

## CHAPTER 27

### ZONING

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Part 1

General Provisions

A. General Regulations.

Provided For.

1. Short Title. This Chapter shall be known and may be cited as the "Terre Hill Borough Zoning Ordinance of 1976."

2. Purpose. This Chapter is enacted to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers. This Chapter is enacted in accordance with the overall planning program, and with consideration for the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures.

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

4. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Borough.

5. Conflict. It is not intended by this Chapter to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Chapter, provided that where this Chapter imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of building, or prescribes larger open spaces than are required by the provisions of such ordinance, enactment, rule, regulation or permit, then the provisions of this Chapter shall control.

6. Uses Not Provided For. Whenever, in any district established under this Chapter, a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit or deny the use. In rendering such decision, the burden of proof shall be upon the applicant to show that the

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proposed use is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Chapter.

(Ord. 9/-11976, §101)

§102. Establishment of Districts.

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

A. Residential.

R-1 Low Density Residential District

R-2 Medium Density Residential District

R-3 High Density Residential District

B. Commercial.

C-N Neighborhood Commercial District

C. Industrial.

I-L Limited Industrial District

I-2 Industrial District [Ord. 3-1986]

2. Zoning Map. The areas within the Borough of Terre Hill, as assigned to each district and the location of the districts established by this Chapter, are shown upon the Zoning Map, which together with all explanatory matter thereon is declared to be a part of this Chapter and is on file in the Borough office. [Ord. 5-1993]

3. District Boundary Lines. District boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of streets and alleys existing at the time of passage of this Chapter, the corporate boundary of the Borough or as dimensioned on the Map. In the event of dispute about the location of the boundary of a district, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board. Where the district boundary line divides a lot which was in single and separate ownership at the time of passage of this Chapter, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations for either adjacent zoning district into the other zoning district, for a distance not to exceed fifty (50') feet beyond the district boundary line. [Ord. 5-1993]

(Ord. 9/-11976, §102; as amended by Ord. 1986-3, 12/14/1986, §2; and by Ord. 5-1993, 11/23/1993)

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

A. Maintain and improve the existing residential character of the Borough.

B. Insure that the varied land uses within the Borough are logically located in their relationship to one another.

C. Provide for realistic population densities as appropriate to the Borough's existing residential character, public sewage and water service capabilities, and environmental determinants.

D. Insure the efficient movement of traffic.

E. Provide adequate public utilities, protection, open space, privacy, services, and facilities and in the most efficient manner.

F. Stimulate the local economy by encouraging controlled and appropriate commercial and industrial growth.

G. Encourage and promote the provisions of a wide range and variety of housing types to meet the needs of all Borough residents, including newly-formed households, growing families, and senior citizens.

H. Coordinate the kinds and intensities of land uses with regional and neighboring comprehensive planning objectives.

(Ord. 9/-/1976, §103)

§104. Definitions. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated. Words in the singular include the plural, and those in the plural indicate the singular.

ACCESSORY BUILDING - a subordinate building or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

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

ACT - the Pennsylvania Municipalities Planning Code of July 31, 1968, 53 P.S. §10101, etIma. (Act No. 247), as amended. [Ord. 5-1993]

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

(1) ADULT BOOKSTORE - any establishment or place:

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(a) which has a substantial or significant portion of its stock in trade consisting of the following items:

(i) books, magazines, or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas; and/or

(ii) instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or

(b) to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas.

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

(3) MASSAGE ESTABLISHMENT - any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

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

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

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

BED AND BREAKFAST - a single family dwelling occupied by the owner of the premises, converted to contain additional rooms for transient traveling by motor vehicles, and providing meal service to such transients on the premises. [Ord. 5-1993]

BOARD - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 5-1993]

BOARDING HOUSE - a building or portion thereof arranged or used for sheltering or feeding, or both, for compensation, more than five (5) and not more than ten (10) individuals.

BOROUGH - the Borough of Terre hill.

BUILDING - any structure with a **roof** intended for shelter or enclosure of persons, animals or property.

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

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

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

CARTWAY - the surface of a street or alley available for vehicular traffic.

CERTIFICATE OF USE AND OCCUPANCY - a certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.

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

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

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not

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including streets, off-street parking areas, and areas set aside for public facilities. (Ord. 5-1993)

COMMUNITY UTILITY - for purposes of this Chapter the term "community utility" shall refer to a building, structure or use or extension thereof which is operated, owned or maintained by a public utility corporation, 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 and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

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

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the [municipality] lies. (Ord. 5-1993)

DENSITY - a term used to express the allowable number of dwelling units per acre of land.

(1) DENSITY, NET - the number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

(2) DENSITY, GROSS - the number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes exclusive of exterior public rights-of-way.

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

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

(Ord. 5-1993)

DWELLING - a building designed or used as the living quarters for one (1) or more families. The terms "dwelling," "one (1)-family dwelling,"

"multiple dwelling," two (2)-family dwelling," or "dwelling group" shall not be deemed to include rooming house, tourist home, motel, or hotel.

DWELLING UNIT - a room, or rooms within a building connected together, constituting a separate, independent housekeeping establishment for one (1) family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other dwelling units, and containing independent cooking, bathroom, and sleeping facilities not shared or utilized by any other physically separated room or rooms. [Ord. 5-1993]

DWELLING TYPES -

(1) MULTIPLE-FAMILY DWELLING - any building containing three (3) or more dwelling units.

(2) RESIDENTIAL CONVERSION UNIT - a building which has been altered to accommodate one (1) or more dwelling units provided that such alteration is confined to the interior of an already existing structural shell and that such alteration may not include an extension of the sides or an increase in the height of an existing structure.

(3) SINGLE-FAMILY ATTACHED DWELLING (TOWNHOUSE) - three (3) or more dwelling units each accommodating one (1) family which are attached side-by-side through the use of common party walls and which shall have side yards adjacent to each end unit.

(4) SINGLE-FAMILY DETACHED DWELLING - a dwelling unit accommodating a single family and having two (2) side yards.

(5) SINGLE-FAMILY SEMI-DETACHED DWELLING - two (2) dwelling units each accommodating one (1) family which are attached side-by-side through the use of a party wall and each dwelling unit having one (1) side yard.

(6) TWO-FAMILY DETACHED - two (2) dwelling units each accommodating one (1) family which are located one (1) over the other, and having two (2) side yards.

FAMILY - any number of person living and cooking together as a single housekeeping unit.

FENCE - any man-made barrier constructed of wood, metal, masonry or other material, so constructed as to prevent free passage from one (1) side to another, or live plantings planted in such close proximity as to prevent passage from one (1) side to another. [Ord. 5-1993]

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

GARAGE, PRIVATE - an accessory building for the storage of one (1) or more automobile and/or other vehicles accessory and incidental to the primary use of the premises; provided, however, that one (1) commercial vehicle of

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not more than one (1) ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one (1) vehicle be leased to a non-occupant of the premises.

GARAGE, PUBLIC - any garage not a private garage and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

GASOLINE SERVICE STATION - a building or lot or part thereof supplying and selling gasoline or other equivalent fuels for motor vehicles at retail, direct from pumps and storage tank. Additional services may include accessory facilities for rendering automotive services such as lubrication, washing, and minor mechanical repairs, excluding body repairs and painting. [Ord. 5-1993]

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

HOTEL - a building or buildings containing rooms designed to be rented temporarily for sleeping purposes by guests and where only a general kitchen and dining room may be provided within the building or in an accessory building. [Ord. 5-1993]

JUNK - any work, castoff, discarded or stored material including unlicensed vehicles, machinery, and equipment ready for destruction or which has been collected for salvage or conversion to some use. [Ord. 5-1993]

JUNK YARD - any area and/or structure used primary for the collecting, storage, keeping, processing, or abandonment of junk. [Ord. 5-1993]

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Ord. 5-1993]

LOT AREA - the area of land included within the title lines of a lot except that area within the title lines set aside as right-of-way for a street.

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

MOBILEHOME - a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) 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. [Ord. 5-1993]

MOBILEHOME LOT - a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. (Ord. 5-1993)

MOBILEHOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes. [Ord. 5-1993]

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

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." [Ord. 5-1993]

MUNICIPAL USE - the use of any real estate or structure by the Borough of Terre Hill, or any Municipal Authority created by the Borough of Terre Hill, which use furthers the purpose and powers of the Borough of Terre Hill, or any Municipal Authority created by the Borough of Terre Hill. [Ord. 5-1993]

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Ord. 5-1993]

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. (Ord. 5-1993)

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [Ord. 5-1993]

PAVED AREA - when required under this Chapter, that amount of land required for the location of adequate parking space, driveways, or other access roads. In the computation of such, the actual building area shall be excluded.

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

PERSONAL SERVICE ESTABLISHMENT - a building or portion of a building in which the services of a person permitted to practice a specific profession are offered to the general public. Examples of such uses include agents,

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barbers, beauticians, cleaners, doctors, lawyers, optometrists, photographers, post offices, tailors, undertakers, and utility collection offices.

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

PLANNING COMMISSION - the Planning Commission of Terre Hill Borough.

PUBLIC GROUNDS - includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

C. publicly owned or operated scenic and historic sites.

[Ord. 5-1993]

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 5-1993]

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq. [Ord. 5-1993]

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [Ord. 5-1993]

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

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

PUBLIC SWIMMING POOL - any swimming pool open for use by the public, whether or not an admission fee or membership fee is charged for the use thereof. A public swimming pool owned and operated by the Borough of Terre Hill shall constitute a municipal use as hereinabove defined. [Ord. 5-1993]

PUBLIC USES - includes public and semi-public uses of welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, essential public utilities that require enclosure within

a building; airports; fraternal clubs and homes; non-profit recreational facilities; easements for alleys, streets, and public utility rights-of-way; and radio and television transmission facilities.

**PUBLIC WATER** a safe, adequate and healthful supply of water to a single user from a private well as approved by the proper regulating agency.

**REPORT** - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 5-1993]

**RESTAURANT** - any business open to the public engaged in the preparation and sale of food and drink, either to be consumed on the premises or off the premises, and the sale of food prepared off the premises, to be consumed on the premises. Any such business also engaged in the sale of alcoholic beverages for consumption on the premises shall constitute a restaurant, if not less than seventy (70%) percent of gross revenue to such business are from the sale of food and nonalcoholic beverages. Sale of alcoholic beverages in excess of thirty (30%) percent of gross revenues shall constitute a tavern. (Ord. 5-1993]

**ROAD CLASSIFICATION** - a designation given a road in accordance with its function as a carrier of traffic and from which specific setback distances as provided in this Chapter apply. Road classifications are set forth in the Borough's Future Land Use Plan. For the purpose of this Chapter, the following two (2) classifications shall apply:

(1) **COLLECTOR** - a road whose function is to provide for the movement of traffic to community facilities and carry larger volumes of traffic to the arterial road system.

