

ARTICLE VIII
General Regulations

§ 124-801. Frontage onto improved streets; number of uses or buildings; minimum dwelling size.

- A. Frontage required onto improved street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Borough by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Borough Subdivision and Land Development Ordinance.⁷³ In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a

72. Editor's Note: Sign Tables 1 and 2 are included as attachments to this chapter.

73. Editor's Note: See Ch. 110, Subdivision and Land Development.

parking court, which then has access onto a public or private street meeting Borough standards.

B. Number of principal uses and principal buildings per lot.

- (1) A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - (a) For example, if Use 1 requires a one-acre lot area and Use 2 on the same lot requires a two-acre lot area, then the lot shall have a minimum lot area of two acres.
 - (b) The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this chapter.
 - (c) The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property owners' association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place.
- (2) A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this chapter.
 - (a) A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided that all other requirements of this chapter are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners' association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.

C. Minimum size of dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level. This 500 square feet requirement may be reduced to 400 square feet within preexisting buildings in the NC District.

D. Maximum occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

§ 124-802. Height exceptions.

The maximum structure height specified for each district shall not apply to antennas that meet the requirements of this chapter, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, electrical transmission lines, elevator shafts, wind turbines that comply with this chapter, skylights, chimneys, heating/ventilation/air-conditioning equipment, industrial mechanical equipment areas that are not occupied by humans, solar energy collection devices, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "height" in § 124-202 and provisions in § 124-307B.

§ 124-803. Special lot and yard requirements, sight distance and buffer yards.**A. In general.**

- (1) No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this chapter. This includes, but is not limited to, setback areas, nonimpervious areas and off-street parking areas.
- (2) Emergency access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot or, where applicable, by the property owners' association.

B. Exceptions to minimum lot areas, lot widths and yards.

- (1) Corner lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See the definition of "lot, corner" in § 124-202.
- (2) Projections into required yards.
 - (a) Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, "Bilco"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than three feet, except as may be required within a drainage or utility easement.
 - (b) Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
 - (c) For decks and porches, see § 124-307.
- (3) Lot widths around curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 60% of the width that would otherwise be required.

- C. Sight clearance at intersections. At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of three feet and 10 feet above the ground level, except for utility posts, mailboxes, single sign posts and the trunks of canopy trees. The triangle shall be measured along the edge of the travel lane of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the edge of the travel lanes of the streets. A third longer leg shall connect the ends of the two legs to form the triangle.
- (1) However, in place of the above sight triangle, where a local street intersects an arterial street with a stop sign only at the local street, the leg of the triangle along the arterial street shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet.
 - (2) The clear sight triangle shall be kept free of such obstructions in perpetuity.
- D. Buffer yards. Buffer yards including plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this chapter:
- (1) A minimum eight-foot-wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal nonresidential purposes that is contiguous to a lot line of a residentially zoned lot occupied by an existing principal dwelling.
 - (a) If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 40 feet, and the minimum initial height of plantings shall be increased to six feet.
 - (b) If a dwelling will be on the same lot as a principal business use, then a buffer yard shall not be required by this section.
 - (c) An eight-foot-wide minimum buffer yard with landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street.
 - (d) A buffer yard is also required to be provided by the following if they are abutting and visible from a public street:
 - [1] Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage or loading area; or
 - [2] Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of two or more tractor-trailer trucks or trailers of tractor-trailers.
 - (e) In addition, in the NC District, a minimum of eight feet buffer yard as described above shall also be provided where a new principal commercial use

is proposed abutting an existing principal dwelling on another lot. The owner of such dwelling may in writing waive his/her right to the buffer yard.

- (2) A required yard may overlap a required buffer yard, provided that the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Borough may allow deciduous canopy trees.
- (3) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
- (4) Fence. The Borough may require the installation of a mostly solid decorative fence in addition to the plantings. Any wall or fence in a buffer yard shall be placed on the inside (nonresidential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
- (5) Each planting screen shall meet the following requirements:
 - (a) Plant materials needed to form the visual screen shall have a minimum height when planted of four feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of two inches measured six inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - (b) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within three years a mostly solid year-round visual screen at least six feet in height.
 - (c) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - (d) The plant visual screen shall extend the full length of the lot line, except for:
 - [1] Borough-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot;
 - [2] Locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back; and
 - [3] Locations needed to meet other specific state, Borough and utility requirements, such as stormwater swales.
 - (e) American arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50% shall be of one species.

