

ARTICLE 4

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. APPLICABILITY.

401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.

1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116. For conditional uses, see also Section 117.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.

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

1. **Adult Use.** (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)
 - a. **Purposes.** The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - (1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Borough. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - (2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - (3) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
 - b. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
 - (1) 200 lineal feet from the lot line of an existing dwelling,
 - (2) 200 lineal feet from the lot line of any lot in a residential zoning district,
 - (3) 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park or playground, recreation trail, day care center or nursery school.
 - c. No Adult Use shall be located within 1,000 lineal feet from any existing "adult use."

- d. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.
 - e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 - g. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
 - h. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
 - i. An Adult Use shall be prohibited in all Districts except where specifically allowed under Section 306. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
 - j. A minimum lot area of 30,000 square feet is required.
 - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 - l. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees, dancers or entertainers shall maintain a minimum distance of 2 feet from customers. This shall include, but not be limited to, a prohibition on "lap dancing."
 - m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
 - n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
 - o. Any application for such use shall state the names and home addresses of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during Borough business hours. Such information shall be updated whenever it changes in writing to the Zoning Officer.
 - p. The use shall not operate between the hours of 12 midnight and 7 a.m.
 - q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters)."
 - r. An adult use shall not be on the same lot as a use that sells alcoholic beverages.
2. **Adult Day Care Center.**
- a. The use shall be fully licensed by the State, if required by the State.
 - b. The use shall include constant supervision during all hours of operation.
 - c. The use shall not meet the definition of a "treatment center."

3. **After Hours Club** - This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). In the event that the use would be determined to be allowed, a 200 feet setback shall apply from the building and any parking areas from any residential zoning district. The applicant shall prove that adequate on-site security will be in place.
4. **Animal Cemetery.**
 - a. All the regulations for a "cemetery" in this Section shall apply.
 - b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
5. **Apartments** - See "Townhouses and Apartments" and "Conversions" in this Section 402.
6. **Assisted Living Facility/ Personal Care Center.** - The standards for nursing homes in this section shall apply.
7. **Auto, Boat or Mobile/ Manufactured Home Sales.**
 - a. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
 - b. See light and glare standards in Section 507. See paved area setback provisions in Section 603.H.
 - c. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
8. **Auto Repair Garage.**
 - a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
 - b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
 - c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
 - d. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
 - e. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 20 days within view of a public street or a dwelling, unless it is actively under repair. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time, unless it is actively under repair. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - f. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.
9. **Auto Service Station.**

- a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
- b. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- c. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
- d. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- e. Any "junk vehicle" (as defined by Article 2) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than 6 junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
- f. The use may include a "convenience store" if the requirements for such use are also met.
- g. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
 - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign, b) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line, and c) necessary warning signs.
 - (2) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 20 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.
- h. Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line and from any lot line of a lot occupied by a residential use.

10. Bed and Breakfast Inn.

- a. Within a residential district (if permitted under Article 3), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.
- b. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
- c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. Such sign shall only be illuminated externally and shall use incandescent light or light of similar effect.
- d. The use shall have a residential appearance and character.
- e. The use shall be operated and/or managed by permanent residents of the lot.
- f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.

11. Boarding House (includes Rooming House).

- a. Minimum lot area- 15,000 square feet.
- b. Minimum side yard building setback - 15 feet each side
- c. Minimum lot width- 100 feet

- d. Maximum density- 6 bedrooms per acre; but in no case shall the lot serve a total of more than 20 persons.
- e. Each bedroom shall be limited to 2 adults each.
- f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
- g. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
- h. Signs shall be limited to 2 wall signs with a maximum of 2 square feet each.
- i. Rooms shall be rented for a minimum period of 5 consecutive days.

12. Campground, Camp or Recreational Vehicle Campground

- a. Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales of recreational, household, food, gift and camping items. Within a residential district, any store shall be primarily intended to serve persons camping on the site.
- b. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of 50 feet from any contiguous lot line of an existing dwelling that is not part of the Campground or Camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.
 - (1) The screening of evergreens provided in Section 803 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
 - (2) Removal of trees within this buffer shall be allowed for necessary approximately perpendicular street, stormwater channel, driveway and utility crossings and to provide safe sight distance.
- c. Buildings used for sleeping quarters shall not be within the 100-year floodplain.
- d. Maximum impervious coverage -- Within a residential district, 30 percent, which shall include the typical lot area covered by recreational vehicles at full capacity.
- e. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.
- f. Minimum lot area - 2 acres.