(2) **LOCAL** - a road whose function is to provide for local traffic movement and direct access to abutting properties.

**SETBACK LINE** - a line established by this Chapter with respect to road classifications which is parallel to the street line bounding an area within which certain facilities are prohibited. No building, portion thereof, or appurtenance thereto shall be located within this setback line.

**SIGN** - any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, or similar organization.

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

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seq. [Ord. 5-1993]

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 5-1993]

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

STREET LINE - a street line is the right-of-way line of a public street or the cartway line of a private street.

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

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 5-1993]

SWIMMING POOLS - any reasonably permanent swimming pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing, water to a depth at any point greater than two (2) feet. Ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction. [Ord. 5-1993]

TAVERN - any establishment open to the public for the retail sale and consumption of alcoholic beverages on the premises. [Ord. 5-1993]

VARIANCE - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. [Ord. 5-1993]

VEHICULAR SALES AND/OR SERVICE - a building or lot or part thereof used for the sale, hire or lease of motor vehicles with a gross weight of less than ten thousand (10,000) pounds, together with facilities for repair and service of such vehicles. The storage of any vehicles on the premises, which are not on the premises for the purpose of repair, shall be permitted. In addition, no automobile or truck titled in the name of any person other than the owner of the premises shall be stored on the premises for sale, unless such vehicle is in operating condition, bearing current Pennsylvania State Inspection. [Ord. 5-1993]

YARD - the unobstructed open space around a structure on the same lot.

(1) YARD, FRONT - an open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

(2) YARD, REAR - an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required rear yard.

(3) YARD, SIDE - an open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required side yard.

ZONING - the designation of specified districts within a community or township, reserving them for certain uses together with limitations on lot size, heights or structures and other stipulated requirements.

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

ZONING PERMIT - a permit stating that the purpose for which a building, structure or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which it is located or is to be located.

(Ord. 9/-/1976, §104; as amended by Ord. 1986-3, 12/4/1986, §2; and by Ord. 5-1993, 11/23/1993)



Part 2

Residential Districts

§201. R-1 Low Density Residential District.

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

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

A. Permitted.

- (1) Single-family detached dwelling.
- (2) Public or non-profit park, or recreational use.
- (3) Municipal use. [Ord. 5-1993]
- (4) Community utility (subject to the provisions of §502(8)).

(5) Horticulture uses related to the raising, propagating of trees, shrubs, flowers, and other vegetative material, including a private greenhouse, and agricultural uses, including the tilling of soil, and the keeping and raising of livestock and poultry, subject to restrictions as set forth in §511 of this Chapter, and providing that no retail sales of any such horticultural or agricultural products shall be permitted on the premises. [Ord. 5-1993]

(6) Accessory buildings and uses customarily incidental to the above uses.

B. Special Exception.

- (1) Home occupation (subject to the provisions of §503(1)).
- (2) Public or private schools but not including correctional institutions (subject to the provisions of §503(6)).
- (3) Church or similar place of worship (subject to the provisions of §503(6)).

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

A. Lot area, lot width, building height and coverage requirements of not less than the dimensions shown in the following table shall be provided for each dwelling unit and/or principal nonresidential building

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or use hereafter established, erected or altered for any use permitted in this district.

Building or Use	Minimum Lot Area	Min. Lot Width at St. Line	Min. Lot Width at Setback Line	Maximum Lot Cov.	Maximum Building Height	
					Prin.	Accessory
Each dwelling unit and/or principal non-residential building not otherwise specified below	10,000 sq. ft.	60 feet	85 feet	25%	2% stor- ies not to exceed 35 feet	15 feet
On permanent Cul-de-sac		50 feet	75 feet			
School	1 acre	50 feet	150 feet	15%	35 feet	15 feet
Church	2 acres	50 feet	150 feet	15%	35 feet	15 feet
Public Park or Recreation	5,000	50 feet	50 feet	15%	35 feet	15 feet

[Ord. 5-1993]

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

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

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

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

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

C. Rear Yard.

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

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

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

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

(Ord. 9/-/1976, §201; as amended by Ord. 5-1993, 11/23/1993)

§202. R-2 Medium Density Residential District.

1. Intended Purpose. It is the purpose of the R-2 Medium Density Residential District to protect the existing residential uses of a medium density nature, and provide for similar uses where public water and sewerage are available and to exclude those uses not compatible with such development.

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

A. Permitted.

(1) Single-family detached dwelling.

(2) Single-family semi-detached dwelling.

(3) Two (2)-family detached dwelling.

(4) Public or non-profit park or recreational use.

(5) Municipal uses. [Ord. 5-1993]

(6) Community utility (subject to the provisions of §502(8)).

(7) Accessory buildings and uses customarily incidental to the above uses.

B. Special Exception.

(1) Residential conversion (subject to the provisions of §503(2)).

(2) Hotel, boarding, lodging and tourists houses provided that not more than four (4) rooms of a residence are used for such purpose.

(3) Public or private schools not to include correctional institutions (subject to the provisions of §503(6)).

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(4) Church or similar place of worship (subject to the provisions of §503(6)).

(5) Fire house (subject to the provisions of §503(6)).

(6) Home occupation (subject to the provisions of §503(1)).

(7) Cluster development (subject to the provisions of §503(4)). (Ord. 5-1993]

(8) Bed and Breakfast. (Ord. 5-1993]

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

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

Building or Use	Minimum Lot Area	Min. Lot Width at St. Line	Min. Lot Width at Setback Line	Maximum Lot Cov.	Maximum Building Height	
					Prin.	Accessory
Each dwelling unit and/or principal non-residential building not otherwise specified below	7,500 sq. ft.	60 feet	70 feet	25%	2% stor- ies not to exceed 35 feet	15 feet
Single-family semi-detached dwelling	5,000 sq. ft.	40 feet	45 feet	30%	35 feet	15 feet
Two-family dwelling	5,000 sq. ft.	40 feet	45 feet	30%	35 feet	15 feet
School	1 acre	50 feet	150 feet	15%	35 feet	15 feet
Church	2 acres	50 feet	150 feet	15%	35 feet	15 feet
Public park or recreation	5,000	50 feet	50 feet	15%	35 feet	15 feet

(Ord. 5-1993)

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

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

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

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

B. Side Yard. Principal and accessory building and structures: each building or structure shall have two (2) side yards which shall not be less than twenty (20') feet in aggregate width and neither of which shall be less than eight (8') feet. School and church buildings shall have two (2) side yards neither of which shall be less than twenty-five (25') feet.

C. Rear Yard.

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

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

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

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

(Ord. 9/-/1976, §202; as amended by Ord. 5-1993, 11/23/1993)

§203. R-3 High Density Residential District.

1. Intended Purpose. It is the purpose of the R-3 High Density Residential District to provide an area for a variety of housing types at a higher density where public water and sewerage facilities are available and to exclude those uses not compatible with such development.

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

A. Permitted.

(1) Single-family detached dwelling.

(2) Single-family semi-detached dwelling.

(3) Two-family detached dwelling.

(4) Multiple-family dwelling.

(5) Community utility (subject to the provisions of §502(8)).

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(6) Public or private park or recreational use.

(7) Accessory buildings and uses customarily incidental to the above uses.

(8) Municipal uses. [Ord. 5-1993]

B. Special Exception.

(1) Residential conversion (subject to the provisions of §503(2)).

(2) Mobile home (as defined in Chapter 14, "Mobile Homes and Mobile Home Parks").

(3) Cluster Development (subject to the provisions of §503(4)). [Ord. 5-1993]

(4) Bed and Breakfast. (Ord. 5-1993)

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

Building or Use	Minimum Lot Area	Min. Lot Width at St. Line	Min. Lot Width at Setback Line	Maximum Lot Cov.	Maximum Building Height	
					Prin.	Accessory
Each dwelling unit and/or principal non-residential building not otherwise specified below	6,000 sq. ft.	50 feet	60 feet	30%	2% star-ies not to exceed 35 feet	15 feet
Single-family semi-detached dwelling	4,000 sq. ft.	30 feet	35 feet	30%	35 feet	15 feet
Two-family dwelling	4,000	30 feet	35 feet	30%	35 feet	15 feet
Multiple dwelling	8 units/gross ac.	50 feet	200 feet	20%	35 feet	15 feet
	Min. De-velopment; 3 acres					

Public or 5,000 50 feet 50 feet 15% 35 feet 15 feet  
private park  
or recreation

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

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

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

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

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

C. Rear Yard.

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

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

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

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

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

(Ord. 9/-11976, §203; as amended by Ord. 5-1993, 11/23/1993)



Part 3

Commercial District

§301. C-N Neighborhood Commercial District.

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

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

A. Permitted.

- (1) Retail store.
- (2) Restaurant. [Ord. 5-1993]
- (3) Office.
- (4) Bank.
- (5) Wholesale sales, storage, or distribution.
- (6) Personal service establishments.
- (7) Public places of amusement.
- (8) Vehicular sales and/or service.
- (9) Gasoline service station.
- (10) Car wash.
- (11) Community utility (subject to the provisions of §502(8)).
- (12) Motel or hotel. [Ord. 5-1993]
- (13) Public garage.
- (14) Accessory buildings and uses customarily incidental to the above uses.
- (15) Fire house (subject to the provisions of §503(6)). [Ord. 5-1993]
- (16) Accessory buildings and uses customarily incidental to the above uses. [Ord. 5-1993]
- (17) Municipal uses. [Ord. 5-1993]

B. Special Exception.

- (1) Planned shopping center (subject to the provisions of §503(5)).
- (2) Tavern.
- (3) Retail sale of alcoholic beverages. [Ord. 5-1993]
- (4) Public swimming pool. (Ord. 5-1993)
- (5) Residential uses of not more than two (2) dwelling units in any building, which building also contains either a retail store, eating establishment, office, or personal service establishment. (Ord. 5-1993)

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

A. The following regulations shall be observed:

- (1) Minimum lot area - ten thousand (10,000 sq. ft.) square feet.
- (2) Minimum lot width at street line - fifty (50') feet.
- (3) Minimum lot width at setback line - fifty (50') feet.
- (4) Maximum lot coverage - fifty (50%) percent. (Ord. 5-1993]
- (5) Maximum paved area - sixty-five (65%) percent.
- (6) Minimum landscape area - ten (10%) percent.
- (7) Maximum building height - thirty (30') feet.

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

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

- (1) Collector - forty-five (45') feet from the street right-of-way line or sixty-five (65') feet from the street centerline, whichever is the greater.
- (2) Local - forty (40') feet from the street right-of-way line or sixty (60') feet from the street centerline, whichever is greater.

B. Side Yard.

(1) Principal buildings and structures: one (1) rear yard not less than fifty (50') feet in depth.

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

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

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

(Ord. 9/(1976, §301; as amended by Ord. 5-1993, 11/23/1993)



Part 4

Industrial District

§401. 1-L Limited Industrial District.

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

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

A. Permitted.

(1) Research, engineering, or testing laboratory.

(2) Any production, manufacturing, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products. [A.0]

(3) Wholesale sales, storage, or distribution.

(4) Administrative activities and offices.

(5) Community utility (subject to the provisions of §502(B)).

(6) Municipal uses. [Ord. 5-1993]

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

A. The following regulations shall be observed:

(1) Minimum lot area - one-half (%) acre.

(2) Minimum lot width at street line - fifty (50') feet.

(3) Minimum lot width at setback line - one hundred (100') feet.

(4) Maximum lot coverage - forty (40%) percent.

(5) Maximum paved area - thirty (30%) percent.

(6) Minimum landscape area - thirty (30%) percent.

(7) Maximum building height - thirty (30') feet.

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

A. Front Yard. Principal and accessory buildings and structures: fifty (50') feet from the street right-of-way line or seventy-five (75') feet from the street centerline whichever is the greater.

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

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

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

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

(Ord. 9/-11976, §401; as amended by Ord. 5-1993, 11/23/1993)

§402. 1-2 Industrial Districts.

1. Uses and Structures. A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and not no other:

A. Permitted.

(1) Research, engineering, or testing laboratory.

(2) Any production, manufacturing, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products not requiring the use of heavy machinery.

(3) Wholesale sales, storage, or distribution.

(4) Administrative activities and offices.

(5) Community utility (subject to the provisions of §502(8)).

B. Special Exceptions.

(1) The Zoning Hearing Board may also permit by special exception adult-oriented businesses provided that the following specific requirements are met by the applicant:

(a) The lot or property line of such business shall not be located within three hundred (300') feet of any residence.

(b) The lot or property line of such business shall not be located within five hundred (500') feet of the lot or property line of any religious structure, school, day care facility or public library.

(c) The lot or property line of such business shall not be located within five hundred (500') feet of the lot or property line of another adult-oriented business.

(d) There shall be no display of adult-oriented materials that can be seen from the exterior of the building.

(e) Not more than one (1) adult-oriented business or activity shall be permitted within any one (1) building or lot.

(f) No unlawful sexual activity or conduct shall be performed or permitted.

(g) The Zoning Hearing Board shall determine that the adult oriented business (A) is in general harmony with the immediate neighborhood, (B) does not create an atmosphere of enticement for minors, and (C) will not be detrimental to the public health, public safety or general welfare of the Borough.

(h) The Zoning Hearing Board shall review and approve all exterior signs for compatibility with adjacent uses.

(i) No adult-oriented business or activity may change to another type of adult-oriented business or activity except upon application to and approval by the Zoning Hearing Board of such change as a special exception subject to the criteria set forth herein.

(2) Junk yard subject to the following restrictions:

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

(b) All materials stored on the premises shall be within an area enclosed by fencing of such materials, and of sufficient height, so that all activities conducted and materials stored within such area shall not be visible from adjacent lots, or from the public road. Such fencing shall not be constructed within the yards as required by this Section, or by other provisions of §402. In addition to such fencing, screening and landscaping shall be provided in accordance with §502(1) and §502(2) of this Chapter.

(c) Operations of the premises shall be conducted only during the daylight hours. During nonoperating hours, the premises must be secured so as to prevent access to the premises by any unauthorized person.

(d) All water runoff from the premises shall be controlled and treated so as to prevent the discharge of

surface waters contaminated or polluted with any materials or chemicals stored on the premises from flowing onto any adjacent lot, or onto the public road.

(e) No storage of materials deemed to be hazardous waste materials shall be permitted.

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

[Ord. 5-1993]

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

The following regulations shall be observed:

- A. Minimum lot area - one-half (%) acre.
- B. Minimum lot width at street line - fifty (50') feet.
- C. Minimum lot width at setback line - one hundred (100') feet.
- D. Maximum lot coverage - forty (40%) percent.
- E. Maximum paved area - thirty (30%) percent.
- F. Minimum landscape area - thirty (30%) percent.
- G. Maximum building height - thirty (30') feet.

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

A. Front Yard. Principal and accessory buildings and structures: fifty (50') feet from the street right-of-way line or seventy-five (75') feet from the street centerline whichever is the greater.

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

C. Rear Yard. Principal and accessory buildings and structures: one (1) rear yard not less than fifty (50') feet.

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

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

(Ord. 9/-11976, §402i as added by Ord. 3-1986, 10/14/1986, §2; and as amended by Ord. 5-1993, 11/23/1993)

Part 5

Supplementary Regulations

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

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

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

3. Projections into Required Yards. Except as may be authorized by other provisions of this Chapter, no portion of any building, including any patio, porch, or deck, whether enclosed or unenclosed, or the part of any living area of any structure, shall not extend into any required yard. Projections which may extend into any required yard shall include overhanging eaves, gutters, cornices, or chimneys. (Ord. 5-1993)

4. Height, Lot Area and Coverage Exceptions.

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

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

C. No minimum lot size shall be required for the purpose of servicing any community utility except as required in §502(8) of this Chapter.

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

6. Structure to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of the Lancaster County Subdivision and Land Development Ordinance of 1970 as may be amended from time to time for street design or as subsequently provided for by the Borough.

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7. Erection of More than One Principal Building on a Lot. More than one (1) principal building may be erected on a single lot provided that all lot and yard requirements, standards and other requirements of this Chapter shall be met for each structure as though it were on an individual lot. In each case the Zoning Officer shall require suitable provisions for access as defined in 5501(6) of this Chapter in the event of potential subdivision of the tract.

(Ord. 9/-/1976, §501; as amended by Ord. 5-1993, 11/23/1993)

### §502. Supplementary Use, Design and Performance Regulations.

#### 1. Screening.

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

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

C. The screen planting shall be permanently maintained.

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

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

#### 2. Landscaping.

A. Any part or portion of a site which is not used for building or other structures, loading, or parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all-season ground

cover. It shall be maintained to provide an attractive appearance and all non-surviving plants shall be replaced promptly.

B. Within any district, not less than three (3%) percent of a parking area providing for more than five (5) parking spaces must be landscaped and continually maintained. Planting along the perimeter of a parking area, whether for required screening or general beautification, will be considered as part of the three (3%) percent parking area landscaping. In complying with the three (3%) landscaping requirements, the planting beds must be distributed throughout the parking areas as evenly as possible.

3. Access and Traffic Control. All accessways from any commercial or industrial development to any public street or highway shall be located at least two hundred (200') feet from the intersection of any street lines and shall be designed in a manner conducive to safe ingress and egress. Where possible, exits shall be located on minor rather than major streets or highways. The developer shall be responsible for the construction of any necessary traffic control devices or additional acceleration lanes required by the Pennsylvania Department of Transportation in the case of egress to major thoroughfares.

4. Interior Drives and Parking Facilities.

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

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

C. Interior drives shall be clearly marked by adequate painting marking, (curbing and signs) so that operations of vehicles intending to patronize such parking areas shall not unduly impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them

5. Lighting. While in operation or open to public use, the parking and loading and ingress and egress areas of any commercial or industrial zoning district shall be provided with a minimum of three-quarters (3/4') foot candles at any point. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district.

6. Commercial Use Performance Regulations.

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

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

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

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

7. Industrial Use Performance Regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Any building, structure or other installation shall be subject to the requirements of §§501(1)-(5) and (7) as herein provided.

9 Mobile Homes. In order for a mobile home to qualify as a dwelling as defined in §105 of this Chapter, all of the following standards and conditions must be complied with:

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

B. The dwelling must be attached to the foundation wall by anchor bolts or similar attachments approved by the Zoning Officer as contrasted with the mere setting of the dwelling unit on the foundation wall system. [Ord. 5-1993]

C. Any towing hitch and the entire running gear, as constructed with just the wheels, must be removed.

(Ord. 9/-11976, §502; as amended by Ord. 5-1993, 11/23/1993)

§503. Special Exception Regulations. The following regulations specify conditions under which exceptions shall be granted upon application to the Zoning Hearing Board.

1. Home Occupation.

A. Home occupations shall be permitted only in single-family detached dwellings. [Ord. 5-1993]

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

C. Such occupation shall be incidental or secondary to the use of the property as a residence and are limited to those occupations customarily conducted within a dwelling unit. Such occupations shall include, by way of illustration and not limitation, doctor (excluding veterinarian), dentist, tutor, artist, architect, lawyer, notary public, barber shop, beauty shop, or accountant. [Ord. 5-1993]

D. Three (3) off-street parking spaces in addition to those required of residence units shall be required.

E. No more than one (1) person not residing in such dwelling unit shall be employed full-time by the practitioner of the occupation. [Ord. 5-1993]

F. The area used for the practice of a home occupation shall occupy no more than twenty-five (25%) percent of the total floor area

of the dwelling unit or five hundred (500'<sup>2</sup>) square feet, whichever is less.

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

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

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

J. No goods shall be publicly displayed in a manner to be visible from the exterior of the premises, other than approved signs as provided by the Terre Hill Borough Zoning Ordinance. [Ord. 5-1993]

2. Residential Conversion. The conversion of a residential dwelling in any residential district into a dwelling for a greater number of families is permitted subject to the following regulations:

A. No dwelling unit shall have less than eight hundred (800'<sup>2</sup>) square feet of floor area.

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

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

D. There is no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practicable, be located to the rear of the building.

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

3. Non-Residential Conversion. The conversion of a residential dwelling in any district into a permitted non-residential use is permitted subject to the following regulations:

A. The proposed use shall comply with the yard, area, off-street parking, and other requirements of the applicable district.