- (f) Evergreen trees should be planted at diagonal offsets so that there is room for future growth of the trees.
 - (g) The plant screening shall primarily use evergreen trees.
 - (h) The Zoning Officer may also modify the buffer yard requirements if necessary for firesafety reasons. The Zoning Hearing Board may by special exception reduce the width of the buffer yard if the required width is not feasible.
- (6) Buffer yard plans. Prior to the issuance of a permit under this chapter where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
- (a) The location and arrangement of each buffer yard;
 - (b) The placement, general selection of species and initial size of all plant materials; and
 - (c) The placement, size, materials and type of all fences to be placed in such buffer yard.

§ 124-804. Landscaping.

- A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative ground cover and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of junk, debris, rubbish and noxious weeds.
- B. See also the buffer yard provisions in § 124-803. See parking lot setbacks in § 124-603H.
- C. Street trees. The requirements of the Subdivision and Land Development Ordinance shall apply.⁷⁴
- D. Parking lot landscaping.
 - (1) A minimum of one deciduous tree shall be required for every 10 new off-street parking spaces.
 - (2) If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within auto parking areas. Otherwise, the trees may be planted around the parking area.
 - (3) Deciduous trees required by this section shall meet the following standards:
 - (a) Type of trees permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of

74. Editor's Note: See Ch. 110, Subdivision and Land Development.

any Borough Shade Tree Commission or Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

Permitted Deciduous Trees

Acer rubrum	Red maple
Acer saccharum	Sugar maple
Carpinus betulus	European hornbeam
Celtis occidentalis	Common hackberry
Fagus sylvatica	European beech
Fraxinus americana	White ash
Fraxinus pennsylvanica	Green ash
Ginkgo biloba fastigiata (male only; female has noxious odor)	Maiden hair tree
Gleditsia triacanthos	Thornless locust
Liriodendron tulipifera	Tulip poplar
Ostrya virginiana	Hop hornbeam
Quercus	All species of oaks
Sophora japonica	Scholar tree/pagoda tree
Tilia americana	American linden
Tilia cordata	Little leaf linden
Tilia euchlora	Crimean linden
Tilia petiolaris	Silver linden
Ulmus hybrids	Homestead or Sapporo autumn gold
Ulmus parviflora	Chinese or lacebark elm, not including Siberian elm
Zelkova serrata	Zelkova

NOTE:

This chapter only regulates the species of trees that are used to meet requirements of the Borough. The species of trees that are not required by Borough ordinances are not regulated.

- (b) Quality of trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- (c) Minimum size. The trunk diameter (measured at a height of six inches above the finished grade level) shall be a minimum of two inches or greater.
- (d) Planting and maintenance. Required trees shall be:

- [1] Planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air; and
 - [2] Properly protected by curbs, curb stops, distance or other devices from damage from vehicles.
- E. Green area around trees. A minimum vegetative area shall be provided that includes at least a three-foot minimum radius around all sides of the trunk of each required deciduous tree that is within or adjacent to a parking lot. Where a tree is required to be planted abutting a street, a minimum vegetative area shall be provided that is not less than three feet wide and three feet long surrounding the tree. In each case, a minimum land area of 12 square feet of vegetative area shall be provided around each required tree.
- F. Review and approval. Where landscaping is required by this chapter, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.
- G. Landscape maintenance. All shade tree, buffer yard and other landscaping required by this chapter shall be perpetually maintained by the property owner. Any landscaping needed to meet an ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
- H. Stormwater basin landscaping. The following requirements shall apply to landscaping within and around stormwater management basins covering more than 20,000 square feet in land area:
- (1) All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.
 - (2) Trees and shrubs shall be planted around stormwater basins that cover more than 5,000 square feet of land and that are not designed to resemble natural ponds. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin. A minimum average of two trees and 10 shrubs shall be required to be planted around the basin for every 100 linear feet of basin perimeter. Trees shall have an initial trunk diameter of two inches, measured six inches above the ground. Shrubs shall have an initial height of four feet.
 - (3) Natural ground cover plant species shall be planted in the floors and slopes of the basin. These ground covers may include wildflowers, meadows or nonaggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the basin. The plantings shall provide a continuous cover over all earth areas of the basin. The plantings shall not interfere with the proper functioning of the basin, in the determination of the Borough Engineer.

§ 124-805. Nonconformities.