13. Car Wash.

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

- e. No portion of a car wash shall be located within 100 feet from the centerline of a perennial waterway.
- f. Minimum lot area - 5 acres, which shall be reduced to 1 acre if the applicant proves that most of the water used in the operation will be recycled on-site.

14. **Cemetery.**

- a. Minimum lot area- 2 acres, which may on the same lot as an allowed place of worship.
- b. A crematorium, where allowed by Article 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 30 feet from the future right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
- d. No grave sites and no structures shall be located within the 100-year floodplain.
- e. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

15. **Commercial Communications Antennae/Tower as principal or accessory use.**

- a. An accessory commercial communications antenna shall be permitted by Conditional Use as authorized by Section 306, in any district if it meets the following requirements:
 - 1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - a) a principal agricultural building or silo,
 - b) an electric high voltage transmission tower,
 - c) an existing lawful commercial communications tower,
 - d) a fire station or steeple or bell tower of a place of worship, or
 - e) a water tower.
 - 2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- b. Any commercial communications antenna/tower that does not meet Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
 - 1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The Board may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
 - 2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 300 feet plus the total height of the tower above the surrounding ground level.

- 3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - 4) See structural and wind resistance requirements of the Construction Code.
 - 5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Borough.
 - 6) An applicant for a new commercial communications tower shall provide evidence to the Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
 - 7) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
 - 8) The application shall describe any proposed lighting. The Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters. Strobe lighting shall not be used, but flashing lights may be used.
 - 9) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flagpole are preferred over lattice designs.
- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
- 1) To protect property values.
 - 2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - 3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- d. A tower/antenna that is intended to primarily serve emergency communications by a Borough-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
- e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
- f. Accessory utility buildings or cabinets shall have a maximum height of 10 feet and meet principal building setbacks.
16. **Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.**
- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.

- b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
 - 1) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - 2) The conversion shall not be permitted if it would require the development of an exterior stairway on the front of the building, or would require the placement of more than 2 off-street parking spaces in the required front yard.
- c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
- d. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance, unless the building included more than 3,000 square feet of building floor area at the time of adoption of this Ordinance.
- e. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.

17. **Day Care Center, Child.**

- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.D.3.
- b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
- c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
- d. The use shall include secure fencing around outdoor play areas.
- e. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- f. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
- g. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.

18. **Emergency Services Station.**

- a. The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games, and periodic special events. Any building area used for a banquet hall shall be setback a minimum of 20 feet from the lot line of an existing dwelling and be separated from such residential lot line by a buffer yard meeting Section 803.

19. **Forestry.** See "Timber Harvesting" in this Section.

20. **Golf Course.** A golf course may include a restaurant or clubhouse provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling. The maximum impervious area covered by man-made surfaces shall not exceed 5 percent of the total lot area of the golf course.

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

- a. The use shall meet the definition in Section 202.
- b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
- c. A Group Home shall include the housing of a maximum of 4 unrelated persons, by right and up to 6 unrelated persons by special exception, except:
 - 1) if a more restrictive requirement is established by another Borough Code;
 - 2) the number of bona fide paid professional staff shall not count towards such maximum; and
 - 3) as may be approved by the Zoning Hearing Board under Section 111.D.
- d. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a State or County human service agency, then this requirement shall have been deemed to be met.
- e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
- f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 4 persons at one time.
- h. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- i. The persons living on-site shall function as a common household unit.
- j. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- k. An off-street parking space shall be provided for the largest vehicle that serves the use.
- l. The building shall have lighted exit lights, emergency lighting and inter-connected smoke alarms.

22. **Heliport.**

- a. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
- b. Borough Council may place conditions on the size of helicopters, frequency of use, fueling facilities, setbacks and hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, Borough Council may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.

23. **Hotel or Motel.**

- a. See definitions in Section 202, which distinguish a hotel/motel from a boarding house.
- b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."