B. No existing yards or required open space shall be reduced to less than the requirements of the applicable district governing a permitted use.

C. No living accommodation or sleeping quarters shall be authorized except such accessory use as is permitted in the applicable district.

D. The sign regulations of this Chapter are met.

E. All other supplemental regulations of this Chapter which apply to the proposed use are met.

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

A. Permitted Use: Single-family attached dwellings.

B. A maximum of five (5) dwelling units per gross acre is permitted.

C. The minimum lot size: two thousand (2,000'<sup>2</sup>) square feet per dwelling unit.

D. Maximum lot coverage: forty (40%) percent.

E. Minimum lot width at setback line and street line: twenty (20') feet per dwelling unit.

F. No more than eight (8) dwelling units may be attached in any building.

G. The setback and building height requirements of the R-3 Residential District shall apply.

H. A substantially contiguous amount of open space of not less than one and one-half (1.5) acres shall be reserved for park, playground or other suitable recreational facility, for every five (5) dwelling units constructed in the development. Such reservation shall be made by any of the following procedures: (Ord. 5-1993)

(1) The acceptance of the deed to such land by the Borough.

(2) The sale, lease, or other disposition of such property to a private or non-profit corporation chartered under the laws of Pennsylvania to administer deed restrictions limiting eventual disposition of said property for the purpose stated in the articles of incorporation.

(3) The inclusion of a portion of said property in the deed descriptions of the individual purchasers of subdivisions subject to an acceptable deed restriction limiting eventual disposition of that portion to be used for the purposes outlined in a plan submitted to the Board. Access rights for all residents within the development shall be guaranteed, and adequate maintenance of said property shall also be guaranteed.

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

J. §§502 and 502(1)-(5) shall apply.

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K. The application for a cluster development shall be referred to the Planning Commission which shall have thirty (30) days to review the application and make recommendations to the Board. The application shall include:

- (1) A legal description of the property.
- (2) A sketch plan showing the overall development plan.
- (3) A description of the means by which the open space regulations shall be applied.

5. Planned Shopping Center. A planned neighborhood shopping center shall be permitted by special exception within the C-N Commercial District subject to the following regulations:

- A. Minimum lot: three (3) acres.
- B. Minimum gross floor area: thirty thousand (30,000'<sup>2</sup>) square feet.
- C. Minimum lot width at street line: fifty (50') feet.
- D. Minimum lot width at setback line: two hundred (200') feet.
- E. Maximum building coverage: twenty-five (25%) percent.
- F. Maximum paved area: sixty-five (65%) percent.
- G. Minimum landscape area: ten (10%) percent.
- H. The setback and building height requirements of the C-N Neighborhood Commercial District shall apply.
- I. The off-street parking and loading and sign regulations of this Chapter shall apply.
- J. §5501 and 502(1)-(6) shall apply.

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

## 6. Community Facilities.

A. The Board may require that all parking facilities of more than five (5) spaces which adjoin or are within twenty-five (25') feet of a residential use be provided with a suitable screen of not less than five (5') feet in height.

B. The Board may require that where school sites abut residential lots the provisions of §702(1), "Screening," shall apply.

7. Bed and Breakfast.

A. No cooking facilities shall be supplied in individual rooms.

B. Not less than one (1) bathroom shall be provided for each room available for occupancy.

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

D. No more than ten (10) rooms available for occupancy shall be permitted, in addition to rooms dedicated to the exclusive use and occupancy by the owner of the premises. Rooms available for occupancy shall not include common areas.

E. All structures shall conform to applicable requirements of the Pennsylvania Department of Labor and Industry.

[Ord. 5-1993]

(Ord. 9/-11976, §503; as amended by Ord. 5-1993, 11/23/1993)

§504. Accessory Use Regulations.

1. No accessory building or structure in a residential district shall be erected in any front yard or within ten (10') feet of any street line and no separate accessory building or structure shall be erected within five (5') feet of any other building or structure.

2. No accessory use within a commercial or industrial district shall be located nearer than thirty-five (35') feet to any street line or within the front yard of any property. No separate accessory building or structure shall be nearer than ten (10') feet to another building or structure.

(Ord. 9/-11976, §504; as amended by Ord. 5-1993, 11/23/1993)

§505. Nonconforming Use Regulations.

1. Continuation. Except as otherwise provided in this §505, any use, building, or structure existing at the time of enactment of this Chapter may be continued, although it is not in conformity with the regulations specified by this Chapter.

2. Discontinuance. If a nonconforming use of land or of a building ceases for a continuous period of one (1) year, or more, such cessation shall constitute prima facie evidence that the owner of the premises intended to discontinue such use. The vacating of buildings or structures, non-use of land, or non-operative status of such land, building, or structures shall be evidence of such intended discontinued use. In the event of any discontinu-

ance of any nonconforming use of land or of a building, any subsequent use of such building or land shall be in conformity with the provisions of the applicable zoning district, and all other provisions of this Chapter. (Ord. 5-1993)

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

4. Expansion. Any lawful nonconforming building or nonconforming use of a building may be expanded on a lot occupied by such building. Such expansion shall be limited to fifty (50%) percent of the square footage area of the building or use as of the date of adoption of this Chapter. The expansion shall be limited to the setback, and coverage regulations for the district in which it is located, and all other applicable provisions of this Part. [Ord. 5-1993]

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

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

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

6. Change. Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character, and for such purpose, a building may be extended on the same lot in accordance with §505(4). Whenever the nonconforming use of a building or land has been changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use.

7. Nonconforming Lots of Record.

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

B. If two (2) or more lots or combinations of lots or portions of lots with continuous frontage in single and separate ownership are of record-at the time of passage of this Chapter,-and if-all or part-of the

lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter. This §505 shall be interpreted in conjunction with §508(4) of the Act.

8. Registration. The Zoning Officer shall identify and register all nonconforming uses and structures in existence on the effective date of this Chapter. Such registration shall be a matter of public record and shall constitute notice to any transferee acquiring any right to use or own such property.

(Ord. 9/-11976, §505; as amended by Ord. 5-1993, 11/23/1993)

§506. Off-Street Loading Regulations.

1. Standards.

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

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

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

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

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

(Ord. 9/-/1976, §506)

§507. Off-Street Parking Regulations.

1. Standards.

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

building or use is altered or enlarged so as to increase the amount of parking space required.

B. All parking spaces shall have an approved all-weather, dustless surface.

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

D. In the design of parking lots, the minimum required stall depth, stall width and driveway width shall be as shown on Exhibit A of this Chapter.

E. Appropriate bumper guards or curbing shall be provided as required by the Borough in order to clearly define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards or right-of-way.

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

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

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

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

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

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

3. Commercial and Industrial Requirements.

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

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

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

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

C. The number of additional required spaces shall be determined by the application of the following formula to the contemplated use:

<u>Use</u>	<u>At Least one (1) Additional Parking Space for Each</u>
Industry	Two hundred (200' <sup>2</sup> ) square feet of company office gross floor area or four (4) spaces minimum.
Restaurant and Tavern [ <u>Ord. 5-1993</u> ]	Two (2) seats.
Personal Service Establishments	One hundred (100' <sup>2</sup> ) of usable floor area.
Theater and Churches	Three (3) seats.
Bowling Alley	One-fifth (1/5) alley.
Motel and Hotel [ <u>Ord. 5-1993</u> ]	One (1) guest room.
Hospitals, Convalescent Homes	Seven hundred fifty (750' <sup>2</sup> ) square feet of floor area.
Wholesale Sales or Storage	One thousand (1,000' <sup>2</sup> ) square feet of floor area.
Gasoline Service Station	One-fourth (Vi) pump.
Laundromat	One (1) machine.
Elementary School	Twenty (20) seats.
All other schools	Ten (10) seats.
Food Stores and Pharmacies	One hundred (100' <sup>2</sup> ) square feet of sales area.

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Department and Variety Stores	Two hundred (200' <sup>2</sup> ) square feet of sales area.
Gift Apparel, Hardware and and other House wares	Three hundred (300' <sup>2</sup> ) square feet of sales area.
Offices, Clinics, Financial Institutions	Two hundred (200' <sup>2</sup> ) square feet of floor area.
All other with a lot coverage in excess of ten (10%) percent	Five hundred (500' <sup>2</sup> ) square feet of floor area

(Ord. 9/-/1976, §507; as amended by Ord. 5-1993, 11/23/1993)

§508. Sign Regulations.

1. Classification of Signs by Use. All signs shall be divided into the following types for use and location.

A. Official traffic signs.

B. Professional, accessory use, or name signs indicating the name, profession, or activity of the occupant of a dwelling, and trespassing signs, or signs indicating the private nature of a driveway or premises.

C. Identification signs identifying schools, churches, hospitals, or similar institutions, and for clubs, lodges, farms, estates, or similar uses.

D. Temporary signs of contractors, architects, mechanics, and artisans.

E. Real estate sale-sold-rent-development signs when placed on the property to be sold, rented, or developed.

F. Business, commercial, or industrial signs - a sign for a permitted use conducted on the premises which shall identify the written name and/or the type of business and/or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises.

G. Functional signs such as those designating rest rooms, entrances, exits, or other signs not otherwise defined or directly connected with the business or profession conducted upon the premises, but attendant or accessory thereto.

H. Directional signs - signs containing only the business name of an industrial, commercial, or business establishment and an arrow or other directional symbol indicating the route to the same.

2. Classification of Signs by Construction. All signs shall be divided into the following classifications for the purpose of construction:

A. Ground Sign. Any sign erected upon an independent structure (legs or base) so that such structure is the main support of the sign, and/or any sign which is not supported by any part of a building.

B. Flat Wall Sign. A sign erected or displayed on or parallel to the surface of a building.

C. 212.1.1proitctLn8ian. Any sign mounted upon a building so that its principal face is at right angles to the building wall.

D. Roof Sign. A sign erected or displayed upon the roof of any building or structure or a wall sign, a portion of which exceeds the height of the building.

E. Other. A sign not permanently attached at all points, or which utilizes air motion, sounds, directed lights, or mechanical parts for effect.

3. General Regulations. The following general regulations shall apply to all permitted sign uses:

A. No ground sign shall project to a point nearer than twelve (12') feet from the edge of the paved roadway. (Unless obstructing view, at which time further setback is required). No support for any ground sign shall be located nearer than twelve (12') feet to the property line. A ground sign shall not exceed thirty (30') feet in height. No ground sign shall exceed fifty (50) square feet in area. [Ord. 5-1993]

B. Flat wall signs shall not project more than twelve (12") inches from the building wall and must be so located that the lower edge is a minimum of eight (8') feet above ground in any case where projection from the wall is greater than three (3") inches.

