

307. **DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.**

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202. Each dwelling unit and each principal building shall be served by both public water and public water service.

Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Lot Coverage (Note F)
<p>1. R-1 Low Density Residential District:</p> <p>a) Single family detached dwelling:</p> <p>b) Other allowed principal use</p> <p>All new principal buildings shall have a minimum building width of 18 feet, not including unenclosed structures, unless a more restrictive requirement applies.</p>	<p>a) 10,000</p> <p>b) 15,000</p>	<p>a) 80</p> <p>b) 90</p>	<p>All uses: 25</p>	<p>All uses: 25</p>	<p>a) 10 each, except 8 each for lots that were created prior to January 1, 2000.</p> <p>b) 15 each</p>	<p>25% for all uses</p>	<p>30% for all uses</p>

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<p>2. R-2 Medium Density Residential District: a) Single family detached dwelling: b) Semi-detached dwelling unit</p> <p>c) Other allowed principal use</p> <p>All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).</p> <p>Note B shall apply, at the end of this table.</p>	<p>a) 5,000 b) and c) Minimum average lot area of 4,000 per dwelling unit for the tract (Note C).</p> <p>c) 10,000</p>	<p>a) 50 (Note B) b) 40 per dwelling unit (Note B)</p> <p>c) 60</p>	<p>All uses: 20</p>	<p>All uses: 25</p>	<p>a) 8 (Note G) b) 8 (Note G), except 0 at the shared lot line of lawfully attached dwellings c) 15</p>	<p>All uses: 50%</p>	<p>All uses: 60%</p>

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Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Lot Coverage (Note F)
<p>3. R-3 High Density Residential District:</p> <p>a) Single family detached dwelling: b) Semi-detached dwelling unit</p> <p>c) Townhouse, provided that in no case shall the average density exceed 10 dwelling units per acre.</p> <p>d) Duplex or Other Apartment Dwellings, provided that any lot that includes 4 or more apartment dwelling units shall require a minimum lot area of 15,000 square feet, provided that in no case shall the average density exceed 10 dwelling units per acre.</p> <p>e) Manufactured home parks shall meet Section 402.</p> <p>f) Other allowed principal use</p> <p>All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structured).</p>	<p>a) 2,500 b) and c) Minimum average lot area of 2,000 per dwelling unit for the tract (Note C). d) Minimum average lot area of 2,000 per dwelling unit for the tract (Note C), (Note H). f) 10,000</p>	<p>a) 25 (Note B) b) 23 per dwelling unit (Note B) c) 20 per interior dwelling unit, and 25 for unit on a corner lot (Note B) d) 60 (Note B) f) 60</p>	<p>All uses: 10</p>	<p>All uses: 25</p>	<p>a) 8 (Note G) b) 8 (Note G) c) 15 (Note G), except 0 at the shared lot line of lawfully attached dwellings d) 15 f) 15</p>	<p>All uses: 60%</p>	<p>All uses: 70%</p>

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Zoning District: Type of Use	Min. Lot Area (sq.ft.) (Note E)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.) (Note D)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage (Note F)	Maximum Percent Lot Coverage (Note F)
4. HC Highway Commercial District: Allowed Uses	15,000	100	20, except 35 if any parking is provided between the front lot line and the principal building	20 (Note A)	15 (Note A)	60%	90%

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<p>5. NC Neighborhood Commercial District:</p> <p>a) Allowed residential uses - The requirements of the R-2 district shall apply instead of the requirements of the NC District.</p> <p>b) Other Allowed Uses</p> <p>See also the Historic Overlay District provisions in Section 310.</p>	<p>b) 5,000</p>	<p>b) 45, except 30 if a principal building is attached along a lot line to another principal building</p>	<p>b) 0. No vehicle parking spaces shall be located between the front lot line along Main St. or State Rd. & the front of a principal building.</p>	<p>b) 15 (Note A)</p>	<p>b) 3 (Note A)</p>	<p>b) 80%</p>	<p>b) 90%</p>

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6. LI Light Industrial District:							
Allowed Use	20,000	100	20	25 (Note A)	20 (Note A)	60%	80%
7. REC Recreation District:							
Allowed Use	10,000	50	20	20	10	10%	20%

Section 307.A. Continued: Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

** = The following exceptions shall apply:

- For accessory structures and uses, see Section 307.C. below.
- Structures shall not obstruct minimum sight clearance at intersections.
- See Section 803.B. pertaining to Corner Lots.
- See Section 806 regarding extension of nonconforming setbacks.
- See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(Note A) = Except 20 feet side and 30 feet rear for a principal business from an abutting lot in a residential district that is occupied by a principal dwelling. Such side or rear yard shall be increased to 70 feet for any building area or land area used for manufacturing or a tractor-trailer truck loading dock from such a lot.