24. **Junkyard.** (includes automobile salvage yard)

- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
- c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the

entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.

- d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- e. Burning or incineration is prohibited.
- f. See the noise or dust regulations of Article 5.
- g. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- h. Lot area - 5 acres minimum; 20 acres maximum.
- i. Tires - see the "Outdoor Storage and Display" standards in Section 403.D.9.
- j. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.

25. Kenel.

- a. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all "residential lot lines." This 150 feet setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- c. No animal shall be permitted to use outdoor runs from 9 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs should be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. See State law regulating kennels.
- e. Minimum lot area - 5 acres, unless a larger lot area is required by another section of this Ordinance.

26. Livestock and Poultry, Raising of.

- a. Minimum lot area - 5 acres.
- b. Any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 300 feet from a lot in a residential district, 2) 200 feet from an existing dwelling that is not within a residential district, 3) 50 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- c. The setbacks from property lines provided in this Section 402.A. for this use shall not apply from dwellings or lots owned by: (1) the operator or owner of the livestock use, (2) affected property-owners providing a written notarized letter waiving such setback, or (3) a building housing hogs that is above a manure holding facility.
- d. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.

- e. If applicable, evidence shall be provided by the operator/applicant to the Borough to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations.
- f. Buildings used for the keeping of livestock or poultry shall not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir.
- g. For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines.
- h. The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
- i. The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances.

28. **Manufactured Homes.** See "Mobile/Manufactured Home" in this Section.

29. **Membership Club.**

- a. See definition in Article 2.
- b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
- c. This use shall not include an "After Hours Club."

30. **Mineral Extraction.**

- a. The following additional requirements shall be met:
 - 1) A detailed land reclamation and reuse plan of the area to be excavated shall be submitted with the zoning application for any new or expanded mineral extraction use.
 - 2) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
 - 3) A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. Borough Council may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
 - (a) New trees shall not be required where preserved trees will serve the same purpose.
 - 4) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - (a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - (b) 150 feet from a non-residential principal building, unless released by the owner thereof,
 - (c) 300 feet from the lot line of a dwelling,
 - 5) The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.

- 6) Fencing. Borough Council may require secure fencing in locations where needed to protect public safety. As an alternative, Borough Council may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
 - 7) Hours of Operation. Borough Council, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 - 8) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
31. **Mobile/Manufactured Home** - Installed on an individual lot or within a mobile/manufactured home park approved after the adoption of this ordinance.
- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
 - b. Each site shall be graded to provide a stable and well-drained area.
 - c. Each home shall have hitch and tires removed.
 - d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation.
 - e. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.
 - f. The front door of the dwelling shall face onto a street.
 - g. The dwelling shall have a minimum roof pitch of 4:12.
32. **Mobile/Manufactured Home Park.**
- a. Plans shall be submitted and reviewed by the Borough for all mobile/manufactured home parks in compliance with the mobile/manufactured home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
 - b. The minimum tract area shall be 30,000 square feet, which shall be under single ownership.
 - c. Density - The maximum average density of the tract shall be 4 dwelling units per acre.
 - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.
 - d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 35 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by Borough Council.

The same area of land may count towards both the landscaped area and the building setback requirements.

- e. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- f. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- g. The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
- h. Each home shall comply with the requirements for "Mobile/Manufactured Homes" stated in the preceding sub-section.
- i. Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- j. "Common Open Space" for a Mobile Home Park. A minimum of 15 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation.
- k. Streets.
 - (1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - (2) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
 - (3) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Borough cartway construction standards.

33. **Nursing Home.**

- a. Licensing - See definition in Article 2.
- b. A minimum of 15 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

34. **Outdoor Storage and Display.** - The provisions listed for this use under Section 403 shall apply.

35. **Picnic Grove, Commercial.**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 75 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
- b. See noise and glare standards in Article 5.
- c. Minimum lot area - 2 acres.

36. **Place of Worship.**

- a. Minimum lot area- One acre in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Article 3 for that district.

- b. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. See Section 305. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
- c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.