C. Projecting signs shall be so located upon the building that the lower edge is a minimum of ten (10') feet above grade. Projecting signs may project a maximum of ten (10') feet from the building wall, provided, however, that no sign shall project to a point nearer than twelve (12') feet from the edge of the paved roadway. No projecting sign shall extend more than fifteen (15') feet above the top of the wall upon which it is mounted.

D. No roof sign shall be placed upon the roof of any building so as to prevent the free passage from (1) part of the roof to the other thereof, or interfere with any openings in such roof. No sign erected upon the roof of any building shall project beyond the edges of said roof in any direction. Roof signs may extend above the roof, or top of wall, a distance equal to one-half (%) the height of the wall or fifteen (15') feet, whichever is the smaller height. Roof signs may have a maximum area of fifteen (15%) percent of the front wall area. No roof sign parallel to a building shall extend in length a distance greater than two-thirds (2/3) the length of the wall to which it is parallel. [Ord. 5-1993]

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E. Business directional signs shall conform to the following:

(1) No such sign shall be wider than four (4") inches or longer than twenty-four (34") inches.

(2) The top of any sign shall be no more than four (4') feet from the ground surface immediately underneath.

(3) No industrial, commercial, or business establishment shall erect, place, install, or maintain more than three (3) such signs within the Borough.

(4) No more than three (3) such signs may be placed at any one (1) corner of an intersection.

(5) No such sign may be erected, placed, installed or maintained without the permission of the owner of the real property involved.

(6) No such sign may be erected, placed, installed or maintained without a permit therefor having been obtained from the Zoning Officer.

F. Total sign area shall not exceed two (2'<sup>2</sup>) square feet per lineal foot of building frontage. Total number of signs allowed - three (3).

G. Professional, accessory use or name signs - the area of one (1) side of such sign shall not exceed two (2'<sup>2</sup>) square feet, nor project more than six (6") inches from a wall when attached to a building.

H. Identification signs - a total of six (6'<sup>2</sup>) square feet per side will be allowed. Not more than two (2) such signs per organization will be permitted.

I. Temporary signs - shall be displayed only while actual work is in progress, and shall not exceed six (6'<sup>2</sup>) square feet in area, and provided further that such signs must be removed promptly upon completion of the work.

J. Real estate sale-sold-rent-development signs shall not exceed six (6'<sup>2</sup>) square feet in area for each one hundred (100') feet of frontage, and provided further that no sign shall exceed twenty-four (24'<sup>2</sup>) square feet in area. All such signs shall be removed within five (5) days after final transactions are completed.

K. No sign shall be of the flashing or rotating type.

L. No sign located within three hundred (300') feet of any traffic light shall be illuminated with red, green, or yellow neon typing.

M. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.

N. The area of any sign shall be the product computed by multiplying the greatest height by the greatest width of the *sign's* major face, including trim or frame.

O. Signs of the flat wall and projecting types may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas.

P. No sign shall be erected which shall obscure or interfere with the line of sight at any street intersection or traffic signal.

Q. Any temporary display sign or banner permitted by this Chapter shall be permitted for one (1) period of thirty (30) days. Temporary signs used to advertise an event of specific date shall be removed within five (5) days after the date of such event.

R. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within five (5) days.

S. No sign shall be maintained within the Borough in such a state of disrepair as to have the appearance of complete neglect or which is rotting or falling down, which is illegible or has loose parts separated from original fastenings.

T. No sign shall be erected in residential districts except as hereinbefore provided in connection with a lawful residential use.

U. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner.

V. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.

W. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.

X. No sign shall be permitted which is permanently attached to public utility poles or trees within the right-of-way of any street.

Y. No business sign within a residential district shall have an area greater than four (4'<sup>2</sup>) square feet.

4. Interpretations. The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of free-standing letters, it shall be the area contained between the highest and lowest points of any letters, and the extremity points of the first and last letters.

5. Permits.

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A. The following signs shall be permitted without requirement of permit for erection when erected and maintained in conformity hereto:

- (1) Official traffic signs.
- (2) Professional, accessory use, or name signs.
- (3) Identification signs.
- (4) Temporary signs of any material used in connection with a business conducted upon the premises on which said signs are displayed. No display shall be located on sidewalks or thoroughfares used for public foot or mobile traffic, or within twelve (12') feet from the edge of paved roadways.
- (5) Real estate sale-sold-rent-development signs.
- (6) Functional signs.
- (7) Signs within buildings, not visible from outdoors
- (8) Business directional signs.

B. Before any sign may be erected in the Borough, an application for a permit to erect, install, and maintain said sign shall be made in accordance with this Chapter. Accompanying each application shall be the required permit fee, payable to the Borough, in the proper amount.

C. Application for permit shall be made in writing to the Zoning Officer designated by Borough Council, and shall contain all information necessary for such officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Chapter.

D. Permits shall be granted or refused within fifteen (15) days from the date of application.

E. No sign permit shall be issued except in conformity with the regulations of this Chapter, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

F. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:

- (1) Exact dimensions of lot including any right-of-way lines or building upon which is proposed to be erected.
- (2) Exact size, dimensions, and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation.

(3) Any other lawful information which may be required of the applicant by the Zoning Officer.

(Ord. 9/-11976, §508; as amended by Ord. 5-1993, 11/23/1993)

5509. Swimming Pools.

1. A swimming pool, and related improvements and buildings, shall be considered an accessory use to any dwelling.

2. All swimming pools shall be maintained and operated so as to be clean and sanitary at all times. Any swimming pool having a water depth in excess of two (2') feet shall utilize a filtering system.

3. No swimming pool having a water depth capacity at any point in excess of two (2') feet shall be permitted unless a permanent continuous fence not less than five (5') feet in height surrounds the facility. All fence openings or points of entry into the swimming pool area shall be equipped with gates. Fence and gates shall be constructed of a minimum of nine (9) - gauge woven wire mesh corrosion resistant material, or similar material. All gates shall be equipped with a self-closing and self-latching device placed at the top of the gate. Fence posts shall be decay or corrosion-resistant and shall be set in concrete bases.

4. No swimming pool shall be closer to the property line than the side rear **yard** requirements in the applicable zoning district, nor less than eight (8') feet from a residence for an in-ground pool, and not less than five (5') feet from residence for an above-ground pool. No swimming pool shall be constructed or permitted in the front yard of any property, other than a child's portable wading pool. Side and rear yard requirements shall be measured from the edge of the swimming pool to the property line, not from the edge of the deck around any swimming pool, or other appurtenances.

5. Accessory buildings such as locker rooms, bathhouses, or **cabanas**, or other facilities or equipment, shall conform to all applicable requirements of Borough Codes, including side and rear yard requirements, and accessory structure requirements.

6. No artificial lighting shall be maintained or operated in connection with a private swimming pool in such a manner or location as to present a nuisance or annoyance to adjacent properties.

7. The owner of every private swimming pool shall have the responsibility to properly maintain the swimming pool and to prevent any breaks in the **chassis or** overflow or discharge of water onto adjacent properties.

8. No person other than residents and their guests shall be permitted to use any private swimming pool facility.

9. These requirements shall apply to both above-ground swimming pools, and in ground swimming pools.

(Ord. 9/-11976, §509; as added by Ord. 5-1993, 11/23/1993)

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### 1510. Fences.

1. All fences must be erected within the property lines, and no fence shall be erected so as to encroach upon a public right-of-way.

2. Fences may be erected, altered, and maintained within the yards in a residential district, provided that any such fence in the front yard shall not exceed three and one-half (3 1/2') feet in height, and any fence in the side or rear yard may not exceed six (6') feet in height. Fences of a greater height may be permitted by special exception. Any fence extending into the front yard of any residential property shall be only constructed of live plantings or a split rail fence or other decorative fences.

3. Fences may be erected, altered, and maintained within the yards of a manufacturing district, not to exceed ten (10') feet in height, and in a commercial district, not to exceed eight (8') feet in height, as may be necessary for business or industrial use to provide adequate protection, shielding, or screening of open storage or equipment areas. Fences of greater height in a manufacturing district or a commercial district may be permitted by special exception.

4. An open wire fence not exceeding fifteen (15') feet in height above ground level may be erected within a public park, public playground, or public school or private school.

5. No fence shall be erected on a property which will obstruct the vehicle clear sight line.

6. The following fences and fencing materials are specifically prohibited in any district: sharp pointed fences, electric fences, poultry netting, or snow fences.

7. Barbed wire will be permitted only at the top of a fence or barrier in commercial and manufacturing districts, or publicly owned properties, at a minimum height of six (6') feet.

(Ord. 9/-11976, §510; as added by Ord. 5-1993, 11/23/1993)

### §511. Animals.

1. The raising of livestock and poultry shall be permitted only on a lot of land in excess of five (5) acres.

2. Any building or housing providing shelter for such livestock or poultry shall be of permanent construction, and shall be located not less than one hundred (100') feet from any street or property line.

3. Livestock shall include all animals normally associated with farm operations, including, by way of illustration, horses, cows, steers, sheep, goats, swine, chickens and turkeys. Also included shall be the raising of any animals, including household pets, for the purpose of retail or wholesale sales. The sale of domesticated pets, such as dogs and cats, as a result of

the birth of a litter to a pet, shall not be deemed to be retail or wholesale sale, and shall not be subject to the provisions of this Section.

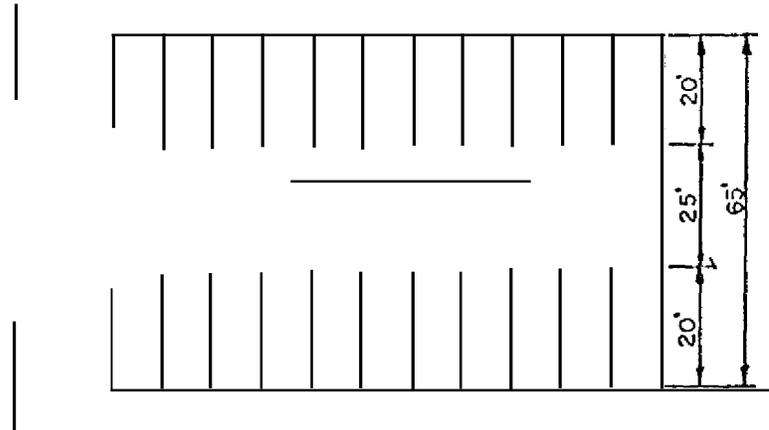
4. Fencing adequate to prevent such livestock or poultry from leaving the premises shall be provided. Fencing height limitations as set forth in §510(2), and restrictions on material fencing as set forth in §510(6), shall not apply to fences being erected to contain livestock or poultry.