- A. Proof and registration of nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
- B. Continuation of nonconformities.
- (1) A lawful nonconforming use, structure or lot, as defined by this chapter, may be continued and may be sold and continued by new owners.
 - (2) Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
 - (3) If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.
- C. Expansion of or construction upon nonconformities. The following shall apply, unless the structure is approved under Subsection D.
- (1) Nonconforming structure.
 - (a) The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:
 - [1] Such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity; or
 - [2] Any expanded area will comply with the applicable setbacks in that district and other requirements of this chapter, except as may be allowed under Subsection C(1)(c) below.
 - (b) In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this section regarding nonconforming uses.
 - (c) As a special exception, the Zoning Hearing Board may approve a reduction of up to 50% in a side or rear setback for an existing dwelling if the applicant proves such setback is necessary to allow a customary addition of such dwelling or a replacement of an existing undersized dwelling with a new dwelling. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a unit for care of a relative.
 - (2) Nonconforming lots.
 - (a) Permitted construction on a nonconforming lot. A single permitted-by-right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot, provided that all of the following additional requirements are met:

- [1] The lot must be a lawful nonconforming lot of record;
 - [2] Minimum setback requirements shall be met;
 - [3] State and federal wetland regulations shall be met;
 - [4] If a septic or well is used, the requirements for such shall be met.
- (b) Lot width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this chapter shall not by itself cause such lot to be considered to be a nonconforming lot.
- (3) Expansion of a nonconforming nonresidential use. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
- (a) An expansion of more than 5% in total building floor area shall require special exception approval from the Zoning Hearing Board under Article I.
 - (b) Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 - (c) The total building floor area used by a nonconforming use or the total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50% beyond what existed in the nonconforming use at the time the use first became nonconforming.
 - [1] The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
 - (d) Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this chapter, unless the Zoning Hearing Board grants a variance.
- (4) Expansion of a nonconforming residential use. An existing nonconforming residential use may be expanded as a permitted-by-right use, provided that:
- (a) The number of dwelling units or rooming house units are not increased;
 - (b) The expansion meets all applicable setbacks;
 - (c) No new types of nonconformities are created; and
 - (d) A nonconformity is not made more severe.
- (5) Nonconforming sign. The provisions of this chapter shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this chapter. See also § 124-707.

- D. Damaged or destroyed nonconformities. A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if 1) the application for a building permit is submitted within 18 months after the date of damage or destruction, 2) work begins in earnest within 12 months after the building permit is issued and continues, and 3) no nonconformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- E. Abandonment of a nonconformity.
- (1) If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except as provided for in the damaged or destroyed nonconformities provisions of this section in Subsection D.
 - (2) The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
 - (3) An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this chapter.
- F. Changes from one nonconforming use to another.
- (1) Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
 - (2) A nonconforming use may be changed to a different nonconforming use only if approved as a special exception by the Zoning Hearing Board. However, special exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use, provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
 - (3) Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the preexisting nonconforming use with regard to:
 - (a) Traffic safety and generation (especially truck traffic);
 - (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards;
 - (c) Amount and character of outdoor storage;
 - (d) Hours of operation if the use would be close to dwellings; and
 - (e) Compatibility with the character of the surrounding area.

- (4) A nonconforming use shall not be changed to a nonconforming adult use.
- G. District changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this section on nonconformities.

§ 124-806. Dumpster screening and location.

- A. Site plans submitted to the Borough shall show the proposed location of any garbage dumpsters. The Borough may require that such proposed location be modified to provide compatibility with adjacent uses.
- B. Garbage dumpsters shall be surrounded on all sides by a solid fencing, wall, landscaping and compatible gate with a minimum height of five feet if the dumpster would be visible from a street or a residential lot. This § 124-806 is not intended to regulate temporary dumpsters for construction or renovation debris, while a permit for the lot is active. This § 124-806 shall also not regulate the use of a dumpster on a lot developed with a building for up to 30 days per calendar year.

§ 124-807. Portable storage containers.

- A. This section shall apply to a portable storage container that is kept outside of a building and which has a length greater than 10 feet and which is not currently attached to a motor vehicle or railroad and which is not part of a permitted industrial use.
- B. The following regulations shall apply on a principally residential lot:
- (1) A portable storage container shall not be kept on a principally residential lot for a total of more than six months in any two-year period, unless it is being used as part of an active construction permit for the lot. A temporary zoning permit shall be required if the portable storage container is kept on the lot for more than 30 days.
 - (2) A maximum of one portable storage container shall be allowed per lot.
- C. On a lot that is not a principally residential lot, any portable storage container that is kept on a lot for more than 30 days shall meet the setbacks that apply to a principal building, unless it is necessary to temporarily hold materials for on-site construction.
- D. The following shall apply to any portable storage container:
- (1) The container shall not obstruct safe sight distances at intersections.
 - (2) The container shall not obstruct travel lanes of a street or a public sidewalk.
 - (3) The container shall only be allowed to be placed within a street right-of-way if an encroachment permit is issued by the Borough. Such permit shall specify a maximum number of days during which the container may be placed within the right-of-way.

- (4) The container shall not be used to store hazardous, explosive or toxic substances or putrescent garbage.
- (5) A facility that stores portable storage containers that have been leased by others or are available for lease shall be considered a warehouse.