(Note B) = If an existing rear or side alley is available or could be feasibly extended, it shall be used for access to parking spaces for the lot instead of a front yard driveway. If 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each townhouse or semi-detached dwelling and the street right-of-way line shall be used for vehicle parking and driveways.

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

- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The total lot area of the tract prior to development is used. The area occupied by existing street right-of-way of existing streets and alleys is then deleted. The following areas are not required to be deleted from the lot area: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins. The resulting lot area is then divided by the average lot area per dwelling unit to result in the maximum number of dwelling units allowed on the tract.
- See also the applicable standards in Section 402, which may require common open space for townhouses and apartments.

(Note D) = Setbacks shall be measured from the existing street right-of-way. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof. Steps and stoops may also intrude into this setback. See also the maximum building setback in Section 307.E.

- (Note E) = See natural feature regulations in Section 308. See text at the beginning of Section 307 if a lot will not be served by both public water service and public sewage service.
- (Note F) = For townhouses and semi-detached dwellings, the maximum building and impervious coverage requirements may be met as an average across a tract after development, as opposed to regulating each individual lot.
- (Note G) = However, in no case shall a new or expanded principal building be allowed to have a separation distance of less than 6 feet from the nearest enclosed principal building wall on another lot.
- (Note H) = The minimum average lot area per apartment dwelling shall be reduced to 1,500 square feet if a lot will include 6 or more dwelling units, and each dwelling unit will be restricted to occupancy by at least one person age 62 or older or a person with physical disabilities, and there is no occupancy by any person under age 18 years old.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. Except as provided in Section 802, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. Any structure that is accessory to a dwelling shall have a maximum height of 24-feet.
2. If a building is accessory to a non-residential use, it shall have a maximum height of 25 feet, unless it meets the minimum setbacks for a principal building, in which case the maximum height for a principal building shall apply.
3. In the LI district, a maximum building height of 40 feet shall apply.
4. The maximum height for any other structure shall be 3 stories or 35 feet, whichever is more restrictive.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. The minimum side and rear yard setback for a permitted detached structure that is accessory to a dwelling shall be 5 feet, except in the following cases:
 - a. The minimum side yard setback shall be reduced to 3 feet on each side and the rear yard for a residential accessory building that does not include a dwelling and that has a total floor area of 144 square feet or less, and a maximum height of 15 feet.
 - b. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - c. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. See Note D above considering front yard setbacks.
 - d. See Section 403.D.12 for swimming pools.
 - e. A vehicle garage that is accessory to a dwelling shall in no case be setback less than 14 feet from the centerline of any alley or street with a right-of-width of 16 feet or less, in addition to meeting other setbacks.
3. No accessory building and no swimming pool shall be allowed in the minimum front yard.

307.D. Rear Yard Abutting a Street. If a new principal building is constructed with its rear lot line abutting a public street, a row of landscaping shall be placed between such street and the rear yard, and any fencing shall be placed on the inside of such landscaping. This requirement shall not apply where the landscaping would interfere with required sight distances or a vehicle driveway or garage.

307.E. Maximum Building Setback. In the R-2 or NC districts, where a clear majority of the existing principal buildings on the same side of a block are already developed with buildings, and where the Zoning Officer determines that there is a clear predominant front yard setback along such block, then if a new principal building is proposed, the front building wall of such new building shall have a front yard building setback that is not more than 5 feet larger and not less than 5 feet smaller than such predominant front yard setback. The maximum front yard setback may be met with an attached front porch or a building wall.

308. **WETLANDS AND CREEK CONSERVATION.**

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

308.B. Wetland and Lake Setbacks. A minimum setback of 20 feet shall be required between any new principal building for which a building permit is issued after the effective date of this Ordinance and any "wetland" or natural lake or pond.

308.C. Setback from Creeks. No new principal building, no new off-street parking space and no new commercial or industrial outdoor storage shall be allowed within 75 feet from the centerline of a perennial creek. The only perennial creek in East Petersburg Borough is the Little Conestoga Creek. Where trees and other natural vegetation are removed within this setback, they shall be replaced with new trees and vegetation that serve the same environmental purposes.