5. Buildings providing shelter for such livestock and poultry shall be kept reasonably clean, so that reasonable steps have been taken to prevent animal odors, or animal waste odors, from being evident on adjoining lots.

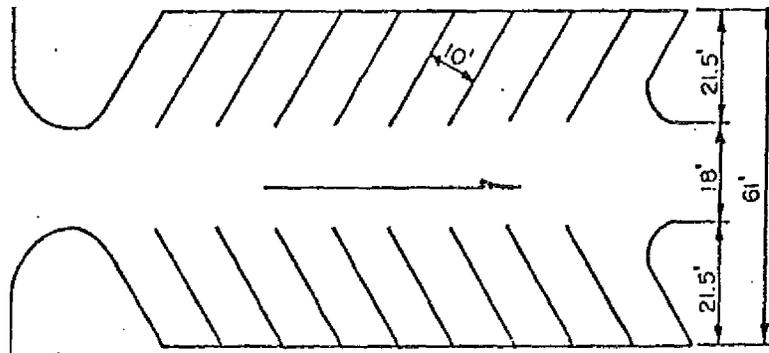
(Ord. 9/-11976, §511; as added by Ord. 5-1993, 11/23/1993)



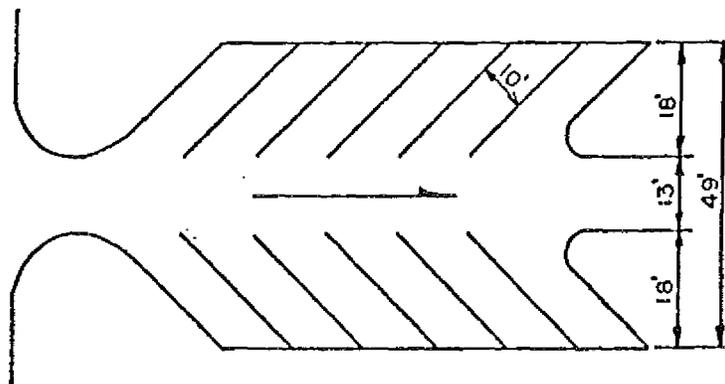
# PARKING LOT REQUIREMENTS



NINETY DEGREE PARKING TWO WAY



SIXTY DEGREE PARKING



FORTY- FIVE DEGREE PARKING



Part 6

Administration

§601. Administration and Government.

1. Administration.

A. Appointment and Powers of Zoning Officer.

(1) For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed.

(2) The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.

(3) The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

(4) The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

[Ord. 5-1993]

(5) Duties. The duties of the Zoning Officer shall be

(a) To receive, examine, and process all applications for permits.

(b) To issue permits for the construction, alteration, repair, extension, replacement and uses which are in accordance with the regulations of this Chapter and as may be subsequently amended.

(c) To record and file all applications for permits and accompanying plans and documents and keep them for public record.

(d) To inspect nonconforming uses, buildings, and lots and to keep a filed record or such nonconforming uses and buildings as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations and to issue certificates of occupancy for them.

(e) Upon the request of Borough Council or the Zoning Hearing Board, present to such bodies facts, records, and any

similar information on specific requests to assist such bodies in reaching their decisions.

(f) To be responsible for the keeping up to date of this Chapter and the Zoning Map, filed with the Borough Secretary, and to include any amendments thereto.

2. Enforcement. This Chapter shall be enforced by the Zoning Officer of the Borough. No permit of any kind as provided in this Chapter shall be granted by him for any purpose except in compliance with the provisions of this Chapter.

3. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping 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 at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given. [Ord. 5-1993I]

4. Enforcement Notice.

A. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Borough intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

[Ord. 5-1993]

5. Enforcement Remedies.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred (\$500.00) dollars 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 justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

'B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

D. District justices shall have initial jurisdiction over proceedings brought under this Section.

[Ord. 5-1993]

(Ord. 9/-11976, §601; as amended by Ord. 5-1993, 11/23/1993)

b602. Permits.

1. General.

A. A zoning permit shall be required prior to a change in use of land or buildings or the erection, construction or alteration of any building, structure or any portion thereof. No permit shall be required

for repairs or maintenance of any building, structure, or grounds provided such repairs do not change the use or otherwise violate the provisions of this Chapter.

B. Application for permits shall be made in writing to the Zoning Officer and shall contain all information necessary for such officer to ascertain whether the proposed erection, construction, alteration, or use complies with the provisions of this Chapter.

C. Such permits shall be granted or refused within thirty (30) days from date of application.

D. No permit shall be issued except in conformity with the regulations of this Chapter, except after written order from the Zoning Hearing Board or the Courts.

E. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Chapter, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.

F. The parcel or parcels shall be in a single and full ownership or proof of option shall be furnished at the time of application.

2. Application for Zoning Permits for Uses in All Commercial and Industrial Districts. Application for all uses in these districts shall be accompanied by:

A. A location plan showing the tract to be developed, zoning district, adjoining tracts, significant natural features, and streets for a distance of two hundred (200') feet from all tract boundaries.

B. A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots showing driveways, circulation patterns, curb cut accesses, parking stalls and bumpers, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, and other constructional features on the lot and the location of all topographical features.

C. Architectural plans for any proposed building.

D. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

E. Engineering and architectural plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.

F. Engineering and architectural plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire

hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.

G. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.

H. The proposed number of shifts to be worked and the maximum number of employees on each shift.

1. Where use by more than one (1) firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.

Applications for permits under this 5602, along with accompanying plans and data shall be submitted by the Zoning Officer to the Planning Commission for the Commission's review and comment. The Planning Commission shall review the material to determine that the proposed development is in harmony with the intent of this Chapter and the Comprehensive Plan. The Planning Commission shall make its comments on the application within twenty (20) days of its receipt. The Zoning Officer shall take into consideration the comments of the Planning Commission in his approval or denial of the application.

3. Application for all Other Permits. Applications shall be accompanied by plans in duplicate drawn to scale and showing the following:

A. Actual dimensions and shape of lot to be built upon.

B. Exact size and locations on the lot of all buildings and other structures, if any, and the location and dimensions of proposed buildings and other structures or alteration.

C. Existing and proposed uses, showing the number of families the building is designed to accommodate.

D. Any other lawful information that may be required by the Zoning Officer, or other sections of this Chapter.

E. Water and sewer systems (sanitary and storm) shall conform to the most recent applicable regulations adopted by the Board.

4. Temporary Use Permit. A temporary permit may be authorized by the Zoning Hearing Board, subject to the requirements of Part 7 of this Chapter, for a nonconforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Borough. Such a permit shall be issued for a specified period of time not exceeding one (1) year, and may be renewed annually for an aggregate period of not more than three (3) years.

(Ord. 9/-11976 §602)

§603. Certificate of Use and Occupancy.

1. Scope. A certificate of use and occupancy shall be required upon the completion of the work contemplated in the zoning permit. No building, structure, or free-standing sign shall be utilized in any manner until a certificate of use and occupancy is issued.

2. Application Procedures. Application shall be made in writing to the Zoning Officer on a form specified for such purposes.

3. Issuance.

A. Certificates of use and occupancy shall be granted or refused within ten (10) days from the date of application. No application shall be granted or refused until the Zoning Officer has inspected the premises. Issuance of this certificate shall be based on conformance of the work to the requirements of this Chapter.

B. In commercial and industrial districts in which performance standards are imposed, no certificate of use and occupancy shall become permanent until thirty (30) days after the facility is fully operating, when upon a reinspection by the Zoning Officer, it is determined that the facility is in compliance with all performance standards.

(Ord. 9/-11976, §603)

§604. Fees; Determination. All fees shall be determined by Borough Council, and a schedule of such shall be made available to the general public. Borough Council shall be empowered to reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Chapter and may be adopted at any public meeting of Borough Council by resolution. (Ord. 9/-11976, §604; as added by Ord. 5-1993, 11/23/1993)

§605. Amendments.

1. Enactment of Zoning Ordinance Amendments.

A. The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

B. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

C. In the case of an amendment other than that prepared by the Planning Commission the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

E. At least thirty (30) days prior to the public hearing on the amendment by the Borough, the Borough shall submit the proposed amendment to the county planning agency for recommendations.

F. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

[Ord. 5-1993]

2: Procedure for Landowner Curative Amendments.

A. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision 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 §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

B. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Borough Council. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

C. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

(3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, aquifers, floodplains, natural resources and other natural features;

(4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

[Ord. 5-1993]

3. Procedure for Borough Curative Amendments.

A. If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

B. The Borough shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(a) References to specific uses which are either not permitted or not permitted in sufficient quantity;

(b) Reference to a class of use or uses which requires revision; or,

(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

C. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the

provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

D. Upon the initiation of the procedures as set forth in subsection (1), the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of §5609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

E. The Borough, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 5-1993]

(Ord. 9/-/1976, §605; as amended by Ord. 5-1993, 11/23/1993)



Part 7

Zoning Hearing Board

§701. Zoning Hearing Board.

1. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.

2. The membership of the Board shall consist of three (3) residents of the Borough appointed by resolution by the Borough Council, together with not more than two (2) alternate members appointed by resolution of the Borough Council. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The term of alternate members shall be three (3) years, and shall be so fixed that they shall not expire the same year. The Board shall promptly notify the Borough Council of any vacancies 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..

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Board shall elect from its own membership its officers, who shall serve annual terms 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 this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

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

7. Council for the Borough may appoint by Resolution not more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of any alternate member shall be three (3) years, such alternate member shall have all such power and

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authority as provided under Article IX of the Pennsylvania Municipalities Code, 53 P.S. Section 10901, et seq.

(Ord. 9/-11976; as added by Ord. 5-1993, 11/23/1993)

§702. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

2. The hearing shall 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.

3. 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 or findings of the hearing officer as final.

4. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

5. 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.

6. 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.

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. 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.

9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in 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 his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. 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.

12. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(Ord. 9-11976; as added by Ord. 5-1993, 11/23/1993)

5703. Jurisdiction.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. Appeals from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 et sea., 10701 et **sta.**

2. The Borough Council, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential **developments** under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land **developments** under Article V of the MPC, 53 P.S. §10501 et seq.

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the Zoning Officer or the Borough engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII. application, the appeal from such determination of .the Zoning Officer or the Borough engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(Ord. 5-1993]

3. Special Exceptions. Whether Borough Council, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 et. seq.

In rendering its decision the Board shall consider the following criteria, and the applicant requesting these special exceptions shall bear the burden of proving that such use complies with the following criteria: [Ord. 5-1993]

A. The suitability of the property for the use desired. Assure itself that the proposed request is consistent with the spirit, purpose and intent of this Chapter.

B. Determine that the proposed special exception will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property

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adjacent to the area included in the proposed change or plan is adequately safeguarded.

C. Determine that the proposed special exception will serve the best interests of the Borough, the convenience of the community, and the public welfare.

D. Consider the effect of the proposed special exception upon the logical efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.

E. Impose such conditions, in addition to those required, as are necessary to assure that the intent of this Chapter is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking and sanitation.

F. Determine that the unique circumstances for which the special exception is sought were neither created by the owner of the property, nor were due to, or the result of, general conditions in the zoning district in which the property is located.

G. Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major streets and highways from undue congestion and hazard.

H. Ascertain the adequacy of sanitation and public safety provisions, where applicable, and require a certificate of adequacy of sewage and water facilities from a governmental health agency in such case required herein or deemed advisable.

I. Financial hardship shall not be construed as the basis for granting special exceptions.

#### 4. Variances.

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

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of

this Chapter in the neighborhood or district in which the property is located.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the applicant.

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

[Ord. 5-1993]

(Ord. 9/-11976, §705; as amended by Ord. 5-1993, 11/23/1993)

§704. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions'of this Chapter; from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant

ZONING

with the permission of such landowner. An appeal shall state: [Ord. 5-1993]

- A. The name and address of the appellant.
- B. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
- C. A brief description and location of the real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the Section of this Chapter under which, the variance, or exception requested, may be allowed, and reasons why it should be granted. [Ord. 5-1993]

(Ord. 9-/1976, §706; as amended by Ord. 5-1993, 11/23/1993)

§705. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

3. Unless otherwise specified by the Board, or by law, a variance or special exception shall expire if the applicant fails to obtain a building permit within one (1) year of the date of authorization thereof by the Zoning Hearing Board or by the Court if such special exception or variance has been granted after an appeal from the decision of the Board. A variance or special exception shall also expire if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use as authorized by the special exception or variance. Within two (2) years from the date of authorization by the Zoning Hearing Board or by the Court if such variance or special exception has been granted after an appeal from decision of the Board. The Board, for reasonable cause shown, may extend the time limitations as set forth herein.

(Ord. 9/-11976, §707; as amended by Ord. 5-1993, 11/23/1993)

§706. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous.. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

(Ord. 9/-/1976, §708; as amended by Ord. 5-1993, 11/23/1993)

§707. Appeal. Any person, taxpayer, or the Borough aggrieved by any decision of the Board may within thirty (30) days after such decision of the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania. (Ord. 9/-11976, §709)

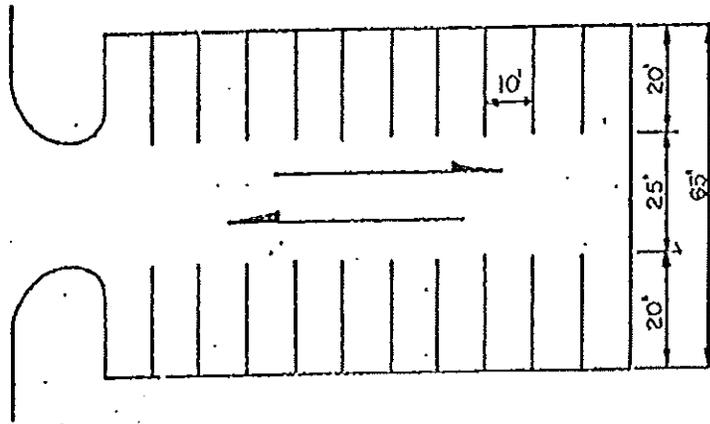


B. Zoning Map.

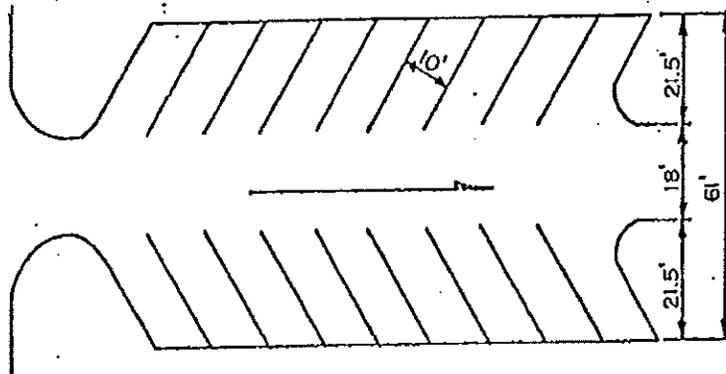
<u>Ord./Res.</u>	<u>Date</u>	<u>Subject</u>
2-1983	12/5/1983	Rezoning from R-1 Residential to I-]. Limited Industrial a certain tract of land belonging to Marvin R. Groff, loca- ted along the northeast side of Vine St.
3-1986	10/14/1986	Rezoning a certain tract of land located along Vine Street, Extended (L.R.36013).



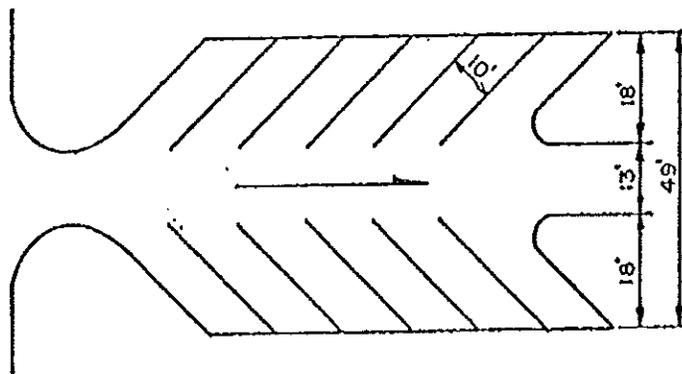
# PARKING LOT REQUIREMENTS



NINETY DEGREE PARKING — TWO WAY



SIXTY DEGREE PARKING



FORTY-FIVE DEGREE PARKING

ORDINANCE NO. 1994-2

AN ORDINANCE OF THE BOROUGH OF TERRE HILL, LANCASTER COUNTY, PENNSYLVANIA, AMENDING THE TERRE HILL BOROUGH ZONING ORDINANCE OF 1976, AS AMENDED, CHANGING THE ZONING OF CERTAIN PREMISES SITUATE ALONG WEST MAIN STREET, IN THE BOROUGH OF TERRE HILL, FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

BE IT ENACTED AND ORDAINED by Council for the Borough of Terre Hill as follows:

Section 1: The zoning of the following described premises presently being zoned R-1 Low Density Residential District is hereby rezoned to R-2 Medium Density Residential District:

ALL THAT CERTAIN tract or piece of land, situate on the south side of West Main Street, in the Borough of Terre Hill, Lancaster County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at the northeast corner thereof, being the northwest corner of the present R-2 Medium Density Residential District; thence extending South Twenty-nine (29°) degrees Twelve (12') minutes West, One Hundred Sixty-five (165) feet to a point; thence extending South Twenty-one (21°) degrees West, One Hundred Seventy-six and Five Tenths (176.5') feet to a point; thence extending North Sixty-nine (69°) degrees Six (6') minutes West, Fifty-three (53') feet to a point; thence extending North Twenty (20°) degrees Forty-eight (48') minutes East, One Hundred Seventy-nine and Eight Tenths (179.8') feet to a point; thence extending North Twenty (20°) degrees Fifty-six (56') minutes East, One Hundred Sixty-five (165') feet to a point in West Main Street; thence extending along West Main Street, South Sixty-eight (68°) degrees forty-nine (49') minutes East, Sixty-six (66') feet to a point; thence extending in said Street South Forty-eight (48°) degrees Twelve (12') minutes East, Eleven and Nine Tenths (11.9') feet to the place of Beginning.

Section 2: The Official Zoning Map of the Borough of Terre Hill shall be amended in accordance with the change in zoning as set forth in this Ordinance.

Section 3: This Ordinance shall be effective upon enactment.

ENACTED AND ORDAINED this 8<sup>th</sup> day of March, 1994.

ORDINANCE NO. 1994-3

AN ORDINANCE OF THE BOROUGH OF TERRE HILL,  
LANCASTER COUNTY, PENNSYLVANIA, AMENDING THE  
TERRE HILL BOROUGH ZONING ORDINANCE TO PERMIT  
A FIREHOUSE IN THE R-3 HIGH DENSITY RESIDENTIAL  
DISTRICT

BE IT ENACTED AND ORDAINED by the Council for the Borough of Terre Hill, Lancaster County, Pennsylvania, as follows:

Section 1. Ordinance No. 9-1976, known as the Terre Hill Borough Zoning Ordinance of 1976, Section 203.2.A., as amended, being Chapter 27, Part 2, Section 203.2.A. of the Terre Hill Borough Code of Ordinances, is hereby amended by the addition of the following subparagraph:

(9) Firehouse, used by a volunteer fire company for the purpose of storage of firefighting equipment and vehicles, meetings of the fire company and other organizations, and other uses traditionally conducted by volunteer fire companies.

Section 2. This ordinance shall be effective upon enactment.

ENACTED AND ORDAINED this 8th day of April, 1994.

ORDINANCE NO. 1994-4

AN ORDINANCE OF THE BOROUGH OF TERRE HILL,  
LANCASTER COUNTY, PENNSYLVANIA, AMENDING THE  
TERRE HILL BOROUGH ZONING ORDINANCE AMENDING THE  
DEFINITION OF THE TERM FAMILY, AND DELETING A  
RESIDENTIAL CONVERSION AS A SPECIAL EXCEPTION USE IN  
THE R-1 LOW DENSITY RESIDENTIAL DISTRICT

BE IT ENACTED AND ORDAINED by the Council for the Borough of Terre Hill, Lancaster County, Pennsylvania, as follows:

Section 1. Ordinance No. 9-1976, known as the Terre Hill Borough Zoning Ordinance of 1976, Section 104, being Chapter 27, Part 1, Section 104 of the Terre Hill Borough Code of Ordinances, is hereby amended as follows:

FAMILY - an individual or individuals related by blood, marriage, or adoption (including persons receiving foster care) that maintain one (1) common household and live within one (1) dwelling unit. Additionally, up to three (3) unrelated individuals who maintain a common household and live within One (1) dwelling unit may be considered a family. A family shall also expressly include any number of unrelated persons who reside within a licensed group home. ~~any number of persons living and cooking together as a single-housekeeping unit.~~

Section 2. Ordinance No. 9-1976, known as the Terre Hill Borough Zoning Ordinance of 1976, Section 503.3., as amended, being Chapter 27, Part 5, Section 503.3, of the Terre Hill Borough Code of Ordinances, is hereby amended as follows:

3. Residential Conversion. The conversion of ~~a residential single family dwelling in any residential district in the R-2 Medium Density Residential District, and the R-3 High Density Residential District,~~ into a dwelling ~~for~~ with a greater number of ~~families dwelling units is permitted~~ shall be subject to the following regulations:

The remaining provisions of Section 503.3 Residential Conversion shall remain in full force and effect.

Section 3. Underlined provisions of this Ordinance shall be added to existing referenced ordinances. Provisions shown by strike through are to be deleted from existing referenced ordinances.

Section 4. This ordinance shall be effective upon enactment.

ENACTED AND ORDAINED this 12th day of April, 1994.

ORDINANCE NO. 1995-1

AN ORDINANCE OF THE BOROUGH OF TERRE HILL,  
AMENDING PROVISIONS OF THE TERRE HILL  
BOROUGH ZONING ORDINANCE, PROVIDING A  
REVISED DEFINITION FOR THE TERM "JUNK YARD",  
DEFINING THE TERM "ACCESS DRIVE", LIMITING  
OFF-STREET PARKING IN THE FRONT YARD, AND  
PERMITTING A CEMETERY AS A PERMITTED USE

BE IT ENACTED AND ORDAINED by Terre Hill Borough Council as follows:

Section 1. Several deficiencies in the Terre Hill Borough Zoning Ordinance of 1976 as amended have come to the attention of Terre Hill Borough Council. Council has determined that the current ordinance lacks sufficient controls over the storage of abandoned or junk vehicles to protect the public health, safety and welfare, due to the dangers imposed by such vehicles, including the presence of broken glass, sharp metal edges and hazardous substances, and such vehicles serving as a breeding place for rats, insects, and other vermin. Council deems it to be in the best interest of the public health, safety and welfare to revise the definitions of certain terms relating to junk yards in order to control the outside storage of abandoned or junk vehicles. Other deficiency involve lack of specifications for the location of off-street parking areas on a residential lot. Finally, clarification is needed for the term "access drive" as used in the Ordinance, and for the definition of the term "structure".

Section 2. Chapter 27, Part 1, §104, of the Terre Hill Borough Code of Ordinances, being the definitions as set forth in the Terre Hill Borough Zoning Ordinance of 1976, as amended, is hereby amended, repealing the definition of the term "Junk", and adopting the following revised definition:

Junk - Used and/or discarded materials, including, but not limited to, waste paper, rags, metal, wood, rubber, plastic, tires, building materials, house furnishings, machinery, vehicles, appliances, or parts thereof, whether such materials are to be recycled, repaired, salvaged, or discarded.

Section 3. Chapter 27, Part 1, §104, of the Terre Hill Borough Code of Ordinances, being the definitions as set forth in the Terre Hill Borough Zoning Ordinance of 1976 as amended, is hereby amended, adding the following definition:

Junk Vehicles - Any vehicle designed to be self-propelled that is unlicensed, wrecked, disabled, lacks a current vehicle registration, lacks a current inspection sticker, is otherwise unable to properly operate under its own power for the purpose for which it was originally designed, or is illegal to operate on the public road if originally designed to do so. Vehicles designed to be self-propelled shall include, but not be limited to, vehicles commonly known as automobiles, trucks, vans, motorcycles, motorbikes, golf carts, go-carts, tractors, riding lawn mowers, snow mobiles, and all terrain vehicles.

Section 4. Chapter 27, Part 1, §104, of the Terre Hill Borough Code of Ordinances, being the definitions as set forth in the Terre Hill Borough Zoning Ordinance of 1976, as amended, is hereby amended, repealing the definition of the term "Junk Yard", and adopting the following revised definition:

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

completely enclosed building for a period in excess of thirty days shall constitute a Junk Yard.

Section 5. Chapter 27, Part 1, §104, of the Terre Hill Borough Code of Ordinances, being the definitions as set forth in the Terre Hill Borough Zoning Ordinance of 1976, as amended, is hereby amended, adding the following definition:

Access Drive - An improved cartway on any lot designed and constructed to provide for vehicular movement between a public street and a lot containing any use other than one single-family dwelling unit or farm.

Section 6. Chapter 27, Part 1, §104, of the Terre Hill Borough Code of Ordinances, being the definitions as set forth in the Terre Hill Borough Zoning Ordinance of 1976 as amended, is hereby amended, adding the following language to the definition of the term "Structure":

A driveway or Access Drive shall not constitute a Structure for the purposes of this definition. Other paved areas, such as parking lots or loading areas, shall constitute a Structure.

Section 7. Chapter 27, Part 2, §201.2.A of the Terre Hill Borough Code of Ordinances, being §201.2.A., is hereby amended by the addition of the following provision:

(6) Cemetery.

Section 201.2.A(6) is hereby renumbered to §201.2.A(7).

Section 8. Chapter 27, Part 5, §507.2 of the Terre Hill Borough Code of Ordinances, being §507.2 of the Terre Hill Borough Zoning Ordinance of 1976 as amended, is hereby amended to add the following provision:

No off-street parking space shall be located in the Front Yard.

Section 9. This Ordinance shall be effective upon enactment.

ENACTED AND ORDAINED this 14th day of November, 1995.

ORDINANCE NO. 2001-3

AN ORDINANCE OF THE BOROUGH OF TERRE HILL,  
AMENDING CHAPTER 27, PART 3, SECTION 2.A. OF  
THE TERRE HILL BOROUGH CODE OF ORDINANCES,  
ADDING A CHURCH AS A PERMITTED USE IN  
THE COMMERCIAL DISTRICT

BE IT ENACTED AND ORDAINED by the Terre Hill Borough Council, as follows:

Section 1. Chapter 27, Part 3, Section 2.A. of the Terre Hill Borough Code of Ordinances, being the Terre Hill Borough Zoning Ordinance, is hereby amended by the addition of the following subsection:

(18) Church or similar place of worship.

Section 2. This Ordinance shall be effective upon enactment.

ENACTED AND ORDAINED this 8<sup>th</sup> day of May, 2001.

ORDINANCE NO. 2003-3

AN ORDINANCE OF THE BOROUGH OF TERRE HILL, AMENDING  
THE TERRE HILL BOROUGH ZONING ORDINANCE OF 1976,  
AS AMENDED, CHAPTER 27 OF THE TERRE HILL BOROUGH  
CODE OF ORDINANCES, PROVIDING FOR THE REZONING OF  
CERTAIN PREMISES FROM NEIGHBORHOOD COMMERCIAL TO R-1  
LOW DENSITY RESIDENTIAL

BE IT ENACTED AND ORDAINED by Council for the Borough of Terre Hill as follows:

Section 1. The Terre Hill Borough Zoning Ordinance of 1976, as amended, Chapter 27 of the Terre Hill Borough Code of Ordinances, is hereby amended to change the zoning of the following premises from N-C Neighborhood Commercial District to R-1 Low Density Residential District:

ALL THAT CERTAIN tract of land to be rezoned from the Neighborhood Commercial (C-N) zoning district to the Residential Low (R-1) zoning district situated along the northwesterly side of Centre Avenue in the Borough of Terre Hill, County of Lancaster, and Commonwealth of Pennsylvania, in accordance with a survey prepared by RANCK LAKE ROEDER HILLARD & BEERS, Civil Engineers, Land Surveyors, and Landscape Architects, New Holland, PA, Project No. 279001, and all the same being more fully bounded and described as follows:

BEGINNING at the northeasterly corner a  $\frac{3}{4}$  -inch iron pipe on the westerly side of Centre Avenue, said pipe being the southeasterly corner of lands now or late of Richard and Janet F. Grimes and said pipe also being located 235 feet more or less southwesterly of the intersection of Centre Avenue and Linden Street; thence (1) along the westerly side of Centre Avenue, being parallel to and 15 feet distant from the centerline thereof, South 50 degrees 28 minutes 41 seconds West a distance of 590.76 feet to a post, being the northeasterly corner of lands now or late of Elmer L. and Rose M. Stoltzfus; thence (2) along said lands of Stoltzfus, North 38 degrees 01 minute 28 seconds West a distance of 468.79 feet to a  $\frac{3}{4}$ -inch iron pipe in line of lands now or late of Peter J. and Andrea M. Cacka; thence (3) along said lands of Cacka, along lands now or late of Fred M. and Shirley J. Morgan, along lands now or late of Edwin M., Jr. and Darlene L. Phillips and through lands of the Grantor herein, respectively, and being along the current C-N/R-1 zoning line, North 37 degrees 22 minutes 09 seconds East a distance of 679.44 feet to a point in line of lands now or late of Wilmer H. and Anna W. Burkhart; thence continuing along the current C-N/R-1 zoning line the remaining three courses and distances: (4) along said lands of Burkhart, along lands now or late of John and Deborah A. Depaul and along lands now or late of Eugene E. and Audrey L. Snader, respectively, South 41 degrees 15 minutes 00 seconds East a distance of 314.18 feet to a  $\frac{3}{4}$ -inch iron pipe at a corner of lands now or late of Richard and Janet F. Grimes; thence along said lands of Grimes the following two courses and distances: (5) South 50 degrees 57 minutes 54 seconds West a distance of 92.70 feet to a metal fence post; thence (6) South 39 degrees 31 minutes 20 seconds East a distance of 309.48 feet to the point of beginning.

Section 2. This Ordinance shall be effective upon enactment.

ENACTED AND ORDAINED this 14 day of OCTOBER, 2003.