37. **Recreation, Outdoor**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot.
- b. This term shall not include "Publicly-Owned Recreation," a "Golf Course," or a "Motor Vehicle Racetrack."
- c. See provisions for a non-household swimming pool in this Section 402.
- d. Lighting, noise and glare control - See Article 5.
- e. Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a 20 feet wide buffer yard in accordance with Section 803.D shall be required.

38. **Recycling Collection Center.**

- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- d. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
- e. This use may be a principal or accessory use, including being an accessory use to a commercial use, college, an industrial use, a public or private primary or secondary school, a place of worship or a Borough-owned use, subject to the limitations of this section.
- f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

39. **Residential Conversions.** See "Conversions of an Existing Building" within this Section.

40. **Restaurant.**

- a. Screening of Dumpster and Waste Containers - See Section 806.
 - b. See "Drive-Through" service in Section 403.
 - c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.
41. **School, Public or Private, Primary or Secondary**
- a. Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
 - b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
 - c. The use shall not include a dormitory unless specifically permitted in the District.
42. **Self-Storage Development.**
- a. All storage units shall be of fire-resistant construction.
 - b. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
 - c. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
 - d. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
 - e. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
 - f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
 - g. See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
 - h. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.
43. **Solid Waste Transfer Facility or Solid Waste-to-Energy Facility.**
- a. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 1/2 acre in area.
 - b. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
 - c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
 - d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
 - e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Borough. Violations of this condition shall also be considered to be violations of this Ordinance.

- f. Open dumps and open burning of refuse are prohibited.
 - g. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Borough.
 - h. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
 - i. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent waste operations from being visible from a public street or dwelling.
 - j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
 - k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
 - l. Attendant. An attendant shall be present during all periods of operation or dumping.
 - m. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
 - n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
 - o. Under authority granted to the Borough under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
 - p. Tires. See "Outdoor Storage and Display" in Section 403.D.9.
 - q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
 - r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
 - s. The applicant shall provide sufficient information for the Borough to determine that the requirements of this Ordinance will be met.
 - t. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
44. **Stable, Nonhousehold.** (Includes riding academies; See also "Keeping of Pets in Section 403.D.10)
- a. Minimum lot area - 2 acres for the first horse or similar animal, plus 1 acre for each additional horse or similar animal.
 - b. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.

- c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
45. **Swimming Pool, Non-Household.**
- a. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
 - b. Minimum lot area- 1 acre.
 - c. Any water surface within 100 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting Section 803.D.
 - d. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
 - e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
46. **Timber Harvesting.**
- a. A soil and erosion conservation plan shall be prepared and submitted if the timber harvesting involves more than one-half acre.
 - b. A maximum of 50 percent of the total tree canopy cover shall be removed from areas within 50 feet from the edge of a perennial creek.
47. **Townhouses and Apartments.**
- a. Maximum number of townhouses in any attached grouping - 8.
 - b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
 - c. Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
 - d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
 - e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
48. **Treatment Center.**
- a. See definition in Section 202.
 - b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
 - c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance

on the type of supervision that is needed, the proposed supervision shall be compared to such standards.

- d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- e. A methadone treatment center or a use involving housing of 2 or more persons required to register their place of residence under Megan's Law II shall be setback a minimum of 500 feet from each of the following: a primary or secondary school, a public park or playground, or a child day care center.

49. **Trucking Company Terminal.**

- a. As a condition of approval, the Zoning Hearing Board may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.

50. **Veterinarian Office.** (includes Animal Hospital)

- a. Minimum lot area - 1 acre.
- b. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- c. Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

51. **Wind turbines, other than the one wind turbine per lot that is allowed as an accessory use by Section 306.**

- a. The wind turbine shall be setback from the nearest principal building on another lot a distance not less than two times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.
- b. The audible sound from the wind turbine(s) shall not exceed 50 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
- d. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
- f. All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot.
- g. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- h. The turbine shall include automatic devices to address high speed winds.
- i. Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.

- j. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- k. Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.
- l. For a wind turbine, a professional engineer shall certify that the turbine, foundation and tower design of the windmill is within accepted professional standards, given local soil conditions.
- m. Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
- n. Decommissioning - A wind turbine shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the Wind turbine to service. All Wind turbines and above ground facilities shall be removed within 90 days of the discontinuation of use.