309. **DESIGN GUIDELINES.** The following advisory guidelines should be considered in the design of new construction, additions and exterior alterations, particularly in the older parts of the R-2 and NC districts. Some of these features may be required by other sections of this Ordinance in specific cases.

309.A. Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. Where rear parking is not practical, then parking should be provided to the side of a building. Where a driveway needs to enter from the front, the garage should be setback further from the street than the house, and the driveway should be as narrow as practical through the front yard.

309.B. New construction should have a front yard setback that is similar to adjacent older buildings.

309.C. Modern additions and features should be placed towards the rear of the property.

309.D. New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice is used. Where a pitched roof is not

practical, then the roof should at least appear to have angles and a pitch when viewed from the street.

- 309.E. On sides visible from a street, new construction should use building materials that are similar to appearance of older buildings, such as decorative masonry or materials with a similar appearance.
- 309.F. Where existing older buildings have a certain horizontal or vertical orientation, that orientation should be continued in new construction. Where existing older buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued in new construction. Blank walls without door and window openings should be avoided along a street.
- 309.G. Parking. See Sections 601.B. and 602.F. which allow some flexibility in parking requirements. Shared parking among property owners and businesses is encouraged where adequate parking spaces exist for shared usage. Landscaping, brick walls or similar features should be used to buffer parking lots from streets.
- 309.H. Existing Buildings and New Construction. There should be a balance of the retention of existing buildings and quality new construction so as to retain a sense of historic continuity and increased vitality. Every effort should be made to identify, save and reuse older buildings and to find appropriate reuses. Avoid demolition and new construction where important buildings are removed or the visual continuity of the area is disrupted. Typical "franchise brand" facades should be modified in such a way as to become compatible with the Borough's historical background.
- 309.I. Continuity of Street-Front Activity. Uninterrupted continuity of pedestrian-related uses and activities should be encouraged along main streets, particularly in areas of present activity. Outward street orientation with storefronts, entrances and windows relating to the street, rather than in inward focus away from the street, should be emphasized in new buildings. Street-oriented parking lots, blank building faces and non-pedestrian-related uses should be discouraged along major pedestrian streets.
- 309.J. Lighting. Adequate lighting shall be provided for security, but in a manner that does not generate glare. Light fixtures should be visually in keeping with the character of the Historic District. The luminaire itself (such as in a floodlight) should not be visible from a street or sidewalk.
- 309.K. Pedestrians. Pedestrian traffic should be separated from major vehicle routes. Developments should be designed in such a way as to be inviting for pedestrian traffic. The development should not be surrounded by parking lots and driveways, but should be placed on the site in such a way that it relates to adjacent properties and public right-of-ways.
- 309.L. Guidelines for Construction. Buildings, particularly along pedestrian-oriented streets, should respect the continuity and character of existing block fronts.
 - 1. Height. Buildings should be constructed to a height compatible with existing surrounding buildings. Single story buildings should be avoided unless they have the appearance of a two story building when viewed from the front on the street.

2. Width and Proportion. The width and proportion of buildings—the relationship of a building’s width to its height—should be similar to, and compatible with, existing surrounding buildings along the street. When larger buildings are proposed, they should be articulated so that the major elements of the facade reflect the width and proportion of the surrounding buildings.
 3. Relationship to Street. Buildings should have setbacks to the street consistent with nearby buildings. Buildings shall be located to front towards and relate to public streets, both functionally and visually, to the greatest extent possible. Buildings shall not be oriented to front toward a parking lot.
 4. Street Level Vitality. The street level of buildings should be the primary orientation and access for pedestrians and provide continuity of visual interest. A pedestrian entrance and display windows should be provided along the front along main streets.
 5. Roof Forms. The roofs of buildings should be consistent with and similar to surrounding buildings in type and shape.. This particularly includes use of pitched roofs or cornices along the front where such features are common.
 6. Proportion of Openings. The size and proportion, or the ratio of width to height, of window and door openings should be similar and compatible with those in surrounding facades..
- 309.M. Signs and Awnings. Various signs on a property should be coordinated. Internally illuminated signs should be avoided. Signs should not cover architectural details. Overly bright, revolving or flashing lights and internally illuminated plastic signs should be avoided. Awnings can, in many instances, be a visual asset to a building and provide continuity along a block front. Awnings can also provide weather protection for pedestrians and be energy-efficient. The use of awnings should be carefully coordinated with each building so as to be compatible. The front panel of an awning may be used for a sign provided the sign image is integrated with the awning.
- 309.N. Porches. Existing older porches should be maintained and new porches should be considered on the front of new buildings.
- 309.O. Site Features. Parking areas, garages or storage buildings (particularly the prefabricated metal type) should not be built near the front or in areas visible from the street.
- 309.P. Fences. Chain-link metal fences should be avoided in the front yard. Picket or ornamental fences are encouraged. Solid wooden or vinyl plank fences should be placed in rear and side yards only. Highway-style metal guide rails should not be used.
- 309.Q. Utilities. New utilities should be placed underground. Where that is not practical, they should be placed in less visible parts of the site. For example, new utility lines should be extended from the rear of the property instead of the front.
- 309.R. Building Walls. Buildings should avoid long, monotonous, uninterrupted wall or roof planes. A wall surface should be no longer than 100 feet without a break. Building wall offsets, including both projections and recesses, and changes in floor elevation should be used in order to add architectural interest and variety, and relieve the visual effect of a single, long wall. Blank walls, loading docks and service areas visible from the front from a street are discouraged. Windowless building walls are discouraged. Where the construction of a windowless wall is

necessary, such wall should be articulated by the provision of blank window openings trimmed with frames, sills, and lintels, or by using recessed or projecting display window cases if the building is occupied by a commercial use. Ground floor retail, service and restaurant uses should have large pane display windows on the ground level.

- 309.S. HVAC. Commercial HVAC systems should be screened from view from the front of a lot using walls, fencing, roof elements or landscaping. Noise or odor producing ventilation equipment should be placed as far away from dwellings as is feasible.
- 309.T. Fire Escapes. New exterior fire escapes should not be constructed on the front facade of a building.
- 309.U. Security Gates. Solid metal security gates or solid roll-down metal windows should be avoided. Link or grill type security devices should be permitted only if installed from the inside, within the window or door frames; or, if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grilles should be recessed and concealed during normal business hours. Models that provide a sense of transparency, are encouraged.
- 309.V. Rendering. An architectural rendering or elevations should be prepared and become part of the submission to show the exterior design of the front facade of any proposed new principal non-residential building.

310. H HISTORIC PRESERVATION OVERLAY DISTRICT.

- 310.A. Purposes and Objectives. It is the intent of this Ordinance to establish a procedure for review of applications for demolition, razing or removal so that the structural integrity of a building can be determined; opportunities for continued use or adaptive reuse can be explored; the impact of the proposed demolition, razing or removal upon the neighborhood streetscape can be determined; and proposed plans for the site can be reviewed in an effort to:
 - 1. Promote the retention of community character through the preservation of local heritage.
 - 2. Establish a clear process to review applications for demolition of historic buildings.
 - 3. Encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings.
 - 4. Strengthen the local economy by promoting heritage tourism, to improve property values and to increase investment in historic buildings.
 - 5. Implement Section 603 (b); 603 (g)(2); 604 (1); and 605.
 - 6. Carry out recommendations of the County and Multi-Municipal Comprehensive Plans as they pertain to historic preservation planning.
- 310.B. General Provisions.
 - 1. Compliance. No building or structure within East Petersburg Borough shall hereafter be demolished, in whole or in part, without full compliance with the terms of this Ordinance.

2. Boundaries. The H Historic Overlay District is the entire borough. The provisions of this section shall apply to each parcel on which a historical and/or architectural resource is identified.
 - a. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of the Historic Overlay District and the underlying zoning district, the provision that is most restrictive shall apply.
 - b. Should the boundaries of the Historic Overlay District be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.
 3. Covenants and Easements. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.
 4. Demolition Review Committee. The establishment, organization, functions and duties, and general operating procedures of the Demolition Review Committee are set forth in a separate resolution. The Demolition Review Committee shall be composed of 2 Planning Commission members, 2 Borough Council members, 2 members of the East Petersburg Borough Historical Society and the East Petersburg Borough Building Inspector. The Zoning Officer, while not a member of the committee, will attend the meetings and facilitate the review process in accordance with the specific regulations set forth in this Ordinance.
- 310.C. Definitions. The following definitions are in addition to those found in Section 202 of this Ordinance. If the specific definitions below differ from the definitions in Section 202, the definitions below shall apply to the regulations in this Section 310.

Unless otherwise stated, the following words and phrases shall be construed throughout to have these meanings:

Accessory Building. A structure constructed as a secondary, subordinate building on a parcel containing a principal structure.

Appurtenance. A subordinate component or structural feature attached or affixed to a principal structure or erected on the parcel.

Building. A resource created principally to shelter any form of human activity including principal and accessory buildings, including but not limited to a house, barn, privy, shed, outbuilding, carriage house, or summer kitchen.

Character Defining. Architectural design, materials, details, forms, workmanship or components that are important elements reflecting a distinctive design.

Demolition. The dismantling or tearing down of a building or structure, in whole or in part.

Demolition by Neglect. The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or structure meets the criteria for condemnation.

Historic Resource. A building, structure, site or object that is 50 years old or older and is: a good example of a type or style and/or is associated with a person or event that has local, state or national significance; a building, structure, site or object that contributes to the character and constitutes the fabric of the community and has local historical and/or architectural significance.

Integrity. Authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period. All original features do not have to be present as long as the overall sense of past time and place is evident.

Maintenance. Work that does not alter the exterior fabric or features of a Building or Structure.

Principal Structure. Building that has in the past, is currently, or will contain the principal use or uses of the parcel.

Raze. To destroy to the ground, demolish.

Repair. The process of rehabilitation that warrants additional work beyond maintenance.

Streetscape. The overall view of a public street, including front and side yards, its component elements and the relationships of building setbacks, rhythms, height, shapes, spacing and textures that give the street or neighborhood its distinctive visual character or appearance.

Structure. Any man-made object, including, but not limited to, buildings and appurtenances, having a stationary location, whether or not affixed to the land or to an existing building or structure, excluding paved areas.

310.D. Resource Identification and Classification.

1. Identification. Historic Resources shall be identified through an inventory process. When complete, the inventory shall contain a listing of parcels within the overlay that contain one or more historic resources. This list will be the basis of the Historic Resource Map.

Until such inventory is completed, determination of historic and/or architectural significance shall be made on a case by case basis by a historic preservation professional supplied by the Lancaster County Planning Commission staff. Upon completion of the inventory, the historic resources list and map shall be prepared and be available for public review at the Borough Office.

2. Inventory Process. The purpose of an inventory is to identify every historic resource as defined above. The data to be gathered in the inventory process is determined by the Pennsylvania Historic Resource Survey Form supplied by the Pennsylvania Historical and Museum Commission (PHMC).

As they are identified, each historic resource will be further categorized by class as specified:

- a. Class 1 – A building that is a good example of a type or style and/or is associated with a person or event that has local, state or national significance;

- b. Class 2 – A building that contributes to the character and constitutes the fabric of the community and/or that has local historical significance; and
 - c. Class 3 – Buildings that are old but have lost their integrity or that are less than 50 years old are not considered to be historic and are not regulated under these provisions; however, the Class 3 designation must be confirmed by the municipality and is not to be assumed by the property owner.
3. Inventory Revisions. The Historic Resource Inventory List and Map may be revised from time to time by a zoning ordinance amendment enacted by Borough Council after a public hearing at which time the proposed revisions shall be presented. Recommendations from the Demolition Review Committee will be solicited and considered.
- 310.E. Demolition, Removal or Relocation of Historic Buildings.
1. General Requirements:
 - a. No Class 1 or Class 2 building shall be demolished, removed or otherwise relocated without a permit obtained under the provisions of this section except for emergency demolitions.
 - b. Emergency demolitions to protect the health, safety and welfare of the citizens of East Petersburg Borough are regulated by the provisions of the Property Maintenance Code that is currently in effect in the Borough and the provisions of that code shall take precedence over the provisions contained herein.
 - c. These provisions will be administered as a Conditional Use. The Demolition Review Committee will review complete applications and provide written recommendations to Borough Council.
 2. Application Procedures. Conditional Use Applications may be obtained at the Borough Office.
 3. Criteria for Review. Applicants for a permit to demolish, relocate or remove a resource must provide, as part of their application, a written statement as to whether the following statements are correct and detailed substantiation for each statement which is believed to be correct. In each instance the burden of proof is on the property owner to demonstrate that the property owner has been deprived all profitable use of the relevant parcel as a whole. The recommendation of the Demolition Review Committee and the decision of Borough Council shall be based upon a review of the information submitted by the applicant against all criteria and not any one criterion. The goals and development objectives of East Petersburg Borough shall also be considered.
 - a. It is not feasible to continue the current use.
 - b. Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
 - c. Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
 - d. The building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.
 - e. The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.

- f. The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.
 - g. A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.
 - h. The building is structurally unsound.
 - I. The denial of demolition would result in unreasonable economic hardship to the owner. The requirements for proving unreasonable economic hardships may be obtained at the Borough Office.
 - j. Sale of the building or structure is impossible or impractical.
 - k. Denial of demolition will deprive the property as a whole of all beneficial use.
4. As a part of the review process the Demolition Review Committee and/or the Borough Council may request additional information to be provided. Such materials may include *but are not limited to*:
- a. site plan;
 - b. detailed floor plans of the building proposed for demolition;
 - c. exterior elevations of the building proposed for demolition;
 - d. report from a professional civil engineer registered in the Commonwealth of Pennsylvania on the structural soundness of the building proposed for demolition;
 - e. photographs;
 - f. historic overview of the building and/or property; and
 - g. written description of the proposed use of the property.
5. Review Procedure.
- a. The zoning officer shall forward complete applications for demolition, removal or relocation of Class 1 and Class 2 historic resources to the Demolition Review Committee. All information submitted in compliance with the review criteria, above, shall be taken into consideration during the deliberation process as shall the community goals and development objectives of the municipality.
 - b. The applicant shall be provided an opportunity to present the proposal to the Demolition Review Committee.
 - c. The written recommendations of the Demolition Review Committee shall be forwarded to Borough Council for consideration. Council shall consider the review criteria, the written recommendations of the Demolition Review Committee, and the community goals and development objectives set forth in the comprehensive plan and make their determination at a public meeting which the applicant may attend.
6. Associated Land Development Plan. If the application for a permit for demolition, relocation or removal is being requested to facilitate future development, the said permit shall not be issued by the zoning officer until the following additional requirements have been satisfied.
- a. approval of the land development plan by the Lancaster County Planning Commission;
 - b. the recording of an approved subdivision or land development plan for the lot where the Demolition, Removal or Relocation is proposed; and
 - c. issuance of any necessary zoning approvals.
7. Proposed Construction without a Land Development Plan.

- a. If the application for a permit for demolition, relocation or removal is being requested to facilitate construction of another building on the same site and no land development plan is required, then the provisions of Section 309 shall apply.

310.F. Demolition By Neglect.

1. General Requirements. Demolition by Neglect is defined as the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure leading to the point where the building or structure meets the criteria for condemnation.
 - a. Codes Violations. If the Codes Enforcement Officer has cited a property owner for conditions that could lead to structural weakness, decay or deterioration in a building or structure and the property owner fails to correct the condition(s) in the time specified, that property owner may also be cited for demolition by neglect under these provisions and be subject to the penalties contained herein.
 - b. Unoccupied Principal or Accessory Buildings or Structures. If the owner of unoccupied principal or accessory buildings or structures is cited for codes violations shall develop a written maintenance program for the protection of any and all unoccupied principal or accessory buildings or structures. Said maintenance program shall be established in accordance with the East Petersburg Borough Property Maintenance Code. A copy of the maintenance program shall be filed with the Codes Enforcement Officer and implementation begun in accordance with an established timetable.
 - c. Maintenance Program. The maintenance program shall address measures to assure that structural components are protected and reinforced to stabilize and maintain the essential form of the building or structure. Structural features requiring stabilization include, but may not be limited to: roof, chimney(s), cornice, soffit, fascia, spouting, columns, beams, posts, as well as window and door sills, lintels and jambs.
 - d. Inspection. The exterior and interior of the building or structure shall be inspected no less than annually by the Codes Enforcement Officer with the owner or the owner's agent to determine compliance with the established maintenance program.

- 310.G. Enforcement. The provisions of Section 106 shall apply. The Borough may also seek equitable or injunctive relief to address a violation of this section. In addition, the Borough may take any other legal action authorized by State law to require that a building or feature that was demolished without proper approval be rebuilt or replaced. Each day that a building or feature remains removed or destroyed without approval under this Ordinance shall be considered an additional violation that is subject to a separate \$500 fine.