the proposed use will not constitute a public or private nuisance and will not generate any physical, environmental, social, or safety impacts greater than those generated by other permitted uses in the zoning district and meets the general requirements for a special exception as provided for in Section 604 of this Ordinance. In the granting of such special exception, the Zoning Hearing Board may attach reasonable conditions to ensure the compatibility of the use with the zoning district.

ARTICLE II

DEFINITIONS

SECTION 201 General Interpretation

In this Ordinance, when not inconsistent with the context:

- A. Words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; words of masculine gender include feminine gender and words of feminine gender include masculine gender.
- B. The word “person,” “applicant,” “subdivider,” “developer” and “owner” shall include an individual person, individual firm, association, organization, partnership, trust, company, public or private corporation for profit or not-for-profit, political subdivision, agency or instrumentality of the Commonwealth, bureau or agency of the United States, or any other similar entity.
- C. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
- D. The word "structure" includes "building"; The words “structure,” “building,” “use” and “lot” shall be construed as if followed by the phrase "or part thereof."
- E. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
- F. Whenever a governmental, or non-governmental agency is cited, it shall be construed to be followed by the words “or successor agency.”

SECTION 202 Definition of Specific Words and Terms

If a word or term is not defined by this Ordinance, but is defined in the Borough Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this Ordinance or the SALDO, the word or term shall have ascribed to it its ordinary accepted meaning such as the context of the section may require or imply. In the latter case, a standard reference dictionary should be consulted.

ABUT - contiguous properties sharing a common property boundary.

ACCESS DRIVE - a private drive, which provides vehicular access between a street and a parking area, loading area, drive-in service window, and non-residential or multi-family residential uses.

ACCESSORY BUILDING - a detached subordinate building or structure, the use of which is customarily incidental to that of the principal building or use and that is located on the same lot as occupied by the principal building or use and is not considered a substantial improvement.

ACCESSORY STRUCTURE – See **STRUCTURE**.

ACCESSORY USE – See **USE**.

ADAPTIVE REUSE, OR RE-USE - the process that adapts buildings for new uses while retaining their historic features and architecture.

ADJACENT - two (2) or more lots sharing a common property or lot line or that are separated only by a street right-of-way or waterway from each other.

ADULT DAYCARE CENTER – See CARE FACILITIES

ADULT REGULATED BUSINESS - An establishment open to the general public or a private club open to members, except persons under the age of eighteen (18) years, which is used and occupied for one (1) or more of the following activities:

ADULT BOOK STORE - An establishment in which twenty (20%) percent or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations, distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.

ADULT CABARET - An establishment, club, tavern, restaurant, theatre or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

ADULT GAMBLING AND GAMING - An establishment or facility in which gambling or gaming is conducted, including those activities permitted under Act 2004-71 as most recently amended, including support facilities for such use including access, parking, services and utilities but not including Small Games of Chance permitted under Act 1988-156.

ADULT MASSAGE PARLOR - An establishment whose business is the administration of massage to the anatomy of patrons regardless whether or not the same includes sexual conduct.

ADULT THEATRE - A building, or a room within a building, used for presenting motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

AGRICULTURAL OPERATION - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AIR BnB – see BOARDING HOUSE, ROOMING HOUSE, OR LODGING HOUSE

AIRPORT or AIRSTRIP - an area of land, for either private or public use, which is designed, used or intended to be used for the landing and takeoff of airplanes or ultra-light aircraft and any appurtenant areas which are designed to be used for airplane support facilities such as maintenance, refueling and parking facilities. Airports and airstrips, either privately or publicly owned and/or operated, shall meet all applicable state and federal regulations.

ALLEY - a permanent service way providing secondary means of access to abutting lands.

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

ALTERNATIVE ENERGY SYSTEM - for the purpose of this ordinance, an alternative energy system shall be defined as a small wind energy system and/or solar collector(s) for personal residential or small business use.

AMUSEMENT ESTABLISHMENT - an establishment where electronic and/or mechanical coin-operated devices, including but not limited to pinball machines, electronically operated shuffleboards, bowling, video games, electronically operated tennis, billiards and other similar games of amusement are provided and utilized as the principal use of the premises. Amusement establishments include but are not limited to Game Rooms, Arcades, and Video Arcades.

ANIMAL HOSPITAL - a building, structure or area of land where animals are given medical care. The housing or boarding of animals shall be for medical or surgical treatment only. The definition of animal hospital shall include a veterinarian office.

APARTMENT - an individual dwelling unit within a multi-family dwelling.

APARTMENT HOUSE - a multi-family dwelling resulting from the conversion of an existing building or dwelling into three (3) or more dwelling units without substantially altering the exterior of the building. See DWELLING, MULTI-FAMILY DWELLING.

AUTOMOBILE AND MOTOR VEHICLE SALES ESTABLISHMENT - an indoor or outdoor area, other than a street, used for the display, sale or rental of new or used motor vehicles, recreation vehicles or boats in operable condition, and where no major vehicular or boat repair work is done. Trucks, motorcycles, All Terrain Vehicles (ATV), and Off-Highway Vehicles (OHV) shall be included in this definition.

AUTOMOBILE AND MOTOR VEHICLE FUELING, SERVICE AND REPAIR STATION - buildings and land where gasoline and other automobile parts and supplies are sold at retail and where major vehicular or boat repairs are conducted. This definition shall include an automobile body shop.

BANK - see FINANCIAL INSTITUTION

BASEMENT - a portion of a building or structure that is partially below the finished grade but having at least one-half (1/2) of its finished floor to ceiling height above the average elevation of the finished grade abutting the exterior walls.

BED AND BREAKFAST - an accessory use to an owner-occupied dwelling contained in the principal dwelling and/or an accessory structure in which the owner rents guestrooms for short-term lodging purposes and serves breakfast to overnight guests. For the purpose of this definition, a guestroom is one (1) or more rooms with or without en suite toilet and bathing facilities, and do not contain cooking facilities.

BLOCK - property bounded on one (1) side by a street, and on the other three (3) sides by a street, railroad right-of-way, waterway, and un-subdivided area or bodies of water, or other definite barrier.

BOARD - the Zoning Hearing Board of the Borough of Mount Wolf.

BOARDING HOUSE, ROOMING HOUSE OR LODGING HOUSE - a dwelling, or that part of a dwelling, in which the owner or tenant rents no more than three (3) rental units for residential or lodging purposes, regardless of whether meals are furnished or not. For the purpose of this definition, a rental unit is one (1) or more rooms intended to be occupied by one (1) family as separate living quarters, but do not contain kitchen facilities. Air BnB, VRBO, and Homeaway type rentals are included in this definition.

BOROUGH - the Borough of Mount Wolf, York County, Pennsylvania.

BUFFER - an area within a property or site and generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, that is designed to limit the view, sound and/or light from the site to adjacent sites or properties.

BUFFER STRIP – A strip of land at least ten (10) feet in width which may be a part of the minimum setback distance free of any principal or accessory building or required improvements other than screening.

BUILDING - any structure, either temporary or permanent, having walls and a roof or other covering, designed or used for the shelter or enclosure of any person, animal or property of any kind or combination thereof, including tents, awnings or vehicles situated on private property and used for purposes stated above.

1. **BUILDING, ATTACHED** - a building which has two (2) or more walls or portions thereof in common with an adjacent building.
2. **BUILDING, DETACHED** - a building which has no parts or walls in common with an adjacent building.
3. **BUILDING, SEMIDETACHED** - a building which has one (1) wall in common with an adjacent building.

BUILDING AREA - the total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

BUILDING GRADE - see **GRADE**

BUILDING HEIGHT - the vertical distance from the grade at the front of the building or the average of the grade of the street fronts, if building faces more than one (1) street, to the highest point of the roof beams of a flat roof and to the peak or ridge for gabled, hipped and pitched roofs. Chimneys, flues, vent pipes, water tanks, elevator houses, spires, ventilators, air

conditioning equipment, solar energy panels and similar vertical projections are excluded from this definition.

BUILDING, PRINCIPAL – A building in which is conducted the main or principal use of the lot on which it is located.

BUILDING SETBACK LINE – The line within a property defining the minimum required distance between the principal or accessory building to be erected and an adjacent street right-of-way line or property line.

BUSINESS OFFICE - an office which generally operates on an appointment basis and with relatively low pedestrian or vehicular traffic, including offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate offices, teachers and miscellaneous consulting services. See also **OFFICE, PROFESSIONAL**.

CAMP or CAMPGROUND - a lot, tract or parcel of land upon which two (2) or more campsites are located or established, intended and maintained for occupation by transients for seasonal, recreational or similar type living purposes in temporary, moveable buildings such as recreational vehicles, tents or shelters, and which may include accessory recreational facilities.

CAMPSITES - a plot of ground within a campground intended for occupation by a recreational vehicle, tent or shelter.

CARE FACILITIES - Establishments which provide food, shelter, personal assistance, supervision and/or medical or other health and social related services for individuals not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity, need such care.

1. **CONVALESCENT or NURSING HOME** - A licensed establishment which provides full-time residential, intermediate or skilled nursing care for three (3) or more individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, surgical, or obstetrical services shall be provided in such a home.
2. **DAY CARE CENTER, ADULT or CHILD** - A facility which provides supervised care for a combined total of six (6) or more children or adults per day, where the facility is not being used as a residence. The facility may also be described as a nursery school.
3. **DOMICILIARY CARE HOME** - An existing building or structure designed as a detached dwelling unit for one (1) family which provides twenty-four (24) hour supervised protective living arrangements by the family residing therein for not more than three (3) unrelated persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or who are aged persons.
4. **FAMILY DAY CARE HOME** - A facility located in a single-family detached dwelling which provides supervised care for remuneration to not more than six (6) children or adults, who are not relatives of the care giver.
5. **GROUP DAY CARE HOME** - A facility located in a single-family detached dwelling, which provides supervised care for remuneration to more than six (6) but less than twelve (12) children or adults, who are not relatives of the care giver.
6. **GROUP HOME** - A type of group quarters designed for up to eight (8) persons of mentally, emotionally and/or physically disabled persons living and cooking together in a single facility. A group home shall be directly affiliated with a parent institution which provides for the administration of the residents, who may be required to reside on the premises to benefit from the service, through the direction of a professional staff and for

supervision of residents by full-time resident staff. This definition shall expressly include care for unwed parents, their children and those who have been physically abused.

7. **PERSONAL CARE BOARDING HOME** - A type of group quarters, specifically a premises in which food, shelter, and personal assistance and/or supervision are provided, on a State or Federal licensed basis, for a period exceeding twenty-four (24) consecutive hours for at least four (4) but not more than sixteen (16) persons who are over the age of eighteen (18), are not relatives of the operator and who are aged, blind, disabled, infirm or dependent but do not require skilled or intermediate nursing care.

CARTWAY – the portion of the street right-of-way intended for vehicular use.

CARWASH - a facility devoted to the washing and waxing of the exterior of vehicles and the cleaning of their interiors by automated equipment and employees of the establishment, but where no sale of gasoline, preventive maintenance or repair to the vehicles shall be offered and performed.

CELLAR - a portion of a building or structure having a finished floor to ceiling height less than seven (7) feet, and more than one-half (1/2) of its finished floor to ceiling height below the average elevation of the finished grade abutting the exterior walls of the building.

CEMETERY - Land used or intended to be used for the burial of the deceased, including columbariums or mausoleums

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

CODES ENFORCEMENT OFFICER - the person or persons designated by the Borough to enforce applicable building and construction codes.

COMMERCIAL VEHICLE - a vehicle designed or used primarily for carrying freight or goods. This definition shall also include buses, trolleys and taxis in the transport of passengers.

COMMITTEE – the Mount Wolf Borough Planning Committee.

COMMUNICATIONS ANTENNA - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation, omni-directional or whip antennae and directional or panel antennae, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae.

COMMUNICATIONS EQUIPMENT BUILDING - an unmanned building or cabinet containing communications equipment required for the operation of communications antennae and covering an area on the ground not greater than two hundred fifty (250) square feet.

COMMUNICATIONS TOWER and/or ANTENNA - a structure other than a building, such as a monopole, self-supporting or guyed tower designed and used to support communications antennae and attachments for communications purposes.

COMMUNITY CENTER - a building and associated grounds, which is operated not-for-profit, and used primarily to provide cultural, recreational and social activities or programs for the general public.

CONDOMINIUM - real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under the Pennsylvania Unit Property Act of July 3, 1963, 68. P.S. Section 700.10 et seq., as amended, or the Pennsylvania Uniform Condominium Act, 68 Pa.C.S. §3101 et seq., as amended.

CONVALESCENT HOME - see Care Facilities

CONVENIENCE STORE - a retail establishment primarily selling a limited variety of prepackaged food, tobacco, drugs, periodicals, household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant. Convenience stores may include the dispensing of gasoline or other vehicle fuels, and drive-thru facilities accessory to the principal retail use.

COTTAGE INDUSTRY - a small-scale industry that is carried on at home by family members using their own equipment and tools.

COUNCIL - the Council of Mount Wolf Borough.

COUNTY - York County, Pennsylvania.

CREMATORIUM - a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

CURATIVE AMENDMENT - a proposed zoning amendment made to the Council by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.

DEMOLITION - the dismantling, tearing down, removal or razing of a building or structure, in whole or in part. This term shall not include changes to the interior of a building.

DEMOLITION BY NEGLECT - the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure.

DENSITY - the number of dwelling units within a standard measure of land area, usually given as units per acre.

DEPARTMENT STORE - a retail establishment wherein a variety of unrelated goods and services are available for purchase and exhibited and organized into separate departments. All departments are housed under the same roof to facilitate buying, customer service, merchandising, and control.

DISTRICT (or ZONING DISTRICT) - a portion of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DRIVE-IN - a business establishment so developed that its retail or service character is dependent upon providing an access drive approach or spaces for motor vehicles to service patrons while in or on the motor vehicle, rather than within a building.

DRIVE-THRU - a feature of an establishment which encourages or permits customers to receive services or obtain goods while remaining in or on a motor vehicle.

DRIVEWAY - a private minor vehicular right-of-way providing access between a street and a garage, carport or other parking space for a single-family or two family dwelling.

DRUG OR ALCOHOL ABUSE TREATMENT FACILITY - a commercial use of land and/or buildings for a facility licensed by the Department of Health to use drugs, including but not limited to methadone, in the treatment, maintenance or detoxification of persons.

DWELLING - a building or part thereof, designed or used as a living quarters for one (1) or more families including mobile homes, which are supported by a permanent foundation. The term "dwelling" shall not be deemed to include boarding or rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house or other group residence, tent, recreational vehicle, treatment center or other accommodations used for transient occupancy. For purposes of this Ordinance, the following types of dwellings are defined:

1. **SINGLE-FAMILY DETACHED** - a freestanding building designated for and occupied as a residence, containing one (1) dwelling unit and having no common or party wall with an abutting dwelling. A mobile/manufactured home (See Manufactured Home or Mobile Home) affixed to a permanent foundation shall be considered a "single-family detached dwelling.
2. **SINGLE-FAMILY SEMI-DETACHED** - a freestanding building containing two dwelling units for two families, arranged in a side-by-side configuration, totally separated by an un-pierced wall. Each dwelling unit is on a separate lot.
3. **SINGLE-FAMILY ATTACHED (TOWNHOUSE OR ROW HOUSE)** - three or more dwelling units that are attached side-by-side through the use of common or party walls. Each dwelling unit is on a separate lot.
4. **TWO-FAMILY** - a freestanding building containing two (2) dwelling units for two (2) families, typically arranged in an over-and-under or side-by-side configuration. Both units are on a single deeded lot and share in common the front, rear and side yards.
5. **MULTI-FAMILY DWELLING** - a building designed for and occupied as a residence, containing three (3) or more dwelling units. Multi-family dwellings include rental apartment buildings (See APARTMENT HOUSE) and condominiums. All dwelling units are located on the same lot and share a common yard area.

DWELLING UNIT - one (1) room or a group of rooms forming a single housekeeping unit for one (1) family with living, sleeping, cooking and sanitary facilities.

DWELLING UNIT ACCESSORY (ADU) - a small, self-contained residential unit built on the same lot as an existing single-family home. ADUs may be built within a primary residence (such as in an attic or basement), attached to the primary residence (like a small duplex unit with a separate entrance), or detached from the primary residence (such as above, or the conversion of, a detached garage). An ADU is subordinate in size, location, and function to the primary residential unit. Accessory Dwelling Units are also known as Accessory Residential Unit, ECHO Housing, Granny Flat, In-Law Apartment, etc.

ELECTRIC GENERATION FACILITY - a facility that produces electricity, owned and operated by an electric utility or independent producer.

1. Facilities using fossil fuels such as coal, oil and natural gas.
2. Hydroelectric facilities.

3. Nuclear facilities.
4. Alternative Energy Sources
 - a. Solar facilities (Solar Farms) - One (1) or more solar arrays or a power plant that uses solar arrays to convert sunlight into electricity.
 - b. Wind facilities (Wind Farms) - One (1) or more windmills or wind turbines or a power plant that uses windmills or wind turbines to generate electricity. The term does not include a single traditional small-scale windmill for use on a farm or single private property.
 - c. Bio-gas facilities - Any facility in which electricity is generated using fuel consisting of methane produced as part of an anaerobic digestion processes.

ELECTRIC SUBSTATION - a building and its equipment used for the purpose of switching or modifying the electric energy which passes through it in bulk in order to meet the needs of the public, but which does not have a public business office, storage yard, storage building or repair building.

EMERGENCY SERVICES - a public use owned and/or operated by an independent fire department or company and/or emergency medical service or ambulance provider for related activities. Accessory club rooms, club grounds and meeting halls may be included if permitted use in that zoning district. This use may include accessory housing for emergency service or fire personnel while on-call.

FAÇADE - that portion of any exterior elevation on a building extending from grade to the top of the parapet, wall or eaves, and extending the entire length of a building on all sides.

1. **FRONT FAÇADE** - the principal face of a building that fronts on a Street or a Courtyard and contains the principal entrance to such building.

FAIRGROUNDS - an open area for holding fairs or exhibitions or circuses

FAMILY - one (1) or more persons that may or may not be related by blood, marriage, foster relationship or adoption living together in a single dwelling and maintaining and functioning as a single housekeeping unit.

FARMERS MARKET - an indoor or outdoor public market at which farmers, producers and other vendors sell farm products, value-added farm products and other commodities directly to consumers.

1. **Farm Products** - fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.
2. **Value-Added Farm Product** - any product processed by a Producer from a Farm Product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.
3. **Producer** - person or entity that raises or farms products on land that the person or entity farms and owns, rents or leases, or a person or entity that creates (by cooking, canning, baking, preserving, roasting, etc.) "Value-Added Farm Products."

FARM SUPPLY AND EQUIPMENT SALES - the use of any building, structure, or land for the sales, storage, or service of machinery used in farming for agricultural purposes. Does not include sales, storage, or service of vehicles and other machinery not associated with farming.

FENCE - a manmade barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a wall.

FINANCIAL INSTITUTION - a bank, savings and loan association, credit union, finance or loan company or similar establishment.

FITNESS/HEALTH CENTER - a facility providing fitness, health and dietary instruction and training by certified professionals. Aerobic, cardio-vascular and weight training instruction and equipment may be available as well as martial arts instruction, aquatic activities, and massage and other physical therapy. Fitness and health centers may include a snack bar or café that is incidental and accessory to the principal use.

FLOODPLAIN - as defined in the Borough Floodplain Ordinance.

FLOOR AREA, LIVABLE – All spaces within the exterior walls of a dwelling unit exclusive of garages, breezeways, unheated porches, cellars, mechanical rooms, basements having a window area of less than 10% of the square foot area of the room, and any area having a ceiling height of less than six (6) feet.

FLOOR AREA (GROSS FLOOR AREA) - the total space of all floors, as measured to the outside surfaces of exterior walls (or from the center line of party walls separating two (2) buildings), but excluding cellars, crawl spaces, garages, carports, attics without floors, open porches, balconies and terraces. **(NET FLOOR AREA)** - the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

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

FUNERAL HOME - a building designed for the purpose of the preparation and viewing of the deceased prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, or entombments, but may include mortuaries and crematoriums.

GAME AND FISH PRESERVE - a protected area of water or land delineated, usually by a fence, and set apart to rear wild animals, including fish and fowl, so that they can be fished or shot for sport in the hunting season. For the purposes of this Ordinance, a Game and Fish Preserve may operate as a private club or as a commercial operation.

GARAGE, CARPORT - an accessory building for the storage of one (1) or more automobiles, other vehicles accessory and incidental to the principal use of the premises, or both.

GARAGE/YARD SALE - a temporary use conducted from or on a residential premise in any zoning district involving all general sales and open to the public for the purpose of disposing of personal property.

GOLF COURSE - a tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelters, maintenance and storage facilities, and a driving range.

GOVERNING BODY - the Council of Mount Wolf Borough.

GOVERNMENT FACILITY OR USE, OTHER THAN MUNICIPAL-OWNED - a public use owned, leased, or occupied by a county, state, or federal government, government agency or government authority for valid public health, public safety, or similar governmental purpose, and which is not owned by the Borough or an authority created by the Borough.

GRADE - (a) the elevation of existing or finished ground or paving, (b) the slope of existing or finished ground or paving.

GREENHOUSE - a commercial principal use primarily involved in horticulture that includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the principal use.

GREENWAY - an open space corridor in largely natural conditions which may include trails or pathways for bicycles and pedestrians

GROUP QUARTERS - any dwelling or portion thereof which is designed or used for at least three (3) but not more than eight (8) persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, fraternity and sorority houses, dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

HABITABLE FLOOR AREA - floor area within the perimeter of the interior walls of the building under consideration used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closets, laundries, pantries, corridors, stairways, closets, basement recreation rooms and storage spaces.

HALFWAY HOUSE - a building where persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment. This definition includes Community Corrections Centers run by the Pennsylvania Department of Corrections.

HARDWARE STORE - a retail establishment engaged in the sale of articles for the house and garden, including but not limited to, tools, keys, paint, small appliances, housewares and plumbing and electrical supplies and fixtures.

HOME OCCUPATION - an accessory use that is clearly incidental to the residential use of the dwelling unit and which involves customers, clients, or patient traffic.

HOSPITAL - an institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care for a twenty-four (24) hour per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses, provided that all uses are contained upon the hospital property. This definition does not include an animal hospital.

HOTEL - a building or group of buildings which provides lodging to boarders for compensation, which contains more than eight (8) rooms with less than twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as part of the compensation. This definition shall include Tourist Home.

HOUSE OF WORSHIP - a building, structure, or group of buildings or structures, including accessory uses, designed or intended for worship. Accessory uses may include rectories, convents, church-related schools, church day-care facilities, cemeteries or any combination thereof.

HUNTING OR FISHING CAMP - a parcel of land with or without a dwelling, trailer or other building or structure which is intended only for seasonal or temporary occupancy, for the purpose of hunting or fishing.

IMPERVIOUS SURFACE - a surface that prevents the infiltration of water into the ground. Impervious surfaces and areas shall include, but not be limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets and sidewalks. However, any surface or area designed, constructed and maintained to permit infiltration as specified herein shall be considered pervious, not impervious. For the purposes of this Ordinance, a surface or area shall not be considered impervious if such surface or area does not diminish the capacity for infiltration of stormwater for storms up to, and including, a two (2)-year 24-hour storm event.

INFILL - development of vacant or remnant lands passed over by previous development in urban areas.

JUNK - Any discarded material or article, including but not limited to scrap metal, scrapped, abandoned or junked motor vehicles; machinery; equipment; paper; glass; containers; and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNKYARD - a lot, land or structure or parts thereof used for the collection, storage, dismantling, salvage or sale of used and discarded materials including, but not limited to, waste paper, rags, scrap metal or other scrap, salvage or discarded material, vehicles or machinery. This definition shall include Auto Recycling Centers and similar and like terms.

KENNEL - Any building or buildings and/or land used for the sheltering, boarding, breeding or training of six (6) or more (in total) dogs, cats, fowl or other small domestic animals at least four (4) months of age and kept for purposes of profit, but not to include riding academy, or livestock, animals and fowl raised for agricultural purposes. A kennel operation may include accessory uses such as animal grooming. The definition of Kennel shall also include any and all definitions of kennel under the Pennsylvania Dog Law [3 P.S. §459-101-459-1205], including but not limited to “kennel,” “boarding kennel,” “commercial kennel,” and “rescue network kennel.”

LANDFILL, SANITARY LANDFILL - a facility licensed and approved by the Pennsylvania Department of Environmental Protection for the disposal of solid waste where there is no reasonable probability of adverse effects on the public health or the environment from such disposal.

LAUNDRY AND/OR DRY CLEANING ESTABLISHMENT - for the purposes of this Ordinance, only large-scale commercial/industrial operations apply, those establishments engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial), carpet/rug and upholstery cleaners, diaper service, garment pressing and dry cleaning, industrial laundries, and linen supply. Self-service laundries are included in Personal Services.

LIBRARY - A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

LIVE-WORK UNIT OR LIVE-WORK SPACE - a building, or spaces within a building, used jointly for commercial and residential purposes, where the residential use of the space is secondary or accessory to the primary use as a place of work. In a live-work arrangement, storekeepers, trades people, doctors, lawyers, and others live upstairs from or adjacent to their shops or offices.

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 AREA - the space contained within the lot lines, excluding space within all existing and future or ultimate street rights-of-way.

LOT, CORNER - a lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

LOT COVERAGE - that portion of a lot covered by impervious surfaces such as, but not limited to buildings, parking areas, driveways, etc.

LOT DEPTH - the mean average horizontal distance between the front and the rear lot lines.

LOT FRONTAGE - the length of the front lot line measured at the right-of-way of a public street or private road. On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line that abuts a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the lot line most parallel to and nearest the street from which access is obtained.

LOT LINES - any line dividing one (1) lot from another.

1. **FRONT LOT LINE (STREET LINE)** - a lot line separating the lot from a street right-of-way.

2. REAR LOT LINE - a lot line opposite and most distant from the front lot line.
3. SIDE LOT LINE - any lot line other than a front or rear lot line.

LOT WIDTH - the horizontal distance measured at the required minimum front (building) setback line, between side lot lines.

LUMBERYARD; HOME AND BUILDING SUPPLY CENTER - A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumber yards may also process lumber by performing millwork, planing, cutting, and other customizing processes. Lumber yards may provide for the sale of associated products including tools and fasteners.

MANUFACTURED HOME - factory-built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code, is transportable in one or more sections, but is not constructed in such a way that allows transport of the unit other than for the purpose of delivery to a permanent site.

MANUFACTURING - the mechanical or chemical treatment or processing of raw products or the production or assembly of finished products from raw or prepared materials into new forms or qualities.

1. LIGHT MANUFACTURING - the processing, fabrication, assembly, treatment and packaging of finished products, predominately from previously prepared materials, which is generally free from objectionable odors, fumes, dirt, vibrations or noise.
2. HEAVY MANUFACTURING - the manufacturing and processing of raw materials, which may be obnoxious by reason of emission of odor, dust, smoke, gas, noise or similar causes.

MASSAGE THERAPIST - a person holding a valid massage license issued by the Commonwealth of Pennsylvania or absent such licensing procedure, satisfying either of the following criteria:

1. Has graduated from a school licensed by the Commonwealth of Pennsylvania, or by another state of the United States, which requires at least 500 hours of education in massage and/or bodywork techniques, anatomy and physiology, and who is a member of a nationally recognized professional organization for massage and/or bodywork therapists that adheres to a code of ethics; or
2. Holds current and valid certification from the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB).

MEDICAL OFFICE OR MEDICAL CLINIC - a place, building or portion of a building used exclusively by physicians, optometrists, chiropractors, dentists, physical therapists, massage therapists, or other drugless practitioners involving non-surgical treatment, care, examination and diagnosis, and preventative health services, including inoculation and educational services to outpatients. This definition includes Medical Laboratories used in the taking, analyzing and testing of physical samples and specimens for the diagnosis and treatment of patients.

METHADONE TREATMENT FACILITY - a commercial use of land and/or buildings for a facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

MINERAL EXTRACTION AND PROCESSING - a site where a mineral, stone, sand, gravel or topsoil is excavated and processed.

MINI-STORAGE/ SELF-STORAGE FACILITY - a building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MIXED-USE BUILDING - a building that has one (1) or more dwelling units in addition to one (1) or more commercial uses.

MOBILE HOME - a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in 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 may be used without a permanent foundation.

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

MOBILE HOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MOTEL - a building or group of buildings which provides lodging to boarders for compensation, which contains more than eight (8) rooms with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

MOTOR FREIGHT TERMINAL - an area or building that is the origin and/or destination point of short- and long-distance hauling and/or is used for the purpose of storing, transferring, loading and unloading, in addition to truck parking.

MPC - Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, as reenacted and amended.

MULTIPLE-FAMILY DWELLING - see DWELLING, MULTIPLE-FAMILY DWELLING

MULTI-FAMILY RESIDENTIAL CONVERSION – A multi-family dwelling constructed by converting an existing building into more than two (2) dwelling units, without substantially altering the exterior of the building.

MULTIPLE-USE BUILDING - a building for two (2) or more principal commercial or non-residential uses that are either permitted by right or by special exception in the zoning district where this Ordinance permits a multiple-use building.

MUNICIPAL BUILDING OR FACILITY - a building or facility owned, used or managed by the Borough, or an agency of the Borough, including but not limited to parks, playgrounds, recreational areas, maintenance garages and administrative buildings.

MUSEUM - a building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for natural, scientific, historical or literary collections or objects of interest, or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

NATIONAL REGISTER of HISTORIC PLACES - the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture.

NIGHTCLUB - a type of tavern that offers the sale of liquor in conjunction with live entertainment and/or dancing.

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

NONCONFORMING LOT - a lot which does not meet with the minimum area or dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Board.

NONCONFORMING STRUCTURE or BUILDING - a structure or building, or part thereof, which does not meet the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Ordinance or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such ordinance or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - a use of land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of such ordinance or amendments. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking spaces.

NUISANCE - the unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

OBJECT - for the purpose of this Ordinance, an object shall mean a construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue, mile-post, hitching-post, etc.

OFFICE - a use that involves administrative, clerical, financial, governmental and professional operations and operations of a similar character. This use shall not include retail or industrial uses.

OFFICE, PROFESSIONAL - a building in which services are performed by a member of a profession, or multiple professions, including, but not limited to, an accountant, architect, dentist,

engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician, realtor or undertaker.

OFF-TRACK BETTING PARLOR - a commercial use where persons can wager upon, and observe by remote television, the outcomes of events that are taking place elsewhere.

OPEN SPACE - the area of a lot unoccupied by principal or accessory structures, streets, driveways or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.

ORDINANCE - the " Mount Wolf Borough Zoning Ordinance," including the official zoning map, and any amendments enacted by Borough Council.

PA DEP - the Commonwealth of Pennsylvania Department of Environmental Protection.

PARCEL - any tract or contiguous tracts of land in the same ownership and contained in the same deed, and occupied as one (1) unit. Land separated by an existing state or Borough road shall be considered contiguous.

PARK - a use of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking and other related activities and which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, restrooms, picnic tables, cooking grills and similar features. For the purposes of this Ordinance, parks shall not include improvements for, or permit, uses considered commercial recreational uses.

PARKING LOT OR GARAGE, COMMERCIAL - outdoor areas or specially designed buildings or garages used for vehicle parking that is operated as a business enterprise by charging a fee for parking.

PARKING LOT, PRIVATE - a parking lot of the premises and not operated for profit where off-street parking spaces are provided for passenger or commercial vehicles which are owned or operated by the person owning or leasing the parking lot, his employees, customers, tenants, boarders, visitors or the like.

PASSENGER TRANSPORTATION TERMINAL - a building, structure or area where transportation vehicles, including but not limited to buses, trains, and taxis, load or unload passengers.

PERSONAL SERVICE - an establishment that provides a service oriented to personal needs which does not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, self-service laundries, tailor and seamstress shops, and other similar establishments.

PLANNING COMMITTEE – the Planning Committee of the Mount Wolf Borough Council.

PLANNING COMMISSION - the York County Planning Commission.

POSTAL AND COURIER SERVICES - enterprises engaged in the distribution, sorting, and delivery of the U.S. mail, or the local and intercity delivery of small parcels.

PREMISES - any principal building, principal structure or principal use, or the lot or parcel of land on which the principal building, structure or use is located, and all accessory uses and all yards, open spaces, off-street parking and loading spaces, and driveways.

PRESERVATION or PROTECTION - when used in connection with natural and historic resources, preservation or protection shall include the means to conserve and safeguard these resources from wasteful or destructive use.

PRINCIPAL BUILDING - the building in which the principal use of a lot is conducted.

PRINCIPAL USE - see **USE**.

PRINTING and PUBLISHING - Establishments engaged in printing by gravure, letterpress, lithography, offset, screen, or other common process, including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade including bookbinding, electrotyping, engraving, photoengraving, silk screening, and typesetting. This use also includes establishments that publish books, newspapers, and periodicals; and establishments manufacturing business forms and binding devices.

PROCESSING - a function that involves only the cleaning, sorting, sizing, packaging or any combination thereof, of products.

PRODUCE STAND - a temporary structure at which agricultural products primarily grown on site, such as raw vegetables, fruits, herbs, flowers, plants, nuts, honey and eggs, are sold. Value-added agricultural products that are made from raw products grown, raised, or produced on-site, such as jams, jellies, oils, vinegars, and cheeses may also be sold at produce stands.

PROTECTION - see **PRESERVATION** or **PROTECTION**

PUBLIC - of or relating to a government; authorized by, administered by, or acting for the people as a political entity.

PUBLIC NOTICE - notice required by Act 247, the Pennsylvania Municipalities Planning Code. Currently Act 247 requires notice to be given not more than thirty (30) days and not less than seven (7) days in advance of any public hearing required by this Ordinance. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

PUBLIC UTILITY - use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal, treatment, or both; public water supply, storage, treatment or any combination thereof; and/or electric, gas or oil generating or treatment facilities, supply works, substations, transmission lines, distribution lines.

RECREATIONAL FACILITY - a private facility designed and equipped for the conduct of sports and/or leisure time activities.

RECREATIONAL VEHICLE - any vehicle, regardless of size, self-propelled or designed to be towed or carried by another vehicle, which is designed as a temporary dwelling for travel, recreational and vacation uses. Recreational vehicles include campers, travel trailers, motor homes or vans designed principally for recreational use.

RECYCLE or SALVAGE - when used in connection with historic resources, recycle or salvage shall mean retention of reusable building materials for reuse.

REHABILITATION - the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

RESOURCE RECOVERY FACILITY - a facility or land area that is used for any one (1) or a combination of the following:

1. **INCINERATOR** - a facility designed to reduce the solid waste stream by combustion. This use may or may not include heat exchange equipment for energy recovery.
2. **REFUSE DERIVED FUEL (RDF) FACILITY** – a facility for the extraction of materials from the municipal waste stream for recycling or for use as refuse derived fuel. (RDF is a fuel produced by shredding municipal solid waste).
3. **RECYCLING CENTER** - a facility designed and operated to receive, store, or process recyclable material which has been separated from all but residual household waste at the source. For the purposes of this ordinance, Recycling Center shall also mean “Drop-off bins located on public property.
4. **SOLID WASTE TRANSFER FACILITY** - a facility or station where municipal solid waste is delivered for the purpose of compacting the material into larger vehicles for transport to a final disposal site or processing facility. A transfer facility may also include the separation and collection of material for the purpose of recycling.

RESTAURANT, FAST FOOD - an establishment that principally sells food, frozen desserts and nonalcoholic beverages in a ready-to-consume state primarily in disposable containers, in bags or on trays. The customer primarily orders and receives the food at an inside counter or outdoor drive-up, drive-through, or walk-up window without the assistance of a waiter or waitress. A cafeteria-style restaurant shall be considered a sit down restaurant. This definition shall include a snack bar or ice cream stand with no inside seating facilities.

RESTAURANT, SIT DOWN - a restaurant that does not meet the definition of a fast food restaurant. This includes restaurants where the majority of the food is consumed within the restaurant at tables.

RETAIL STORE - a building in which retail merchandise is sold or rented, including a furniture store, a gift shop, and an establishment for the sale of automobile accessories. This shall not include an adult business use.

RIPARIAN BUFFER - strip of land abutting any stream or watercourse, within which woodland disturbances or land disturbances are limited.

SALDO - the Mount Wolf Borough Subdivision and Land Development Ordinance, as amended from time to time.

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh, or bar- configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVRO's, and satellite microwave antennas.

SALVAGE - see RECYCLE or SALVAGE.

SCHOOL, COMMERCIAL - an educational facility offering a wide range of education or instructional activities including but not limited to, business and technical programs, martial arts and athletics, and artistic, dance, and musical training, and that may, or may not, be operated as a gainful business by some person or organization other than the public school district.

SCHOOL, PRIVATE - an educational facility offering kindergarten, elementary, secondary, post-secondary, post graduate, or any combination thereof, education that may or may not be operated as a gainful business.

SCHOOL, PUBLIC - an educational facility licensed by the Commonwealth of Pennsylvania, for the purpose of providing kindergarten, elementary, secondary, and adult education, and operated by the Eastern York County School District. In addition, for the purpose of this ordinance, public school use shall include parochial schools established and maintained by a religious body.

SCHOOL, VOCATIONAL-MECHANICAL TRADE - an educational facility that may or may not be operated as a gainful business that principally offers training in any of the following occupations: truck driving, engine repairs, building construction and general contracting, woodworking, masonry, plumbing, electrical contracting and other similar type uses.

SCREENING - the method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

SENIOR CITIZEN CENTER - a building which is used to primarily provide at least three of the following activities, programs or services for the elderly: counseling, education, health, nursing, nutrition, recreation, referral, religious, self-development, or social welfare.

SETBACK – see Figure 202.1 - the required horizontal distance between a minimum setback line and a property or street right-of-way line.

1. **SETBACK, FRONT** - the distance between the street right-of-way line and the minimum required front setback line projected the full width of the lot.
2. **SETBACK, REAR** - the distance between the rear lot line and the minimum required rear setback line projected the full width of the lot.
3. **SETBACK, SIDE** - the distance between the side lot line and the minimum required side setback line projected the full depth of the lot.
4. **SETBACK LINE** - a line within a property and parallel to a property or street right-of-way line which delineates the required minimum distance between some particular permitted use of property, building and/or structure and that property or street right-of-way line.

SHOPPING CENTER or MALL - a group of stores, offices, theaters, eating establishments, financial institutions, either free standing or attached, having an aggregate gross ground floor area of 10,000 square feet or more, planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. For the purposes of this Ordinance, a Strip Mall is a type of Shopping Center.

SIGN - a device for visual communications that is used to bring a subject to the attention of the public. Signs include: lettering, logos, trademarks, or other symbols located on a building or elsewhere on a property; signs attached to windows that are readily visible and intended to be seen by passersby; flags and insignia of any organization; banners; streamers, tinsel, pennants, spinners, reflectors, ribbons and similar materials; and inflatable objects. Signs do not include: architectural features; backlit awnings with no lettering, logos, or other symbols; signs within a building intended to be seen only within the building; and legal outdoor displays of merchandise.

1. **ANIMATED SIGN** - a sign which uses movement or change of lighting to depict action or to create a visual effect or scene.
2. **BILLBOARD** - an off-premises advertising sign either attached to a building or freestanding upon which images and/or messages are placed, consisting of either poster panels or painted bulletins with a sign area of greater than ten (10) square feet. The images and/or messages advertise businesses, products, services, or other messages that are not related to the property upon which the sign is placed.
4. **CHANGEABLE COPY SIGN** - a sign or portion thereof with characters or illustrations which can be changed or rearranged without altering the face or surface of the sign. A sign which shows only the date, time, and/or temperature shall not be considered a changeable copy sign.
5. **DIRECTIONAL SIGN** - a sign that provides directional information to visitors of a property and contains no commercial messages.
6. **FREE-STANDING SIGN** - an in-ground or surface-mounted identification sign which is constructed to be independent of all adjoining structures or which is supported or suspended from a free-standing column or other support located in or upon the ground surface.
7. **GOVERNMENT SIGN** - a sign owned by a government agency that provides a public service function including, but not limited to, traffic control, parking regulation, and street names.
8. **IDENTIFICATION SIGN** - a sign used to identify the name and display information about the individual, business, organization, agency, institution, facility, or development located on the same property as the sign.
9. **INFORMATIONAL SIGN** - a sign that provides general information to visitors of a property and contains no commercial messages.
10. **OFF-PREMISES SIGN** - a sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business located or offered elsewhere than upon the premises where the sign is located, or to which it is affixed.
11. **PORTABLE SIGN** - a sign designed to be transported, including but not limited to signs transported by wheels, signs converted to A-frames, menu or sandwich board signs, balloons used as signs, and signs attached to or painted on vehicles that are parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of a business.
12. **PROJECTING SIGN** - a sign which is attached to the facade of a building and extends more than one (1) foot, but not more than six (6) feet, from such facade.
13. **REAL ESTATE SIGN** - a sign that provides information about the sale, rental, or lease of the property, or portion thereof, on which the sign is located.
14. **RESIDENTIAL DEVELOPMENT SIGN** - an identification sign located near the entrance to a residential development.
15. **TEMPORARY SIGN** - a sign which is not permanently mounted or affixed to the ground, building, or display window and which is displayed for a specific period of time.

16. WALL SIGN - an identification sign that is attached to or painted on the wall, canopy, or façade of a principal building with the face of said sign extending no more than twelve (12) inches from the face of the wall.

17. WINDOW SIGN - a sign affixed to or visible through a window or transparent door from the exterior of a building.

SIGN, GROSS SURFACE AREA OF - the entire area within a single continuous perimeter composed of rectangles enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. More descriptive definitions are provided for freestanding and parallel signs.

SOCIAL CLUB - an institutional use of land and/or a building within which is housed an organization that caters exclusively to members and their guests. They shall include premises or buildings for social, recreation, and administrative purposes that are not conducted for profit, provided there are no vending stands, merchandising or commercial activities, except as required for the membership of such club. Clubs shall include but not be limited to, fraternal, political, religious, and service organizations, labor unions, granges, and social and athletic clubs. Clubs shall not be used for adult-related activities such as provided by an Adult Oriented Business defined herein.

SOLAR COLLECTOR - a solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SPECIAL EXCEPTION - the permission granted by the Borough Zoning Hearing Board (ZHB) to conduct or maintain that type of use which is not permitted as of right in a particular Zoning District, but for which special provision in the District has been made and which may be permitted if the specific standards and criteria prescribed for the use by this Ordinance are found by the ZHB to have been met.

SPECIFIED ANATOMICAL AREAS - less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - activities listed below which are not permitted to be displayed for observation or participation by business patrons:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

STABLE OR RIDING ACADEMY, COMMERCIAL- the commercial boarding or renting of horses.

STORY (and HALF-STORY) - that portion of a building, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven (7) feet shall be considered a full story. Any such portion of a building having a vertical distance of less than seven (7) feet shall be considered a half-story. Basements shall be considered full stories while cellars shall not be considered as being stories or half-stories.

STREET - a strip of land, including the entire right-of-way or cartway, intended primarily as a means of vehicular and pedestrian travel. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private, but shall not include an alley

STREET LINE - the line defining the edge of a street including curbs and sidewalks and not just the cartway. Commonly known as the "street right-of-way line."

STREETSCAPE - the appearance or view of a Street where buildings are placed close to the street and features such as façades, porches, shop-fronts, street trees, streetlights, sidewalks, fences, and awnings contribute to a cohesive character.

STRUCTURE - any manmade object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land or something located on the land but excluding patios, driveways, access drives, walkways, and parking areas or other at-grade structures. The term "structure" shall include: buildings, signs, fences, walls, towers, swimming pools, porches, garages and similar structure. "Structure" shall be interpreted as including the words "or part thereof." All structures must meet setback requirements.

1. **ACCESSORY** - a subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the structure.
2. **PERMANENT** - a structure which cannot readily be removed.
3. **TEMPORARY** - a structure which can readily be removed.

SWIMMING POOL - any structure that contains water over twenty-four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN, BAR, PUB - a building or part thereof, licensed by the Pennsylvania Liquor Control Board, and primarily engaged in the retail sale and the on-site consumption of alcoholic beverages by consenting adults. This definition includes, but is not limited to, beer gardens, cocktail lounges, saloons and taprooms. Restaurants that serve alcoholic beverages but are primarily engaged in the retail sale of prepared food are not included in this definition.

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.

TOWNHOUSE - see DWELLING, SINGLE-FAMILY ATTACHED DWELLING.

TRACT - an area of land which may comprise the entire area or subpart of a parcel. Individual "tracts" within a parcel of land shall not be constituted separate lots for the purpose of construction, permitting, or for the purposes of this Ordinance. Such tracts contained within parcels shall be considered descriptive only.

TRAIL - a right-of-way containing a marked or beaten path, either paved or unpaved, for pedestrian, equestrian or bicycle use.

TRUCK STOP/TRAVEL CENTER - a facility, usually at the side of a major highway, where truck drivers and other travelers stop for fuel, often including a restaurant, sleeping and showering rooms, and a store selling basic items.

USE - the specific purpose for which land, sign, structure or building is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on thereon or therein.

1. ACCESSORY USE - a use customarily incidental and subordinate to the principal use or building and on the same lot with this principal use building.
2. PRINCIPAL USE - the main or primary use of property, buildings or structures.

VARIANCE - the modification granted by the Borough Zoning Hearing Board to a regulation or provision of this Ordinance, in accordance with the substantive rules governing the grant or denial of a variance set forth in Section 910.2 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

VETERINARIAN OFFICE - see ANIMAL HOSPITAL.

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

WETLAND - any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the PA DEP, as amended. In the event that the definition of a wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the PA DEP, the more restrictive definition shall apply.

WHOLESALE - any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

WIND ENERGY SYSTEM, SMALL - a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, and which has a rated capacity of not more than 100 kW, and is intended to primarily reduce on-site consumption of utility power.

WOODLAND - a tree mass or plant community in which tree species are dominant or co-dominant, and the branches of the trees form a complete, or nearly complete, aerial canopy. For the purposes of this Ordinance, the extent of any woodland plant community, or any part thereof, shall be measured from the outer-most drip line of all the trees within the community. Woodland shall include any area where timber has been harvested within the previous three (3) years, and/or woodland disturbance has occurred within the previous three (3) years, which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards.

YARD - an open space on the same lot with a structure, or a group of structures, which lies between the structure, or a group of structures, and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

1. FRONT YARD - a yard extending the full width of the lot between a structure and the front lot line or street right-of-way line. Each yard that abuts a street on a corner lot shall be considered a front yard.
2. REAR YARD - a yard extending the full width of the lot between a structure and a rear lot line.

3. SIDE YARD - a yard extending from the front yard to the rear yard between a structure and the nearest side lot line.

ZONING DISTRICT - see DISTRICT.

ZONING HEARING BOARD (ZHB) – the Zoning Hearing Board of Mount Wolf Borough.

ZONING MAP - the Official Zoning Map of Mount Wolf Borough which is an integral part of this Ordinance and which is kept on display at the Municipal office.

ZONING OFFICER - the administrative officer charged with the duty of enforcing the provisions of this Ordinance.

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

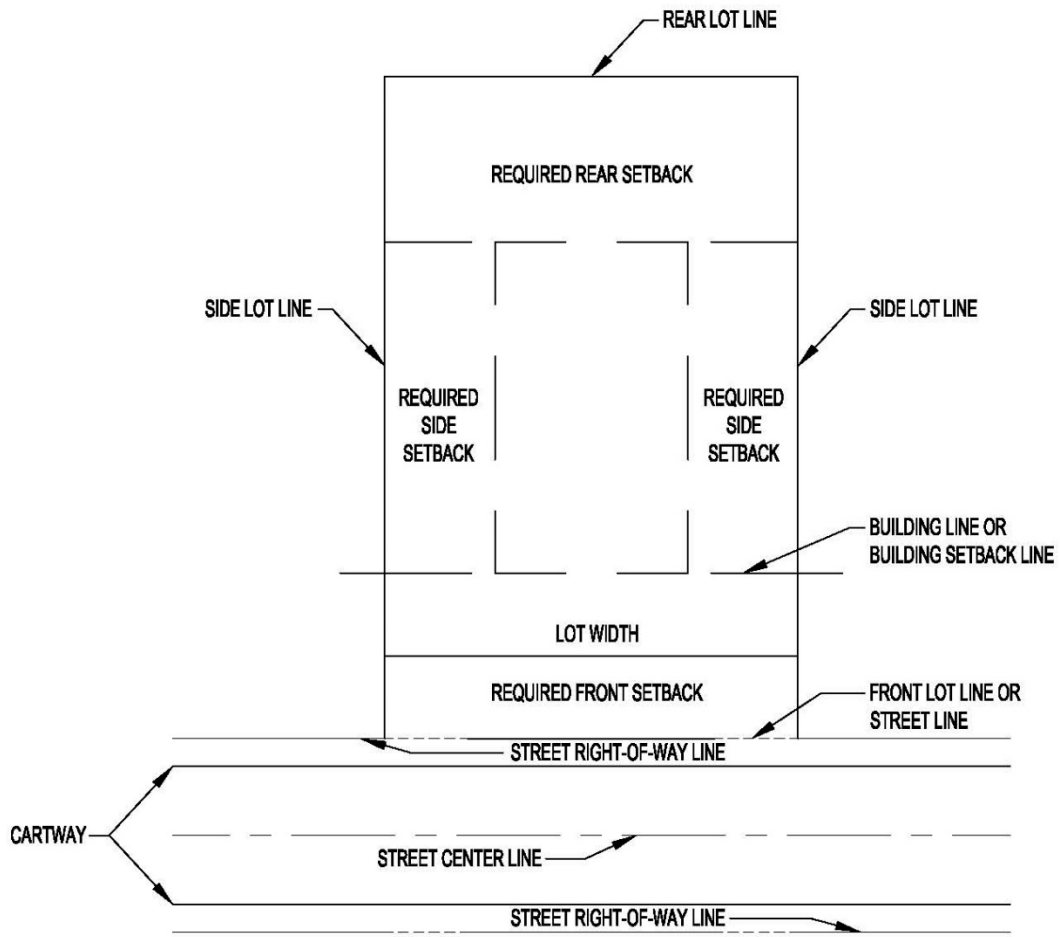


Figure 202.1
Graphical layout of setbacks

ARTICLE III
ZONING DISTRICTS

SECTION 301 Designation of Zoning Districts

A. Zoning Districts. For the purpose of this Ordinance, the Borough of Mount Wolf is hereby divided into districts which shall be designated as follows:

R-1	Low-density Residential District
R-2	Medium-density Residential District
R-3	High Density Residential District
TC	Town Center District
I	Industrial District

B. Zoning Map. The boundaries of the zoning districts are as shown on the Official Zoning Map made a part of this Ordinance. In addition, any documents and mapping as delineated in this Ordinance are hereby incorporated by reference into this Ordinance as if they were fully described herein.

C. District Boundaries. Where uncertainty exists as to boundaries of any district as shown on the Zoning Map, the following rules shall apply:

1. District boundary lines are intended to follow or be parallel to the center line of streets and lot or property lines as they exist on plans of record at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries, unless specifically shown otherwise.
3. In un-subdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the Zoning Map.

D. Interpretation of Boundaries.

1. The Zoning Officer shall interpret the intent of the Map as to location of district boundaries.
2. In cases where the Zoning Ordinance interpretation is disputed, the Zoning Hearing Board shall interpret district boundaries.

E. Permitted Uses. The uses permitted in the districts established by this Ordinance and the permitted extent of these uses, are as shown in the following Table 301.E. The uses listed as permitted in each district are the only uses permitted in that district, except as provided for in Section 107. Unless otherwise noted, the use or dimensional standards are the requirements for each use.

1. Table of Permitted and Accessory Uses

District:

- R1 Low-density Residential
- R2 Medium Density Residential
- I Industrial

Use type:

- P Principal or Accessory Use permitted by Right
- S Principal or Accessory Use permitted by Special Exception
- PR Prohibited Use

Table 301.E Table of Uses

TYPE OF USE/ ZONING DISTRICT	SECTION	R-1	R-2	R-3	TC	I
Accessory Dwelling Unit	403.C	P	P	P	P	P
Accessory Structures and Uses	403	P	P	P	P	P
Adult Regulated Business	404.C.1					S
Agricultural Operation		S				
Airport or Airstrip						S
Alternative Energy System	403.D	P	P			P
Amusement Establishment	404.C.2				S	P
Apartment House	404.C.3		S	S	S	
Appliance/Equipment Repair					S	P
Automobile and Motor Vehicle Fueling, Sales, Service and Repair Establishments	404.C.4				S	P
Bed and Breakfast	404.C.5	P	P	S	S	
Boarding House, Rooming House or Lodging House	404.C.6			S	S	
Business Office					P	S
Camp or Campground	404.C.7					S
Car Wash	404.C.8					P
Care Facilities	404.C.9	S	S	S	S	S
Cemetery	404.C.10	S				
Club Room, Club Grounds, or Meeting Hall					P	S
Communications Tower and/or Antenna	404.C.11	S	S	S	S	S

TYPE OF USE/ ZONING DISTRICT	SECTION	R-1	R-2	R-3	TC	I
Community Center	404.C.12		S	S	P	
Convenience Store	404.C.13				P	P
Cottage Industry	404.C.14	S	S	S	S	
Crematorium	404.C.15					S
Drive-thru Facility	403.E		S		S	S
Drug or Alcohol Abuse Treatment Facility	404.C.16				S	S
Dwelling, Single Family Detached		P	P	P	P	
Dwelling, Single Family Semi-Detached		P	P	P	P	
Dwelling, Single Family Attached (Townhouse or Row House)			S	P	P	
Dwelling, Two Family			P	P	P	
Dwelling, Multi-Family	404.C.17		S	P	P	
Dwelling unit, Accessory	403.C	P	P	P	P	P
Electric Generation Facility	404.C.18					S
Emergency Services	404.C.19			S	P	P
Fairgrounds	404.C.20					S
Farmers Market	404.C.21				S	P
Farm Supply and Equipment Sales					P	P
Financial Institution					P	P
Fitness/Health Center	404.C.22				P	P
Forestry		P				P
Funeral Home	404.C.23			S	P	P
Game & Fish Preserve						S
Garage, Carport	403.F	P	P	P	P	
Golf Course	404.C.24					S
Government Facility	404.C.25	S	S	S	P	S
Group Quarters	404.C.26	S	S	S	S	S
Halfway House	404.C.27			S	S	S
Hardware Store					P	P
Home Occupation	404.C.28	P	P	P	P	P
Hospital	404.C.29				S	S
Hotel or Motel	404.C.30				S	S
House of Worship	404.C.31	S	S	S	S	
Hunting or Fishing Camp						S
Junkyard; Auto Recycling Center	404.C.32					S
Kennel	404.C.33					S
Landfill, Sanitary; Resource Recovery Facility	404.C.34					S

TYPE OF USE/ ZONING DISTRICT	SECTION	R-1	R-2	R-3	TC	I
Laundry and/or Dry Cleaning Establishment	404.C.35				P	P
Library					P	P
Live-Work Unit or Live-Work Space					P	
Lumber Yard; Home and Building Supply Center					P	P
Manufacturing, Heavy and Light	404.C.36				S	P
Medical Office or Medical Clinic	404.C.37				P	P
Mineral Extraction and Processing	404.C.38					S
Mini-Storage/Self-Storage Facility	404.C.39					P
Mixed Use Building	404.C.40			S	P	P
Mobile Home Park	404.C.41					S
Motor Freight Terminal	404.C.42					S
Multi-Family Residential Conversion	404.C.43	PR	PR	PR	PR	PR
Multiple Use Building				S	P	P
Municipal Building or Facility	404.C.44	S	S	S	P	
Museum	404.C.45		S	S	S	P
Nightclub	404.C.46				S	S
No Impact Home-Based Business	403.B	P	P	P	P	P
Off-Track Betting Parlor	404.C.47				S	S
Office, Professional				S	P	P
Parking Lot or Garage, Commercial	404.C.48		S	S	S	P
Passenger Transportation Terminal	404.C.49				S	P
Personal Care Boarding Home	404.C.50	S	S	S	S	P
Personal Service			S	S	P	P
Postal and Courier Services	404.C.51			S	P	P
Printing and Publishing				S	P	P
Produce Stands	403.G				S	P
Public Utility	404.C.52	S	S	S	S	P
Recreational Facility (Private)	404.C.53	S	S	S	S	S
Research and Development						P
Restaurant, Fast Food or sit down	404.C.54		S	S	P	P
Retail Store			S	S	P	P
School, Commercial	404.C.55	S	S	S	P	
School, Public or Private	404.C.55	S	S	S	P	
School, Vocational-Mechanical, Trade	404.C.55	S	S	S	P	
Senior Citizen Center		S	S	S	S	
Sheds, Garden and Tool Storage; Greenhouses	403.H	P	P	P	P	P
Shopping Center or Mall	404.C.56				P	S
Social Club	404.C.57		S	S	S	

TYPE OF USE/ ZONING DISTRICT	SECTION	R-1	R-2	R-3	TC	I
Stable or Riding Academy, Commercial	404.C.58					P
Storage	402.L					P
Swimming Pool	403.I	P	P	P	P	P
Tavern, Bar, Pub	404.C.59				P	P
Tea Room	404.C.60	S	S	S	P	
Theater	404.C.61		S	S	P	P
Trail		P	P	P	P	P
Truck Stop/Travel Center	404.C.62					S
Veterinary Office or Animal Hospital	404.C.63					P
Warehouse/Distribution Center	404.C.64					S
Wind Energy System, Small	404.C.65					S

SECTION 302 Area and Bulk Requirements

A. Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and/or maximum dimensions specified in Table 302.1 below.

Should these requirements conflict with other requirements in this Ordinance, or federal or state statutes, as applicable, for any specified use, the more restrictive requirements shall take precedence.

Table 302.1 Table of Lot and Building Requirements

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>TC</u>	<u>I</u>
<u>Dwelling, Single-Family Detached</u>					Not permitted
Minimum Lot Area (square feet)	15,000	12,000	6,000	None	
Minimum Lot Width (feet)	100	80	60	35	
Front Setback ² (feet)	25	25	10	0	
Side Setback (feet)	20 ¹	10	5	0	
Rear Setback (feet)	25	25	15	15	
Maximum Building Height (feet)	35	35	35	35	
Maximum Lot Coverage (%)	35	35	60	70	
Livable Area/Dwelling Unit (square feet)	600	600	600	600	

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>TC</u>	<u>I</u>
<u>Dwelling, Single-Family Semi-Detached</u>					Not permitted
Minimum Lot Area (square feet)	15,000	12,000	6,000	None	
Minimum Lot Width (feet)	100	80	60	50	
Front Setback ² (feet)	25	25	10	0	
Side Setback ¹ (feet)	20	10	5	0	
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>TC</u>	<u>I</u>
Rear Setback (feet)	25	25	15	15	
Maximum Building Height (feet)	35	35	35	35	
Maximum Lot Coverage (%)	35	35	60	70	
Livable Area/Dwelling Unit (square feet)	600	600	600	600	
<u>Dwelling, Single Family Attached</u>	Not permitted				Not permitted
Minimum Lot Area (square feet per unit)		2,000	2,000	2,000	
Minimum Lot Width ³ (feet)		See note	See note	See note	
Front Setback ² (feet)		25	10	0	
Side Setback ⁴ (feet)		15	5	0	
Rear Setback (feet)		25	15	15	
Maximum Building Height (feet)		35	35	35	
Maximum Lot Coverage (%)		50	60	70	
Livable Area/dwelling unit (square feet)		600	600	600	
<u>Dwelling, Multi-Family</u>	Not permitted				Not permitted
Minimum Lot area (square feet per unit)		2,000	2,000	2,000	
Minimum Lot Width (feet)		150	50	100	
Front Setback (feet)		15	10	0	
Side Setback (feet)		25	5	0	
Rear Setback (feet)		35	15	15	
Maximum Building Height (feet)		35	35	35	
Maximum Lot Coverage (%)		50	60	70	
Livable Area/dwelling unit (square feet)		600	600	600	

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>TC</u>	<u>I</u>
All Other Uses					
Minimum Lot Area (square feet)	25,000	20,000	8,000	8,000	20,000
Minimum Lot Width (feet)	100	125	50	50	100
Front Setback (feet)	25	25	10	5	25
Side Setback (feet)	15	15	5	0	15
Rear Setback (feet)	25	25	15	15	25
Maximum Lot Coverage (%)	50	50	60	70	60
Maximum Building Height (feet)	35	35	35	35	45

¹Total 20 feet, 5 feet minimum

²Measured from street right of way line

³End units minimum width of 35 feet, all internal units minimum width of 20 feet

⁴Non-attached side

B. General Requirements for all Uses. In addition to the standards set forth in this Article, all uses shall also comply with:

1. Water and Sewage Facilities. All uses shall be served by municipal water and sewage facilities.
2. Off-Street Parking, Loading and Unloading. All uses shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Section 406 of this Ordinance.
3. Signs. Signs may be erected and maintained only when in compliance with the provisions of Section 405 of this Ordinance.
4. Construction and Design Standards. All uses shall comply with the construction and design standards set forth in the Borough SALDO.

SECTION 303 R-1 Low-Density Residential District

- A. Purpose. The Low-Density Residential District is established to provide areas for the limited and orderly expansion of residential development in low to moderate densities compatible with existing neighborhoods, while preserving institutional uses and open space. It is a further intent of this district to exclude non-residential activities not compatible with the existing residential development.
- B. Permitted Uses. Within the Low-Density Residential District no building or structure may be erected or used and no land may be used or occupied except for uses indicated in Table 301.E.
- C. Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and/or maximum dimensions specified in Table 302.1 herein.

SECTION 304 R-2 Medium-Density Residential District

- A. Purpose. The Medium-Density Residential District is established to provide areas for a variety of housing types and densities including single-family detached dwellings, single-family semi-detached dwellings, single-family attached/townhouse dwellings and multi-family/low-rise apartments and condominium dwellings. The intent of this district is to encourage development compatible and consistent with the traditional small town character of the Borough. This district is also intended to provide for limited non-residential uses including commercial and public uses.
- B. Permitted Uses. Within the Medium-Density Residential District no building or structure may be erected or used and no land may be used or occupied except for uses indicated in Table 301.E.
- C. Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and/or maximum dimensions specified in Table 302.1 herein.

SECTION 305 R-3 High-Density Residential District

- A. Purpose. The High-Density Residential District is established to provide areas for a variety of housing types and densities including single-family attached dwellings, single-family semi-detached dwellings, single-family attached/townhouse dwellings and multi-family/low-rise apartments and condominium dwellings in a higher density and closer proximity. The intent of this district is to encourage development compatible and consistent with the traditional higher density of the area. This district is also intended to provide for limited non-residential uses including commercial and public uses.
- B. Permitted Uses. Within the High-Density Residential District no building or structure may be erected or used and no land may be used or occupied except for uses indicated in Table 301.E.
- C. Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and/or maximum dimensions specified in Table 302.1 herein.
- D. General Requirements for all Uses. In addition to the standards set forth in this Article, all uses permitted within the High-Density Residential District shall also comply with:
 - 1. Water and Sewage Facilities. All uses shall be served by municipal water and sewage facilities.
 - 2. Off-Street Parking, Loading and Unloading. All uses shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article IV of this Ordinance.
 - 3. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article IV of this Ordinance.

SECTION 306 TC Town Center District

- A. Purpose. The Town Center District is established to provide for the continuation of the prevailing mix of retail, service, office, and residential uses; to maintain compatibility between residential uses and small-scale businesses; to preserve and reuse existing buildings that represent the Borough's historical character; and to encourage new construction that maintains the essential Borough character. The intent of this district is to permit a wide variety of housing types and densities, including single-family and multi-family residential uses; neighborhood-oriented retail and service businesses; and other low intensity commercial uses in a pedestrian friendly setting.
- B. Permitted Uses. Within the Town Center District no building or structure may be erected or used and no land may be used or occupied except for uses indicated in Table 301.E.
- C. Area and Bulk Requirements. Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and/or maximum dimensions specified in Table 302,1 herein.
- D. General Requirements for all Uses. In addition to the standards set forth in this Article, all uses permitted within the Town Center District shall also comply with:
1. Water and Sewage Facilities. All uses shall be served by municipal water and sewage facilities.
 2. Off-Street Parking, Loading and Unloading. All uses shall provide off-street parking spaces and off-street loading and unloading space according to the provisions set forth in Article IV of this Ordinance.
 3. Signs. Signs may be erected and maintained only when in compliance with the provisions of Article IV of this Ordinance.
 4. Construction and Design Standards. All uses in the Town Center District shall comply with the construction and design standards set forth in the Borough SALDO.

SECTION 307 I Industrial District

- A. Purpose. The Industrial District is established to provide areas for the development of restricted retail and business uses which have minimal impact on surrounding properties. This district is intended to permit a broad range of commercial, business, retail and service uses of a local and regional nature. It is further the intent of this district to limit the impact such non-residential uses have on adjacent residential and agricultural areas.
- B. Permitted Uses. Within the Industrial District no building or structure may be erected or used and no land may be used or occupied except for uses indicated in Table 301.E.
- C. Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide the minimum and/or maximum dimensions specified in Table 302.1 herein.

ARTICLE IV
SUPPLEMENTAL REGULATIONS

SECTION 401 Purpose

These Supplemental Regulations are established to provide additional general and specific requirements for certain permitted, accessory, and special exception uses listed in Article III of this Ordinance. If the zoning district regulations are determined to be in conflict with the following general regulations, the most restrictive regulations shall be applied, unless otherwise stated.

SECTION 402 General Provisions for All Uses

The following provisions for all uses are established in addition to those found in Article III of this Ordinance.

A. Buffering and Screening.

1. A buffer setback shall be required between residential uses or residential zoning districts and specified nonresidential uses and/or commercial-industrial zoning districts. Screening shall be required within the buffer setback.
2. When required, the buffer setback shall be located at the perimeter of the lot and shall not be located in any portion of a public right-of-way or proposed right-of-way.
3. Buildings or storage of any kind shall not be permitted in a buffer setback. Permitted uses in a buffer setback include stormwater management facilities, underground utilities, picnic areas, greenways and/or pedestrian walkways.
4. Buffer setbacks shall not be used for parking.

B. Fences and Walls. Fences or walls may be erected, altered and maintained in accordance with the following requirements:

1. Any fence or wall in the front yard shall not exceed three and one half (3½) feet in height.
2. A fence or wall may be located up to 24” from a lot line.
3. No fence or wall shall have a height in excess of six (6) feet above ground level in a side or rear yard unless required herein to be higher for a specific use.
4. In the I District the height of a fence or wall may be increased one (1) foot for every full four (4) feet by which the fence or wall is set back from the lot line.
5. A fence or wall located within a front yard on a corner lot shall not interfere with the clear sight triangle required for a street intersection, driveway or access drive as provided in the Mount Wolf Borough Subdivision and Land Development Ordinance.

C. Height Modification. The height regulations do not apply to the following structures or projections provided such structures are set back a horizontal distance at least equal to their height from any property line:

1. Chimneys, standpipes, flagpoles, antennas, smokestacks, water towers, television antennas, radio towers, or other similar structures.

2. Structures on buildings such as clock towers, cupolas, water tanks, ventilating fans and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five (25) percent of the roof on which they are located.
3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet in height above the roof line.

D. Landscape Area. There shall be provided on all lots un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto adjacent properties, streets or alleys.

1. Landscape Area shall include any part of the site which is not used for buildings, other impervious structures, loading or parking spaces and aisles, sidewalks, and any area or space which is roofed.
2. The landscape area shall be so designed to be in compliance with the Mount Wolf Borough Stormwater Management Ordinance.
3. All landscape areas shall be planted with an all-season ground cover such as grass, ivy, vetch, pachysandra, etc., except that landscaping stone may be substituted to compliment other vegetative materials.

E. Lighting. When any property is illuminated at night, such illumination shall be so designed and located that the light sources are shielded from adjoining properties and streets. No beams of light shall be directed toward adjacent properties or streets. No lighting shall be utilized in such a manner to produce a noxious glare or a light intensity greater than one foot-candle beyond the lot boundaries.

F. Limit of One (1) Principal Use. No more than one (1) principal use shall be permitted on a lot, unless specifically permitted by this Ordinance. A principal use shall not be located in an accessory building or structure.

G. Minimum Habitable Floor Area. All dwelling units shall have a minimum habitable floor area of not less than six hundred (600) square feet per dwelling unit.

H. Multiple Occupancy. Occupancy of a principal commercial or industrial building by more than one (1) use of similar type is specifically allowed, provided that all other requirements of this Ordinance are satisfied. Each use within a multiple use, mixed-use or multiple occupancy building shall be required to apply for a separate zoning permit.

I. Prohibited Uses.

1. All uses not listed in a zoning district shall be prohibited in that zoning district, except as provided for in Section 107 of this ordinance.
2. The housing or keeping of any animal and plant species considered to be threatened or endangered by the U.S. Fish and Wildlife Service are strictly prohibited.

J. Public Utility Exemption. This article shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which

the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

K. Setback Modifications.

1. By administrative review of the Zoning Officer the front and rear setback of any proposed building may be decreased in depth to the average alignment of a majority of existing buildings on the same block frontage (same side of street) located within one hundred (100) feet of the proposed building.

L. Storage.

1. Trailers and Trucks: In the residential zones, trailers used for business or commercial purposes and trucks or tractors weighing more than 10,000 pounds gross vehicle weight must be parked or stored within a garage, carport, or an enclosed storage structure except when parked for a temporary active purpose such as loading or unloading; provided, however, that one such truck, tractor or trailer may be parked or stored in the rear yard on an improved off-street parking pad.
2. Permitted Storage: Storage is permitted as a principal use in the Industrial Zone and is permitted as an accessory use in all other zones. The permitted storage of items as an accessory use must involve the storage of items used on the lot or tract where stored in connection with a principal permitted use of such lot or tract of land. No outdoor stockpiling of any material or storage of trash or junk is permitted in front or side yards in any zone. No items may be stored so as to pollute ground or surface water or soil.
3. Unenclosed Storage: The following items may not be stored out of doors in any zone except in an approved "Junkyard" in the Industrial Zone.
 - a. Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code, but not so registered.
 - b. Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code, or so registered, but not displaying a currently valid certificate of inspections and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code (75 Pa.C.S. 101, *et seq.*).
 - c. Tires.
 - d. Motor vehicle parts, appliances, appliance parts, pieces of iron, steel, cans or other such materials.
 - e. Junk as defined in this Ordinance.

M. Temporary use and structure. A temporary use permit may be issued by the Zoning Officer for structures or uses accessory during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:

1. The life of such permit shall not exceed one (1) year, unless authorized by the Zoning Hearing Board.
2. Temporary structures may be erected in conjunction with a temporary use subject to approval by the Zoning officer.

- a. No temporary structure shall exceed one hundred twenty (120) square feet.
- b. All temporary structures must be removed, and the site returned to its condition prior to the commencement of the temporary activity, within 24 hours of the cessation of the temporary activity without cost to the Borough.
3. A permit shall be required and prominently displayed throughout the event.
4. No more than three (3) events may be held during one (1) calendar year by any one applicant and at any one location.
5. Parking for the event shall be provided in conformance with Section 406.
6. Temporary structures or uses in conjunction with an active construction project or land development shall be exempt from the provisions of this subsection.
7. Garage and yard Sales
 - a. Within any zoning district, an owner and/or occupant of a residential use may conduct up to three (3) garage/yard sales per calendar year.
 - b. No garage/yard sale shall be conducted for a period longer than three (3) consecutive days.
 - c. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted.
8. Temporary Retail Sales.
 - a. Only one (1) Temporary Retail Sales event may take place on a lot at any given time.
 - b. Temporary Retail Sales hours of operation shall be limited to the hours of 7:00 a.m. to 10:00 p.m.
 - c. Temporary retail sales may take place in parking areas subject to maintaining sufficient parking for all uses located on that site.
 - d. Temporary Retail Sales shall not disrupt the daily operations of the principal business located on the lot.

N. Yard and Open Space Encroachment. All front, side and rear setbacks as required by this Ordinance shall be open and unobstructed by any building or structure, or part thereof, except as provided herein.

1. Projections into required setback.
 - a. Open, unenclosed porches may be placed in a required front setback and rear setback providing they do not extend for a distance of more than one-third (1/3) of the required front setback and/or rear setback area.
 - b. Open steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
 - c. Architectural features including bay windows, cornices, eaves, fireplaces, chimneys, windowsills or other architectural features may extend not more than twenty-four (24) inches into a required setback.

- d. Lampposts and other light fixtures, sidewalks or walkways, driveways, fences and retaining walls, flagpoles, decorative lawn ornaments, bird feeders, and similar objects shall be permitted within any required setback.
- e. School bus shelters.

O. Demolition. Demolition or removal of any use or structure in whole or part, following issuance of a Zoning permit, shall be conducted in a safe and environmentally prudent manner. The permittee must ensure:

- 1. Demolition activities may only occur between 7:00 AM and 7:00 PM prevailing time.
- 2. Demolition waste must be transported to approved disposal sites in covered containers.
- 3. Dust must be controlled through water or other means to minimize fugitive particulates from leaving the site.
- 4. Demolition must be completed within 90 days of permit issuance.

P. Satellite Dish Antenna. Allowed as an accessory use subject to the following:

- 1. Such device shall not be placed within a setback area;
- 2. No ground-mounted dish antenna shall exceed a diameter of twelve (12) feet or an overall height of fifteen (15) feet; no structure-mounted dish antenna shall exceed a diameter of four (4) feet.
- 3. Only one (1) antenna is permitted per dwelling unit.

SECTION 403 Accessory Structures and Uses

The following regulations for accessory structures and uses shall supplement the regulations set forth in this Ordinance in each zoning district. Accessory uses are all structures and uses customarily incidental and subordinate to any principal use permitted by right or special exception use.

Accessory uses are permitted by right provided that they meet the criteria set forth in this Ordinance.

A. General Requirements. The following regulations shall apply to any and all accessory uses and structures wherever situated.

- 1. Buildings or structures attached to or forming an integral part of a principal building or structure and utilized for an accessory use shall not be considered as accessory buildings or structures and shall conform to all requirements for a principal structure for the zone in which situated.
- 2. Accessory buildings, structures or uses shall not be located between the principal building, structure or use and any street right-of-way except for double frontage or reverse frontage lots where the accessory structure may be located to the rear of the principal structure. An alley shall not be considered a street right-of-way in this instance.
- 3. Setbacks for Accessory buildings and structures shall be as follows:
 - a. From each street, a minimum of twenty five (25) feet from the right of way of such street, or the setback of the principal structure, whichever is greater.
 - b. From each alley, a minimum of ten (10) feet from the right of way of such alley.

c. From each abutting property line, a minimum of three (3) feet from the property line plus one (1) foot for each foot of building eave height in excess of eight (8) feet, to a maximum required setback of ten (10) feet. Eave height shall be determined by measuring from the finished floor to the highest rain drip off edge of the roof.

d. Modifications to required setbacks are contained in Section 402.K. herein.

4. Except as specifically provided for elsewhere in this Ordinance, the maximum height for all accessory structures shall twenty-five (25) feet.

B. No-Impact Home-Based Businesses shall be permitted in all zones as an accessory use secondary to the use of a property as a residential dwelling provided all of the following criteria are met:

a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

b. The business shall employ no employees other than family members residing in the dwelling.

c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

d. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.

e. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

f. 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.

g. 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.

h. The business may not involve any illegal activity.

C. Accessory Dwelling Unit.

1. There shall be permitted one (1) accessory dwelling unit for each principal permitted residential single family detached dwelling.

2. The accessory dwelling unit shall be clearly subordinate to the principle dwelling unit.

3. All accessory dwelling units shall be subject to the following:

a. Located on the same parcel as the principal single-family dwelling.

b. The accessory dwelling unit may be within existing single-family dwellings or in a separate pre-existing structure such as detached garage or accessory building.

c. All accessory dwelling units shall have a minimum habitable floor area of not less than four hundred fifty (450) square feet and not exceed more than twenty-five (25) percent of the primary residence.

D. Alternative Energy Systems.

1. All permitted and special exception uses shall be permitted one (1) alternative energy system comprised of the following:
 - a. One wind energy system; and/or
 - b. Any number of roof-mounted solar collectors; and/or
 - c. No more than three hundred (300) square feet of ground mounted solar panels, except when accessory to an agricultural operation. The total surface area of ground mounted solar panels shall not be counted towards impervious lot coverage.
2. All accessory alternative energy systems shall be designed for private use.
3. Wind Energy Systems (including Windmills):
 - a. No wind energy system shall be located on a parcel less than 40,000 square feet.
 - b. All windmills, except roof mounted and single pole structures, shall be enclosed by a fence in compliance with Section 402.B of this Article. Such fence shall be located at least five (5) feet from the base of such windmill. Guy wires may be located outside the fenced area
 - c. No windmill for private use shall be greater than one hundred (100) kWh.
 - d. No windmill for private use shall be greater than one hundred (100) feet in height.
 - e. No windmill shall be permitted which is designed to have any vane, sail or rotor blade to pass within thirty (30) feet of the ground.
 - f. All electrical wiring leading from a windmill shall be located underground.
 - g. Windmills may be located within the required rear or side yards provided no vane, sail or rotor blade or any part of the energy system extends beyond the property line; and they are no closer than 1.1 times their height from the nearest inhabitable structure not located on the same parcel as the windmill.
4. Anaerobic manure digesters and outdoor hydronic heaters, and similar devices are strictly prohibited.

E. Drive-thru Facility. Drive-thru facilities shall be permitted as accessory to commercial uses subject to the following:

1. The Drive-thru lane or canopy shall not be located between the principal building and a public right-of-way.
2. The Drive-thru lane or canopy may be located in side yard or rear yard setback areas.
3. No drive-thru lane or canopy shall be situated less than five (5) feet from any lot line or located within twenty (20) feet of the street right-of-way.
4. No canopy shall be less than eight (8) feet six (6) inches above grade.
5. All signage except clearance or directional signs are prohibited on the canopy.

F. Garage, Carport. The following shall apply to private detached garages situated in a rear yard:

1. No garage and carport shall have a footprint in excess one thousand (1,000) square feet.

2. All detached garages shall be no closer than ten (10) feet to the principal dwelling.

G. Produce Stand

1. Such stand shall not exceed four hundred (400) square feet of gross floor area.
2. No stand shall be less than fifty (50) feet from an intersection or within ten (10) feet of any street right-of-way.

H. Sheds, Garden and Tool Storage; Greenhouses.

1. Accessory sheds and greenhouses shall not exceed five hundred (500) square feet in size and fifteen (15) feet in height.
2. Setbacks for Accessory sheds and greenhouses shall be as follows:
 - a. From each street, a minimum of twenty five (25) feet from the right of way of such street, or the setback of the principal structure, whichever is greater.
 - b. From each alley, a minimum of ten (10) feet from the right of way of such alley.
 - c. From each abutting property line, a minimum of three (3) feet from the property line plus one (1) foot for each foot of building eave height in excess of eight (8) feet, to a maximum required setback of ten (10) feet. Eave height shall be determined by measuring from the finished floor to the highest rain drip off edge of the roof.

I. Swimming Pool.

1. Swimming pools with a surface area of one hundred (100) square feet or more, or a depth in excess of two (2) feet, shall be completely surrounded by a fence or wall not less than four (4) feet in height.
 - a. The height of the fence shall be measured at ground level one (1) foot from the fence on the side of the barrier which faces away from the pool.
 - b. A fence is not required for all swimming pools located more than four (4) feet above the ground level if provided with a retractable ladder.
2. No swimming pool may be erected in the front yard, or closer than six (6) feet to a side yard or rear yard lot line.
3. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed at all times when not in actual use, except the door of any dwelling which forms a part of the enclosure is equipped with an alarm.
4. No permanent swimming pool structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent.
5. All pool installations shall conform to all applicable building codes.
6. Conventional wading pools less than the area and depth requirements in subsection A, above shall be exempt from fencing and filtration requirements.
7. Water from a pool shall not be discharged unless the free chlorine level is <0.1 ppm.

Water from a pool shall not be discharged directly onto or within twenty (20) feet of any public right-of-way, or onto or within adjacent property without that owner's consent.

SECTION 404 Specific Use Standards

- A. This section sets forth the specific use standards that shall be applied to each use identified herein, all of which shall be satisfied prior to approval of any application for a certificate of use and occupancy permit, and/or special exception use.
- B. In addition to the specific use standards set forth in this section, standards and provisions in the following shall be complied with, as applicable:
 - 1. General provisions for all uses established in Section 402 of this Article.
 - 2. Provisions for signs and signage in Section 405 of this Article.
 - 3. Provisions for off-street parking and loading established in Section 406 of this Article.
 - 4. The Borough Storm Water Management Ordinance.
 - 5. All applicable federal and state statutes and laws.
- C. All uses identified subsequently herein must comply with the general provisions for uses within the particular zoning district or districts in which the use is to be located. In the event different standards are established herein, the more restrictive shall apply.
 - 1. Adult Regulated Business** - In the I zone and subject to the requirements of that zone except as herein modified and provided:
 - a. No adult-related establishment shall be permitted to be located within six hundred (600) feet of any other adult-related establishment;
 - b. No adult-related establishment shall be located within two hundred (200) feet of any residentially-zoned land;
 - c. No adult related establishment shall be located within six hundred (600) feet of any parcel of land which contains any one or more of the following specified land uses:
 - a. Amusement Establishment;
 - b. Camp (for minors' activity);
 - c. Campground;
 - d. Child Care Facility;
 - e. Church or other similar religious facility;
 - f. Community Center;
 - g. Museum;
 - h. Park;
 - i. Playground;
 - j. School; or,
 - k. Other lands where minors congregate;
 - d. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of the adult entertainment establishment to the closest point on the lot line of said land use;
 - e. No materials, merchandise, or film offered for sale, rent, lease, loan or for view upon any premises shall be exhibited or displayed outside of an adult related establishment;

- f. An adult related establishment shall have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside the adult related establishment;
- g. No sign shall be erected upon any adult related establishment depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
- h. Every entrance to any adult related establishment shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein, and warning all other persons that they may be offended upon entry;
- i. No adult-related use may change to another adult-related use, except upon approval of an additional special exception;
- j. No use shall create an enticement for minors because of its proximity to nearby uses where minors may congregate;
- k. No unlawful sexual activity or conduct shall be permitted in or around any adult related establishment including but not limited to bestiality, flagellation or torture in the context of a sexual relationship, necrophilia, pedophilia, sodomy, or zoerasty, masochism, erotic or sexually oriented torture beating, or the infliction of pain, erotic or lewd touching, fondling or other contact with an animal by a human being;
- l. No more than one adult-related use may be located within one building or shopping center.

2. Amusement Establishment

- a. All buildings housing an amusement establishment shall be adequately sound proofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- b. No audio speakers or equipment shall be installed inside or outside the location of such use that would cause sounds to emanate beyond the property line of the activity.
- c. Adult supervision shall be provided at all times at the facility.
- d. Hours of operation shall be limited to the hours between 9:00 am and 10:00 pm if the entertainment is outdoors.

3. Apartment House

- a. No more than two (2) apartments shall be permitted per single-family dwelling.
- b. No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety. Fire escapes, where required by other regulatory statutes, shall be in the rear of the building and shall not be located on any wall facing a street.

4. Automotive and Motor Vehicle Fueling, Sales, Service and Repair Establishments

- a. All motor vehicles, automotive parts, refuse, and similar articles shall be stored within an enclosed building or enclosed area not visible from a public right-of-way, excepting a dealership or repair facility may store motor vehicles in operating condition and meeting Pennsylvania inspection requirements outside of a building.
- b. Fuel pumps shall be setback at least twenty-five (25) feet from any street right-of-way or fifty (50) feet from the street centerline, whichever is greater, and thirty (30) feet from all parking areas.
- c. The repair or replacement of automotive structural parts, including paint spraying and body and fender work, must take place within an enclosed area.

5. Bed and Breakfast

- a. The bed and breakfast shall be operated only by members of the immediate family residing therein.
- b. There shall be no more than four (4) guest rooms, and no more than two (2) guests per room.
- c. The maximum stay shall be no more than thirty (30) consecutive days.
- d. Residential dwellings that are converted to a Bed and Breakfast must maintain the appearance of a single family detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front or side wall facing a street.
- e. Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the bed and breakfast use.
- f. There shall be no separate cooking facilities in any guest room.

6. Boarding House, Rooming House, or Lodging House

- a. There shall be no more than of three (3) guest rooms or suites per boarding/rooming/lodging house with a maximum of six (6) persons.
- b. A boarding house, rooming house or lodging house shall be owner-occupied with the owner of the structure residing on the premises.
- c. All boarding/rooming/lodging houses shall comply with applicable rules and regulations affecting health and safety administered by federal, state or local agencies.

7. Camp or Campground

- a. All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any street line.
- b. There shall be no more than twenty (20) camping sites allowed per acre.
- c. Each campsite shall abut an access drive no less than twenty (20) feet in width for two-way traffic and twelve (12) feet in width for one-way access.
- d. Outdoor play areas shall be sufficiently screened and insulated so as to protect neighboring properties from inappropriate noise and other disturbances.
- e. A maximum of one (1) permanent dwelling shall occupy the lot on a year-round basis. No other structure, including tents, travel trailers, and recreational vehicles shall be occupied on the lot for more than twenty-eight (28) consecutive days and for more than one hundred eighty (180) days in any calendar year.
- f. All waste from shower, toilet, and laundry facilities shall drain into a sewage disposal system approved by the Borough Sewage Enforcement Officer..
- g. Campgrounds may include a camp store for sales of routine items to campers, recreational facilities for campers, and other customary campground uses that are incidental and accessory to the principal use.

8. Car Wash

- a. All car washes shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.

- b. Automatic, semi-automatic, and self-service carwashes shall be limited to the cleaning and waxing of vehicles.
- c. The lot shall be graded in such a way that process water shall not run off across the lot, onto any adjacent lot, or onto a public street.
- d. Public sewer and water services shall be utilized, and the recycling of grey water is required. Provision for the adequate collection and disposal of greases shall be demonstrated.

9. Care Facilities

A. Convalescent or Nursing Home

- a. Documentation shall be filed with the Borough that the facility meets any applicable licensing requirements and all applicable local, state and federal regulations.
- b. Any outdoor recreation areas shall be secured with a fence and adequately screened from neighboring properties.
- c. Supervisory personnel, as required by local, state or federal regulations, shall be on the premises at all times.

B. Domiciliary Care Home

- a. Documentation shall be filed with the Borough that the facility meets any applicable licensing requirements and all applicable local, state and federal regulations.
- b. Any outdoor recreation areas shall be secured with a fence and adequately screened from neighboring properties.
- c. Supervisory personnel, as required by local, state or federal regulations, shall be on the premises at all times.

C. Family Day Care Home

- a. A Family Day Care Home may be permitted as an accessory use to a single-family detached dwelling.
- b. Up to six (6) children or adults who are not related to the caregiver may receive care in a family day care home.
- c. All Family Day Care Homes shall hold a family care home certificate of registration from the Pennsylvania Department of Public Welfare in order to legally operate.
- d. All Family Day Care Homes shall conform to 55 Pa. Code, Chapter 3290, Family Day Care Homes, as may be amended from time to time.

D. Group Day Care Home, Child

- a. Documentation shall be filed with the Borough that the facility meets the Pennsylvania Department of Public Welfare licensing requirements and all applicable local, state and federal regulations.
- b. Any outdoor recreation or activity areas shall be located in a side or rear yard, secured with a fence, and adequately screened from neighboring properties.

E. Group Day Care Home, Adult

- a. Documentation shall be filed with the Borough that the facility meets the Pennsylvania Department of Aging licensing requirements and all applicable local, state and federal regulations.
- b. Any outdoor recreation areas shall be secured with a fence and adequately screened from neighboring properties.

F. Group Home

- a. There shall be adequate supervision by person(s) trained in the field for which the group home is intended. Such adequacy shall be determined by the Pennsylvania Department of Public Welfare.
- b. Any group home involving three (3) or more unrelated persons living in a dwelling unit or that is otherwise required to be licensed or certified under any applicable federal, state or local program shall be certified or licensed, as applicable, as a condition of Borough approval. A copy of any such license or certification shall be filed with the Borough and shall be required to be shown to the Zoning Officer upon request. The group home shall notify the Borough, in writing, within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.
- c. For fire and safety purposes, the group home shall register with the Borough its location, sponsoring agency, general type of treatment/care, maximum number of residents permitted and the exact location of the bedrooms of the individuals who need assistance with evacuation in the event of any actual fire. Such information shall be available for public review upon request.
- d. A group home shall not house persons who can reasonably be considered to be a physical threat to others, as determined by the Pennsylvania Department of Public Welfare.
- e. The number of persons who may reside in a group home shall not restrict or include bona fide employees who are needed in the group home to supervise and care for residents.
- f. Any outdoor recreation areas shall be secured with a fence and adequately screened from neighboring properties.

G. Personal Care Boarding Home

1. Documentation shall be filed with the Borough that the facility meets the Federal or State licensing requirements and all applicable local, state and federal regulations.

10. Cemetery

- a. All cemeteries shall comply with applicable Pennsylvania laws regarding burial practices and cemeteries.
- b. Cemeteries may include mausoleums, chapels, and storage facilities for maintenance and related equipment.
- c. No burial plots or facilities shall be located in setback areas.

- d. Pet cemeteries must meet all applicable local, state and federal statutes including but not limited to the Pennsylvania Dead Animal Act, Title 7, SB, Chapter 105, *Disposal of Dead Domestic Animals and Animal Waste, Subpart B*.

11. Communications Tower and/or Antenna

a. General

1. For the purposes of this Ordinance, Communications Towers and/or Antennas, (CTAs) refer to the antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services, including Distributed Antenna Systems and small cell telecommunications facilities, whether tower based or structure based; also known as a Wireless Communications Facility (WCF). Small cell or satellite communications facilities installed solely for the use of the property on which it is located are exempted from this section of the ordinance; see Section 402.P.
2. CTAs as a use have no site occupants.
3. No signs are permitted in connection with the establishment of a CTA.
4. Permits are required for new CTAs or Substantial Changes to existing CTAs.
5. Substantial change means a modification to an existing CTA, excluding maintenance or replacement of components in kind, that changes the physical dimensions of the CTA by more than 10%.
6. Permit review fees are as contained in the Mount Wolf Borough Fee Resolution; if no Fee Resolution exists, permit review fees are as follows:
 - i. Tower (new, outside of the Right of Way) \$3,000
 - ii. Tower (new, inside the Right of Way) \$2,000
 - iii. Antenna (collocated) \$ 500
 - iv. Antenna (non-collocated) \$1,000
 - v. Substantial Change \$ 500
7. Annual license fees are as contained in the Mount Wolf Borough Fee Resolution; if no Fee Resolution exists, annual license fees are as follows:
 - i. Tower, inside the Right of Way \$1,000
 - ii. Antenna, inside Right of Way \$ 250
8. Permitting of CTAs is in accordance with the federal Telecommunications Act of 1966, the federal Middle Class Tax Relief and Job Creation Act of 2012, and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012). All proposed CTAs shall comply with all applicable licensing, location, construction, and operating standards established by the Acts, the Federal Communications Commission, the Federal Aviation Administration, and the PA Bureau of Aviation.
9. Collocation: Collocation on existing facilities is required if possible. If a new CTA is proposed in lieu of collocation on existing facilities, the applicant shall demonstrate through documented evidence that the proposed communications antenna cannot be reasonably located on existing structures for one or more of the following reasons:
 - i. The proposed antenna and related equipment would exceed the structural capacity of all existing structures and its reinforcement cannot be accomplished at a reasonable cost.

- ii. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment which cannot be prevented at a reasonable cost.
 - iii. There are no existing structures that have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - iv. The addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - v. There are no willing or able landowners or tower owners.
10. All CTAs shall employ Stealth Technology to appropriately blend into the surrounding environment and minimize aesthetic impact.
11. Any communications equipment building shall comply with the required setbacks and height requirements of the applicable zoning district for an accessory structure.
12. In all zoning districts CTAs and Substantial Changes to an existing CTA are permitted by Special Exception. The applicant shall meet the requirements of this Ordinance and the Zoning Hearing Board may impose conditions to the extent the Zoning Hearing Board finds such conditions are necessary to minimize any adverse effect of the proposed CTA on adjoining properties.
13. CTAs existing as of the date of this Ordinance are allowed to continue their use, including maintenance. Any Substantial Change of the CTA beyond maintenance (expansion, addition, replacement other than in kind) shall fully comply with this Ordinance.)

b. Towers

- 1) No communications tower is permitted in Residential Districts where public service utilities are primarily located underground within 100 feet (100') of the tower.
- 2) A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot, which lot meets the minimum lot area requirements for the zoning district.
- 3) A land development plan in compliance with the Borough's Subdivision and Land Development Ordinance shall be required for any new lot or leased parcel on which a communications tower is to be constructed.
- 4) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
 - a. The maximum height of any communications tower within the street right of way of any Borough or State Highway shall be forty (40) feet or the height_ of adjacent utility poles or towers within five hundred (500) feet of the proposed tower, whichever is less.
 - b. The maximum height of any communications tower outside of any street or highway right of way shall be one hundred fifty (150) feet. The height may be increased to no more than two hundred (200) feet, provided the required, setbacks from adjoining property lines are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet.

- 5) A Pennsylvania registered professional engineer shall certify that the proposed tower will be designed and constructed in accordance with the current revision of EIA 222 "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Alliance/Telecommunications Industry Association.
- 6) A copy of owner/operators current Federal Communications Commission license, the name, address and emergency telephone number for the operator of the communications tower and a certificate of insurance for general liability coverage in the minimum amount of \$1 ,000,000 per occurrence and property damage coverage in the minimum amount of \$1 ,000,000 per occurrence covering the communications tower and communications antennas shall be filed with Borough and maintained for the life of the CTA.
- 7) All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure. The guy wires shall be clearly marked as to make the wires visible in the dark. Such markings are not to include lights.
- 8) The site of a communications tower outside of the street right of way shall be secured by a fence to limit accessibility by the general public.
- 9) No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration, Pennsylvania Bureau of Aviation, or other governmental agency.
- 10) The owner, licensee or operator shall annually certify to Borough that the tower is structurally sound and remains in use.
- 11) Communications towers and facilities must be removed within one (1) year after cessation of use. Sufficient security in an amount to be determined by the Borough shall be posted by Performance Bond or Letter of Credit to guarantee compliance with all aspects of the removal.

c. Antennas

1. Communications antennas shall not cause radio frequency interference with other communication facilities located in Borough.
2. A communications antenna proposed to be mounted on an existing building or structure shall comply with the following:
 - i. Such antennas may exceed the height limitations of the applicable zoning district by no more than twenty (20) feet.
 - ii. Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
 - iii. Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.
 - iv. Pennsylvania registered professional engineer shall certify that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
 - v. Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure shall be submitted for review by the Borough Engineer for compliance with Borough ordinances.
 - vi. Agreements and/or easements providing access to the building or structure on which the antennas are to be mounted for installation and maintenance of the

antennas and communications equipment building shall be filed with the Borough Office.

12. Community Center - All outdoor recreational areas shall be set back at least fifty (50) feet from any property line abutting a residential dwelling.

13. Convenience Store

- a. All outdoor lighting shall comply with Section 402.E of this Ordinance and will not create a significant nuisance to existing and future residential dwellings.
- b. If a convenience store serves prepared food that is to be consumed on site, it shall comply with the provisions for a restaurant included in this section.
- c. For all convenience stores dispensing fuel, the fuel pumps shall be setback at least twenty-five (25) feet from any street right-of-way or fifty (50) feet from the street centerline, whichever is greater, and thirty (30) feet from all parking areas.
- d. A Drive-thru is permitted as an accessory use to convenience stores located in the I zoning district only and shall comply with provisions of Section 403.E of this Ordinance.

14. Cottage Industry

- a. A Cottage Industry may be for making furniture, a shop for woodworking and arts and crafts, a machine shop, appliance repair, medical and dental labs and other similar uses.
- b. The Cottage Industry shall be primarily conducted by members of the family who reside in the house; however, there may be no more than two (2) non-resident employees.
- c. Detached buildings used for the cottage industry shall comply with all setback and height requirements for the zoning district in which the use is located.
- d. Cottage Industry activities conducted within the principal building shall not exceed twenty-five percent (25%) of the total habitable floor area of the building.
- e. The character or external appearance of the dwelling must be that of a dwelling, and will not involve any dimensional alteration to any existing building.
- f. The premises must at all times be kept safe, neat and orderly.
- g. The use will not result in an increase in traffic and shall not emit noise, odors, vibration, glare and other nuisances beyond the property boundary.
- h. Two (2) off-street parking spaces shall be provided for visitors and one (1) off-street parking space for each non-resident employee, in addition to those required for the residential use.

15. Crematorium

- a. Documentation that all applicable federal, state and local permits have been obtained shall be filed with the Borough.
- b. The facility shall be constructed, installed, operated and maintained consistent with all manufacturers' specifications and all applicable federal, state and local permits.
- c. No offensive odor shall extend beyond the property boundaries. For the purpose of this ordinance, an offensive odor is an unpleasant odor extending beyond the property boundaries discernible by two (2) or more Borough officials within a 24 hour period.

- d. No crematorium shall be located within five hundred (500) feet from any residential dwelling.

16. Drug or Alcohol Abuse Treatment Facility

- a. Notwithstanding any other provision of law to the contrary and except as provided in subsection b, a drug or alcohol treatment facility (“treatment facility”) shall not be established or operated within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed treatment facility.
- b. The provisions of this subsection shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a treatment facility for a location that is within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed treatment facility.
- c. Notwithstanding subsection a, a treatment facility may be established and operated closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed treatment facility if, by majority vote, the Mount Wolf Borough Council approves the issuance of an occupancy permit or certificate of use for said facility at such a location. At least fourteen (14) days prior to Borough Council voting on whether to approve the issuance of an occupancy permit or certificate of use for a treatment facility at a location that is closer than one thousand (1000) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one (1) or more public hearings regarding the proposed treatment facility location shall be held within the Borough following public notice. All owners of real property located within one thousand (1000) feet of the proposed treatment facility location shall be provided written notice of said public hearings at least thirty (30) days prior to said public hearings occurring.
- d. This section shall not apply to a treatment facility that is licensed by the Department of Health prior to May 15, 1999.
- e. As used in this section, the term “treatment facility” shall mean a facility licensed by the Department of Health to use drugs including but not limited to the drug methadone in the treatment, maintenance, or detoxification of persons.

17. Dwelling, Multi-family

- a. The maximum permitted residential density shall be fourteen (14) units/acre.
- b. No building shall contain more than eight (8) dwelling units on a single floor or exceed an overall building length of two hundred forty (240) feet.
- c. The off-street parking requirement may be reduced to one (1) space per unit if the apartments are designed and restricted for elderly or handicapped residents and limited to one-bedroom units. All parking spaces shall be located in a central common parking area.

- d. A maximum of two (2) access driveways are permitted to provide access to the common parking area from public streets. Under no circumstances shall parking be permitted at the edges of the development adjacent to existing public streets.
- e. The minimum separation between apartment or condominium buildings shall be fifty (50) feet.

18. Electric Generation Facility

- a. This subsection shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
- b. A fence no less than eight (8) feet in height shall be installed around all electrical generating facilities.
- c. Copies of all required licenses and permits from applicable federal, state and local governmental agencies shall be filed with the Borough.
- d. The name, address and emergency telephone number for the operator of the electrical generating facility shall be supplied to the Borough.
- e. The facility operator shall provide evidence to the Borough of a Certificate of Insurance evidencing general liability and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the electric generating facility.
- f. If the facility remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the facility within six (6) months of notice to do so by the Borough.
 - 1) The owner or operator of the facility shall post security in a form acceptable to the Borough favoring the Borough in an amount to cover removal of the facility and site clean-up.
- g. A buffer yard shall be provided in accordance with Section 402.A herein. All buffer yards adjacent to or abutting residential uses or residential zoning districts shall provide a screening of evergreen trees with a minimum eight (8) foot tree planting height and a minimum planting width of twelve (12) feet between each tree.
- h. The following provisions shall apply to all Wind Power Generating Facilities:
 - 1) The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily according to industry standards. No windmill that is taller than this minimum height shall be approved.
 - 2) No windmill shall be located closer to any property line than its height plus the normal setback for the district.
 - 3) No windmill shall be located less than five hundred (500) feet from a residential dwelling not owned by the owner of the wind power generating facility or residential zone boundary.
 - 4) The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference.
 - 5) All windmills shall be fitted with anti-climbing devices, as approved by the manufacturer(s).
 - 6) The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed windmill(s) and support structure(s) will

be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code.

- 7) All windmills shall comply with all applicable Federal Aviation Administration (FAA), or successor agency and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA or PA DOT Bureau of Aviation requirements.

19. Emergency Services

- a. Evidence showing safe access to Borough streets during emergency response must be provided.
- b. Audible and visual warning indicators, whether vehicle-mounted or structure-mounted or freestanding must be oriented to avoid disruption of residential structures.

20. Fairgrounds

- a. All retail sites and games/rides shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any street line.
- b. There shall be no more than twenty (20) individual retail sites allowed per acre.
- c. Fairground areas shall be sufficiently screened and insulated so as to protect neighboring properties from inappropriate noise and other disturbances.
- d. A maximum of one (1) permanent dwelling shall occupy the lot on a year-round basis. No other structure, including tents, travel trailers, and recreational vehicles shall be occupied on the lot for more than twenty-eight (28) consecutive days and for more than one hundred eighty (180) days in any calendar year.
- e. All waste from shower, toilet, and laundry facilities shall drain into public sewers or a sewage disposal system approved by the Borough Sewage Enforcement Officer.
- f. Any animals involved in exhibition or show must be adequately prevented from escape from the property.

21. Farmers Market

- a. At least seventy-five (75) percent of the displayed inventory of the products sold in a Farmers Market shall be farm products or value-added farm products.
- b. Unenclosed Farmers markets may operate between the hours of 7 a.m. and 9 p.m. but in no event may a market operate more than three (3) days per week. Set-up of market operations shall begin no earlier than 6 a.m. and take-down shall end no later than 10 p.m.

22. Fitness/Health Center

- a. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. All activity and operations of the Center, except parking, must be within the facility.

23. Funeral Home

- a. Evidence that the use is in compliance with all applicable federal, state, and local statutes or ordinances and required permits and licenses shall be filed with the Borough.
- b. A crematory may be permitted as an accessory use to a funeral home or mortuary provided the use complies with all provisions for a crematorium set forth in Section 404.C.15.

24. Golf Course

- a. A golf course, chip and putt course or miniature golf course may include a restaurant food stand, pro shop or clubhouse that is incidental and accessory to the principal use.
- b. No fairway, tee box or green shall be located closer than one hundred (100) feet to the property line of an existing residential dwelling or to the existing right-of-way line of any public street.

25. Government Facility – See MUNICIPAL BUILDING or FACILITY in this section.

26. Group Quarters

- a. A minimum of two hundred fifty (250) square feet of habitable floor area shall be provided for each occupant.
- b. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites.
- c. Facility operators shall be responsible for meeting all state and federal licensing and registration requirements and shall provide proof of compliance. Operators shall provide copies of all certificates and licenses to the Borough.

27. Halfway House

- a. Facility operators shall be responsible for meeting all state and federal licensing and registration requirements and shall provide proof of compliance. Operators shall provide copies of all certificates and licenses to the Borough.
- b. Any outdoor recreation areas shall be secured with a fence and adequately screened from neighboring properties.
- c. Supervisory personnel, as required by local, state or federal regulations, shall be on the premises at all times.

28. Home Occupation

- a. General
 - a. A Home Occupation may be a barber shop or beauty shop, a pet grooming business, a real estate agent's or insurance agent's office, physician offices, dental offices, attorney offices, bake shops, handcraft shops, or similar uses.
 - b. The home occupation shall be primarily conducted by members of the family who reside in the house; however, there may be no more than one (1) non-resident employee.
 - c. Home occupation activities conducted within the principal building shall not exceed twenty-five percent (25%) of the total habitable floor area of the building.
 - d. The character or external appearance of the dwelling unit must be that of a dwelling, and will not involve any dimensional alteration to any existing building.
 - e. The premises must at all times be kept neat and orderly.
 - f. No waste product will be produced other than domestic wastewater and municipal waste.

- g. The use will not result in a substantial increase in traffic.
 - h. Two (2) off-street parking spaces shall be provided for visitors and a non-resident employee, in addition to those required for the residential use.
 - i. Home Occupations such as Notary Public, insurance, tax preparation, and similar uses, where the sole employee is an occupant of the residence, shall provide one (1) off-street parking space for visitors.
- b. If the home occupation meets all of the above requirements and all of the following requirements, it shall be permitted in any zone upon receipt of a use certificate to be issued by the Borough Zoning officer.
- a. The use will not involve sale of any item not made on the premises except as incidental to the home occupation. Beauty shops, insurance agent offices, physician offices, bake shops, handcraft shops, and are examples of the type of uses which normally will meet this requirement.
 - b. The use will not involve any dimensional alteration to any existing building, use of any building constructed or placed after February 3, 1994 (Date of adoption of the Zoning Ordinance), or construction or placement of any new building.
 - c. The use will not involve any outside storage.
 - d. The use will not be one which tends to create dust, heat, glare, smoke, vibration or odors outside the building in which the use is being conducted or noise audible outside the building in which the use is being conducted. Motor vehicle repair facility is a use which tends to create noise audible outside the building in which the use is being conducted.

The applicant must include with the application for a use certificate such drawings as will enable the Zoning Officer to have an adequate record of the location and extent of the proposed use. The applicant must also supply to the Zoning Officer such information as will enable the Zoning Officer to insure that all of the above enumerated requirements as well as the requirements of Section 301.E of this Ordinance will be met. The use certificate once issued shall continue in effect as long as there is no change in the nature or extent of the use and all of the requirements of Section 301.E and this section continue to be met.

Copies of these requirements will be attached to the use certificate.

- c. If the proposed use would fail to meet one or more of the requirements of paragraphs a. or b. the use will be permitted only following application and approval as a special exception by the Zoning Hearing Board. The Zoning Hearing Board shall review the application and approve it only if the applicant establishes that all of the requirements of Section 301.E will be met and the applicant also establishes that the following additional requirements will be met:
- a. The premises will be kept neat and orderly and there will be no outdoor storage of the following:
 - i. Automobiles, busses, vans, recreational vehicles, and other vehicles of the type- required to be registered for highway operations pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered.

- ii. Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code and so registered, but not displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code.
 - iii. Discarded motor vehicle parts or accessories.
 - iv. Other trash or junk as defined in this Ordinance.
- b. The use will not involve noise audible to neighboring residents between 6:00 p.m. and 7:00 a.m. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise during the period between 7:00 a.m. and 6:00 p.m. If the Zoning Hearing Board determines that the use will involve unreasonable noise which cannot be satisfactorily reduced by insulation or other action by the applicant, the application shall not be approved.
- c. If a new building is to be constructed or placed, an existing accessory building is to be enlarged, or a building constructed or placed after February 3, 1994 (Date of adoption of the Zoning Ordinance) is to be utilized to accommodate the proposed use, the building after the enlargement or construction shall not have a ground floor area in excess of fifty (50) percent of the ground floor area of the dwelling unless the building is at least five hundred (500) feet from any neighboring residence.
- d. The use shall not create any vibrations, smoke, dust, odor, heat or glare detectable beyond the property of the owner of the use.
- d. Excepting for "home occupation" or "domiciliary care home," there may be no business use or other use involving monetary receipt to the property owner or operator of the "use" accessory to the use of a lot for residential purposes.

29. Hospital

- a. A hospital shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. A minimum of two (2) points of access in compliance with the requirements of all applicable local regulations.
- c. A hospital may include various accessory uses that are customarily incidental to and in direct support of the primary health care mission of the hospital, including but not limited to medical and administrative offices, medical laboratory or blood donor station, patient hostel and staff dormitory, ambulance service, pharmacy and gift shop.
- d. The principal and accessory uses comprising the hospital may be located in a single building or may consist of several buildings located on one (1) or more lots.
- e. The required number of parking spaces shall be the sum of the parking requirements for each separate principal and accessory use.
- f. The applicant shall furnish a traffic study based upon the expected number of vehicle trips generated from the proposed use and the current traffic volumes on roads connecting the site with arterial roads. Such study shall comply with applicable

Borough ordinances and regulations and identify any resulting traffic congestion or safety problems, as well as mitigation measures.

30. Hotel or Motel

- a. All hotels and motels with more than fifty (50) rooms shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. The height limit for principal buildings may exceed forty-five (45) feet as long as each required setback is increased in width one (1) foot for each additional foot of height over forty-five (45) feet to a maximum height of sixty (60) feet.
- c. A restaurant, meeting rooms, ballrooms and other convention type facilities may be permitted as accessory uses.
- d. Individual guest rooms and suites may include cooking appliances such as coffee makers and microwave ovens.
- e. The applicant shall furnish a traffic study based upon the expected number of vehicle trips generated from the proposed use and the current traffic volumes on roads connecting the site with arterial roads. Such study shall comply with all applicable Borough ordinances and regulations and be acceptable to the Borough Engineer; and shall identify any resulting traffic congestion or safety problems, as well as mitigation measures.

31. House of Worship

- a. Evidence that the proposed use is a bona fide nonprofit religious organization shall be filed with the Borough.

32. Junkyard, Auto Recycling Center

- a. No refuse shall be deposited and no building or structure shall be located within two hundred (200) feet of the nearest property line.
- b. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- c. All junkyards and similar uses shall be completely surrounded by an eight (8) foot high solid fence or wall. Said fence or wall shall not be located in setback areas or within required buffer areas.
- d. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a screening of evergreen trees with a minimum eight (8) foot tree planting height and a minimum planting width of twelve (12) feet between each tree. At maturity, the vegetative screen shall provide an opaque visual barrier.

33. Kennel

- a. All kennels shall fully comply with PA Act 225 of 1982 (P.L.784, No. 225, 3 P.S. Section 459-101, et seq.), known as the Dog Law, as amended.
- b. No kennel or animal shelter shall be located closer than two hundred (200) feet from any residential use.
- c. All kennels, fenced enclosures and runs shall be sufficiently screened and insulated so as to protect neighboring properties from inappropriate noise, odor and other disturbances.
- d. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a fence and vegetative screen so as to form an effective visual barrier

- consisting of a minimum six (6) foot-high wall or solid fence; and evergreen trees with a minimum five (5) foot tree planting height and a minimum planting width of twelve (12) feet.
- e. Provision shall be made for adequate disposal of animal waste.
 - f. The boarding of wild and feral animals and animal species considered to be threatened or endangered by the U.S. Fish and Wildlife Service are strictly prohibited.

34. Landfill, Sanitary; Resource Recovery Facility

- a. No refuse shall be deposited and no building or structure shall be located within two hundred (200) feet of the nearest property line.
- b. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- c. All landfills or similar uses shall be completely surrounded by an eight (8) foot high fence so constructed that no opening will be greater than six (6) inches in any dimension. Said fence shall not be located in setback areas or within required buffer areas.
- d. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a screening of evergreen trees with a minimum eight (8) foot tree planting height and a minimum planting width of twelve (12) feet between each tree. At maturity, the vegetative screen shall provide an opaque visual barrier.
- e. All landfills or similar uses shall comply with all applicable requirements of the Pennsylvania Department of Environmental Protection.

35. Laundry and/or Dry Cleaning Establishment

- a. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. All activity and operations of the Establishment, except parking, must be within the facility.
- c. Garments may be collected at off-site pick-up stations for laundering and dry cleaning in this use.

36. Manufacturing, Heavy and Light

- a. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a screening of evergreen trees with a minimum eight (8) foot tree planting height and a minimum planting width of twelve (12) feet between each tree. At maturity, the vegetative screen shall provide a semi-opaque visual barrier.

37. Medical Office or Medical Clinic

- a. A medical office or medical clinic may include administrative offices, waiting rooms, treatment rooms, pharmacies and dispensaries directly associated with the medical office or medical clinic.
- b. Services provided shall be those that do not require overnight stay.
- c. The facility shall comply with all applicable federal, state, and local regulations and shall be licensed as required by the Commonwealth of Pennsylvania.

38. Mineral Extraction and Processing

- a. All Mineral Extraction and Processing operations and facilities shall comply with the most current amendment of, but not limited to, the following statutes, as applicable:
- b. Act of May 31, 1945 (P.L.1198, No. 418), known as the “Surface Mining Conservation and Reclamation Act.”
- c. Act of December 19, 1984 (P.L.1093, No. 219), known as the “Noncoal Surface Mining Conservation and Reclamation Act.”
- d. Act of December 19, 1984 (P.L.1140, No. 223), known as the “Oil and Gas Act.”
- e. To the extent that the subsidence impacts of coal extraction are regulated by the Act of April 27, 1966 (1ST Sp. Sess., P.L.31, No. 1), known as “The Bituminous Mine Subsidence and Land Conservation Act.”
- f. All federal and state laws and statutes regulating the extraction and processing of minerals including but limited to oil and gas.
- g. Evidence of compliance to the applicable statute(s) in subsection a. shall be filed with Borough.

39. Mini-Storage/Self-Storage Facility

- a. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough’s Comprehensive Plan.
- b. Structures containing individual storage units shall be limited to one story and shall not exceed twelve (12) feet in height.
- c. Each individual storage unit shall abut a paved access drive.
- d. Access drives shall be at least fifteen (15) feet wide.
- e. No storage outside of individual units shall be permitted, except for approved vehicle storage areas.
- f. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a fence and vegetative screen so as to form an effective visual barrier consisting of a minimum six (6) foot-high wall or fence; and evergreen trees with a minimum five (5) foot tree planting height and a minimum planting width of twelve (12) feet.
- g. The use of individual storage units shall be restricted to household goods and business equipment, supplies, and records. No storage of perishable items or hazardous, explosive, or highly flammable materials, or materials that emit noxious odors shall be permitted.
- h. A self-storage facility may include an office/residence for an on-site manager/care taker as part of the principal use and shall be occupied as a dwelling by only the manager/care taker and his or her family.

40. Mixed-Use Building

- a. Where a residential use is proposed within a mixed use building, such residential use shall not be permitted on the street level floor.
- b. Each separate use within a mixed- use building shall be required to apply for separate zoning and occupancy permits.

41. Mobile Home Park - All applicable provisions of the Borough Subdivision and Land

- a. Development Ordinance and Stormwater Management Ordinance shall be met, including but not limited to roads, water and sewage.

42. Motor Freight Terminal

- a. All Motor Freight Terminals shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. A buffer yard of at least one hundred fifty (150) feet shall be provided if adjacent to a residential or institutional use or a residential zoning district.
- c. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a screening of evergreen trees with a minimum eight (8) foot tree planting height and a minimum planting width of twelve (12) feet between each tree. At maturity, the vegetative screen shall provide an opaque visual barrier.

43. Multi-Family Residential Conversion

- a. This use is prohibited.

44. Municipal Building or Facility

- a. Sufficient landscaping including trees, shrubs, and lawn shall be provided to serve as a buffer between such use and adjoining properties, and to insure an attractive appearance for the use.
- b. A park designed exclusively for passive recreational purposes shall be permitted without regard to the minimum lot area regulation of the district in which it is located.

45. Museum

- a. If located in or adjacent to a residential district, the museum shall not adversely impact the adjoining residential area in terms of traffic, vehicular access, parking, lighting, signs or any proposed outside activity.

46. Nightclub

- a. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. No nightclub shall be located within two hundred (200) feet of a residential dwelling or residential zoning district.
- c. A nightclub shall not be located within five hundred (500) feet of any public or private school, day care facility, playground or public recreation facility, or house of worship.
- d. A nightclub shall be completely enclosed within a building, with no outside music or entertainment.
- e. Nightclubs may offer the retail sale of carry-out beer as an accessory use.
- f. This use does not include an adult-regulated business as defined in Section 202.

47. Off-Track Betting Parlor

- a. The facility shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. No off-track betting parlor shall be located within two hundred (200) feet of a residential dwelling or residential zoning district.

- c. No off-track betting parlor shall be located within five hundred (500) feet of any public or private school, day care facility, playground or public recreation facility or house of worship, or any other off-track betting parlor.
- d. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein.

48. Parking Lot or Garage, Commercial

- a. The facility shall be primarily used for the parking of passenger vehicles. The parking of vehicles that weigh more than 6,000 pounds or have a manufacturer's rated seating capacity of more than fifteen (15) persons is prohibited except in the I zoning district.
- b. The facility shall not be used for the sales, repair, or servicing of automobiles.
- c. Not more than seventy-five (75) percent of the lot shall be covered with impervious surfaces.
- d. None of the paved area shall be closer than ten (10) feet from any property line, lot line or street line, except for entrance or exit driveways.
- e. To protect other vehicles and pedestrians in the immediate area, railing, fencing, posts, and chains, or similar protective barriers must be located on the perimeter of the parking areas except at access drives or exits. In addition, there shall be provided a wheel block securely anchored into the ground for each peripheral parking space.
- f. No advertising sign may be located on the facility.
- g. All parking facilities, including spaces and drive aisles shall meet the design and construction standards set forth in Section 406 of this Article.
- h. A fence or hedge no less than three (3) feet in height shall be placed sufficient to screen the surface parking lot from all streets and adjacent residential dwellings.

49. Passenger Transportation Terminal

- a. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. Passenger transportation terminals may include ticket offices, luggage checking facilities, lunch counter and similar facilities as accessory uses.
- c. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a screening of evergreen trees with a minimum eight (8) foot tree planting height and a minimum planting width of twelve (12) feet between each tree so as to form an effective visual barrier.

50. Personal Care Boarding Home

- a. Documentation shall be filed with the Borough that the facility meets the appropriate licensing requirements and all applicable local, state and federal regulations.
- b. Any outdoor recreation areas shall be secured with a fence and adequately screened from neighboring properties.
- c. Supervisory personnel, as required by local, state or federal regulations, shall be on the premises at all times.

51. Postal and Courier Services

- a. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. Except in the Industrial District, all buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a screening of evergreen trees with a

minimum eight (8) foot tree planting height and a minimum planting width of twelve (12) feet between each tree so as to form an effective visual barrier.

- a. **Public Utility**This section shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
- b. There shall be no specified minimum lot area, however, each lot shall provide front, side and rear yards in accordance with the regulations of the zone in which the building is located.
- c. Outdoor equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension. In the Residential districts, such fence must be surrounded by evergreen plantings so as to form an effective visual barrier.
- d. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the zone in which the building is located.
- e. The external design of the building shall be consistent with the predominant architecture in the district.

52. Recreational Facility (Private)

- a. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
 - b. If the recreational facility includes an accessory indoor amusement area, such use shall comply with the Amusement Establishment standards provided herein.
 - c. Where an outdoor recreational facility abuts a residential dwelling or residential zoning district, a fence and vegetative screen shall be provided so as to form an effective visual barrier consisting of a minimum six (6) foot-high wall or solid fence; and evergreen trees with a minimum five (5) foot tree planting height and a minimum planting width of twelve (12) feet.
 - d. Outdoor recreational facilities shall be permitted to operate only between the hours of 7:00 a.m. and 10:00 p.m.
 - e. All outdoor lighting shall be installed in compliance with the requirements of Section 402.E of this Article.
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- a. **Restaurants, Fast Food or Sit Down**All restaurants larger than one hundred fifty (150) seats when adjacent to, or on the same lot with a shopping center or group of commercial uses, shall use a common access with the other business establishments, if applicable.
 - b. Where a drive-thru window is proposed, a stacking lane not less than one hundred twenty (120) feet shall be provided.
 - c. A clearly delineated pedestrian walkway shall be provided between any existing sidewalk and the entrance to the restaurant.
 - d. All exterior seating areas shall be separated from all access drives and parking areas by fencing or a landscaped buffer.
 - e. Any play areas shall be completely enclosed by a minimum three (3) foot high fence.

- f. All portions of the parking area shall be adequately illuminated in compliance with the lighting standards in Section 402.E of this Ordinance.
- g. An exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- h. All signage shall comply with Section 405 of this Article.
- i. An outdoor menu board for drive-thru service shall not be considered a sign as long as its predominant use is clearly for listing food items and their costs and it is legible only to persons in the drive-thru lane.
- j. Covered trash receptacles shall be provided outside the restaurant for patron use in addition to a plan for the cleanup of litter.
- k. Outdoor storage of trash shall be within an enclosed area and screened from view of adjacent streets, dwellings or residential districts.
- l. Fast Food Restaurants, Food Stands and similar establishments shall not include the sale of alcoholic beverages.

a. **Schools - Commercial, Public and Private, Vocational-Mechanical, Trade**The following information shall be furnished:

- 1. Detailed plot plan indicating location and intended use of existing and proposed buildings, location of recreation areas, the relationship of the proposed use to existing streets and adjacent properties.
 - 2. Grade levels of the pupils to be housed in the buildings.
 - 3. Planned pupil capacity of such buildings and the contemplated eventual enrollment of the school.
- b. All buildings shall be set back at least one hundred (100) feet from any abutting property zoned for or in residential use.
 - c. All vocational activities including maintenance, repair, rebuilding, and construction training shall be conducted within a completely enclosed building.
 - d. Student loading and unloading areas shall be provided on site and arranged so that the students do not have to cross traffic lanes on or adjacent to the site.

a. **Shopping Center or Mall**The shopping center shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.

- b. All retail uses associated with the shopping center but not located within an enclosed building, such as in an interior courtyard, shall be considered a Retail Store or stores and regulated accordingly.

a. **Social Club**Evidence that the ownership of the property is by a nonprofit organization must be furnished.

- b. Hours of operation of a Social Club are limited to 7:00 a.m. and 2:30 a.m.
- c. Social clubs serving alcohol shall hold a valid license for the premise in which the establishment is located.
- d. Entertainment may be permitted as an accessory use.
- e. All activities of the Social Club, except parking, shall occur within the facility.

a. **Stable or Riding Academy, Commercial**When abutting a residential property, all stables or shelters shall be erected no less than fifty (50) feet of any side or rear property line.

- b. Stables or other shelters shall be provided for the stabling of all horses, and maintained in a sanitary manner.
- c. Outdoor illumination shall comply with the provisions of Section 402.E of this Article.
- d. All parking lots and unimproved overflow parking areas shall be set back at least ten (10) feet from abutting property lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across abutting and adjacent properties.
- e. All animal waste shall be regularly cleaned up and properly disposed of in a way that prevents objectionable odor at the site's property line.

59. Tavern, Bar and Pub

- a. In addition to taverns, bars and pubs, the use may include, but not be limited to, beer gardens, cocktail lounges, saloons, and taprooms. A nightclub, where entertainment is the primary use, shall not be included in this definition.
- b. All taverns, bars and pubs shall comply with all state and local codes regulating such establishments including but not limited to the Liquor Code (Act 21 of April 12, 1951, P.L. 90; as reenacted by Act 14 of June 29, 1987, P.L. 32, 47 P.S., Section 1-101, et seq. as amended).
- c. All taverns, bars and pubs shall hold a valid license for the premise in which the establishment is located.
- d. All taverns, bars and pubs, unless the establishment holds an Club (C), Catering Club (CC), or Extended Hours Food (EHF) license from the Pennsylvania Liquor Control Board, shall only operate between the hours of 7:00 a.m. and 2:30 a.m. the following day.
- e. No tavern, bar or pub shall contain less than three hundred (300) square feet of usable floor area.
- f. Entertainment may be permitted as an accessory use.

60. Tea Room

- a. A Tea Room shall be permitted as an accessory use by section exception within a single-family detached dwelling in the residential zones provided the following specific criteria are met:
 - 1) Staggered serving times shall occur between the hours of 10:00 a.m. – 4:30 p.m. and 6:00 p.m. – 8:00 p.m. per calendar day.
 - 2) Not more that twenty-four (24) customers shall be permitted per serving.
 - 3) Servings shall consist of lite fare.
 - 4) The serving area shall be wholly within the dwelling and comprise not more than sixty (60%) percent of the floor area of the dwelling.
 - 5) No alterations, additions, or structural changes to the dwelling shall be permitted in order to accommodate or facilitate a Tea Room, except as may be required by other applicable governmental regulations, or as deemed necessary for purposes of public safety or convenience.
 - 6) Off-street parking shall be provided for each Tea Room based upon one (1) off-street parking space for each three (3) seats provided for customer use.

61. Theater

- a. All theaters shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. When this use is adjacent to, or on the same lot with a shopping center or group of commercial uses, it shall use the common access with the other business establishments, if applicable.

62. Truck Stop/Travel Center

- a. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a screening of evergreen trees with a minimum eight (8) foot tree planting height and a minimum planting width of twelve (12) feet between each tree so as to form a semi-opaque visual barrier at plant maturity.

63. Veterinarian/Animal Hospital

- a. A minimum lot area of at least three (3) acres shall be required for all veterinarians or animal hospitals treating large animals, including but not limited to cattle, horses, and other livestock.
- b. All buildings in which animals are housed or provided care shall be located at least two hundred (200) feet from the property line of a residential dwelling or residential zoning district.
- c. Buildings shall be adequately soundproofed so that sounds outside the building will be minimized and not result in a nuisance.
- d. All accessory kennels, fenced enclosures and runs shall be sufficiently screened and insulated so as to protect neighboring properties from inappropriate noise, odor and other disturbances. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a fence and vegetative screen so as to form an effective visual barrier consisting of a minimum six (6) foot-high wall or solid fence; and evergreen trees with a minimum five (5) foot tree planting height and a minimum planting width of twelve (12) feet.

64. Warehouse/Distribution Center

- a. All such uses shall have direct vehicular access onto an arterial or collector street as designated in the Borough's Comprehensive Plan.
- b. All buffer areas adjacent to or abutting residential uses or residential zoning districts shall provide a screening of evergreen trees with a minimum eight (8) foot tree planting height and a minimum planting width of twelve (12) feet between each tree so as to form an effective semi-opaque visual barrier.

65. Wind Energy System, Small

- a. All permitted and special exception non-residential uses in the Commercial-Industrial district shall be permitted one (1) Small Wind Energy System.
- b. Small Wind Energy Systems shall comply with the following:
- c. No small wind energy system shall be located on a parcel less than forty-five thousand (45,000) square feet.
- d. All windmills, except single pole structures, shall be enclosed by a fence in compliance with Section 402.B of this Article. Such fence shall be located at least

five (5) feet from the base of such windmill. Guy wires may be located outside the fenced area if clearly marked.

- e. No small wind energy system in conjunction with a non-residential use shall be greater than 1000 kW.
- f. No small wind energy system in conjunction with a non-residential use shall be greater than one hundred eighty feet (180) feet in height.
- g. No small wind energy system in conjunction with a non-residential use shall be permitted which is designed to have any vane, sail or rotor blade to pass within thirty (30) feet of the ground.
- h. All electrical wiring leading from a windmill shall be located underground.
- i. Windmills may be located within the required rear or side yards provided they are no closer than two (2) times their height from the nearest inhabitable structure.
- j. All windmills shall be fitted with anti-climbing devices, as approved by the manufacturer(s).
- k. No signs or lights shall be mounted on a windmill, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency.
- l. The owner, licensee or operator shall annually certify to Borough that the windmill is structurally sound and remains in use.
- m. Windmills must be removed within one (1) year after cessation of use.
- n. Sufficient security in an amount to be determined by the Borough shall be posted by Performance Bond or Letter of Credit to guarantee compliance with all aspects of the removal.

SECTION 405 Signs and Signage

A. Exempted Signs. The following signs and other elements are exempted and excluded from these sign controls:

- 1. Flags of any federal, state or local government.
- 2. Interior signs not visible from a public right-of-way or adjoining property.
- 3. Cornerstones built into or attached to a wall of a building.
- 4. Official notices of any court or public office.
- 5. Legal notices posted pursuant to law.
- 6. Public service signs as aids to safety or service.

B. Permitted Signs. The types and sizes of signs shall be in accordance with the following regulations:

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Maximum Height Attached	Maximum Height Free-stand	Maximum Projection From Bldg. (Att. Sign)	Zones Permitted
P-1: All traffic signs & signals operated by the Borough.	-	-	-	-	-	All
P-2: Identification and information for public & semi-public facilities.	1 free-standing and/or 1 attached	32 square feet per lot (total).	Height of building	10 feet	12 inches	Where use is permitted

P-3: Directional signs.	1 per lot	2 square feet per sign.	Height of building	3 feet	12 inches	All
P-4: Identification sign for residential subdivision or multi-family development.	1 per development entrance or 1 per 1000 feet of road frontage	Residential Districts-20 square feet I District – 32 square feet.	-	10 feet	-	Where use is permitted
P-5: Business signs for the purpose of identification of a permitted use on the property on which the use exists (excludes complexes such as shopping centers, malls, multi-use buildings, bed and break fasts, industrial parks and individual stores or businesses within such complexes).	-	One square foot per linear foot of lot frontage, not to exceed 80 square feet.	-	18 feet	-	Where use is permitted
P-5A: Free-standing business sign.	1 per lot	1 square foot per 2 lineal feet of frontage; not to exceed 20 square feet. All residential Districts max 16 square feet.	-	15 feet	-	Where use is permitted
P-5B: Home occupation sign (attached or free-standing).	1 per lot	4 square feet.	-	3 feet	-	All
P-6: Business signs for shopping center, malls, multi-use buildings and industrial parks (complexes).	-	-	-	-	-	-
P-6A: Free-standing business sign for complex. <u>Note:</u> Individual stores or businesses are prohibited from having individual free-standing signs.	1 per street frontage	1 square foot per lineal foot of lot frontage, not to exceed 100 square feet.	-	18 feet	-	Where use is permitted
P-6B: Attached business signs for complex.	1 per street frontage of attached principal structure	1/2 square foot per lineal foot of wall onto which sign is to be affixed, not to exceed 40 square feet.	Height of building	-	12 inches	Where use is permitted

P-6C: Attached business signs for individual stores or businesses within complex.	Unlimited	1 1/2 square foot per lineal foot of building frontage, not to exceed 30 square feet maximum cumulative area for all signs.	Height of building	-	12 inches	Where use is permitted
T-1: Signs identifying architects, engineers, contractors, or others engaged in construction work on the premises where their work is processing, except that where a permit for a T-3 sign has been issued, T-1 signs shall not be permitted – sign to be removed upon completion of the work.	1 per each separate firm involved in work on the site	6 square feet per sign.	Height of building	10 feet	12 inches	All
T-2: Real estate signs on individual properties that are for sale, rent, or lease-sign to be removed within 1 week of sale, rent, or lease agreement.	1 per street frontage of the lot	6 square feet per sign for residences, 32 square feet per sign for commercial or industrial properties or vacant land.	Height of building	10 feet	12 inches	All

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Maximum Height Attached	Maximum Height Free-stand	Maximum Projection From Bldg. (Att. Sign)	Zones Permitted
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T-3: Signs announcing proposed housing developments, apartment complexes, or commercial, industrial, or other nonresidential development and including information identifying architects, engineers, contractors, financing companies, or others involved in the creation of the development. Contrary to the definition of temporary signs, these signs shall be embedded in the real estate – sign to be removed after 2 years unless the permit is renewed	1 per street frontage	32 square feet per sign.	Height of building	10 feet	12 inches	Where use is permitted and development approved
T-4: Business signs – Not to exceed 90 days aggregate in a calendar year and 30 days per use.	1 per lot (attached or free-standing)	20 square feet per sign, except attached banners, which shall not exceed 32 square feet.	Height of Building	10 feet	12 inches	All where use is permitted
T-5A, T-5B: Temporary signs announcing a special event not normally associated with a location or a location's use (does not include promotions or prices affiliated with services or merchandise normally offered for sale on premises):						
T-5A: On the site of the event – Not to exceed 30 days and sign shall be removed within 7 days following the conclusion of the event. No lot shall have a sign more than 4 consecutive times during any 12 consecutive months	1 per frontage	32 square feet	Height of building	10 feet	12 inches	All
T-5B: On a location away from the site of the event. NOT TO EXCEED 7 DAYS OF PLACEMENT AND MUST BE REMOVED IMMEDIATELY FOLLOWING THE EVENT.	-	6 square feet per sign	Height of building	10 feet	12 inches	All, with the permission of the landowner on which the sign is placed. Not on traffic or utility poles

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Maximum Height Attached	Maximum Height Free-stand	Maximum Projection From Bldg. (Att. Sign)	Zones Permitted
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T-6: Signs for a political election – signs shall be removed by the political party or the candidate within 10 days following the primary or general election to which they refer.	-	32 square feet	Height of building	10 feet	12 inches	All, with the permission of the landowner on which the sign is placed. Not on traffic or utility poles
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C. Setback of Signs.

1. No portion of a sign may be closer to a street right-of-way line than ten (10) feet, except for a sign less than three (3) feet in height or attached to a building closer than ten (10) feet to the right-of-way.
2. No sign is permitted within a Clear Sight Triangle, as provided in the Borough Subdivision and Land Development Ordinance, or at an intersection which, in the opinion of the Borough police or the Zoning Officer, will obstruct the vision of motorists.
3. No sign shall be so located or arranged that it interferes with pedestrian or vehicular traffic because of glare; blocking of reasonable sight lines for streets, sidewalks, or driveways; confusion with a traffic control device (by reason of color, location, shape, or other characteristic); or for any other reason.

D. Projection of Sign.

1. No sign may project over a street unless specifically authorized by other Borough or state regulations.
2. Wall signs shall not extend beyond the edge of any facade or other surface to which they are mounted and shall not project more than twelve (12) inches from its surface.
3. Projecting signs shall not extend more than four (4) feet from the wall or surface to which they are mounted.
4. Projecting signs shall not interfere with normal pedestrian or vehicular traffic, and shall not be less than eight (8) feet six (6) inches above the pavement of ground.

E. Illumination of Signs.

1. A sign may be illuminated only if the lighting is so screened and shielded that it is not directed or reflected toward any abutting property, and so it does not distract or obstruct the vision of motorists or pedestrians.
2. Nameplate signs displaying the name and address of the occupant of a dwelling, or dwelling unit, and signs identifying a permitted home occupation displaying the name, profession or activity shall not be internally illuminated or illuminated by any lighting having a total wattage of more than one hundred (100) watts.
3. Temporary work signs of architects, builders, contractors, developers, engineers, painters and similar artisans shall not be illuminated.

F. Prohibited Signs. The following types of signs and/or sign design features are prohibited in all districts.

1. Signs that imitate official traffic signs or signals or other governmental signs that use the words “stop,” “caution,” or “danger,” that use red, green, or yellow lights resembling traffic signals, or that resemble traffic control signs in terms of size, shape, or color.

2. Signs that advertise products or services that are in any way illegal.
3. Signs that include words, phrases, or pictures that are considered to be vulgar, obscene, or pornographic.
4. Animated, flashing, reflective and rotating signs or signs that incorporate other mechanical movements.
5. Artificially lighted signs with light sources which create glare beyond the property line, including neon lights and LED lights.

SECTION 406 Off-Street Parking and Loading

A. General Requirements.

1. All non-motorized vehicles not attached to a motorized vehicle including but not limited to trailers, all non-registered and non-licensed vehicles, and all vehicles exceeding 3 tons gross vehicle weight rating (larger than a car, pickup truck, or SUV) shall park in off-street spaces.
2. Off-street parking spaces shall be required when a new building or use is established, when an existing building or use is altered, enlarged, or expanded so as to require additional parking, and when an existing building or use is changed to a different use that requires additional parking.
3. Parking lots shall be utilized to provide required off-street parking for every use except a single-family or two-family dwelling, as applicable, and in accordance with Section 406.B.
4. Areas used for vehicle fueling, vehicle washing, or performing other vehicle-related services shall not count toward required parking spaces.
5. Required spaces shall be provided on the same lot as the use requiring the spaces, except where common shared parking is provided.
6. Common shared parking areas. Two (2) or more uses may provide for required parking in a common parking lot. The number of spaces required in a common parking facility shall be reduced in accordance with the following:
 - a. Parking shall be reduced where multiple buildings, structures or uses are on the same site or on contiguous sites, have a common parking lot, share customers or have different times of peak usage.

The applicant shall demonstrate that the hours of peak parking needed for the individual uses are staggered to the extent that a lower total of parking spaces will adequately provide for all uses served by the facility.
 - b. The number of spaces required in a common parking facility shall be reduced by not less than ten percent (10%) and not more than twenty-five percent (25%) below the total for each independent use.
 - c. A written agreement shall be executed between the record owners of all of the buildings, structures or uses involved and all of the parking areas involved guaranteeing the availability of all parking areas including remote parking areas for the life of the proposed buildings, structures and/or uses.

7. Irrespective of 406.A.5 above, individual uses within a development consisting of two (2) or more uses may maintain off-street parking independent of other uses subject to the granting of a special exception by the Zoning Hearing Board.
 - a. Required parking shall be calculated for each independent use, and the sum total number of required parking spaces for each separate use shall be provided.
8. Where the computation of required parking spaces results in a fractional number, the fraction of one-quarter ($\frac{1}{4}$, 0.25) or more shall be counted as one (1) space.
9. Off-street parking spaces shall be required in accordance with the table in Section 406.B of this Article. Any use not specifically listed in this Section shall comply with the most similar use listed.

10. Parking Location

- a. Off-street parking lots shall not be located between the principal building and the street right-of-way, except in the I District in which no more than twenty-five (25) percent of the required parking spaces may be located in front of the building.

All handicap-accessible spaces shall be located in, and count towards, the number of parking spaces permitted to be placed between the principal structure and the primary road right-of-way.
- b. Parking lots are prohibited from being located within the landscaped buffer, as established by this Section, along adjoining public roads.
- c. Where parking lots within a development are visible from adjoining public roads, appropriate visual treatments shall be provided to minimize the view of such parking lots. Appropriate visual treatments may include vegetative screens, earthen berms, and/or other visual treatments.

B. Required Parking. Unless otherwise regulated in this Section or elsewhere in this Ordinance, the following parking spaces are required.

1. Required Parking Table

Use	Required Parking Spaces
Accessory Dwelling Unit	1 per dwelling unit
Accessory Structures and Uses	None beyond those required by the Principal Use
Adult Regulated Business	1 per 250 sq. ft. gross floor area
Agricultural Operations	1 per employee
Airport or Airstrip	1 per employee plus 1 per 4 stored aircraft on-site
Alternative Energy System	None beyond those required by the Principal Use
Amusement Establishment	1 per employee plus 1 per every 2 game tables or amusement devices plus bicycle rack with space for 2 bikes per device or table
Apartment House	1.5 per dwelling unit

Use	Required Parking Spaces
Appliance/Equipment Repair	1 per employee plus 1 per 250 sq. ft. gross floor area
Automobile and Motor Vehicle Fueling, Sales, Service and Repair Establishments	1 per service bay plus 2 for each employee
Bed and Breakfast	1 per guest room plus 2 required for dwelling
Boarding House, Rooming House or Lodging House	1 per guest room plus 2 required for dwelling
Business Office	1 per 300 sq. ft. gross floor area
Camp or Campground	1 per employee, plus 1 10' X 30' space at each campsite
Car Wash	1 per service bay
Care Facilities	1 per employee plus 1 per 250 square feet of facility plus (adult only) 1 per resident/patient
Cemetery	1 per employee
Club Room, Club Grounds, or Meeting Hall	1 per employee plus 1 per 200 sq. ft. gross floor area
Communication Tower and/or Antenna	1 space per tower
Community Center	1 per employee plus 1 per 200 sq. ft. gross floor area
Convenience Store	1 per 150 sq. ft. gross floor area
Cottage Industry	1 per non-resident employee +2 for visitors + 2 for dwelling
Crematorium	1 per employee
Drive-Thru Facility	None beyond those required by the Principal Use
Dwelling, Single Family	2 per dwelling unit
Dwelling, Two Family	2 per dwelling unit
Dwelling, Multi-Family	1.5 per dwelling unit
Dwelling Unit, Accessory	1 space
Electric Generation Facility	1 per employee
Emergency Services	1 per employee on largest shift and 1 for each service vehicle
Fairgrounds	50 per acre
Farmers Market	1 per 300 sq. ft. gross floor area or 1 per booth, whichever is greater
Farm Supply and Equipment Sales	20% of sales area to be reserved for customer parking, plus 1 for each employee
Financial institution	1 per 300 sq. ft. gross floor area
Fitness/Health Center	1 per 300 sq. ft. gross floor area

Use	Required Parking Spaces
Forestry	1 per employee on largest shift and 1 for each service vehicle
Funeral Home	1 per 100 sq. ft. gross floor area, plus 1 for each vehicle retained on-site
Game & Fish Preserve	2 per 5 acres
Garage, Carport	None beyond those required by the Principal Use
Golf Course	4 per hole plus 1 per employee; see 406.B.2 for banquet or meeting rooms
Government Facility	1 per 300 sq. ft. gross floor area
Group Quarters	1 per employee and 1 per 4 residents
Halfway House	1 per employee and 1 per 4 residents
Hardware Store	1 per 400 sq. ft. gross floor area
Home Occupation	See Home Occupation in §404.C.26
Hospital	1 per 2 beds plus 1 per 2 employees on largest shift plus 1 space per doctor
Hotel or Motel	1 per guest room plus those required for restaurant, if provided. See 406.B.2 for banquet or meeting rooms
House of Worship	1 per 4 seats or 8 linear feet of pews
Hunting or Fishing Camp	2 per dwelling unit
Junkyard; Auto Recycling Center	1 per employee, plus 4 for customers
Kennel	1 per 5 boarding kennels, plus 1 for each employee of the largest shift
Landfill, Sanitary; Resource Recovery Facility	1 per employee
Laundry and/or Dry Cleaning Establishment	1 per 200 sq. ft. of floor area available to public
Library	1 per 300 sq. ft. of gross floor area, plus 1 for each employee
Live-Work Unit or Live-Work Space	1 per largest occupancy
Lumber Yard; Home and Building Supply Center	1 per 400 sq. ft. of gross floor area, plus 1 for each employee
Manufacturing, Heavy or Light	1 per employee on largest shift
Medical Office or Medical Clinic	6 spaces for each physician, dentist, etc.
Mineral Extraction and Processing	1 per employee on largest shift
Mini-storage/Self-Storage Facility	1 per employee, plus 1 per 25 storage units
Mixed Use Building	Calculated for each use
Mobile Home Park	2 per dwelling unit

Use	Required Parking Spaces
Motor Freight Terminal	1 per employee on largest shift, or 1 for each 1,000 sq. ft. of gross floor area, whichever is greater
Multiple Use Building	Calculated for each use
Municipal Building or Facility	1 per 300 sq. ft. gross floor area; 2 per acre park or playground area
Museum	1 per 1000 sq. ft. of gross floor area, plus 1 for each employee
Nightclub	1 per 100 sq. ft. gross floor area
No Impact Home-Based Business	None beyond principal use
Off -Track Betting Parlor	1 per 250 sq. ft. gross floor area
Office, Professional	1 per 300 sq. ft. gross floor area
Parking Lot or Garage, Commercial	1 per employee
Passenger Transportation Terminal	1 per 4 seats in waiting area plus 1 per employee
Personal Care Boarding House	1 per employee on largest shift plus 1 per resident room
Personal Services	1 per 300 sq. ft. gross floor area plus 1 for each employee
Postal and Courier Services	1 per 250 sq. ft. retail floor area plus 1 for each employee
Printing and Publishing	1 per employee on largest shift
Produce Stands	1 per 200 sq. ft. of gross floor area, minimum 4
Public Utility	1 per employee on largest shift
Recreation Facility (Private)	1 per 300 sq. ft. gross indoor floor area, and/or 4 per acre outdoor area, plus 1 for each employee
Research and Development	1 per employee on largest shift
Restaurant, Fast Food or Sit Down	1 per 4 seats plus 1 for each employee on largest shift
Retail Store	1 per 200 sq. ft. of retail floor area plus 1 for each employee on largest shift
School, Commercial	Staff member plus 1 space per 3 students of projected building capacity
School, Public or Private	Staff member plus 1 space per 6 students in an elementary or junior high school and 1 space per 3 students of projected building capacity in a senior high school, college
School, Vocational-Mechanical-Trade	Staff member plus 1 space per 3 students of projected building capacity
Senior Citizen Center	1 per 300 sq. ft. gross floor area

Use	Required Parking Spaces
Sheds, Garden and Tool Storage; Greenhouses	None beyond principal use
Shopping Center or Mall	1 per 200 sq. ft. of gross leasable floor area
Social Club	1 per 300 sq. ft. gross floor area
Stable or Riding Academy, Commercial	1 per every 2 stalls plus 1 per each 4 seats of spectator seating
Storage	None beyond principal use
Swimming Pool	None beyond principal use
Tavern, Bar, Pub	1 per 4 seats plus 1 for each employee on largest shift
Tea Room	1 per 3 seats
Theater	1 per 3 seats plus 1 for each employee on largest shift
Trail	1 per projected user
Truck Stop/Travel Center	1 per 4 seats plus 1 for each employee on largest shift
Veterinary office or Animal Hospital	1 per each employee not a veterinarian, plus 3 for each veterinarian
Warehouse/Distribution Center	1 for each employee on largest shift
Wind Energy System, Small	None beyond principal use

2. All unspecified places of assembly including but not limited to accessory conference, banquet and meeting rooms shall provide one (1) off-street parking space for each two (2) occupants to maximum occupancy.

C. Design Standards. All off-street parking areas shall be designed to meet the following standards.

1. All off-street parking spaces for single-family and two-family dwellings shall be paved with a durable material such as concrete, asphalt, brick or stone pavers, or gravel. Gravel is not acceptable for driveways and off-street parking spaces located within the front yard area.
2. Where five (5) or more parking spaces are required under Section 406.B.1 or elsewhere in this Ordinance, such parking spaces, when contiguous, shall be considered a parking lot.
3. All off-street parking lots shall be paved so as to provide a durable and dust-free surface. Acceptable paving materials include concrete, asphalt and pavers. The use of pervious paving materials is encouraged. All entrance and exit drives shall be paved in accordance with Borough specifications.
4. All parking lots shall be graded to provide for the adequate drainage of storm water from the parking lot. The Borough Engineer shall be afforded the opportunity to review and comment on the grading plan for any parking lot.

5. Customers and service traffic shall be separated whenever possible. Loading and unloading areas shall be located so as not to interfere with customer or employee parking areas.
6. The following landscaping regulations shall apply:
 - a. A landscaping strip of no less than five (5) feet in width shall be provided along the perimeter of all off-street parking lots as described in 406.C.2 above. Such landscaping strips may be located within the required setback areas.
 - (1) At least one (1) tree shall be planted at thirty (30) foot intervals within the perimeter landscaping strip.
 - (2) In instances where parking facilities are shared by adjoining uses, the perimeter landscaping strip shall be applied to the entire parking lot rather than on individual lots.
 - b. Within each landscaping strip shall be planted a mixture of two (2) or more of the following types of vegetation: grass, shrubs, flowering plants, or appropriate street trees.
 - c. Suitable breaks in the landscaping strip shall be permitted for access drives to or from a public street.
 - d. All off-street parking lots containing twenty-five (25) or greater parking spaces shall provide a terminal island at both ends of all rows of parking spaces. Each terminal island shall measure at least five (5) feet in width and shall be no less than three-fourths (3/4) the length of the parking rows.
 - (1) Each terminal island shall include at least one (1) tree, with the remaining area landscaped with appropriate ground cover or grass.
 - e. Minimum Tree Standards: All required trees shall be a minimum of eight (8) feet in height and shall have a minimum caliper of two (2) inches immediately upon planting. The caliper is to be measured “diameter at breast height (dbh)”. Tree species shall be native and have a minimum height when mature of twenty-five (25) feet.
 - f. Maintenance: The applicant shall, within any landscape area, replace any tree or ground cover which dies with another tree or ground cover of the same or similar species, within one (1) year of the death of the original tree or ground cover.
7. All parking lots shall be provided with curbs or wheel or bumper guards so located and arranged that no part of any parked vehicle will extend beyond the boundaries of the parking lot into the public right-of-way.
8. Each parking space shall not be less than nine (9) feet wide by eighteen (18) feet long.
9. All spaces shall be delineated with painted lines or an approved equivalent durable delineation material and shall be maintained so that all parking spaces are clearly marked.
10. All parking lots shall comply with applicable current requirements of the Americans with Disabilities Act (ADA) of 1990, as amended.
 - a. One (1) in every eight (8) parking spaces, but not less than one (1) space, must be van accessible, with a designated handicap sign and an access aisle at least eight (8) feet wide.

- b. All accessible parking spaces shall comply with the minimum parking space design standards set by the ADA.
- c. All accessible parking spaces shall be identified with a sign.
- d. The access aisle shall be level (1:50 maximum slope in all directions), be the same length as the adjacent parking space(s) it serves and must connect to an accessible route to the building. Ramps must not extend into the access aisle.
- e. Two (2) accessible parking spaces may share an access aisle.

D. Off -Street Loading Requirements.

1. Off-street loading and unloading space(s), with proper and safe access from street or alley, shall be provided on each lot where it is deemed that such facilities are necessary to adequately serve the use within the district. Each loading and unloading space shall have the following characteristics:
 - a. Shall be at least fourteen (14) feet wide, eighty (80) feet long, and shall have at least fifteen (15) feet of vertical clearance.
 - b. Shall provide adequate maneuvering room in compliance with all provisions of this section.
 - c. Shall have a paved surface and adequate drainage to provide safe and convenient access during all seasons.
 - d. Shall not be constructed between any street right-of-way and front setback line.
2. Required off-street parking spaces, (including access drive and aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.
3. Loading and unloading facilities shall be designed so that trucks need not back into or out of, or park in, any public right-of-way.
4. No truck shall be allowed to stand in a right-of-way, an automobile parking area (including access drives and aisles), or in any way block the effective flow of persons or vehicles either on or into and out of the property.
5. Loading areas are prohibited from being located within any required landscaped buffer.
6. All loading areas visible from a residential property or residential zone shall provide screening consisting of evergreen trees with a minimum eight (8) foot tree planting height and a minimum planting width of twelve (12) feet between each tree so as to form an effective visual barrier.

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

SECTION 501 Zoning Permits

- A. A zoning permit, certifying compliance with this Ordinance must be obtained from the Zoning Officer for any new structure as stated below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established:
1. Use of a structure erected, structurally altered or extended, demolished, or moved after the effective date of this Ordinance.
 2. Use of vacant land except for agricultural purposes.
 3. Any change in a conforming use of a structure or land.
 4. Any change from a nonconforming use of a structure or land to a conforming use.
 5. Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.
- B. The applications for a zoning permit must include a statement of the intended use and any existing use of the structure or land.
- C. A site plan shall be required for the alteration, construction and demolition of any building or structure. A site plan shall be drawn at a scale no less than fifty (50) feet to one inch and include, at a minimum:
1. The location and dimensions of the lot.
 2. Locations, dimensions and uses of existing and proposed structures and yards on the lot, and the location of structures on adjacent/abutting properties.
 3. The names and location of all abutting streets and other rights-of-way.
 4. Location, size and dimension of all existing and proposed off-street parking and loading areas, driveways and access drives.
 5. The size, dimensions and location of all existing and proposed signs and signage.
- D. Duration of Permit. The permit continues in effect as long as the use of the structure or land for which it is granted conforms to this Ordinance.
1. Work on the proposed construction or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the zoning permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Time extensions shall be granted only if a written request is submitted by the applicant who sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.

SECTION 502 Enforcement - Zoning Officer

- A. Appointment and Powers: For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed by the Borough Council. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. The Zoning Officer is the enforcement officer for this Ordinance, issuing all zoning permits, use certificates, and at direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures together with the reasons why they were identified as nonconformities. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with consent of the owner.
- B. Forms. The Zoning Officer must provide a form or forms approved by the Borough Solicitor for:
1. Zoning permits.
 2. Special exceptions.
 3. Use certificates.
 4. Appeals.
 5. Variances.
 6. Registration of nonconforming uses and nonconforming structures.
- C. Transmittal of Papers. Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Borough Council, copies of all papers constituting the record upon the special exception, variance, or appeal.
- D. Action on Zoning Permits. Within ten (10) business days, except for holidays, after receipt of an application for a zoning permit, the Zoning Officer must grant or refuse the permit. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a permit to that effect. Otherwise, he must state in writing the grounds of his refusal.
- E. Revoking Permits/Approvals. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of a fact in an application or on the plans on which the permit or approval was based. Any permit issued in error shall in no case be construed as waiving any provision of this Ordinance and such permit may be revoked.
- F. Enforcement. Upon determining that a violation of any of the provisions of this Ordinance exists, the Zoning Officer must send an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Borough intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
4. The date before which the steps for compliance must be commenced within fifteen (15) days of issuance of notice and the date before which the steps must be completed within forty-five (45) days of issuance of notice.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within fifteen (15) days of issuance of said notice in accordance with procedures set forth in Article VI.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation in accordance with Section 506 of this Ordinance.

G. Records. The Zoning Officer must keep record of:

1. All applications for zoning permits, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
2. All complaints of violations of provisions of this Ordinance and the action taken on them.
3. All plans submitted.
4. Nonconforming uses and nonconforming structures.

All such records and plans shall be available for public inspection.

H. Reports. At intervals of not greater than monthly, the Zoning Officer must report to the Borough Council:

1. The number of building permits and use certificates issued.
2. The number of complaints of violations received and the action taken on these complaints.

SECTION 503 Nonconforming Uses and Structures

- A. Continuation. Any lawful use of a structure or land or any lawful structure existing at the effective date of this Ordinance may be continued, although such use or structure does not conform to the provisions of this Ordinance.
- B. Extensions. A nonconforming use or a nonconforming structure may be expanded to an area equal to no more than twenty-five percent (25%) of the existing nonconforming use or nonconforming structure, whichever is the lesser. Nonconforming uses or nonconforming structures created by variance shall not be permitted to expand.

- C. Nonconforming lots of record. In any district in which single-family houses are permitted, a single-family house and customary accessory buildings may be erected on any lot of record in existence at the effective date of this article. In any appeal or application by an applicant to the Zoning Hearing Board, consideration shall be given by the Zoning Hearing Board as to the desirability and feasibility of merging the lots for purposes of this Ordinance when two (2) or more nonconforming lots have contiguous frontage and are in single ownership and are being used as one (1) lot.
- D. Substitution or Replacement. Any nonconforming use may be substituted or replaced by another nonconforming use by Special Exception granted by the Zoning Hearing Board, so long as the Zoning Hearing Board determines that the proposed use is, at a minimum, equally compatible with and not detrimental to the surrounding area and neighborhood as the original nonconforming use. Furthermore, any proposed substitution or replacement of a nonconforming use shall not increase any dimensional nonconformity. In granting a Special Exception, the Zoning Hearing Board may attach such conditions as are reasonable and necessary to maintain the use as compatible with the surrounding area and neighborhood.
- E. Abandonment. If the non-conforming use of a structure or land ceases for a period of two (2) years or more, subsequent use of a structure or land shall be in conformity with the provisions of this Ordinance.
- F. Restoration.
1. Any nonconforming structure that has been damaged or destroyed by fire, windstorm, lightning or by other means, deemed to be not the fault of the owner, may be reconstructed, subject to the limitations and requirements of this Section and any nonconforming use which had been utilizing a nonconforming structure which is damaged or destroyed, as aforesaid, may be continued, subject to the limitations and requirements of this Section. Anything in this Section to the contrary notwithstanding, a request for a building permit must be submitted to the Borough within one year (1) from the date of damage or destruction. Thereupon, restoration shall be completed within two (2) years from the date of damage or destruction. As to a non-conforming use which had been utilizing the structure that was damaged or destroyed, as aforesaid, it must be continued on the land within two (2) years of the date of damage or destruction; otherwise, the use of such land or any restoration of a structure shall be in conformity with the provisions of this Ordinance.
 2. Unless reconstructed in accordance with and in strict compliance with the provisions of this Ordinance, any rebuilding of a nonconforming structure must be reconstructed within, and not to exceed, the "footprint" of the structure that has been destroyed.
 3. No rebuilding shall be undertaken, as provided herein, until plans for rebuilding have been presented and approved by the Borough's Building Code Official and the Borough Zoning Officer.
 4. Restoration regulations shall not apply to single-family homes which may be restored by right. However, where reasonably possible, the property shall be reconstructed to come into compliance with the dimensional requirements of this ordinance.

G. Nonconforming use of open land. Regardless of anything in this Section to the contrary notwithstanding and regardless of the definition of “structure” as set forth in Article II, or otherwise in this Ordinance, all nonconforming signs, billboards, junk storage areas and similar nonconforming use of land, when discontinued for a period of ninety (90) days or damaged to an extent of seventy-five percent (75%) or more of replacement costs, shall not be continued, repaired or constructed.

SECTION 504 Amendments

- A. The Borough Council may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance.
- B. Public Hearing(s). Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. If after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice before proceeding to vote on the amendment.
- C. County Planning Commission Review. At least thirty (30) days prior to the hearing on any amendment by the Borough Council, the Borough shall submit the proposed amendment to the County Planning Commission for recommendations.
- D. Amendments Involving Zoning Map Changes. If the proposed amendment involves a zoning map change, notice of the required public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected parcel or area shall be posted at least one (1) week prior to the date of the hearing. In addition to the requirement that notice be posted, notice of the public hearing shall be mailed by the Borough at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real tax bills are sent for all real property located within the area being rezoned. The notice shall include the location, date and time of the public hearing.
- E. Enactment of Amendments.
 - 1. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once each week for two successive weeks in one (1) newspaper of general circulation in the Borough. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days prior to the meeting to consider passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not advertised, then:
 - a. If requested, a copy thereof shall be supplied to the newspaper in general circulation in the Borough at the time the public notice is published;
 - b. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County offices designated by the County Commissioners, who may impose a

fee no greater than that necessary to cover the actual costs of storing the Ordinance;
and

- c. A copy thereof shall be maintained at the Borough office.
 2. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Borough Council shall hold another public hearing pursuant to public notice.
 3. Within thirty (30) days after enactment of any amendment to the Zoning Ordinance, a copy of the amendment shall be forwarded to the County Planning Commission.
- F. Landowner Curative Amendments. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, as amended.
- G. Municipal Curative Amendments. If the Borough determines that its Zoning Ordinance or any portion thereof is substantially invalid, the Borough shall declare by formal action, its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity as provided for and in accordance with the procedures set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, as amended.

SECTION 505 Fees

The Borough Council shall by resolution establish fees for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, and use certificates. The fee schedule shall be available at the Borough Office for inspection.

SECTION 506 Appeals

Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, Borough Engineer, Zoning Hearing Board or Borough Council may appeal in the manner set forth in either Article IX or X-a of the Pennsylvania Municipalities Planning Code, as amended, whichever is applicable.

SECTION 507 Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Borough Council or, with approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough Council at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough. No such action may be maintained until such notice has been given.

SECTION 508 Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provision of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Magistrate. 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 the District Magistrate determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was not such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Magistrate and thereafter each day that a violation continues shall constitute a separate violation.

All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Borough.

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ARTICLE VI
ZONING HEARING BOARD

SECTION 601 Powers and Duties

A. Membership of Board.

1. The membership of the Board shall consist of three (3) residents of the Borough appointed by resolution of the Borough Council. The membership of the Board may, upon the determination of the Borough Council, consist of either three (3) or five (5) residents of the Borough appointed by resolution of the Borough Council. The terms of office of a three (3) member board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law. The Borough Council shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this subsection. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.
2. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provision of Subsection B, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Section and as otherwise provided by law. Alternates shall hold no other office in the Borough. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the Pennsylvania Municipalities Planning Code, as amended, unless designated as a voting alternate member pursuant to Subsection B.
3. The Borough Council may remove any member of the Zoning Hearing Board for malfeasance, misfeasance or nonfeasance in office or for other just cause, by a majority vote. The Zoning Hearing Board member shall receive fifteen (15) days advance notice prior to the meeting of the intent to take such a vote. The hearing shall be held in connection with the vote if the Zoning Hearing Board member shall make written request for the hearing.

B. Organization of Board.

1. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any

hearing on its behalf and the parties may waive further action by the Board as provided in Section 602.

2. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
 3. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council, once a year.
- C. Powers. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:
1. Substantive challenges to the validity of any land use ordinance except those brought before the Borough Council pursuant to Sections 609.1 and 916.1(a)(2) of the MPC.
 2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Borough and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 4. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of the Zoning Ordinance and Floodplain Ordinance or such provision within a land use ordinance.
 5. Applications for variances from the terms of the Zoning Ordinance and Floodplain Ordinance or such provisions within a land use ordinance, pursuant to Section 603.
 6. Applications for special exceptions under the Zoning Ordinance or Floodplain Ordinance or such provision within a land use ordinance, pursuant to Section 604.
 7. Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Opinion, of the Pennsylvania Municipalities Planning Code, as amended.
 8. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same related to development not involving Subdivision and Land Development or Planned Residential Development applications.

D. Board Calendar. Each application or appeal filed in the proper form with the required data must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. A hearing must be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.

SECTION 602 Public Hearings

A. Notice; Conduct of Meeting.

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, all adjoining property owners and to any person who, at least fifteen (15) days prior to the scheduled hearing date, has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of the hearing shall be conspicuously posted on the affected parcel of land at least one (1) week prior to the hearing.
2. The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation of the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
3. The first hearing shall be commenced within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearing may apply to the court of common pleas for judicial relief. The hearing shall be completed no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas.
4. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision of the hearing officer as final.
5. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
6. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

B. Representation; Statements.

1. Parties to the hearings shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
2. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
3. Statements are to be made in the following order or as the Chairman may direct:
 - a. Applicant or appellant.
 - b. Zoning Officer and other officials.
 - c. Any private citizen.
4. The applicant or appellant must be given an opportunity for rebuttal.

C. Witnesses. The Chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

D. Decision Procedure.

1. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make its report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to commence or complete as required of Section 602.A of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein-above provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection A of this Section. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

2. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
 3. Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the conditions or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.
- E. Records. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

SECTION 603 Variances

A. Filing of Variance.

1. An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Borough Council. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board of the variance, whether such information is called for by the official form or not.
2. Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within six (6) months from the date of the authorization of the variance.

B. Standards for Variance. Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made where relevant in a given case:

1. There are unique physical circumstances or conditions, including (a) irregularity, narrowness, or shallowness of lot size or shape, or (b) exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
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 that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. The unnecessary hardship has not been created by the applicant.
 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.
 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. Conditions. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.
- D. Granting of Variance and Public Notice. The Zoning Hearing Board's decision to grant a variance shall be made only after public notice and public hearing in accordance with the provisions of Section 602 of this Ordinance.

SECTION 604 Special Exceptions

A. Filing of Special Exceptions.

1. For any use or activity permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the zoning permit application, the special exception application must show:
 - a. Ground floor plans and elevations of proposed structures.
 - b. Names and addresses of adjoining property owners.
2. Unless otherwise specified or extended by the Zoning Hearing Board a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months of the date of the authorization of the special exception.

B. Temporary Special Exceptions: A temporary special exception may be granted for the following uses:

1. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which
 - a. Is beneficial to the public health or general welfare, or
 - b. Is necessary to promote the proper development of the community, or
 - c. Is seasonal in nature.
2. A temporary special exception may be issued for a period not exceeding one (1) year, and may be renewed for an aggregate period not exceeding three (3) years. All applications for renewal shall be submitted at least thirty (30) days prior to the expiration of the permit. The nonconforming structure or use must be completely removed within thirty (30) days of the expiration of the special exception, or failure of the use to conform with the special exception conditions, without cost to the Borough.

C. Conditions. The Zoning Hearing Board in passing upon special exception applications may attach reasonable conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same district.

- D. Application of Extent of Use Regulations. The extent-of-use regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.
- E. General Standards. A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
1. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the district; and
 2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and
 3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and
 4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
 5. That the specific standards set forth for each particular use for which a special exception may be granted have been met.

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

- F. Special Standards. In addition to the general standards for all special exceptions as contained in this Section the specific standards for particular uses as listed in Article IV must be met prior to the granting of a special exception.
- G. Granting of Special Exception and Public Notice. The Zoning Hearing Board's decision to grant a special exception shall be made only after public notice and public hearing in accordance with the provisions of Section 602 of this Ordinance.

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ARTICLE VII

VALIDITY AND ENACTMENT

SECTION 701 Validity

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

SECTION 702 Repealer

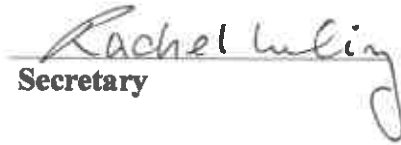
All Borough of Mount Wolf Ordinances or parts thereof in conflict with this Zoning Ordinance or inconsistent with the provision of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 703 Effective Date

Upon publication and adoption, the effective date of this Ordinance shall be five (5) days after the date of adoption of this Ordinance.

ORDAINED AND ENACTED by the Borough Council of Mount Wolf, York County, Pennsylvania in lawful session duly assembled, this 24th day of January 2023.

Attest:


Secretary

MOUNT WOLF BOROUGH COUNCIL

By: 
Darryl Main, President

(SEAL)

Approved this the 24th day of January, 2023.

By: 
Maureen Starnes, Mayor