403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- 403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.
- 403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
 - 1. **Antenna, Standard.** (includes amateur radio antenna)
 - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. Anchoring. An antenna shall be properly anchored to resist high winds.
 - 2. **Bus Shelter.**
 - a. A bus shelter shall only be allowed along a public bus route in a commercial or industrial district. The location shall need approval by Borough Council.
 - b. The applicant shall prove that an acceptable system is in place to maintain and clean the shelter on a regular basis, and to completely remove the shelter if such maintenance is not done or if the shelter falls into disrepair. The sides of the shelter shall be constructed primarily of clear shatter-resistant material.

- c. One advertising sign shall be allowed with a maximum of 2 sides, with each side having a maximum sign area of 40 square feet. Such sign may be illuminated. In addition, signs may provide information about public transit service along the route.
 - d. A bus shelter is not required to comply with setbacks and may be located within a street right-of-way if approved by the Borough or PennDOT, as applicable.
3. **Day Care, Child - as accessory to a Dwelling.**
- a. See Section 306 under Accessory Uses and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
 - b. The care of 4 or more children (other than children who are "related" to the primary caregiver) shall only be allowed where specifically permitted under Section 306 in the applicable zoning district.
 - c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - d. The use shall be actively operated by a permanent resident of the dwelling.
 - e. If 7 or more children are cared for who are not related to the primary caregiver, then a minimum of 400 square feet of exterior play area shall be available, surrounded by a 6 feet high secure fence.
 - f. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
 - g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
 - h. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
4. **Drive-through Facilities.**
- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation and parking areas shall be clearly marked.
 - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
5. **Fences and Walls.**
- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A fence shall not be required to comply with minimum setbacks for accessory structures.
 - b. No fence, wall or hedge shall obstruct the sight distance as required by Section 803.C. and/or the Subdivision and Land Development Ordinance. (Note - The sight distance provisions typically regulate features over 3 feet in height.)
 - c. Fences -
 - 1) Front Yard. No fence in the minimum front yard in a residential district or in the NC District shall be constructed of chain link metal. Any fence located in the required minimum front yard of a lot in a residential district or NC district shall:

- a) be an open-type of fence (such as picket, wrought iron, vinyl post, or split rail) with a minimum ratio of 1:1 of open to structural areas, and
 - b) not exceed 4 feet in height. A taller height may be approved by the Zoning Officer if necessary to contain animals or to address a specific hazard, such as an electric transformer.
- 2) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling may have a maximum height of 6.5 feet along one of the streets, other than the street that is along the front of the dwelling.
 - 3) Height.
 - a) A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except a maximum of height of 10 feet shall be allowed around a tennis court (provided it is outside of the minimum front yard) and a taller height may be allowed where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.
 - b) A fence in the minimum front yard that is not within a residential district shall have a maximum height of 4 feet.
 - 4) Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed without a setback from a lot line, except that a fence shall be located on the inside of any buffer plantings required by Section 803 and except that a 5 feet minimum setback shall apply for a fence of a principal business that is more than 6 feet in height and that is adjacent to a principal dwelling. Where no setback is required, a one foot or greater setback is recommended to provide for future maintenance of the fence and to account for possible inaccurate lot lines.
 - 5) Fence materials. Barbed wire shall not be used as part of fences around dwellings in residential districts. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels.
- d. Walls -
- 1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height, it shall be setback a minimum of 15 feet from a lot line of an existing dwelling.
 - 2) No wall of greater than 3 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in Section 704.
 - 3) A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback.
 - 4) Walls that are attached to a building shall be regulated as a part of that building.