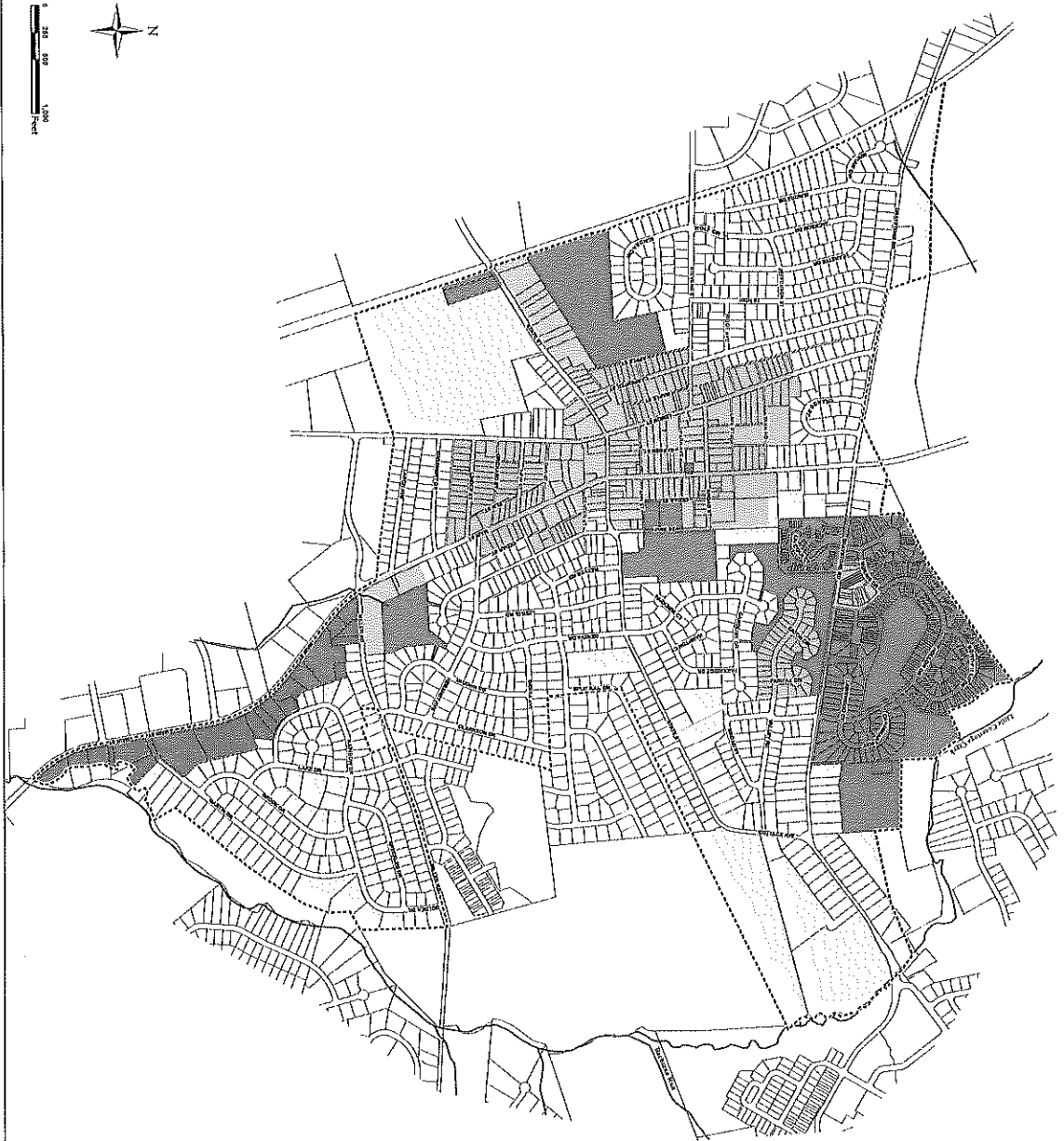
§ 124-808. Access drive and driveway design. [Added 4-7-2015 by Ord. No. 273]

- A. Design and construction of access drives and driveways shall comply with the regulations of the current Subdivision and Land Development Ordinance in effect.⁷⁵ In the event of a conflict, the most stringent shall apply.
- B. Single-family residential driveways shall be located a minimum of three feet from any property line except as set forth in Subsection B(1) below. The minimum width at the street right-of-way line shall be 10 feet, and the maximum width at the street right-of-way shall be 20 feet. There shall be no more than one driveway per dwelling. Borough Council may, as a conditional use, authorize the installation of a second driveway if the applicant for such driveway demonstrates that the width of the lot at the street right-of-way line exceeds 150 feet and that severe topographic conditions exist or other factors which warrant the installation of the second driveway.
 - (1) Shared or joint driveways may be permitted and are encouraged on high-volume roadways and areas in which access, visibility, and topography may present difficulties. Shared or joint driveways shall be limited to use by two adjoining single-family residential lots, and the shared or joint driveway shall be considered the single driveway permitted for each lot. Whenever possible, a shared or joint driveway shall equally straddle the property line. All shared or joint driveways shall have a minimum width of 28 feet at the street right-of-way line. A right-of-way and maintenance agreement for such shared or joint driveway shall be submitted for approval of the Borough prior to the issuance of a permit for such installation.
- C. Nonresidential and multifamily residential driveways shall be located a minimum of 10 feet from any property line except as set forth in Subsection C(1) below. The minimum width at the street right-of-way line shall be 12 feet, and the maximum width shall be 28 feet measured at the end of the radius. There shall be no more than one driveway per street frontage unless an emergency access is required by the provisions of the Subdivision and Land Development Ordinance, in which case one additional driveway shall be permitted in order to fulfill emergency access requirements. Borough Council may, as a conditional use, authorize the installation of a second driveway on a street frontage if the applicant for such driveway demonstrates that the width of the lot at the street right-of-way line exceeds 150 feet.
 - (1) Shared or joint driveways may be permitted and are encouraged on high-volume roadways and areas in which access, visibility, and topography may present difficulties. Shared or joint driveways shall be limited to use by two adjoining nonresidential or multifamily residential lots, and the shared or joint driveway shall

⁷⁵ Editor's Note: See Ch. 110, Subdivision and Land Development.

be considered the single driveway permitted for each street frontage. Whenever possible, a shared or joint driveway shall equally straddle the property line. All shared or joint driveways shall have a minimum width of 20 feet at the street right-of-way line and a maximum width of 35 feet at the street right-of-way line. A right-of-way and maintenance agreement for such shared or joint driveway shall be submitted for approval of the Borough prior to the issuance of a permit for such installation.

- D. All access drives and driveways shall be surfaced with asphalt paving concrete or paving blocks.
- E. In residential zoning districts, one unpaved parking space (not more than 200 square feet) shall be permitted. An unpaved parking space shall be set back from the side or rear property line three feet. No unpaved parking area is permitted in the front yard setback.



**Borough
of East Petersburg**
Lancaster County, Pennsylvania

Zoning Map

As Adopted November 8, 2017

- R-1** Low Density Residential
- R-2** Medium Density Residential
- R-3** High Density Residential
- NC** Neighborhood Commercial
- HC** Highway Commercial
- I** Light Industrial
- REC** Recreation

ZONING

124 Attachment 2

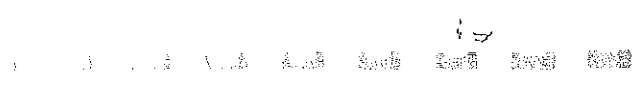
Borough of East Petersburg

Table of Area, Yard and Building Requirements
 [Amended 4-7-2015 by Ord. No. 273; 10-2-2018 by Ord. No. 302]

Zoning District: Type of Use	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback* (feet) (Note D)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (each)* (feet)	Maximum Percent Building Coverage (Note F)	Maximum Percent Lot Coverage (Note F)
I. R-1 Low-Density Residential District: a) Single-family detached dwelling: b) Age-restricted residential development shall meet § 124-402. c) Other allowed principal use All new principal buildings shall have a minimum building width of 18 feet, not including unenclosed structures, unless a more restrictive requirement applies.	a) 10,000 b) 15,000	a) 80 b) 90	All uses: 25	All uses: 25	a) 10 each, except 8 each for lots that were created prior to January 1, 2000 b) 15 each	25% for all uses	30% for all uses

EAST PETERSBURG CODE

Zoning District: Type of Use	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet) (Note D)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (each)* (feet)	Maximum Percent Building Coverage (Note F)	Maximum Percent Lot Coverage (Note F)
2. R-2 Medium-Density Residential District: a) Single-family detached dwelling b) Semidetached dwelling unit c) Other allowed principal use All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures). Note B shall apply, at the end of this table.	a) 5,000 b) and c) Minimum average lot area of 4,000 per dwelling unit for the tract (Note C) c) 10,000	a) 50 (Note B) b) 40 per dwelling unit (Note B) c) 60	All uses: 20	All uses: 25	a) 8 (Note G) b) 8 (Note G), except 0 at the shared lot line of lawfully attached dwellings c) 15	All uses: 50%	All uses: 60%



ZONING

Zoning District; Type of Use	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet) (Note D)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (each)* (feet)	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 § 124-402.</p> <p>f) Other allowed principal use 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)</p> <p>d) Minimum average lot area of 2,000 per dwelling unit for the tract (Note C, Note H)</p> <p>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)</p> <p>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</p> <p>f) 15</p>	<p>All uses: 60%</p>	<p>All uses: 70%</p>

EAST PETERSBURG CODE

Zoning District: Type of Use	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet) (Note D)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (each)* (feet)	Maximum Percent Building Coverage (Note F)	Maximum Percent Lot Coverage (Note F)
<p>4. HC Highway Commercial District: allowed uses</p> <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 § 124-310.</p>	<p>15,000</p> <p>b) 5,000</p>	<p>100</p> <p>b) 45, except 30 if a principal building is attached along a lot line to another principal building</p>	<p>20, except 35 if any parking is provided between the front lot line and the principal building</p> <p>b) 0. No vehicle parking spaces shall be located between the front lot line along Main Street or State Road and the front of a principal building.</p>	<p>20 (Note A)</p> <p>b) 15 (Note A)</p>	<p>15 (Note A)</p> <p>b) 3 (Note A)</p>	<p>60%</p> <p>b) 80%</p>	<p>90%</p> <p>b) 90%</p>

ZONING

Zoning District: Type of Use	Minimum Lot Area (square feet) (Note E)	Minimum Lot Width Measured at Minimum Building Setback Line (feet)	Minimum Front Yard Setback (feet) (Note D)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (each)* (feet)	Maximum Percent Building Coverage (Note F)	Maximum Percent Lot Coverage (Note F)
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%

NOTES:

1. Corner lot setbacks: See § 124-803B.

* The following exceptions shall apply:

- For accessory structures and uses, see § 124-307C below.
- Structures shall not obstruct minimum sight clearance at intersections.
- See § 124-803B pertaining to Corner Lots.
- See § 124-805 regarding extension of nonconforming setbacks.
- See § 124-803 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 two or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for two 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% of the land area between the front of each townhouse or semidetached dwelling and the street right-of-way line shall be used for vehicle parking and driveways.

EAST PETERSBURG CODE

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 § 124-402, 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 § 124-307E.

Note E See natural feature regulations in § 124-308. See text at the beginning of § 124-307 if a lot will not be served by both public water service and public sewage service.

Note F For townhouses and semidetached 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 six 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 six 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.

ZONING

124 Attachment 3

Borough of East Petersburg

Sign Table 1: Regulations for Permanent Signs
[Amended 4-7-2015 by Ord. No. 273]
Part 1

Sign Table 1: Regulations for Permanent Signs						
All signs listed in this Table 1 shall be required to have a Borough sign permit, except "incidental signs."						
Type of Sign	Zoning District	Freestanding Signs (For setbacks, see Note 5.)			Building Signs	
		Maximum Permitted Number of Signs	Maximum Permitted Sign Area per Sign (See Note 2.) (square feet)	Maximum Permitted Height (feet)	Maximum Permitted Number of Signs	Maximum Permitted Total Sign Area (square feet)
Business sign (except center signs that are provided for below) and Identification sign (except development signs and public use signs) (For home occupation sign, see Note 4.)	a) R-1, R-2, R-3 and REC Districts	a) 1 per lot	a) 2 except 12 for a principal nonresidential use. See also "public use signs" for schools and places of worship. Freestanding signs in these districts shall not be internally illuminated	a) 6	a) 2 per lot	a) 2 except 20 for a principal nonresidential use per building side, on up to 2 sides of a building
	b) NC District	b) and c) 1 per street frontage per lot. On a lot with multiple uses, individual freestanding signs shall not be allowed for each use. Note 2	b) 40 along each street that the lot fronts upon	b) 12	b) 3 per establishment, per building side, or 2 per unit of multitenant or center	b) and c) 1.5 per linear foot of facade to which sign is attached, up to a maximum of 200 of signage per lot. Also see Note 3. See Note 1 for projecting signs.
	c) HC and LI Districts;		c) See Note 2.	c) 20	c) 5 per building side per establishment	

EAST PETERSBURG CODE

Part 2

Type of Sign	Maximum Permitted Number of Such Signs	Maximum Permitted Sign Area for Each Sign (square feet)	Maximum Permitted Height for Freestanding Signs (feet)	Minimum Required Setback From Street Right-of-Way for Freestanding Signs (feet)	Other Requirements
Bill Board; shall only be allowed in the HC District	See "other requirements"	300 per surface, whether or not messages are the same	25	30	A billboard structure shall have a maximum of 2 surfaces. The second surface shall only be allowed if the surfaces are back to back or at an angle of less than 45°. The minimum setback shall be 15 feet or the minimum building setback line, whichever is greater, from property lines other than street. Each billboard structure must be at 1,200 feet from any other billboard and at least 200 feet from any R-1, R-2 or R-3 District or a public park or occupied principal dwelling.
Bus shelter signs					A sign attached to a bus shelter shall only be allowed in conformance with the bus shelter regulations in § 124-403.
Center sign (business)	For each center, 1 per principal entrance, up to maximum of 2	80, only allowed in the HC and LI Districts	20	10	Center signs are allowed only for centers such as shopping centers, office complexes, and industrial parks which meet at least 2 of the following 3 minimums: 1) 5 separate business establishments, 2) 20,000 square feet of building area, and 3) 5 acres of land.

ZONING

Type of Sign	Maximum Permitted Number of Such Signs	Maximum Permitted Sign Area for Each Sign (square feet)	Maximum Permitted Height for Freestanding Signs (feet)	Minimum Required Setback From Street Right-of-Way for Freestanding Signs (feet)	Other Requirements
Development sign (residential)	For each residential development, 1 per principal entrance, up to maximum of 2 entrances	20	6 m R-1, R-2, R-3 and RBC Districts, 20 m all other districts	10	Development signs are allowed only for residential developments or more than 10 dwelling units. They may include only the name of the development and may not include any commercial advertising. Such signs shall not be internally illuminated. Such sign may be attached to a decorative masonry wall with a maximum height of 6 feet and a maximum length of 8 feet, provided that the sign does not obstruct the sight distance triangle.
Government sign	These signs may be placed within a street right-of-way. These signs are not regulated by this article.				
Home occupation sign	Note 4 shall apply.				
Incidental sign	Maximum of 5 per establishment per street frontage	2	6	10, except no setback is required if sign is no more than 30 inches high	
Nonprofit organization sign (off-premises)	As approved by Borough Council	4	6	Not applicable	The location shall be approved by Borough Council. The location may be approved in street rights-of-way or designated entrances to the community or on common display panels. If the sign will not be within the right-of-way, then permission shall be obtained from the landowner.
Public use sign (such as for a place of worship or primary or secondary school)	1 building sign on each side of a principal building, and 1 freestanding sign per street frontage	40	6 m R-1, R-2, R-3 and RBC Districts, 10 m all other districts	10	

EAST PETERSBURG CODE

NOTES:

1. In the NC District, up to 10 square feet of the allowed building sign area may be used for a sign that projects outward perpendicular to the front of the building. Such sign shall project a maximum of four feet from the side of the building and shall not be internally illuminated. See Note 5 below, which provides an exception from the setback from the right-of-way. A projecting sign face shall have an appearance similar to relief-cut wood or a fabric banner hung from a post. See minimum clearance in § 124-704A. See also sidewalk signs in Table 2.
2. The area permitted on each street frontage is 40 square feet for street frontage up to 80 feet, plus one square foot per two feet of street frontage over 80 feet, up to a maximum of 80 square feet. If a lot includes 10 or more separate establishments, then a maximum sign area of 100 square feet shall be allowed on each street frontage, if the additional sign area is used to identify the various establishments.
3. The length of the facade of an irregularly shaped building (such as a circular building, an S-shaped building, or a building with one or more inserts on the side in question) is the straight line distance between the two ends of the building. In any case, each principal commercial establishment shall be allowed a minimum building sign area of 30 square feet. The Borough may require a business in a multitenant building with a rear service door to include an identification sign on that door, to assist firefighters and delivery persons.
4. A home occupation sign shall be limited to the following information: name, an address, an occupation or activity, and a logo or trademark; there may be no internal or spotlighted illumination, except that a sign for a medical office or emergency service may be externally illuminated when the business is open. The sign shall have a maximum sign area of two square feet on a maximum of two sides. The sign shall have a maximum height of six feet. The sign may be attached to a building, a mailbox, a light post or a freestanding post.
5. For all of the signs listed in Sign Table 1, a ten-foot minimum setback shall apply from the legal street right-of-way, except that no setback from the right-of-way is required if the existing principal building has a front setback of less than 12 feet.

ZONING

124 Attachment 4

Borough of East Petersburg

Sign Table 2: Regulations for Temporary Signs
[Amended 4-7-2015 by Ord. No. 273]

Sign permits are not required for the signs listed in this Table 2.						
Kind of Sign	Permitted Time for Display	Maximum Permitted Number of Such Signs	Maximum Permitted Sign Area (per sign) (square feet)	Maximum Permitted Height for Freestanding Signs (feet)	Minimum Required Setback From Street Right-of-Way for Freestanding Signs (feet)	Other Requirements
Contractor sign	During construction that is actively occurring on site and up to 7 days afterwards	1 per contractor or financing provider per lot	6, if one sign is used for multiple contractors, then the maximum sign area shall be an average of 6 per contractor, up to a maximum of 24	6	See "Other Requirements"	Must be set back at least 10 feet from cartway or at building face, whichever is less; may not be in side yard setback. May not be illuminated. Not permitted off premises. A contractor sign may be combined with another permitted sign onto the same structure, such as a real estate sign. In such case, the sign area permitted on the structure for each type of sign may be added together.
Garage/yard sale sign (includes sign for auction of private property)	From 48 hours before sale to end of day of sale or auction	1 on-site and 2 off-site signs per dwelling unit having the sale/auction	6	6	10	Also see Note 1.

EAST PETERSBURG CODE

Sign permits are not required for the signs listed in this Table 2.						
Kind of Sign	Permitted Time for Display	Maximum Permitted Number of Such Signs	Maximum Permitted Sign Area (per sign) (square feet)	Maximum Permitted Height for Freestanding Signs (feet)	Minimum Required Setback From Street Right-of-Way for Freestanding Signs (feet)	Other Requirements
Issue sign (includes political election signs for candidates)	Any sign that relates to an election, vote or referendum shall be removed within 7 days after such event	2 sign faces per candidate or issue per lot or dwelling unit, per street frontage	32 in NC, HC and LI Districts, 6 in other districts	10 in NC, HC and LI Districts, 6 in other districts	10	See Note 2. Signs shall not be placed on any property without the permission of the property owner.
Open house sign	From 3 days before open house to 2 hours after open house. Display may not exceed 6 days per month per lot	Maximum 1 on premises, maximum 1 off-premises; for a subdivision of new homes, open house signs shall be limited to a maximum total of 2 signs per subdivision.	6	6 in R-1, R-2, R-3 and REC Districts; 10 in all other districts	Not applicable	Must include the words "Open House" and day and time of open house. Open house must be attended by the seller or the seller's representative during entire advertised time of open house. Must not interfere with pedestrian or vehicular traffic. Also see Note 1.
Real estate sign (in R-1, R-2, R-3 and REC Districts)	While offered for sale, auction or rent, until 5 days after settlement of sale or occupancy of rental space or end of auction	1 per street frontage, up to 2 per lot	6	6	10	Not permitted off-premises Also see Note 1. Such sign shall not be illuminated.

ZONING

Sign permits are not required for the signs listed in this Table 2.						
Kind of Sign	Permitted Time for Display	Maximum Permitted Number of Such Signs	Maximum Permitted Sign Area (per sign) (square feet)	Maximum Permitted Height for Freestanding Signs (feet)	Minimum Required Setback From Street Right-of-Way for Freestanding Signs (feet)	Other Requirements
Real estate sign (in all districts other than in the preceding row)	While offered for sale or rent, until 5 days after settlement of sale or occupancy of rental space or end of auction	1 per street frontage, up to 2 per lot	32	10	10	Not permitted off-premises. Also see Note 1. Such sign shall not be illuminated.
Sidewalk sign (only allowed in the NC District)	May only be displayed during hours when the business is open to the public	2 per lot	See "Other Requirements."	See "Other Requirements."	Not applicable	Shall not be more than 24 inches wide and 48 inches high. A minimum of 4 feet of unobstructed walkway shall be maintained. A sidewalk sign shall only be allowed in the NC District in front of a commercial use. Such sign shall not be internally lit. The sign should be placed close to the curb or close to the building.

EAST PETERSBURG CODE

Sign permits are not required for the signs listed in this Table 2.

Kind of Sign	Permitted Time for Display	Maximum Permitted Number of Such Signs	Maximum Permitted Sign Area (per sign) (square feet)	Maximum Permitted Height for Freestanding Signs (feet)	Minimum Required Setback From Street Right-of-Way for Freestanding Signs (feet)	Other Requirements
Special event sign (may include a banner)	From 21 days before event to 5 days after event, up to a maximum total of 45 days; see also "Other Requirements"	1 per lot per event, maximum 2 off-premises signs per event	16 if on-premises, 6 if off-premises	6	10	Off-premises special event signs shall only be allowed for events to benefit a charity, nonprofit, or public service. Off-premises special events are only allowed along an arterial or collector street and shall need permission of the property owner. Also see Note 1. However, an on-premises sign advertising an allowed commercial auction (not involving a single household) may be displayed a maximum of 21 days before and 1 day after the auction
Temporary banner	A maximum total of 30 days per calendar year	1 per business establishment	25	6	10	Allowed for a principal commercial business in the HC or LI District. This type of sign is intended for special sales.

NOTES:

1. Signs which are not removed within the time limits may be removed and impounded by the Borough, and the Borough may recover a fee equal to the cost of removal and storage.
2. Signs which are not removed within the time limits may be removed and discarded by the Borough, and the Borough Township may recover a fee equal to the cost of removal, storage, and disposal.