6. **Outdoor Furnace.**

- a. The following setbacks shall apply from a lot that is not in common ownership with the lot occupied by the outdoor furnace:
 - 1) An outdoor furnace shall be setback a minimum of 150 feet from any existing occupied building on another lot.
 - 2) The outdoor furnace shall be setback a minimum of 50 feet from any other lot line.
 - 3) The exhaust stack of chimney of the outdoor furnace shall have a minimum height of 30 feet if it is within 250 feet from any occupied building on another lot.
 - b. The applicant shall show compliance with the Borough Construction and Mechanical Codes. The furnace shall include properly functioning spark arrestors.
 - c. The furnace shall not be used to burn rubber, plastics, hazardous materials, putrescent garbage, paint products, manure or asphalt products.
7. **Garage Sale (includes Yard Sale, Moving Sale and Porch Sale).**
- a. See the provisions of the applicable separate Borough Ordinance.
 - b. See sign provisions in Section 705.C.
 - c. Garage sales shall be limited to a maximum of 2 sales per year, which each shall not exceed 2 days.
8. **Home Occupations.**
- a. All home occupations shall meet the following requirements:
 - 1) The use shall only be conducted by one or more permanent residents of the dwelling, except it may involve a maximum of one non-resident employee who regularly visits the property but primarily works off-site, such as operating a vehicle based at the property.
 - 2) The use shall be conducted indoors, in a principal and/or accessory building. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 - 3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
 - 4) For a Major Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
 - 5) The use shall not require delivery by tractor-trailer trucks.
 - 6) The regulations of Section 403.A.9.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 - 7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
 - 8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.

- 9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
 - 10) A barber or beauty shop shall not include any non-resident employees.
 - 11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
 - 12) A Home Occupation may include a single two square foot non-illuminated sign, as permitted on page 7-9. The sign shall have a maximum height above the ground of 6 feet and may be attached to a building or a pole. The sign shall not be allowed within the street right-of-way.
 - 13) The Zoning Hearing Board shall deny a Major Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
 - 14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
 - 15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
 - 16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
 - 17) A zoning permit shall be required for a Major home occupation.
- b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Minor Home Occupation:"
- 1) The use shall not routinely involve routine daily visits to the home occupation by customers.
 - 2) The use shall only involve the following activities:
 - (a) work routinely conducted within an office,
 - (b) custom sewing and fabric and basket crafts,
 - (c) cooking and baking for off-site sales and use,
 - (d) creation of visual arts (such as painting or wood carving),
 - (e) repairs to and assembly of computers and computer peripherals, and
 - (f) a construction tradesperson, provided that no non-resident employees routinely operate from the lot.
 - 3) A zoning permit shall not be required for a Minor Home Occupation.
9. **Outdoor Storage and Display.** Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
 - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
 - c. Screening. See Section 803.

- d. Tire Storage.
 - 1) For tires not mounted on a motor vehicle, any outdoor storage of more than 5 tires on a lot in a residential district or more than 50 used tires in a non-residential district shall only be permitted as part of a Borough-approved junkyard or tire store.
 - 2) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.
 - 3) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.
10. **Pets, Keeping of.** See the separate Borough ordinance which regulates pets and other animals.

Recreational Vehicle Parking - See under Residential Accessory Structure or Use in this Section.

11. **Residential Accessory Structure or Use.** (see definition in Article 2)
- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 307.
 - b. On a lot less than 2 acres in a residential district, there shall not be more than a total of 2 of all of the following improvements: accessory buildings, pools, outdoor spas, playhouses and outdoor hot tubs.
 - c. Height. See Section 307.B.
 - d. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks or excavating equipment or the trailer from a tractor-trailer combination on a principal residential lot in a residential district is prohibited, except that the parking of a maximum of one vehicle with an aggregate gross vehicle weight of up to 11,000 pounds shall be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work.
 - e. Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 11,000 pounds aggregate gross vehicle weight shall not occur on a residential lot. Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her "relative" shall not occur on a residential lot.
 - f. See setback exceptions in Section 803.B.
 - g. Unlicensed and Inoperable Vehicles. See the provisions of the Borough Property Maintenance Code. See also the definition of "Junkyard."
 - h. Recreational Vehicles, Boats and Trailers. A recreational vehicle, boat or trailer for a boat or vehicle with a length of 30 feet or greater shall not be parked in the front yard of a dwelling in a residential or NC district on more than 3 days in any 7 day period. Outside of a front yard of a dwelling, such vehicle, boat or trailer shall be parked a minimum of 5 feet from a lot line of another dwelling, and include a row of

evergreen trees between such vehicle, boat or trailer and a dwelling on another lot. Where there is insufficient room for evergreen trees, a mostly solid well-maintained fence may be used with a minimum height of 4 feet.

- 1) All such vehicles, boats or trailers shall maintain a current registration and be maintained to prevent the collection of debris or the leakage of vehicle fluids onto the ground.
 - i. A maximum of one motor vehicle or boat shall be displayed or offered for sale on a lot in a residential district, except as may be allowed otherwise as a non-conforming use.
 - j. Within the minimum front yard of a residential lot in a residential district, motor vehicles shall only be parked overnight on a driveway or a paved, stone or similar hard surface.
12. **Swimming Pool, Household.** (referred hereafter as "pool") -
- a. See the requirements of the Construction Code regarding fencing of pools. In the event such Construction Code does not result in a fence being required, then this Zoning Ordinance provision shall apply. Every swimming pool containing 24 inches or more of water depth shall include a fence, wall, above-ground pool walls or similar enclosure surrounding the pool. Such enclosure shall extend not less than 4.5 feet above the ground. All gates, latches and fences shall meet the Construction Code requirements for enclosures around a pool.
 - b. A swimming pool shall not be located in a minimum front yard. The water surface and any raised decking of a swimming pool shall be setback a minimum of 10 feet from side and rear lot lines.
13. **Unit for Care of Relative.**
- a. The use shall meet the definition in Section 202.
 - b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
 - c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconvered into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconvered to a garage or permitted home occupation area or otherwise function as part of the principal dwelling unit.
 - d. The applicant shall establish a legally binding mechanism in a form acceptable to the Borough that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
 - e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
 - f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be

attached to the principal dwelling unit, except a detached dwelling may be specifically approved by the Zoning Hearing Board as a special exception. If a detached modular dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet principal building setbacks and has a maximum building floor area of 900 square feet.

- g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

14. Wind turbines, One Per Lot as Accessory Use.

- a. All wind turbines shall be set back from the lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
- b. The audible sound from the wind turbine shall not exceed 50 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
- d. A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
- f. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- g. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
- h. In a residential or NC district, the maximum total height above the ground level to the tip of the extended blade shall be 80 feet.
- i. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.
- k. Contiguous property owners may construct a wind turbine for use in common, provided that the required setbacks are maintained from the lot lines of non-participating landowners. A maximum of one wind turbine that would be shared by certain dwelling units within a development may also be placed in the common open space, if specifically approved to be included, at the time of final subdivision approval.

15. Outdoor Storage of Trash, Rubbish, Junk, and Recyclable Materials

Outdoor trash, rubbish, and recycling collection areas shall be located with an emphasis upon shielding the site from public view and to shield with landscaping the area near the site to minimize any detrimental effects upon neighboring properties. The site shall follow the guidelines as listed:

- a. No collection site shall be located within any front yard setback area or along any street frontage.

- b. The collection site shall be a minimum of ten (10) feet from any side or rear property line, and screened from public view.
- c. On all commercial use properties, each site shall be screened with a six (6) foot stockade fence or basket weave fence. Landscaping with shrubbery and trees is also required.
- d. On commercial use properties, the maximum area of each site shall not exceed two hundred (200) square feet. On residential use properties the site shall not exceed fifty (50) square feet.
- e. Daily inspections by the property owners or tenants shall be conducted to collect any loose debris near the container and ensure animals, rodents, and vermin are not inhabiting the area.
- f. The outdoor accumulation of trash, garbage, refuse, or junk for a period exceeding fifteen (15) days is prohibited.

16. Outdoor Stockpiling and Accumulations

The following regulations shall apply in all zoning districts:

- a. No outdoor stockpiling of any material or outdoor storage is permitted in the front yard setback. In any residential district, the outdoor stockpiling of materials (except firewood) for more than forty-five (45) days is prohibited. Temporary outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building and shall not exceed five (5) feet in height in residential districts and twenty (20) feet in height in other districts, and is limited to 100 square feet.
- b. The placement of framed enclosure composts as an accessory residential use is permitted, subject to all accessory use setbacks. Only yard/garden waste materials from the residential site shall be deposited within the composts, and in no cases shall meat or meat by-products be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties.