

# BOROUGH OF SAINT CLAIR

SCHUYLKILL COUNTY

PENNSYLVANIA

## ZONING ORDINANCE

FEBRUARY 2005



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**ZONING ORDINANCE**

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**BOROUGH OF SAINT CLAIR**  
**SCHUYLKILL COUNTY, PENNSYLVANIA**

**FEBRUARY 2005**



**DEVELOPED UNDER THE DIRECTION OF:**

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## **USING THIS ORDINANCE: AN OVERVIEW**

The following describes the most efficient way to use this Zoning Ordinance. The following are general descriptions, but are **not** part of the actual Zoning Ordinance.

Start by using the following parts of the Zoning Ordinance:

1. Turn to the **Table of Contents** to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
2. Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district your lot is in. (Reminder: the Official Zoning Map is on file at Borough Hall)
3. Turn to Section 306 – **Permitted Uses by District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
  - a. by Right,
  - b. by Special Exception, or
  - c. by Condition (the Borough Council must approve the use after review by the Planning Agency as described in Section 117).
4. Turn to Section 307 – **Lot and Setback Requirements by District**. This section indicates the required minimum area of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
5. Regularly refer to the **Definitions** in Article II to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Nonconforming Use**". In almost all cases, a lawful Nonconforming Use can continue, expand within limits, change to another use within limits, or be sold. See Article IX -"Nonconformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as very small businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for sheds, garages, and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

Turn to the following parts of the Zoning Ordinance if your lot may be flood-prone:

If your lot is low-lying or near a creek or drainage channel, study the FEMA **Floodplain Map** in the Schuylkill County Courthouse. This map shows areas expected to flood in an average 100-year period (called the "**100-Year Floodplain**"). If a tract is within the

100-year Floodplain, the regulations of Article V need to be met. An applicant also should consult a professional to determine whether any **Wetlands** are present on the tract. If so, Federal and State wetland regulations must be complied with if the wetlands are to be altered or filled in any manner.

Turn to the following sections for regulations concerning parking, signs, and buffer yards:

Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this Zoning Ordinance. The parking standards are listed in a table.

If **Signs** are proposed within public view, Article VII must be met. This article lists the types, heights, and sizes of signs that are permitted.

Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following two major considerations should be kept in mind when using this Ordinance:

An applicant may apply to the **Zoning Hearing Board** for a **Zoning Variance** if they are not able to comply with a provision of this Zoning Ordinance as determined by the Zoning Officer. An application fee is required to compensate the Borough for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the Pennsylvania Municipalities Planning Code, variances are not permitted unless an applicant proves a "hardship".

If one or more new lots will be created or existing lot lines will be altered or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Borough's **Subdivision and Land Development Ordinance** will apply.





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# **BOROUGH OF SAINT CLAIR ZONING ORDINANCE**

## **TITLE PAGE**

1. **TITLE.** An Ordinance: a) dividing the Borough of Saint Clair into districts and regulating the use of land and the location, use, and density of buildings within these districts; b) providing for the administration, implementation, and enforcement of this Ordinance; c) permitting, prohibiting, regulating, and determining the uses of land, water courses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures; as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; d) establishing the maximum density and intensity of development; and e) establishing provisions for special exceptions and variances to be administered by a Zoning Hearing Board.
2. **SHORT TITLE.** This Zoning Ordinance shall be known and be cited as the "**Borough of Saint Clair Zoning Ordinance**" of 2005.
3. **SEVERABILITY.** It is hereby declared to be the legislative intent that:
  - A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
  - B. The Saint Clair Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.
4. **REPEALER.** All other Borough ordinances or resolutions or parts thereof that were adopted prior to this Ordinance and are clearly in direct conflict with this Ordinance are hereby repealed, including any reference to the County of Schuylkill Zoning Ordinance.
5. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Borough Council hereby enacts and ordains into an Ordinance the attached document this date of \_\_\_\_\_, 2005. This Ordinance shall become effective in five (5) calendar days.

Date of Planning Commission Public Meeting:

Date of Borough Council Public Hearing:

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Mayor, Borough of Saint Clair

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Attest, Borough Secretary



## **ARTICLE I**

### **ADMINISTRATION**

#### **101. PURPOSES AND OBJECTIVES**

This Zoning Ordinance is hereby adopted: 1) in accordance with the requirements and purposes (including Section 604 or its successor section, which is included by reference) of the Pennsylvania Municipalities Planning Code, as amended; 2) in accordance with the community development goals and objectives (which are included by reference) of the Borough of Saint Clair Comprehensive Plan (as may be amended), which constitutes an overall program; 3) in consideration of the character of the Borough of Saint Clair, its various parts, and the suitability of the various parts for particular uses and structures; and 4) to assist in carrying out the purposes and provisions of the Constitution of the Commonwealth of Pennsylvania (especially Article I, Section 27), the PA Floodplain Management Act, PA Storm Water Management Act, PA DEP regulations on erosion and sediment pollution control, and other relevant Federal and State laws, regulations, official policies, and relevant Court decisions.

#### **102. APPLICABILITY OF THIS ORDINANCE**

- A. Any activity regulated by this Zoning Ordinance shall only occur in such a way that conforms with the regulations of this Zoning Ordinance (see Section 107.A).
- B. This Ordinance regulates matters authorized by Section 603 "Ordinance Provisions" of the PA Municipalities Planning Code, or such successor section.

#### **103. ENFORCEMENT, VIOLATIONS, AND PENALTIES**

- A. If it appears to the Borough of Saint Clair that a violation of this Zoning Ordinance has occurred, the Borough of Saint Clair shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state the following:
  - 1. The name of the owner of record and any other person against whom Saint Clair Borough intends to take action.
  - 2. The location of the property in violation.
  - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the zoning ordinance.
  - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in Section 111.
  - 6 That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.
- D. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Zoning Ordinance, the Zoning Officer, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon Saint Clair Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint to Borough Council. No such action may be maintained until such notice has been given.
- E. Penalties. Any person, partnership or corporation who shall violate the provisions of this Ordinance shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than five hundred dollars (\$500.00). In default of payment of the fine, such person, the members of such partnership or the officers of such corporation shall be liable to the imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense.

#### **104. FILING OF DOCUMENTS, FEES AND COSTS**

- A. All papers required to be filed pursuant to this Zoning Ordinance shall be filed with the Borough Office located at 16 South Third Street, St. Clair, PA 17970, during normal business hours which are currently 8:00 AM to 4:30 PM. Any document filed under this Ordinance shall be filed in duplicate. The Borough Office will then note the date and time received and forward the application immediately to the Zoning Officer pursuant to Section 110.B. The Borough shall be the repository of all documents and records generated by the Zoning Officer pursuant to Section 110.B. Filing may be accomplished by mail addressed to the Borough of St. Clair. Documents shall be deemed filed on the day it is received by the Borough regardless of the date of mailing or the date appearing on any postmark. Payment of costs and fees is required for the filing of all papers at the time of filing. If the Borough is unable to determine in advance the amount so required, the Borough shall have the right to require a reasonable sum as a deposit against the fees and costs at the time of filing.
- B. The Borough Council may establish and update by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Zoning Ordinance. No application or appeal shall be considered filed until all fees are paid.



- C. Unless revised by future resolution of the Borough Council, the application fee for a conditional use shall be \$500 plus the actual costs of all legal advertisements. For review fees for a solid waste use, see Section 402.

## **105. INTERPRETATION AND SIMILAR USES**

- A. Minimum Requirements. The provisions of this Zoning Ordinance shall be interpreted as the minimum requirements to promote public health, safety, and general welfare. Where more than one provision of this Zoning Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Zoning Ordinance are in addition to any other applicable Borough Ordinance.
- B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, by condition, or by special exception by this Zoning Ordinance within any Zoning District, the use is prohibited, except as may be permitted as a "similar use" under a specific provision of this Zoning Ordinance.
- C. Interpretation of Zoning Ordinance Text and Boundaries. The Zoning Officer shall apply the wording of this Zoning Ordinance and the location of all District boundaries to particular applications. See Section 111 concerning appeals by an applicant. The Zoning Officer may request an advisory opinion from the Borough Solicitor or the Zoning Hearing Board Solicitor.
- D. Definitions. If a word is not defined, the word shall be considered to have its plain and ordinary meaning within the context of the provision. A standard reference dictionary should be consulted.

## **106. GENERAL PROCEDURE FOR PERMITS**

- A. After receiving a proper application, the Zoning Officer shall either: 1) issue the permit under this Ordinance, or 2) refuse the Permit indicating a reason. If specifically requested in writing by an applicant, reasons for a refusal shall then be stated in writing. See Section 111 concerning appeals of a decision by the Zoning Officer.
- B. Thirty (30) Day Challenge Period. It is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

## **107. PERMITS AND CERTIFICATES**

- A. Applicability. Any of the following activities or any other activity regulated by this Zoning Ordinance shall only be carried out after receipt of a Zoning permit (except as stated below) and receipt of any additionally required Borough permitting (such as a Building Permit, Subdivision and Land Development approval etc.) after the applicant shows compliance with this Zoning Ordinance:

1. Erection, construction, movement, placement or extension of a structure, building or sign
  - a. See Section 703 which lists signs not required to have a Borough permit.
  - b. Storage sheds of less than 50 square feet of floor area are not required to have a Borough permit.
2. Change of the type of use or expansion of the use of a structure or area of land
3. Creation of a lot or alteration of lot lines
4. Creation of a new use. A Borough permit is specifically required for any home occupation.

B. Types of Uses

1. Permitted-By-Right Uses. This type of use may be granted zoning approval by the Zoning Officer if all requirements of this Zoning Ordinance are met.
2. Application Requiring a Variance. This type of use shall require a written approval by the Zoning Hearing Board.
3. Conditional Use. This type of use shall require a written zoning approval by the Borough Council, after the Planning Commission has been given an opportunity to review and comment on the application.
4. Special Exception. This type of use shall require written approval by the Zoning Hearing Board.

C. Applications

1. Form. Any request for a decision, interpretation, or variance by the Zoning Hearing Board or for a permit under this Zoning Ordinance shall be made in writing on a form provided by the Borough.
  - a. The completed application, with any required fees and site plans or other required information, shall be submitted to the Zoning Officer or other Borough employee responsible for processing the application. The date of receipt should be noted on the application.
2. Site Plan. When a site plan is required, at least two copies shall be submitted. The site plan shall be drawn to scale. A site plan shall be required for any new building, building addition, parking lot and where the Zoning Officer determines that a site plan is needed to determine compliance with this Zoning Ordinance.
3. Required Information. Except as provided for in Part 5 below, any application to the Zoning Officer or Zoning Hearing Board shall include the following information, unless the Zoning Officer determines that a site plan or such information is unnecessary to determine compliance with this Ordinance:

- a. The location and dimensions of the lot
  - b. Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land
  - c. Name and address of the applicant or appellant
  - d. Name and address of the owner of the affected property (if different from the applicant)
  - e. A description of the proposed use of the property
  - f. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Zoning Ordinance
  - g. The locations of any trees or forested areas with a trunk diameter of six inches or greater measured four-and-half (4.5) feet above the average surrounding ground level that may be impacted in any way by the proposal (with trees identified with a trunk diameter over 18 inches)
  - h. All other applicable information listed on the official Borough application form
4. Submittal to the Board. In addition to the information listed in Part 3 above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary for determination of whether the proposal complies with this Zoning Ordinance:
- a. The present zoning district and major applicable lot requirements
  - b. A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards
  - c. If a non-residential use is proposed close to dwellings, a description of hours of operation
  - d. A listing of any sections of this Zoning Ordinance being appealed, with the reasons for the appeal
5. Porches and Accessory Buildings. For the construction of a porch or an accessory building of less than 500 square feet, the applicant shall only be required to submit evidence that the structure: a) will meet the setback requirements of this Zoning Ordinance, and b) will not intrude into an existing septic system location or an officially designated alternate septic system location.
6. Other Laws. The Zoning Officer may withhold issuance of a permit under this Zoning Ordinance if there is clear knowledge by the Zoning Officer that a use would violate another Borough, State or Federal law or regulation, until such time as the applicant proves compliance.

7. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning permit application (see definition of "landowner" in Article II).
8. Copy Distribution. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and individuals (such as the Planning Agency or Borough Engineer) for review and comment.

D. Issuance of Permit

1. Copies. At least three copies of any permit required under this Zoning Ordinance shall be made. One copy of the permit shall be retained in Borough files and one copy shall be retained by the applicant. A copy of the permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
2. Posting. The applicant shall post a copy of the permit at a conspicuous location visible from a street while work is underway.
3. Other Permits. Where applicable, a State Highway Occupancy Permit or a Borough Road Occupancy Permit shall be required prior to issuance of a Borough Building Permit.

E. Revocation of Permits. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:

1. False statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties).
2. Any work being accomplished or use of land or structures in such a way that does not comply with this Zoning Ordinance or an approved site plan or approved permit application or a condition imposed as part of a special exception, conditional use or variance approval.
3. Any other just cause set forth in this Zoning Ordinance.
4. Violation of the Subdivision and Land Development Ordinance.

F. Temporary Permit. A temporary permit may be issued by the Zoning Hearing Board as a special exception for temporary commercial special events or temporary structures or uses subject to the following additional provisions:

1. Duration. The Zoning Hearing Board shall establish a limit on the duration of the use. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.

2. Fee. Either the Zoning Hearing Board or the Borough Council may waive and/or return the required application fee if the applicant is an Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
3. Nonprofit. Only a well-established and Internal Revenue Service recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted.

G. Changes to Approved Plans

1. After the issuance of a permit or approval of a site plan under this Zoning Ordinance by the Borough, the approved application or site plan shall not be changed without requesting such change in writing to the Zoning Officer and receiving written consent from the Zoning Officer.
2. Changes to a site plan approved by the Borough Council as a conditional use shall require re-approval of the changes by the Borough Council if the Zoning Officer determines that the changes significantly affect matters that were within their approval. The approval by the Borough Council is not required for minor technical adjustments or corrections of information that do not affect the significant features of the site plan and the intensity of the use, as determined by the Zoning Officer.

**108. AMENDMENTS TO THIS ZONING ORDINANCE**

A. Within the procedural requirements of the PA Municipalities Planning Code (see Sections 609 and 610), the Borough Council may amend, "cure", or repeal any or all portions of this Ordinance on:

1. Its own motion; or
2. Upon agreeing to hear a written request of any person, entity, or the Planning Agency.

B. Review of Ordinance Amendments

1. Planning Agency Review. For a proposed amendment that was not prepared at the direction of the Planning Agency, the Borough Council shall submit each the amendment to the Planning Agency at least 30 days prior to the hearing on the proposed amendment and permit the Planning Agency an opportunity to provide recommendations.

2. County Review. The Borough shall submit the proposed amendment to the Schuylkill County Planning Agency for recommendations at least 30 days prior to the hearing on the proposed amendment. No action shall be taken by the Borough Council until County comments are received, unless 30 days pass without comments being received.
- C. Application for Amendment. A request for amendment of the Zoning Ordinance shall be in writing. A request by a property-owner or developer shall state in writing the reasons for the request.
- D. Notification of Proposed Zoning Map Amendment. If a zoning map amendment is requested by a private entity and is not considered at the same public hearing as zoning map amendments proposed by Borough officials, then at least 10 days prior to the hearing on the proposed change, the applicant shall send or have delivered in person written notice of the proposed change including the hearing date and time and a Borough official to contact for more information. The notice shall be provided to all owners of record of all property proposed to be rezoned (other than the applicant) and all property directly abutting the land to be rezoned.

#### **109. CURATIVE AMENDMENTS**

See Sections 609 and 916.1 of the Pennsylvania Municipalities Planning Code. For a curative amendment request, the applicant shall at a minimum compensate the Borough for all actual expenses for legal advertising, in addition to any other fees stated in the Borough fee schedule.

#### **110. ZONING OFFICER**

- A. Appointment. The Zoning Officer shall be appointed by the Borough Council. The Zoning Officer shall not hold any elective office within the Borough, but may hold other appointed offices.
- B. Duties and Powers. The Zoning Officer shall:
1. Receive and examine all applications required by this Zoning Ordinance and issue or refuse permits within this Zoning Ordinance
  2. Receive complaints of violation of this Zoning Ordinance and enforce the Zoning Ordinance within the provisions established by the PA Municipalities Planning Code
  3. Maintain records of applications, permits, variances, written decisions, and interpretations issued and of complaints received, of official reports rendered, and of legal notices
  4. Perform all other duties called for in this Zoning Ordinance
  5. Not permit any activity which does not conform to this Zoning Ordinance

## **111. ZONING HEARING BOARD ACTIONS, SPECIAL EXCEPTIONS, AND VARIANCES**

- A. Appointment. The Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by the Borough Council, unless a differing number of members are authorized by another valid Borough ordinance. Alternate members may be appointed within the provisions of the PA Municipalities Planning Code. Zoning Hearing Board members shall serve terms of three (3) years, so fixed that the term of office of no more than one (1) regular member and one (1) alternate member expires each year. Members of the Zoning Hearing Board shall hold no elected office in the Borough.
- B. Vacancies. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Removal of Members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- D. Organization.
  - 1. Rules. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Borough ordinances and State law. The Zoning Hearing Board shall elect officers for annual or bi-annual terms from its own membership.
  - 2. Quorum. For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Zoning Hearing Board, except within the hearing officer process established by the PA Municipalities Planning Code.
  - 3. Alternate Members. Alternate members may be appointed within the provisions of the PA Municipalities Planning Code.
- E. Zoning Hearing Board Functions. The Zoning Hearing Board shall be responsible for the following:
  - 1. Appeal of a Decision by the Zoning Officer
    - a. The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant (a person affected or any agency of the Borough) that the Zoning Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any valid provision of this Zoning Ordinance.

- b. See time limitations for appeals in Section 111.F.
- 2. Challenge to the Validity of the Zoning Ordinance or Zoning Map
  - a. The Zoning Hearing Board shall hear challenges to the validity of this Zoning Ordinance filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved.
  - b. After the conclusion of the hearing(s), the Zoning Hearing Board shall decide all questions and shall make findings on all relevant issues of fact, within the time limits of the PA Municipalities Planning Code.
- 3. Variance
  - a. The Zoning Hearing Board shall hear requests for variances filed with the Zoning Hearing Board in writing by any landowner (or any tenant with the permission of the landowner).
  - b. Standards. The Zoning Hearing Board may grant a variance only within the limitations of State law. As of 1993, the PA Municipalities Planning Code provided that all of the following findings must be made, where relevant:
    - 1. There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;
    - 2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;
    - 3. Such unnecessary hardship has not been created by the appellant;
    - 4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
    - 5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.



- c. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.
- d. The Zoning Hearing Board may also grant a variance for a physical improvement needed to comply with the Americans with Disabilities Act (ADA).

4. Special Exception

Where special exceptions are to be considered as specified by Borough Council in this Zoning Ordinance, the Board shall grant or deny special exceptions pursuant to express standards and criteria as detailed in Article V in addition to any other applicable regulations listed in this Zoning Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

5. Hearings. See Section 112.

6. Records and Reports. The staff to the Zoning Hearing Board shall keep full public records of its business.

7. Court Appeals. In the case of an appeal from the Zoning Hearing Board to the Court of Common Pleas, the Appellant shall make the return required by law.

F. Time Limitations for Appeals. The time limitations for appeals shall be as follows:

- 1. No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer that is being appealed has been officially issued, or appeal with the County Court of Common Pleas later than 30 days after a decision of the Zoning Hearing Board has been officially issued, except as may be provided under Section 914.1 of the PA Municipalities Planning Code.
- 2. The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.
- 3. This 30 day time limit for appeals shall not apply to the revocation of a permit under Section 107.E.

G. Stay of Proceedings. See Section 916 of the PA Municipalities Planning Code.

H. Time Limitations on Permits and Variances

1. Issuance of Permit. After a variance is approved or approval is officially authorized under this Zoning Ordinance, then a permit shall be secured by the applicant within 12 months after the date of approval or authorization. Action under the permit shall then begin and be completed within 12 months of the date of variance approval or authorization.
2. Borough Approvals. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or conditional use approval that is related to the variance or issuance of a permit under this Zoning Ordinance within the above time limits, then the time limits shall begin after the plan review is completed or the plan approval is granted.
3. Federal or State Approvals. If an application requires a Federal or State permit or approval, then the time limits of this Section may apply from the date of issuance or approval, provided that: a) the applicant applied for permit or approval prior to or within 60 days after applying for Borough approval, and b) the applicant continues to diligently seek approval or permit.
4. Time Extension. For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend in writing the time periods in this Section.
5. Time Requirements. If an applicant fails to obtain the necessary permits within the above time period, or fails to diligently commence substantial construction within the above time period or allows interruptions in substantial construction of longer than six months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all approvals, variances and permits shall become null and void.

## **112. BOARD HEARINGS AND DECISIONS**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following:

- A. Notice of Hearings. Notice of all hearings of the Zoning Hearing Board shall be given as follows:
  1. Advertisement. Public notice shall be published, as defined by Section 107 of the PA Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
  2. Posting. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. It is the responsibility of the applicant to ensure that the notice is posted and remains posted until the hearing.

3. **Persons Given Notice.** Written notice shall be given to the Applicant and the Zoning Officer. Notice should be given to the Planning Agency, Borough Council and owners of record of property abutting and directly across the street from the lot lines of the subject property. Also, notice shall be given to any other person or group (including civic or community organizations) who have made a written timely request for notice. Any notices should be mailed or delivered by a Borough representative to the last address known to the Borough. The notice should be intended to be received at least five (5) days prior to the hearing date.
  4. **Adjacent Municipalities.** In any matter which relates to a property which lies within 250 feet of the boundary of another municipality, and which the Borough staff determines may have a significant impact on that municipality, the Borough staff should transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on the matter at least seven (7) days prior to the hearing date. Representatives of the adjacent municipality shall have the right to appear and be heard at the public hearing.
  5. **Fees.** The Borough Council may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Zoning Ordinance; and b) those persons requesting any notice not required by this Zoning Ordinance.
- B. **Parties in Hearings.** The parties to a hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board.
- C. **Oaths and Subpoenas.** The chair of the Zoning Hearing Board or Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.
- D. **Representation by Counsel.** The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.
- E. **Evidence and Record.** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Zoning Hearing Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law. The Municipalities Planning Code, Section 908(7) explicitly requires a stenographic record in order for the courts to have complete and accurate records in the event of an appeal.
- F. **Communications Outside of Hearings.**

1. The Zoning Hearing Board shall not meet with, visit the site with, or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
  2. The Zoning Hearing Board shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to examine and contest the material so noticed. This restriction shall not apply to advice from the Zoning Hearing Board's solicitor.
- G. **Advisory Reviews.** The Zoning Hearing Board may request that the Planning Agency, County Conservation District, Borough Staff, Borough Engineer, or other professional provide an advisory review on any matter before the Zoning Hearing Board.
- H. **Initiation of Hearings.** A hearing required under this Zoning Ordinance shall be initiated within 60 days of the date of an applicant's submittal of a complete application, unless the applicant has agreed in writing to an extension of time.
- I. **Decision/Findings.**
1. The Zoning Hearing Board shall render a written decision or make written findings (when no decision is called for) on each application within 45 days after the last hearing on that application before the Zoning Hearing Board, unless the applicant has agreed in writing to an extension of time.
  2. Where the application is contested or denied, the decision should include findings of fact and conclusions based thereon, together with the reasons for such conclusions. Any conclusion based on any provision of the PA Municipalities Planning Code or of this Zoning Ordinance should contain a reference to the provision relied on.
- J. **Notice of Decision.** A copy of the final decision or a copy of the findings (when no decision is called for) shall be personally delivered or mailed to the applicant or his or her representative at their last known address not later than the time limit established by Section 908 of the PA Municipalities Planning Code.

### **113. APPEALS**

- A. **In General.** All appeals of this Zoning Ordinance or any action of the Borough Council, the Zoning Officer or the Board under this Zoning Ordinance shall conform with Article X-A of the PA Municipalities Planning Code. See Section 112.
- B. **Procedural Defects in Enactment.** Allegations that this Zoning Ordinance or any amendment was enacted in a procedural defective manner shall be appealed directly to

the court and be filed not later than 30 days from the intended effective date of the Zoning Ordinance or amendment.

#### **114. PUBLIC UTILITY EXEMPTIONS**

This Zoning Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Agency shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Agency to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by the other parties and otherwise exercise the rights of a party to the proceedings.

#### **115. BOROUGH LIMITED EXEMPTION**

The minimum lot area and minimum lot width requirements of this Zoning Ordinance shall not apply to uses or structures owned by the Borough of Saint Clair for uses and structures that are intended for a legitimate governmental or public health, safety, public utility or recycling purpose.

#### **116. SITE PLAN REVIEW PROCEDURES FOR CERTAIN USES**

- A. When Site Plan Required. A site plan review by the Planning Agency and Borough Council is required for any of the following uses unless the physical layout of the buildings and improvements has been submitted as part of a subdivision or a land development.
1. Any expansion of more than 1,000 square feet in floor area of a principal non-residential building.
  2. Any new principal non-residential building.
  3. Any new or expanded paved area of greater than 2,500 square feet.
- B. Site Plan Procedures. The following procedures shall be followed for any use required to be reviewed under this Section:
1. Submission. A minimum of three (3) complete copies of any required site plan shall be submitted to the Borough. Such site plan shall meet the information requirements listed in Section 116.C. The Zoning Officer shall refuse to accept an application if it does not contain sufficient information to determine compliance with this Zoning Ordinance. A minimum of one (1) copy shall be retained in Borough files. The Zoning Officer may request a review by the Borough Engineer if engineering matters are involved.

2. Erosion Control. If earth disturbance is involved, an erosion and sediment pollution control plan shall be submitted to the Borough and the County Conservation District.
  3. Time. The Planning Agency and Borough Council shall be given an opportunity to review the site plan and provide any advisory comments in writing to the Zoning Officer within the time limit stated in Section 116.B.4.
  4. Zoning Officer Review. The Zoning Officer shall review the site plan and determine its compliance with this Zoning Ordinance, based upon his review and any comments of the Borough Council and Planning Agency. The Zoning Officer shall make such determination within 90 days after the first scheduled Planning Agency regular meeting after the receipt of a complete site plan submission, unless the applicant grants a written time extension.
  5. A Site Plan under this Section may be reviewed at any legally advertised, regular or workshop meeting of the Borough Council and Planning Agency.
- C. Submittal Requirements. The following site plan submittal requirements shall not apply to a general home occupation. A required Site Plan shall include the following information, unless for information waived by the Zoning Officer as not applicable or necessary:
1. A statement describing the proposed use.
  2. Layout. A site layout drawn to scale (1"=50') showing the location, dimensions and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas. If the plan involves one phase of what eventually may be a larger development, then the interrelationships of those phases shall be shown.
  - 3.\* Landscaping. The width of any buffer yard and the heights, spacing and general species of plants to be used for screening. General numbers, locations and types of required landscaping to be provided.
  - 4.\* Parking. The locations and numbers of parking spaces; the location and widths of aisles; the location and sizes of off-street loading areas. The method of calculating the off-street parking requirement, based upon Section 601.
  - 5.\* Lighting and Signs. The height, location and general type of exterior lighting. The sign area, height, location and general method of lighting of signs.

6. Utilities. Note stating general proposed method of providing wastewater treatment and water supply (such as "Public Water and Public Sewage Services").
  7. Nuisances and Safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, odors, dust, fire or toxic or explosive hazards or other hazards to the public health and safety; together with proposed methods to control such hazards and nuisances.
  - 8.\* Grading and Stormwater. Proposed and existing contours if earth disturbance is proposed. Identification of any slopes between 15 percent and 25 percent and greater than 25 percent proposed to be impacted. Proposed method of managing stormwater runoff. See steep slope provisions in Section 505. Delineation of any floodplains from the Official Federal Floodplain Maps.
  9. A location map showing the relation of the project to surrounding streets. Approximate lot lines of abutting lots within 50 feet of the project, with identification of abutting land uses.
  10. Zoning district and major applicable requirements.
  11. Name and address of the person who prepared the Site Plan, the applicant and the owner of record of the land.
  12. Such other data or information as the Zoning Officer deems is reasonably necessary to determine compliance with Borough ordinances.
- \* This information is not required on a zoning site plan if such information will be submitted on a subdivision or land development plan for the use.

## **117. CONDITIONAL USE PROCESS**

- A. Applicability. This section applies to uses listed as "Conditional Uses" in the applicable district.
- B. Procedure.
  1. A conditional use submission shall not be considered officially accepted for review until any needed zoning variances that are directly relevant to the site layout and nature of the use is granted. The applicant may request an informal review by the Planning Agency of a site plan prior to requesting variances or a special exception.
  2. Submission. A minimum of three (3) complete copies of any required site plan shall be submitted to the Borough. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to

determine compliance with this Zoning Ordinance. See Section 104 concerning fees. For review fees for a solid waste use, see Section 402.

3. Erosion Control. If earth disturbance is involved, the applicant shall submit an erosion and sediment pollution control plan to the Borough and the County Conservation District, unless such review will occur under the Subdivision and Land Development Ordinance.
  4. Borough Distribution. The Borough shall distribute copies of the site plan to the Planning Agency and the Borough Council. A minimum of one (1) copy shall be retained in the Borough files. The Borough Fire Services should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
  5. Zoning Officer Review. The Zoning Officer shall report in writing or in person to the Planning Agency or Borough Council stating whether the proposal complies with this Zoning Ordinance. The Zoning Officer may request a review by the Borough Engineer.
  6. Planning Agency. The Planning Agency shall be given an opportunity to review the conditional use application and submit a recommendation to the Borough Council.
  7. The Borough Council shall not act to approve or deny a conditional use application unless: a) the Borough Council has received the reports of the Zoning Officer and the Planning Agency; or b) unless a period of 60 days has passed from the date of the application.
  8. The Borough Council shall approve, conditionally approve, or disapprove the conditional use submission. In granting a conditional use, the Borough Council may require such reasonable conditions and safeguards (in addition to those expressed in this Zoning Ordinance) as it determines are necessary to implement the purposes of this Zoning Ordinance.
  9. The decision of the Borough Council shall be in writing and shall be directly communicated to, delivered to, or mailed to the last known address of the applicant or their representative.
  10. Subdivision and Land Development Ordinance. If an applicant requests, the conditional use application shall consist of the same submittal as a land development or subdivision application.
- C. Approval of a Conditional Use. The standards of this section shall not apply to a General Home Occupation. The Borough Council shall approve any proposed conditional use if they find adequate evidence that the proposed use will:
1. Meet any specific standards for the proposed use listed in Sections 402 or 403.



2. Meet other applicable sections of this Zoning Ordinance.
3. Be in general conformance with the requirements of the Subdivision and Land Development Ordinance, as applicable. Actual approval under the Subdivision and Land Development Ordinance will occur separately from the conditional use approval.
4. Meet all of the following standards:
  - a. Other Laws. Will not clearly be in conflict with other Borough Ordinances or State or Federal laws or regulations known to the Borough.
  - b. Traffic. Will not result in or significantly add to a traffic hazard or significant traffic congestion.
  - c. Safety. The applicant shall show that the use will not create a significant public safety hazard, including fire, toxic or explosive hazards.
  - d. Storm Water Management. Will follow adequate, professionally accepted engineering methods to manage storm water. Stormwater shall not be a criterion of a decision under the Zoning Ordinance if the application clearly would be subject to a separate engineering review and an approval of storm water management under the Subdivision and Land Development Ordinance.
  - e. Neighborhood. Will not significantly negatively affect the desirable character of an existing or approved residential neighborhood, such as causing heavy truck traffic through a residential neighborhood, or a significant odor or noise nuisance or very late night or early morning hours of operation.
  - f. Site Planning. Will involve adequate site design methods, including plant screening and setbacks as needed to avoid significant negative impacts on adjacent uses.
  - g. Performance Standards. Will not have a serious threat of inability to comply with the performance standards of this Zoning Ordinance, as stated in Article V.

## **118. LIABILITY**

- A. Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, wetland delineation review, storm water runoff, activity on steep slopes or any other review or permit of this Zoning Ordinance, by an officer, employee, consultant or agency of the Borough, shall constitute a representation, guarantee or warranty of any kind by the Borough, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

- B. If the Zoning Officer mistakenly issues a permit under this Zoning Ordinance, the Borough or Borough Representative shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

## **ARTICLE II**

### **DEFINITIONS**

#### **201. GENERAL INTERPRETATION**

For the purposes of this Zoning Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
- C. "Should" means that it is strongly encouraged but is not mandatory. "May" means that it is permissible but is not mandatory. "Shall" and "will" are always mandatory.
- D. "Sale" shall also include "rental".
- E. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.
- F. If a word is defined in both this Zoning Ordinance and another Borough Ordinance, each definition shall apply to the provisions of each applicable Ordinance.
- G. Any word or term not defined in this Zoning Ordinance shall be used with its plain and usual meaning within the context of the Section. A standard reference dictionary should be consulted.
- H. The words "such as", "includes", "including", and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provisions.

#### **202. TERMS DEFINED**

When used in this Zoning Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent"

Access Drive or Accessway. A Privately-owned, constructed and maintained vehicular access roadway accessing two (2) or more dwelling units or two (2) or more commercial, institutional or industrial principal uses. See also "driveway."

Access Point. One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

Accessory Building. A building (such as a private garage, private tool shed, children's playhouse or noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the use of the principal building. A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Structure. A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Acre. 43,560 square feet.

Adjacent. Includes contiguous lots that share a common lot line or that are separated only by a street or waterway. See definition of "abut."

Adult Bookstore. A use with a significant portion of the market value of or total number of items for sale or rent being books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Day Care Center. A use providing supervised care and assistance primarily to persons who are over age 60, mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer disease or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the presentation typically to three or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by

patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

Adult Use. This shall include only the following: Adult Bookstore, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility.

After Hours Club. A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 AM to 4 AM, in addition to any other hours. This use generally is prohibited under State Act 219 of 1990.

Agriculture. Shall mean "crop farming", "plant nursery" and "raising of livestock". See definition of each.

Aircraft. Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

Alley. A right-of-way providing secondary access to the side or rear on one or more lots.

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

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting short-wave or citizens band radio frequencies or for receiving television, radio or similar frequencies, but not including a satellite dish antennae or a commercial communications antennae. This includes any accessory supporting structures.

Apartment. See "dwelling types."

Applicant. The person(s), company, partnership, profit or non-profit corporation or trust responsible for a particular application for an approval or permit under this Zoning Ordinance, and his heirs, successors and assigns.

Auto, Boat and/or Mobile/Manufactured Home Sales. A building or area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or boats, or transportable mobile/ manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/ manufactured home park or a junkyard.

Auto Repair Garage. A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or

rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage."

Auto Service Station. A building and/or land where gasoline is sold, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections. This use may include a convenience store selling ready-to-eat food for consumption off the lot, common household products and similar items.

Basement. An enclosed floor area partly or wholly underground, other than a building which is completely underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of six feet or greater and b) the top of the foundation of the building is an average of four or more feet above the finished grade of the front side of the building that faces onto a street.

Bed and Breakfast Use. The use of a single-family detached dwelling which includes the rental of overnight sleeping accommodations and bathroom access. This shall not include a use that provides any cooking facilities for use by guests or that provides meals for persons other than overnight guests, unless the requirements for a restaurant are also met. This term shall only include a use serving transient visitors to the area. See standards in Section 402.

Betting Use. A use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").

Billboard. See "Sign, Off-Premises."

Board. The Zoning Hearing Board of the Borough of Saint Clair, Schuylkill County, Pennsylvania unless otherwise noted.

Board of Appeals or Adjustment. A Board appointed by the authority adopting these regulations. The number of members, powers, and governing rules, of the Board are set forth in Section (insert section that airport regulations are in) of this Ordinance.

Boarding House or Rooming House. A residential use in which: a) two or more individual rooms that do not meet the definition of a dwelling unit are rented for habitation; or b) a dwelling unit that includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of five consecutive days.

Borough. The political subdivision known as the Borough of Saint Clair, Schuylkill County, Pennsylvania, unless otherwise noted.

Borough Council. The Borough Council of Saint Clair, Schuylkill County, Pennsylvania, unless otherwise noted.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement.

Building. Any structure having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 square feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing: a) the maximum horizontal area square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Length. The horizontal measurement between the two most distant portions, other than portions measured diagonally, of any one building or of attached buildings.

Building Line or Building Setback Line. See "Setback Line."

Building Width. The horizontal measurement between two structural walls of one building that are generally parallel, measured in one general direction that is most closely parallel to the required lot width. For a townhouse, this width shall be the width of each dwelling unit.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Business Service. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Cemetery. Land or buildings used for the burial of deceased humans, but not animals. The interment or scattering of remains of properly cremated humans is not regulated by this Zoning Ordinance.

Commercial Communications Tower/Antennae. A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, such as but not limited to antenna used for transmitting commercial radio or television signals or cellular telephone communications. This shall not include a reception antenna not intended for commercial use.

Commercial Outdoor Recreation. A use that a) has a total building coverage of less than 15 percent; b) is used principally for active or passive recreation (such as a driving range); and c) is used for a profit-making purpose.

Commercial Use. Includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and provision of meals to low-income elderly persons. This shall not include residential uses or a "treatment center."

Commonwealth. The Commonwealth of Pennsylvania, unless otherwise noted.

Composting. The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Composting Facility. A facility using land for processing of municipal waste by composting. The term includes land thereby affected during the lifetime of the operations, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for composting residential municipal waste that is located at the site where the waste was generated.

Composting Pad. An area within a general composting facility where compost or solid waste is processed, stored, loaded or unloaded.

Concentrated Animal Feeding Operation. An animal feeding operation is a concentrated animal feeding operation if any of the following criteria are met.

- A. More than the numbers of animals specified in any of the following categories are confined:
  - 1. 1,000 slaughter and feeder cattle,



2. 700 mature dairy cattle (whether milked or dry cows),
3. 2,500 swine each weighing over 25 kilograms (approximately 55 pounds),
4. 500 horses,
5. 10,000 sheep or lambs,
6. 55,000 turkeys,
7. 100,000 laying hens or broilers (if the facility has continuous overflow watering),
8. 30,000 laying hens or broilers (if the facility has a liquid manure system),
9. 5,000 ducks, or
10. 1,000 animal units; or

B. More than the following number and types of animals are confined:

1. 300 slaughter or feeder cattle,
2. 200 mature dairy cattle (whether milked or dry cows),
3. 750 swine each weighing over 25 kilograms (approximately 55 pounds),
4. 150 horses,
5. 3,000 sheep or lambs,
6. 16,500 turkeys,
7. 30,000 laying hens or broilers (if the facility has continuous overflow watering),
8. 9,000 laying hens or broilers (if the facility has a liquid manure handling system),
9. 1,500 ducks, or
10. 300 animal units; and either one of the following conditions are met: pollutants are discharged into navigable waters through a manmade ditch, flushing system or other similar man-made device; or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation. Provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a 25 year, 24-hour storm event. The term animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0. The term manmade means constructed by man and used for the purpose of transporting wastes.

Comprehensive Plan. The document entitled *Comprehensive Plan for the Borough of Saint Clair, Schuylkill County, Pennsylvania*, or any part thereof, adopted by the Borough Council.

Conditional Use. A use which is allowed or denied by the Borough Council within the provisions of Article I, after review by the Planning Agency.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with the owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which was created

under either the Pennsylvania Unit Property Act of 1963 or was created under the Pennsylvania Uniform Condominium Act of 1980, as amended.

Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Construction/Demolition Waste Landfill. A facility using land primarily for the disposal of construction/demolition waste. The term includes land affected during the lifetime of the operations, including, but not limited to, areas where disposal activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to the operation of the facility.

Construction Material. The engineered use of municipal waste as a substitute for a raw material or a commercial product in a construction activity, if the waste has the same engineering characteristics as the raw material or commercial product for which it is substituting. The term includes the use of municipal waste as a road bed material, for pipe bedding and in similar operations. The term does not include valley fills, the use of municipal waste to fill open pits from coal or other fills or the use of municipal waste solely to level an area or bring the area to grade when a construction activity is not completed promptly after the placement of the solid waste.

County. The County of Schuylkill, Commonwealth of Pennsylvania, unless otherwise noted.

County Planning Agency. The Schuylkill County Planning and Zoning Commission, unless otherwise noted.

Crop Farming. The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. Crop farming shall also include orchards and Christmas tree farms and raising of limited numbers of livestock as a clearly accessory use, but shall not include intense raising of livestock, commercial forestry, riding academies or kennels.

Curative Amendment. A proposed zoning amendment made to the Borough Council by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school." The following three types of day care are permitted without regulation by this Zoning Ordinance: 1) care of children by their own relatives or 2) care of one to three children within any dwelling unit, in addition to children who are relatives of the care giver. See also the definition of "adult day care center."

- A. Child Day Care Center, as an Accessory Use. A type of "day care" use that provides care for six or fewer children at one time who are not relatives of the caregiver. See Section 403.
- B. Child Day Care Center, as a Principal Use. A type of "day care" use that provides care for seven or more children at any one time who are not relatives of the primary operator. See Section 402.

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

D.E.P. (or DEP). Shall mean the Pennsylvania Department of Environmental Protection, or its successor, and its relevant subparts.

Detached Building. A building that is surrounded on all sides by open yards and that is not attached to any other building.

Distribution. The processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration and packaging.

District (or Zoning District). A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this Zoning Ordinance.

Driveway. A privately owned, constructed, and maintained vehicular access from a street or access drive to only one (1) dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive."

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." This Zoning Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article IV and where permitted by Article III and meeting the floor area requirements of Article VIII.
- B. Apartments. Three (3) or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of townhouses). The individual dwelling units may be leased or sold for condominium ownership.
- C. Sectional or "Modular" Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or garden apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the

definition of a "mobile/ manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.

D. Single-Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open areas on all sides.

1. Mobile/Manufactured Home. A type of single-family detached dwelling that meets all of the following requirements:

- a) is transportable
- b) is designed for permanent occupancy
- c) is contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing
- d) arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations
- e) is constructed so that it may be used with or without a permanent foundation
- f) is not a "Recreation Vehicle"
- g) includes a minimum of 300 square feet of interior floor space.

The terms "mobile home" and "manufactured home" have the same meaning.

E. Single Family Semi-Detached Dwelling Half of a Twin Dwelling. One dwelling unit accommodating one family that is attached to and completely separated by a vertical unpierced fire resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as one-half of a duplex. Each unit may or may not be on a separate lot.

F. Townhouse. One dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly referred to as "row houses" or "single family attached dwellings."

G. Two-Family Detached Dwelling. Two dwelling units accommodating one family each with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have two side yards.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities, and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. See Section 306. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall not include more than four persons who are not "related" to each other (see definition in Article II), except a higher number may be specifically permitted within the provisions for group homes in Section 402. A "treatment center" shall not be considered a "family" or a "group home."

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." The term "wall" does not regulate engineering retaining walls, which are permitted uses as needed in all Districts.

Floodplain (100-Year). See definitions in Article V of this Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. For the purposes of regulating floor area of dwelling units, floor area specifically shall not include the following: a) elevator shafts, b) common stairwells, c) unheated areas or d) unenclosed porches, decks or breezeways.

Garage, Private or Household. An enclosed building for the storage of one or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

General Composting Facility. A composting facility other than an individual backyard composting facility or yard waste composting facility operating under § 271.103(h) (relating to permit-by-rule for municipal waste processing facilities other than for infectious or chemotherapeutic waste; qualifying facilities; general requirements).

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

Group Home. The use of any lawful dwelling unit which meets all of the following criteria:

- A. Involves the care of the maximum number of persons permitted by the "group home" standards of Section 402, and meets all other standards of that Section.
- B. Involves persons functioning as a common household.
- C. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"\* as defined by applicable Federal law.
- D. Does not meet the definition of a "treatment center."
- E. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

\* NOTE: As of 1992, the Federal Fair Housing Act defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21."

Height. The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such height shall be measured to the highest point of the structural roof. See exemptions for certain types of structures in Section 802. For height of signs, see Article VII entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Zoning Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- A. Is conducted primarily by a permanent resident of the dwelling;
- B. Only involves persons working on the premises who are permanent residents of the dwelling plus a maximum number of non-residents permitted by Section 403;
- C. Only includes uses that are clearly incidental and secondary to the principal residential use;
- D. Specifically does not include a use prohibited as a home occupation in Section 403.

Home Occupation, Light. A "home occupation" that meets all of the following types of standards:

- A. Only persons who live within the dwelling shall work within a light home occupation,
- B. A light home occupation is limited to the following types of activities:
  - 1. Office-type or clerical work (such as writing, editing, drafting, tax preparation, computer programming, computer data inputting, typing, addressing and sending mail),
  - 2. Custom sewing and fabric crafts,
  - 3. Creation of visual arts (such as painting, ceramics, sculpture or wood carving), or
  - 4. Tutoring (such as musical instruction, art instruction or school-related tutoring).

Home Occupation, General. A "home occupation" that does not meet the standards for a "light home occupation," but which meets all other standards for a home occupation. For example, if a home occupation involves persons working on-site who do not live on-site, then approval is needed as a general home occupation. (A general home occupation typically requires conditional use approval.)

Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

Hospital. A use involving the diagnosis, treatment or other medical or care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve stays overnight shall be considered a "Medical Office or Clinic." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A "hospital" may include a hospice for care of the terminally ill.

Hotel, Motel or Inn. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel, motel or inn may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

Impervious Coverage. The total area of all "Impervious surfaces" on a lot (including building coverage) divided by the total lot area.

- A. Areas being voluntarily dedicated as common open space may be included in the acreage for determining impervious coverage of an adjoining lot.
- B. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and an abutting lot, if such land will be deed restricted as permanent open space and be so

clearly stated on official recorded plans. In such case, the land shall be properly maintained by the abutting use.

Impervious Surface. Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Borough Engineer shall decide any dispute over whether an area is "impervious."

Junk. Any discarded, unusable, scrap, or abandoned man-made or man-processed material or articles including but not limited to: metal, furniture, appliances, motor vehicle parts, unlicensed and/or unregistered motor vehicles, aircraft, glass, plastics, machinery, equipment, containers, and building materials other than materials permitted under Section 306.E. Junk shall not include: a) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations; b) toxic wastes; c) grass clippings, leaves or tree limbs; or d) items clearly awaiting imminent recycling at an approved recycling use.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and sale, other than within a completely enclosed building, of material of one or more of the following types:
  - 1. "Junk" (see definition).
  - 2. A greater number of junk vehicles than is permitted under Section 604 that are partly or fully visible from an exterior lot line, dwelling, or public street. This shall NOT apply to vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station.
  - 3. One or more mobile or manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse and shall be regulated as a warehouse.

Kennel. The keeping of a total of more than ten dogs or cats over three months in age on a lot. A non-profit animal shelter is a type of kennel.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 12 months), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

Leaf composting facility. A facility for composting vegetative material, including leaves, garden residue and chipped shrubbery and tree trimmings. The term does not include a facility that is used entirely or partly for composting grass clippings.



Intensive Raising of Livestock. “Raising of livestock” that involves the keeping of more than 10 animals that are routinely confined within a building, pens, or cages or any dry lot feed farming operation or any keeping of garbage-fed livestock. See standards in Section 402.

Livestock, Raising of. The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the “Keeping of Pets” section of Section 403 and beyond what is allowed within the definition of “crop farming.” This use shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Lot. A separate parcel of land that is recorded or that will be recorded after Borough final subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.

Lot, Corner. A lot abutting on two or more intersecting streets.

Lot, Flag. An irregularly shaped lot characterized by an elongated extension providing access from a street to the principal part of the lot.

Lot, Merged. A lot which has resulted from the merger of two or more abutting nonconforming parcels of land that were held under single ownership. See Section 806 which restricts such parcels from being sold separately.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet), but excluding the following:

- A. Areas within the existing legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve three or more lots;
- B. Areas that exist as or will be required to be dedicated as common open space on a separate lot; and
- C. Fifty percent of areas within rights-of-way or easements intended for overhead electrical lines of 35 kilovolts or higher capacity which shall only be excluded for residential lots.

Lot Depth. The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

- A. Front Lot Line (Street Line). A lot line separating the lot from the future street right-of-way.

- B. Rear Lot Line. A lot line opposite and most distant from the front lot line. (A three sided lot has no rear lot line.)
- C. Side Lot Line. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, the lot width shall be measured using a straight line from end to end. The lot width shall be measured facing a street.

Manufacture. The making, with substantial use of machinery, of some product for sale, and associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility, trucking company terminal or petroleum or kerosene refining or distillation.

Massage Parlor. An establishment that meets all of the following criteria:

- A. Manipulative exercises are performed using the hands and/or a mechanical or bathing device on a person's skin other than the face or neck by another person that is related to certain monetary compensation.
- B. The person conducting the massage is not: licensed as a health care professional or a licensed massage therapist by the State or related to the person receiving the massage by blood, adoption, marriage or official guardianship.
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.
- D. The massages are conducted within private or semi-private rooms.
- E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

Medical Office. A use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant, retail sales or an auditorium unless that particular use is permitted in that District and the requirements of that use are met. See also "After Hours Club." This use shall not include a motor vehicle race track.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore, but shall not include: a) removal of material from the ground to solely to provide routine fill, or b) routine movement of and replacement of topsoil during construction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A parcel of land under single ownership which has been planned and improved for the placement of three or more mobile/manufactured homes for non-transient residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes with each dwelling on its own subdivided and approved individual lot of record shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

Motel. See "Hotel."

Motor Vehicle Race Track. A use involving competitive driving of motor vehicles involving speeds routinely exceeding 30 miles per hour, other than driving upon a public street.

Municipality. Shall be construed to mean the political subdivision known as the Borough of Saint Clair, Schuylkill County, Pennsylvania, unless otherwise noted.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988.

Municipal Waste Disposal or Processing Facility. A facility using land for disposing or processing of municipal waste. The facility includes land affected during the lifetime of operations, including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility.

Municipal Waste Landfill. A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge.

Nature Preserve. A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

Night Club. A tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing and which has a capacity of more than 250 persons for such entertainment or dancing.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Zoning Ordinance or is legally established through the granting of a variance by the Zoning Hearing Board, and which is not abutted by other undeveloped land owned by the same owner.

Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this Zoning Ordinance, as amended, where such structure lawfully existed prior to the enactment of Zoning Ordinance or applicable amendment. Nonconforming structures include but are not limited to signs.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendments heretofore or hereafter enacted, where the use was lawfully in existence prior to the enactment of this Zoning Ordinance or applicable amendment.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of three or more persons.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and television or radio broadcasting studios.

Official Street Classification Map. The map as adopted by the Borough Council classifying the streets of the Borough. See definition of "Street Classification." This map may be amended by resolution of Borough Council.

Official Zoning Map. The map as adopted by the Borough Council which designates the location and boundaries of zoning districts.

Open Space, Common. A parcel or parcels of land within a tract which meets all of the following standards:

- A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public;
- B. If not intended to be publicly owned, is covered by a system for perpetual maintenance;

- C. Will be deeded to the Borough or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation; and
- D. Does not use any of the following areas to meet minimum open space requirements:
  - 1. existing or future street rights-of-way
  - 2. accessways
  - 3. buildings (other than accessory buildings and pools clearly intended for noncommercial recreation)
  - 4. off-street parking (other than that clearly intended for noncommercial recreation)
  - 5. any area needed to meet a requirement for an individual lot
  - 6. any area deeded over to an individual property owner for their own use
  - 7. land with rights-of-way intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity

Ordinance. The Borough Zoning Ordinance, including the Official Zoning Map and Official Street Classification Map, as amended.

Paved Area. All areas covered by gravel or impervious surfaces, other than areas covered by buildings, bicycle paths and pedestrian sidewalks.

PENNDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permit. A document issued by the proper Borough authority authorizing the applicant to undertake certain activities.

- A. Zoning Permit. A permit issued indicating that a proposed use, building or structure is, to the best knowledge of the Borough Staff, in accordance with this Zoning Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Zoning Ordinance, a zoning permit or "a permit under this Zoning Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.
- B. Building Permit. A permit indicating that a proposed construction, alteration, demolition, or reconstruction of a structure is, to the best knowledge of the Borough staff, in accordance with the provisions of the Building Code which may be adopted by the Borough.

Permitted by Right Uses. Uses that do not have to be approved as uses by the Zoning Hearing Board or the Borough Council. (A site plan review by the Planning Agency and the Borough Council is required for certain permitted by right uses to ensure that the use would comply with all Borough ordinances.) A "nonconforming use" shall not be considered to be a "permitted use."

Personal Care Home or Center. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped or developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses."

Pets, Keeping of. The keeping of domestic animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and which is rented for picnics and outdoor recreation.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include one dwelling unit as an accessory use for housing of employees of the place of worship and their family. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling".

Planning Agency. The Planning Commission, Planning Committee or Planning Department as adopted by the Borough Council of Saint Clair.

Plant Nursery. The indoor or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry or lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

Principal Building. The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

Principal Use. A dominant use or main use on a lot, as opposed to an accessory use.

Publicly-Owned Recreation. Land or structures that are owned by a government agency or the Borough and are available for use by the general public for leisure and recreation.

Recreation, Private. Non-commercial leisure-time uses that are only open to members and their occasional invited guests or persons within a specific group reserved in advance.

Recreation, Commercial. Leisure-time uses that are primarily operated for commercial purposes.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional

regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Borough-owned use, an emergency services station or a college or university.

Related or Relative. Persons who are closely related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law or parent-in-law. For the purposes of child day care regulations, "relative" may also include a first cousin. This term shall not include relationships such as second cousins or cousins further removed.

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Building, Structure or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Volleyball Court, Gazebo, Storage Shed, Greenhouse, Children's Playhouse and Children's Play Equipment. For skateboard ramps, see Residential Accessory Structure Standards in Section 403.

Residential District. The various residential Zoning Districts described in Article III.

Residential Lot Lines. The lot line of a lot that contains an existing dwelling on a lot of less than ten acres or is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A fast-food restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club."

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Right-of-Way. Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line.

- A. Right-of-Way, Existing or Legal. The line separating a lot from the established official street right-of-way that either the Borough or the Commonwealth will own after the

completion of any proposed subdivision, land development or development of a use under this Zoning Ordinance.

- B. Right-of-Way, Future or Ultimate. Land that is dedicated or is required to be defined or reserved for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. If a future right-of-way is not required to be defined, then future right-of-way shall have the same meaning as existing right-of-way.

Sanitary Landfill (or Solid Waste Landfill). A type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste and covering the waste with soil and which has a permit to operate as a sanitary landfill from the State.

Satellite Dish Antenna or Satellite Antenna. A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of five and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to buffer an intense use from another use or street. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Septage. Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with DEP regulations.

Setback Line.

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.
- B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in Section 803.B.
- C. Unless otherwise stated, setback distances are for both accessory and principal structures.
- D. Private Streets – For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.



Sewage Disposal System. A system to collect, treat and dispose of sewage.

- A. Central Sewer Service. Service at the time of occupancy of a use by a sewage treatment system that serves a minimum of 20 dwelling units or five (5) principal non-residential uses.
- B. Public Sewer Service. Service at the time of occupancy of a use by a central sewage treatment plant that is owned by a municipality or a municipal or county authority.
- C. On-Lot or Non-Public Sewer Service. Any form of sewage service permitted under local, State and Federal law that does not meet the definition of "central sewer service."

Sewage Sludge. Liquid or solid sludges and other residues from a municipal sewage collection and treatment system; and liquid or solid sludges and other residues from septic and holding tank pumpings from commercial, institutional or residential establishments. The term includes materials derived from sewage sludge. The term does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of sewage sludge at a municipal sewage collection and treatment system, or grit, screenings and nonorganic objects from septic and holding tank pumpings.

Sewage Sludge, Land Application of. The spreading on land of the treated conditioned accumulated settled solids and similar stabilized residue from septic and holding tank pumping and sewage treatment systems.

Shopping Center. A use involving four (4) or more retail or personal service uses or establishments and that primarily involves retail sales. A shopping center may also include a mix of permitted personal service, office and commercial recreation uses.

Sight Distance. The maximum extent of an unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street. An area required to be kept free of visual obstruction. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Sections 711 and 703. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Section 711.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. This includes signs commonly called "billboards."

Site Plan Review. Review of a site plan by the Planning Agency and/or the Borough Council that is required for certain uses under Article I.

Slaughter House. See Concentrated Animal Feeding Operation.

Slope. The vertical change of an area of land divided by the horizontal change, measured in percent.

Solicitor. Unless otherwise stated, shall mean the appointed Solicitor to the Saint Clair Borough Council.

Solid Waste.

- A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household or commercial activities.
- B. For the purposes of this Zoning Ordinance, the following materials shall not be considered to be solid waste:
  - 1. portions of trees or shrubs, leaves, mulch and rocks
  - 2. substances legally disposed of into the air or water through a Federal or State pollution discharge permit
  - 3. customary residual wastes from a permitted mineral extraction use
  - 4. materials of a character such as paper, plastic, aluminum and metal that have clearly been separated from the waste stream for recycling.

Solid Waste Facility.

- A. Land or structures where solid waste is processed, incinerated, or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill, construction/demolition landfill, solid waste transfer facility, or solid waste-to-energy facility.
- B. The following uses for the purposes of this Zoning Ordinance shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill or septage or sludge application.

Solid Waste-to-Energy Facility. A type of "Solid Waste Disposal Facility" that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs.

Solid Waste Transfer Facility. A type of "Solid Waste Disposal Facility" which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates

the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste.

Special Exception. A use requiring zoning approval by the Zoning Hearing Board within the standards and procedures of Article I.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex, or sodomy.
- C. Fondling or other erotic touching of human genitals.

State. The Commonwealth of Pennsylvania and its agencies.

State Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and as may be further amended.

Storage Shed. An enclosed accessory building maintained primarily for the convenience of the occupants of the principal building on the lot and which is not used for the housing of a motor vehicle with four or more wheels.

Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance six feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than six feet shall be considered a "half-story."

Street. Any public or private thoroughfare intended to be used by vehicular or pedestrian traffic including street, avenue, court expressway, arterial, road, highway, freeway, boulevard, parkway, lane, alley and viaduct.

Street Center Line. The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

Street Classification. The functional classification of streets into the following types, as shown on the Official Street Classification Map for existing streets and as determined by the Borough Engineer for future streets:

- A. Arterial Street. Designed for high volumes and moderate speed traffic, with an emphasis on carrying through-traffic and providing access to abutting non-residential uses.
- B. Collector Street. Designed to carry a moderate volume of traffic to carry traffic from local streets to arterial streets.
- C. Local Street. Designed primarily to provide access to the abutting properties and to carry this traffic to collector streets.

Structure. Any man-made object, whether or not affixed to the land, subject to the following specific standards:

- A. The following specifically shall be considered to be structures: buildings, signs, stadiums, platforms, communications towers, walkways, porches or decks that are covered by a permanent structure, swimming pools (whether above or below ground), storage sheds, carports, and garages.
- B. Any structure shall be subject to the principal or accessory setbacks of this Zoning Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Zoning Ordinance.

Subdivision. The division of a parcel of land into separate parcels. See definition in Subdivision and Land Development Ordinance.

Subdivision Ordinance or Subdivision and Land Development Ordinance. The Borough of Saint Clair Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for recreational bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for recreational bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes: 1) a "semi-public" pool that serves only residents of a development or members of a club and their occasional guests or 2) a "public" pool intended to serve the general public. See also provisions at the end of Section 306 which permit "Recreational Facilities" limited to use by employees of a use or residents of a development as an accessory use.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a "nightclub" or an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Theater, Outdoor Drive-In. An outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles.

Tire Storage, Bulk. The storage of more than 100 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

Townhouse. See "Dwelling Types."

Tract. In certain zoning districts, the tract is the minimum amount of adjacent land area (which may be separated by alleys, streets or waterways) within the Borough that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow either certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract:"

- A. Shall only include lands within a submitted preliminary plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract: and
- B. Shall only include lands that at the time of the approval of the preliminary plan have one "landowner" (as defined by Article II), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

Trade School. A use that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16. This shall include a dancing school, martial arts school or ceramics school.

Treatment Center. A use (other than a prison or a permitted accessory use in a "hospital") providing housing for persons who need specialized housing, treatment or counseling for stays of less than one year and who need the housing because of:

- A. Criminal rehabilitation, such as a criminal half-way house or a treatment center for persons convicted of driving under the influence of alcohol
- B. Addiction to alcohol or a controlled substance
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others (For housing of persons with other types of mental illness, see "Group Home").

Tree. Any object of natural growth.

Trucking Company Terminal. A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks. This shall not include a use that involves significant processing, such as a feed and grain mill. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA Municipalities Planning Code.

Veterinarian Office. A building routinely used for the treatment of animals and related accessory housing or boarding of sick animals. Housing of primarily healthy animals shall be considered a "kennel" and shall meet the requirements of that use.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Water System. A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Borough.

- A. Central Water Service. Service by a central water system that is owned and operated by a municipality, a municipal or county authority, or a water company regulated by the State Public Utility Agency, and which transmits water from a common source to more than 30 dwellings or principal uses.
- B. "Public" Water Service. Central water service by a system owned by a municipality or a municipal or county authority.
- C. On-Lot or Non-Public Water Service. Service by a water system that does not meet the definition of a "central water service." In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

Wetlands. An area of land or water meeting one or more definitions of a "wetland" under Federal or Pennsylvania law or regulations.

(NOTE – As of 1996, the following was the official US Army Corps of Engineers' definition of wetlands: “Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas”. Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface. As of 1996, the US Army Corps of Engineers and DEP enforce the wetlands regulations.)

Wholesale. Sales that primarily involve transactions with other businesses and their agents and not to the general public.

Yard. An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

Yard, Front. A "yard" measured from the front lot line (which is the future street right-of-way line where it abuts a street) and that extends the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot.
- B. When a lot abuts onto two or more public streets, the applicant may choose which is the front yard, unless the Zoning Officer determines that the front yard should follow the clearly predominant front yard orientation of the development of abutting lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Zoning Ordinance.

Yard, Rear. A "yard" extending the full-width of the lot measured from the rear lot line and that stretches between the side lot lines parallel to the rear lot line. A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Zoning Ordinance.

Yard, Side. A "yard" measured from the side lot line, and extending from the front lot line to the rear lot line. A structure shall not extend into the applicable minimum side yard, except as provided for in this Zoning Ordinance.

Yard Waste. Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

Yard Waste Composting Facility. A facility that is used to compost leaf waste, or leaf waste and grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The term includes land affected during the lifetime of the operation, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection and transportation activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operation of the facility.

Zoning Map. The Official Zoning Map of the Borough of Saint Clair, Schuylkill County, Pennsylvania.

Zoning Officer(s). The administrative officer(s) charged with the duty of enforcing the provisions of the Zoning Ordinance, or their officially designated assistants.

Zoning Ordinance. The Borough of Saint Clair Zoning Ordinance, as amended.

## ARTICLE III

### DISTRICTS

#### 301. DESIGNATION OF DISTRICTS

- A. For the purpose of this Zoning Ordinance, the Borough of Saint Clair is hereby divided into the following zoning districts:
- A-1 Conservation/Low Density Residential District
  - R-1 Medium Density Residential District
  - R-2 High Density Residential District
  - C-1 Central Commercial District
  - C-2 General Commercial District
  - C-3 Heavy Commercial District
  - I-1 Light Industrial District
  - I-2 Heavy Industrial District
- B. For the purposes of this Zoning Ordinance, the zoning districts named in Section 301.A shall be of the number, size, shape and location shown on the "Official Zoning Map." Any use of the abbreviations listed in Section 301.A shall mean the district name that is listed beside the abbreviation.
- C. Floodplain. The Floodplain Area in Article V of this Zoning Ordinance shall serve as an overlay area to all of the underlying districts.
- D. Purpose of Each District. In addition to purpose stated in the Comprehensive Plan, the purposes of each zoning district are summarized below:
1. A-1 District – Conservation/Low Density Residential: To encourage the conservation of existing wooded areas, watersheds, wildlife habitats and provide for certain recreational and residential uses. To direct development toward areas of the Borough that is more environmentally suitable.
  2. R-1 District – Medium Density Residential: To recognize areas of older residential development in the Borough. To protect the integrity of the residential area by prohibiting the intrusion of incompatible nonresidential uses. To provide for a selected variety of housing types.
  3. R-2 District – High Density Residential: To provide for the orderly expansion of areas that offer residential neighborhoods at a high density. To carefully protect these areas from incompatible uses. To provide for a selected variety of housing types.
  4. C-1 District – Central Commercial: To provide for a range of needed commercial development and limited residential development in locations that are less likely



to involve conflicts with existing residences and that have excellent access to major highways. To use special care and control on access onto arterial and collector streets to avoid traffic hazards. To carefully control uses to protect the public health and safety.

5. C-2 District – General Commercial: To provide an area for a variety of commercial development and limited residential development in locations that are less likely to involve conflicts with existing development and have excellent access to major highways. To use special care and control on access onto arterial and collection streets to avoid traffic hazards. To carefully control uses to protect public health and safety.
6. C-3 District – Heavy Commercial: To provide for an area for larger scale commercial development. To carefully control uses to protect public health and safety.
7. I-1 District – Light Industrial: To provide for a range of light industrial and commercial uses in locations that are less likely to involve conflicts with existing residences and that have excellent access to major highways. To use special care and control on access onto arterial and collector streets to avoid traffic hazards. To accommodate larger light industrial developments that are likely to attract high amounts of new traffic from outside of the Borough. To carefully control uses to protect the public health and safety.
8. I-2 District – Heavy Industrial: To provide for industrial uses that because of their intense nature, require careful siting consideration to avoid conflict with other land uses. To carefully control uses to protect the public health and safety.

### **302. APPLICABILITY OF DISTRICT REGULATIONS**

- A. The regulations set by this Zoning Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Zoning Ordinance.
- B. No structure or land shall hereafter be erected, used, constructed, reconstructed or structurally altered and no structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein excepted as noted in Article III. Yards or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements established by this Zoning Ordinance.
- D. No structure or parcel of land shall hereafter be erected, used, constructed, reconstructed or structurally altered and no structure or part thereof shall hereafter be used or occupied

unless a zoning permit, building permit, occupancy permit and other applicable permit has been issued by the Borough or other applicable agencies.

### **303. ZONING MAP**

- A. A map entitled "Official Zoning Map of the Borough of Saint Clair" accompanies this Zoning Ordinance and is declared a part of this Zoning Ordinance. At least one copy of an Official Zoning Map, which should bear the adoption date of this Zoning Ordinance and the words "Official Zoning Map", shall be retained in Borough Hall.
- B. Map Changes. Changes to the boundaries and districts of the Zoning Map shall only be made in conformity with the amendment procedures specified in the PA Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Zoning Ordinance.

### **304. DISTRICT BOUNDARIES**

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the centerline of street rights-of-way, waterways and railroads, top of a bank or contour break, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this Zoning Ordinance, unless such district boundary lines are fixed by dimensions or other specific notations as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on unsubdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the maps unless the same is indicated by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area and lot width shall be regulated by the regulations of the municipality in which the principal use is located, unless otherwise provided by applicable case law.

### **305. SETBACKS AND BUFFERS ACROSS MUNICIPAL BOUNDARIES**

- A. Intent. To seek compatible land use patterns across municipal boundaries.
- B. Where this Zoning Ordinance requires additional setbacks and the provision of buffer yards when certain uses abut an existing dwelling or a residential district, the same additional setback and buffer yard provisions shall be required when these certain uses are proposed within the Borough of Saint Clair if they would abut such an existing

dwelling or primarily residential zoning district that is located in an abutting municipality.

### **306. PERMITTED USES BY DISTRICT**

A. Unless otherwise provided by law or specifically stated in this Zoning Ordinance, including Section 105.B, any land or structure shall only be used or occupied for a use specifically listed in this Zoning Ordinance as permitted in the zoning district where the land or structure is located.

1. See provisions for similar uses in Section 105.
2. Any use shall only be permitted if the use complies with all other requirements of this Zoning Ordinance, including, but not limited to the "Environmental Protection" requirements of Article V.

B. Uses Permitted by Right

1. A-1 Conservation Low Density Residential District

- a. Woodland or game preserve, wildlife sanctuary, or similar conservation use.
- b. Single family detached dwellings.
- c. Nurseries and greenhouses.
- d. Municipal use.
- e. Home occupation pursuant to Section 6.1300.
- f. Accessory uses and structures to the above principal use when on the same lot.

2. R-1 Medium Density Residential District

- a. Single family detached dwelling.
- b. Home occupation, subject to Section 6.1300 of this Ordinance.
- c. Municipal Use.
- d. Sale of farm products, where such use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised.
- e. Park, picnic ground, playground, or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
- f. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

3. R-2 High Density Residential District

- a. Single family detached dwelling.
- b. Single-family semi-detached dwelling.

- c. Home occupation, subject to Section 6.1300 of this Ordinance.
- d. Multi-family dwellings, apartment buildings, and townhouses.
- e. Municipal use.
- f. Park, picnic ground, playground, or similar non-commercial recreation area owned and operated by a public or private non-profit agency.
- g. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

4. C-1 Central Commercial District

- a. Any R-2 permitted use.
- b. Retail and wholesale of goods, prepared foods, and services.
- c. Business, professional, or governmental office or studio.
- d. Banks, savings and loan associations, finance companies, and similar types of businesses.
- e. Lumber and building materials supply establishments.
- f. Indoor arcade.
- g. Club or lodge for fraternal or social purposes, provided that all activities shall be conducted within buildings or structures.
- h. Municipal use.
- i. Church or similar place of worship.
- j. Library, art gallery, museum, or similar use.
- k. Boarding and lodging houses.
- l. Funeral home.
- m. Offices of plumbers, masons, carpenters, heating contractors, home builders, and similar personnel.
- n. Commercial school for the teaching of trades, arts, or skills.
- o. Personal and household service establishments such as, but not limited to, barber shops, beauty shops, Laundromats, laundry and dry cleaning shops, restaurants, taverns, tailor and seamstress shops, and appliance and shoe repair shops.
- p. Fire Company.
- q. Hotel or motel.
- r. Park, picnic ground, playground, or similar recreation area.
- s. Day care center or nursery school.
- t. Motor vehicle services station, subject to:
  - 1) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
  - 2) All repair activities shall be carried out within a building.
- u. Repair garage, subject to:
  - 1) All repair activities shall be performed within a building.
  - 2) All outdoor storage of dismantled vehicles, automobile parts, and similar items shall be screened from view in such a manner that the outdoor storage of materials is not visible from adjoining properties or public streets.
- v. Car wash, subject to:

- 1) No water used in the washing of cars shall be discharged onto public roads or onto other properties.
  - 2) An approach drive or parking area to accommodate a minimum of four cars per bay shall be constructed, except that in the case of a facility where only one bay is provided the approach drive or parking area shall be constructed to accommodate a minimum of ten cars.
- w. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

## 5. C-2 General Commercial District

- a. Retail and wholesale of goods, prepared foods, and services.
- b. Business, professional, or governmental office or studio.
- c. Banks, savings and loan associations, finance companies, and similar types of businesses.
- d. Lumber and building materials supply establishments.
- e. Indoor arcade.
- f. Club or lodge for fraternal or social purposes, provided that all activities shall be conducted within buildings or structures.
- g. Municipal use.
- h. Church or similar place of worship.
- i. Library, art gallery, museum, or similar use.
- j. Boarding and lodging houses.
- k. Funeral home.
- l. Offices of plumbers, masons, carpenters, heating contractors, home builders, and similar personnel.
- m. Commercial school for the teaching of trades, arts, or skills.
- n. Personal and household service establishments such as, but not limited to, barber shops, beauty shops, Laundromats, laundry and dry cleaning shops, restaurants, taverns, tailor and seamstress shops, and appliance and shoe repair shops.
- o. Fire Company.
- p. Hotel or motel.
- q. Park, picnic ground, playground, or similar recreation area.
- r. Day care center or nursery school.
- s. Motor vehicle service station, subject to:
  - 1) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
  - 2) All repair activities shall be carried out within a building.
- t. Repair garage, subject to:
  - 1) All repair activities shall be performed within a building.
  - 2) All outdoor storage of dismantled vehicles, automobile parts, and similar items shall be screened from view in such a manner that the outdoor storage of materials is not visible from adjoining properties or public streets.

- u. Car wash, subject to:
  - 1) No water used in the washing of cars shall be discharged onto public roads or onto other properties.
  - 2) An approach drive or parking area to accommodate a minimum of four cars per bay shall be constructed, except that in the case of a facility where only one bay is provided that approach drive or parking area shall be constructed to accommodate a minimum of ten cars.
- v. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

6. C-3 Heavy Commercial District

- a. Retail and wholesale of goods, prepared foods, and services.
- b. Business, professional, medical, dental, or governmental offices.
- c. Banks, savings and loan associations and finance companies.
- d. Lumber and building materials supply establishments
- e. Indoor arcade.
- f. Municipal use.
- g. Library, art gallery, museum, or similar use.
- h. Commercial school for the teaching of trades, arts, or skills and day care center or nursery school.
- i. Personal and household service establishments such as barber shops, beauty shops, Laundromats, laundry and dry cleaning shops, restaurants including those with liquor licenses, tailor and seamstress shops, and appliance and shoe repair shops.
- j. Fire company.
- k. Hotel or motel.
- l. Park, picnic ground, playground, or similar recreation area.
- m. Motor vehicle service station, subject to:
  - 1) All automobile parts, dismantled vehicles and similar articles shall be located within a building.
  - 2) All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.
  - 3) Fuel pumps shall be at least twenty-five feet (25') from any future street right-of-way of fifty feet (50') from the street centerline, whichever is greater.
  - 4) Full body paint spraying or body and fender work shall not be permitted.
- n. Car wash subject to:
  - 1) No water used in the washing of cars shall be discharged onto public roads or onto other properties.
  - 2) An approach drive or parking area to accommodate a minimum of four cars per bay shall be constructed, except that in the case of a facility where only one bay is provided the approach drive or parking area shall be constructed to accommodate a minimum of ten cars.

- o. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.

7. I-1 Light Industrial District

- a. Office buildings.
- b. Wholesaling and warehousing activities.
- c. Printing and publishing activities.
- d. Research activities.
- e. Testing, cleaning, production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods, and materials, provided such activities are carried on within a building.

8. I-2 Heavy Industrial District

- a. Office buildings.
- b. Wholesaling and warehousing activities.
- c. Printing and publishing activities.
- d. Research activities.
- e. Testing, cleaning, production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods, and materials, provided such activities are carried on within a building.

C. Uses Permitted by Special Exception

1. A-1 Conservation Low Density Residential District

- a. Club or lodge, provided that the chief activity of such use shall not be one which is customarily carries on as a business and provided that all buildings and services shall be primarily for the use of owners, members, and their guests only. Premises shall not be used primarily for the recreational operation of self-propelled vehicles designed to carry human beings.
- b. Recreation areas, including park, picnic ground, hiking trail, playground, gunning, or ecological center. These uses are subject to:
  - 1) No commercial activity shall be permitted except for the charging of admission, sale of refreshments or prepared food, rental or sale of athletic equipment, or such other purpose as is clearly incidental to the permitted recreational use.
  - 2) Target and firing ranges shall be located a minimum of 1000 feet from all property lines and shall not be used between the hours of 10 PM and 8 AM All applicable State regulations shall be complied with, and adequate backing measures, which shall be approved by the Borough Zoning Officer, shall be provided behind all target areas.

2. R-1 Medium Density Residential District
  - a. Church or similar place of worship.
  - b. Cemetery.
  - c. Office of doctors, dentists, surgeons, veterinarians, and similar medical personnel.
  - d. Day care center, nursery school, elementary school, middle school, junior high school, or senior high school.
  - e. Nursing homes, retirement home, or convalescent home.
  - f. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
3. R-2 High Density Residential District
  - a. Church or similar place of worship.
  - b. Offices of doctors, dentists, surgeons, veterinarians, and similar medical personnel.
  - c. Day care center, nursery school, elementary school, middle school, junior high school, or senior high school.
  - d. Nursing homes, retirement home, or convalescent home.
  - e. Fire Company
  - f. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use.
4. C-1 Central Commercial District
  - a. Apartments included in the same building as the uses permitted in Section 306.B.4 subject to:
    - 1) The apartments shall not be located on the same floor as the non-residential use.
    - 2) The building shall be served by public or community sewer and water facilities.
    - 3) Each dwelling unit shall have a minimum floor area of six hundred (600) square feet.
    - 4) Two (2) off-street parking spaces shall be provided for each dwelling unit.
    - 5) There shall be a minimum of six thousand (6,000) square feet of lot area per dwelling unit.
    - 6) The Zoning Hearing Board shall specify the maximum number of families permitted to occupy such building, and may prescribe such further conditions and restrictions as the Board may consider appropriate.
    - 7) No building shall exceed two and one half (2 1/2) stories in height. Commercial uses shall be located on the ground floor only.
5. C-2 General Commercial District – None



6. C-3 Heavy Commercial District – None
7. I-1 Light Industrial District – None
8. I-2 Heavy Industrial District
  - a. Surface mining activities, subject to:
    - 1) A complete and detailed plan for the reclamation of the land affected shall be submitted to and approved by the Borough Council. The plan shall include, but not be limited to:
      - a) The use to which the land was put prior to the commencement of surface mining.
      - b) The use which is proposed to be made of the land following reclamation.
      - c) The manner in which topsoil and subsoil will be conserved and restored.
      - d) Where the proposed land use so requires, the manner in which compaction of the soil and fill will be accomplished.
      - e) A timetable for the accomplishment of each major step in the reclamation plan.
    - 2) Every ninety (90) calendar days after commencement of surface mining operations, the operator shall file a progress report with the Borough Engineer. The report shall include a map showing the status of the operation, indicating the area mined and restored during the preceding 90 days, with relation to the property lines of the mining operation and abutting public roads. The current status of reclamation work performed and activities taken to implement the Storm Water Management Plan and Erosion and Sedimentation Control Plan shall be indicated.

Noncompliance with any approved Reclamation Plan, Erosion and Sedimentation Control Plan, or Storm Water Management Plan shall be grounds for issuance of a Stop Order under Section 8.600 of this Ordinance.

- 3) An Erosion and Sedimentation Control Plan and a Storm Water Management Plan shall be submitted to and approved by the Borough Council. Such plans shall be designed to prevent adverse affects from water runoff, erosion, and sedimentation on adjoining streams, properties, and streets and the stagnation of water.
- 4) A plan indicating the location and proposed construction materials of roadways within the property lines of the mining operation which will

be sued by trucks entering and leaving the site shall be submitted to and approved by the Borough Council. The plan shall be accompanied by the provisions which will be implemented in complying with subsections (a) and (b) below:

- (a) All such roadways shall be so maintained and constructed by the operator such that travel on them will not result in the spread of dust beyond the property lines of the mining operation.
  - (b) All such roadways shall be so maintained and constructed by the operator such that trucks leaving the mining operation will not deposit excessive or accumulating amounts of mining products, dirt, mud or other such substances on public roads.
- 5) No surface mining operations shall be carried out within two hundred feet (200') of a property line of the mining operation, nor within two hundred feet (200') of a public road.
  - 6) No storage of products, by-products, overburden, or cover material shall be permitted to reach a height in excess of fifty feet (50'). No such storage shall be permitted within one hundred fifty feet (150') of a property line of the mining operation or a public road.
  - 7) All blasting operations shall conform with the regulations of the Commonwealth of Pennsylvania and the federal government. Blasting shall not be permitted between 5:00 PM and 8:00 AM and shall not be permitted on Sundays and legal holidays. Notice of all blasting operations shall be given to the Borough Secretary and the occupants of all properties within four thousand feet (4,000') of the location of the blasting at least twenty-four (24) hours prior to the commencement of blasting.
  - 8) All other State and Federal requirements pertaining to surface mining activities, air pollution, and noise shall be complied with. When a license is required from the State, a copy of such license shall be filed with the Borough along with evidence that any bond required for completion of the reclamation plan has been filed with the State.
  - 9) The minimum lot size for any surface mining operation shall be ten (10) acres.
  - 10) No operations shall be carried out on Sundays or legal holidays, nor between the hours of 7:00 PM and 7:00 AM
  - 11) An approved fence of a minimum height of six feet (6') shall be maintained so as to enclose all mining operations, machinery, and storage areas, where required by the Borough Council.

- a) When required by the Borough Council, screens to screen mining operations from adjoining properties and streets shall be placed along the property lines of the mining operation.
- 12) Removal of materials from the site shall be done in such a manner that undue amounts of spillage will not be deposited on any public road or other properties.
- 13) No crushing or processing operations shall be permitted.
- 14) No substances which can harm persons, animals, vegetation, or other forms of property shall be dispersed beyond the property lines of the mining operation.
- 15) When required by the Borough Council, a hydrologic study shall be submitted to the Borough, which shall indicate the impact of the surface mining activity on ground water supplies and quality in the area of the operations.

Surface mining activities shall not endanger ground water levels and quality in the area, nor adversely affect ground water supplies nearby properties. Any surface mining operator who affects a public or private water supply by contamination or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply.

- 16) The Borough Council shall impose a condition on the grant of a Conditional Use that the operator shall post security with the Borough to cover the cost to repair, reconstruct or resurface any public roads maintained by the Borough which are damaged or subjected to excessive wear resulting from the use of said roads by the operator or others in connection with the mining operations. In lieu thereof the operator may enter into an agreement with the Borough to make an annual contribution to be used in the maintenance of said road.

D. Uses Permitted by Condition

- 1. A-1 Conservation/Low Density Residential District – None
- 2. R-1 Medium Density Residential District
  - a. Mobile Home Park, subject to the requirements of the Borough Subdivision and Land Development Ordinance.
  - b. Cluster Development of Single Family Detached Dwellings, subject to:

- 1) The development shall contain a minimum of five (5) acres.
- 2) The development shall be served by public sewage disposal and water supply systems.
- 3) Within the development, an overall density of ten thousand (10,000) square feet of land area per dwelling unit shall be maintained.
- 4) The minimum lot size may be reduced to eight thousand (8,000) square feet. The minimum lot width at the street line may be reduced to fifty (50) feet. The minimum requirement for one side yard may be reduced to eight (8) feet and the minimum requirement for the side yard total may be reduced to sixteen (16) feet.
- 5) For each dwelling unit contained within the development, at least two thousand (2,000) square feet of land area shall be included within common open space areas.
- 6) For all common open spaces, satisfactory written agreements approved by the Borough Council shall be made for the perpetual preservation and maintenance of the common open spaces.
- 7) The location and purpose of common open spaces shall be approved by the Borough Council. The land designated as common open space shall be so located and of such size and character as to be suitable for the intended purpose.

c. Planned Development, subject to Section 6.2100 of this Ordinance.

d. Apartment buildings and townhouses, subject to:

- 1) The development shall be served by public sewage disposal and water supply facilities.
- 2) The minimum amount of land in the development shall be five (5) acres.
- 3) The overall density of the development shall not exceed six (6) dwelling units per acre.
- 4) The maximum building height shall be thirty-five feet (35').
- 5) Not less than twenty percent (20%) of the total area of the development shall be permanently set aside for non-commercial common space purposes, such as park, recreation, or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facility except as related to and incidental to open space uses. Written agreements satisfactory to and approved by the Borough Council shall be made for the perpetual preservation and maintenance of the common open space areas.
- 6) Concrete sidewalks for pedestrian circulation throughout the development shall be provided. Sidewalks should be designed to a minimum of 4' in width and a depth of 4".
- 7) The maximum length of an apartment building shall be one hundred sixty-five feet (165').

- 8) The number of townhouses within a continuous grouping shall not exceed eight (8).
- 9) No apartment building or townhouse shall be located within fifty feet (50') of a property line of the development.
- 10) No apartment building shall be located within forty feet (40') of another dwelling.
- 11) A townhouse shall be located at least twenty feet (20') from any dwelling which is not in the same row of townhouse.
- 12) No townhouse shall be located within thirty feet (30') of any street right-of-way line.
- 13) No apartment building shall be located within forty feet (40') of any street right-of-way line.
- 14) No more than twenty percent (20%) of the total area of the development shall be covered by buildings.
- 15) No more than thirty percent (30%) of the total area of the development shall be paved.
- 16) Exterior storage areas for trash and rubbish shall be completely screened from view on three sides and all trash and rubbish shall be contained in air-tight, vermin-proof containers.
- 17) Common parking areas shall not be designed or located to require cars to back into streets in order to leave the parking area.  
All dead-end parking lots shall provide adequate areas into which cars parked in the end stalls of the lots may back.
- 18) Common parking areas and access drives shall be located a minimum of fifteen feet (15') from all structures and from the exterior lot lines of the development. Common parking areas shall be a minimum of fifteen feet (15') from all street right-of-way.
- 19) Entrance and exit ways to parking areas shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the areas.
- 20) No more than sixty (60) parking spaces shall be accommodated in any one parking area and all parking areas shall be landscaped.
- 21) Entrances to and exits from common parking areas shall be located a minimum of forty feet (40') from the point of intersection of the nearest street curb line.

3. R-2 High Density Residential – None
4. C-1 Central Commercial – None
5. C-2 General Commercial – None
6. C-3 Heavy Commercial
  - a. Off-premise sign, including billboards or any other advertising sign not regulated by the Pennsylvania Department of Transportation or other state

agency. Off-premise signs shall be restricted and controlled as provided in Article VII and other articles of this Zoning Ordinance.

7. I-1 Light Industrial – None
  8. I-2 Heavy Industrial
    - a. Communication Towers or Antennae, Commercial, New. The size, type and location of communication towers or antennae, including "cell" towers, shall be restricted and controlled as provided in Section 402 and all other sections and articles of this Zoning Ordinance.
- E. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use. The following are permitted by-right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Zoning Ordinance:
1. Antennas, Standard (see definition in Article II) \* and antennae for emergency services.
  2. Day Care Center as an accessory use, within the limits on number of children in Section 403\*.
  3. Fence\* or Wall\*.
  4. Garage Sale\*.
  5. Indoor Storage that is customarily accessory to a permitted use.
  6. Keeping of Pets\*.
  7. Recreational Facilities, non-commercial, limited to use by employees of a lot or a development, or residents of a development and their occasional invited guests.
  8. Residential accessory structure\* (see definition in Article II).
  9. Satellite Antennae\*.
  10. Signs, as permitted by Article VII.
  11. Swimming Pool, Household\*.
  12. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use. For a skateboard ramp, see "Residential Accessory Structures" in Section 403.
- \* See standard for each in Section 403.
- F. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by-right accessory uses only to a lawful principal business or institutional uses, provided that all requirements of this Zoning Ordinance are met:
1. Amusement machines, coin or token operated as accessory uses.
  2. Food, beverage and toy machines, coin operated.
  3. Newspaper sales machines, coin operated.

4. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
  - a. Standard or fast-food restaurant without drive-thru service,
  - b. Day care center,
  - c. Noncommercial recreational facilities, or
  - d. Meeting facilities.

G. Permitted Essential Services. The following are "Essential Services" that are permitted by-right as a principal or as an accessory use in all districts:

1. Essential Services Exempt from Lot Area and Setback Requirements. The following essential services are not required to meet the accessory or principal structure setback, lot area or other lot requirements of this Zoning Ordinance, except that any newly created lot shall meet the applicable lot requirements if future building or subdivision of the lot would reasonably be possible for a different use.
  - a. Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations.
  - b. Electrical transformers as an accessory use to dwellings.
  - c. Electrical, telephone and street light poles.
  - d. Electrical transmission and distribution lines and meters.
  - e. Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, and that do not include off-premise signs.
  - f. Engineered retaining walls that are clearly necessary to hold back slopes.
  - g. Ramps primarily intended for handicapped access.
  - h. Ground level porches that are not covered by a permanent roof. See Section 803.B.
  - i. Steps leading into the entrance of a building. See Section 803.B.
  - j. Construction. Temporary storage of vehicles and materials and construction office trailers that are clearly needed and being actively used for current construction on the same or an adjacent lot or within the same subdivision, provided such items are removed from the site within 30 days of completion of the portion of the construction that they relate to. These vehicles and materials shall only be stored on a lot while the related Borough construction permit is actively still in effect.
2. Essential Services Required to Comply with Lot Area and Setback Requirements. The following are permitted essential services that are required (except within Section 106) to meet all of the applicable requirements of this Zoning Ordinance:
  - a. Electrical substations and bulk industrial or commercial transformers that are not an accessory use to dwellings. Electric substations involving

outdoor structures at least ten feet in height shall be required to provide evergreen screening within the requirements of Section 803 on sides that are within 150 feet of a dwelling, undeveloped residentially zoned land or an expressway or an arterial street.

- b. Water towers (see height exemption in Section 802), water filtration plants and pressure stations.
- c. Solid waste bulk dumpsters and bulk compactors.
- d. Central sewage treatment facility meeting all PADEP and Borough regulations.

### **307. LOT AND SETBACK REQUIREMENTS BY DISTRICT**

- A. For the purposes of this Section 307, the following abbreviations shall have the following meanings:

sq. ft. = square feet.

ft. = linear feet.

Central Sewer = service at the time of occupancy by approved "central sewage service" as defined in Article II.

Central Water = service at the time of occupancy by approved "central water service" as defined in Article II.

NA = Not applicable.

- B. The requirements provided in Table 3.1 shall apply for each respective district, **unless a more restrictive requirement is listed for a particular use** in Sections 402 or 403 or elsewhere in this Zoning Ordinance. See also the **steep slope regulations** of Section 505 which describe when larger lots are required in areas of 15 percent or greater slope.



**TABLE 3.1 – Lot and Setback Requirements by District**

Zoning District And Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Each Yard (Ft.)		Maximum Height*** (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
			Principal Structure*	Accessory Structure**			
A-1 – Conservation/Low Density Residential							
Any Permitted Use	80,000	200	Front: 50  Side (each): 25  Rear: 50	Front: Not permitted Side (each): 25  Rear: 25	35/2.5	10	20
R-1 – Medium Density Residential District							
Any Permitted Use (including manufactured/mobile homes in agreement with SALDO)	15,000	100	Front: 25  Side (each): 10  Rear: 10	Front: Not permitted Side (each): 10  Rear: 25	35/2.5	20	20
Cluster Development (permitted only with approved central sanitary sewer service and public supply of water)****	10,000*	100	Front: 25  Side (each): 10  Rear: 50	Front: Not permitted Side (each): 10  Rear: 25	35/2.5	20	20
Townhouse (permitted only with approved central sanitary sewer service and public supply of water)	Minimum tract size of 5 acres; maximum total density of 6 dwelling units per acre	See Section 402	See Section 402	See Section 402	35/2.5	20	20
Apartment (permitted only with approved central sanitary sewer service and public supply of water)	Minimum tract size of 5 acres; maximum total density of 6 dwelling units per acre	See Section 402	See Section 402	See Section 402	35/2.5	20	20

\* Where existing building expresses a traditionally modest (pre-zoning) front setback, creating a characteristically close relationship with the street, it is highly desirable to continue this pattern in order to retain the area's character. Therefore the maximum setback of new construction should harmonize with the average setbacks of existing adjacent buildings. Outside of areas of generally uniform building setback, where existing structures are located at various distances from the roadway, front setback may vary to a greater degree, and principal buildings shall generally be located within ten feet of the front lot line.

\*\* For accessory structures more than 25 feet in height, the principal building setbacks shall apply.

\*\*\* See Section 802 which exempts certain structures from height requirements.

\*\*\*\* Total development shall contain a minimum of 5 acres and contain common open space.

**TABLE 3.1 – Lot and Setback Requirements by District (cont.)**

Zoning District And Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Each Yard (Ft.)		Maximum Height*** (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
			Principal Structure*	Accessory Structure**			
R-2 – High Density Residential District							
Single Family	5,000	50	Front: 25  Side (each): 14  Rear: 20	Front: Not permitted Side (each): 4  Rear: 10	35/2.5	50	50
Two-Family	5,000 (minimum 2,500/unit)	50	Front: 25  Side (each): 4  Rear: 20	Front: Not permitted Side (each): 4  Rear: 10	35/2.5	50	50
Home Park	See Section 402						
Multi Family	7,500 (minimum 2500/unit)	75	Front: 25  Side (each): 6  Rear: 25	Front: Not permitted Side (each): 6  Rear: 12	35/2.5	50	50
5 to 8 Units	9,000 (minimum 1000/unit)	90	Front: 25  Side (each): 10  Rear: 25	Front: Not permitted Side (each): 10  Rear: 12	35/2.5	50	50
9 or More Units	15,000 (minimum 1666/unit)	150	Front: 25  Side (each): 10  Rear: 40	Front: Not permitted Side (each): 10  Rear: 20	150/12	50	50

\* Where existing building expresses a traditionally modest (pre-zoning) front setback, creating a characteristically close relationship with the street, it is highly desirable to continue this pattern in order to retain the area's character. Therefore the maximum setback of new construction should harmonize with the average setbacks of existing adjacent buildings. Outside of areas of generally uniform building setback, where existing structures are located at various distances from the roadway, front setback may vary to a greater degree, and principal buildings shall generally be located within ten feet of the front lot line.

\*\* For accessory structures more than 25 feet in height, the principal building setbacks shall apply.

\*\*\* See Section 802 which exempts certain structures from height requirements.

\*\*\*\* Total development shall contain a minimum of 5 acres and contain common open space.

**TABLE 3.1 – Lot and Setback Requirements by District (cont.)**

Zoning District And Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Each Yard (Ft.)		Maximum Height*** (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
			Principal Structure*	Accessory Structure**			
C-1 – Central Commercial District							
Any Permitted Use	5,000	50	Front: 10  Side (each): 4  Rear: 20	Front: Not permitted Side (each): 4  Rear: 10	35/2.5	60	60
			(side and rear yards shall be increased by 10 feet in those instances where they abut, whole or in part, a residential district lot line)				
C-2 – General Commercial District							
Any Permitted Use	20,000	100	Front: 40  Side (each): 20  Rear: 20	Front: Not permitted Side (each): 20  Rear: 10	35/2.5	35	35
C-3 – Heavy Commercial District							
Any Permitted Use	45,000	150 at street line  100 at building setback	Front: 40  Side (each): 25  Rear: 25	Front: Not permitted Side (each): 25  Rear: 12	40/3	40	90

\* Where existing building expresses a traditionally modest (pre-zoning) front setback, creating a characteristically close relationship with the street, it is highly desirable to continue this pattern in order to retain the area's character. Therefore the maximum setback of new construction should harmonize with the average setbacks of existing adjacent buildings. Outside of areas of generally uniform building setback, where existing structures are located at various distances from the roadway, front setback may vary to a greater degree, and principal buildings shall generally be located within ten feet of the front lot line.

\*\* For accessory structures more than 25 feet in height, the principal building setbacks shall apply.

\*\*\* See Section 802 which exempts certain structures from height requirements.

\*\*\*\* Total development shall contain a minimum of 5 acres and contain common open space.

**TABLE 3.1 – Lot and Setback Requirements by District (cont.)**

Zoning District And Type of Use	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width at Front Yard Setback Line (Ft.)	Minimum Building Setbacks for Each Yard (Ft.)		Maximum Height*** (Ft./Stories)	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)
			Principal Structure*	Accessory Structure**			
I-1 – Light Industrial District							
Any Permitted Use	43,560 (1 acre)	100	Front: 25	Front: Not permitted	40/3	50	50
			Side (each): 15	Side (each): 15			
			Rear: 20	Rear: 10			
			(side and rear yards shall be increased by 10 feet in those instances where they abut, whole or in part, a residential district lot line)				
I-2 – Heavy Industrial District							
Any Permitted Use	87,120 (2 acres)	200	Front: 50	Front: Not permitted	40/3	20	20
			Side (each): 50	Side (each): 25			
			Rear: 50	Rear: 25			
			(distance between highway access points 100 ft)				

\* Where existing building expresses a traditionally modest (pre-zoning) front setback, creating a characteristically close relationship with the street, it is highly desirable to continue this pattern in order to retain the area's character. Therefore the maximum setback of new construction should harmonize with the average setbacks of existing adjacent buildings. Outside of areas of generally uniform building setback, where existing structures are located at various distances from the roadway, front setback may vary to a greater degree, and principal buildings shall generally be located within ten feet of the front lot line.

\*\* For accessory structures more than 25 feet in height, the principal building setbacks shall apply.

\*\*\* See Section 802 which exempts certain structures from height requirements.

\*\*\*\* Total development shall contain a minimum of 5 acres and contain common open space.

### **308. LOT AVERAGING INCENTIVE TO PRESERVE NATURAL FEATURES**

A. Purposes. To allow flexible development of areas with sensitive natural features to:

1. Avoid severe soil erosion and sedimentation
2. Avoid severely increased stormwater flows and speeds
3. Steer development to those areas that are more physically suited for it
4. Avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow
5. Avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice
6. Conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats
7. Reduce construction costs
8. Allow each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land
9. Encourage the preservation of significant areas of common open space
10. Provide for development that respects and protects the rural scenic character of the Borough

B. Applicability. This Section allows an applicant the option to reduce the minimum lot areas and minimum lot widths of certain lots if the applicant proves to the satisfaction of the Borough Council that all of the requirements of this article will be complied with.

1. The term "Lot Averaging" shall mean a residential development meeting the requirements of this Section 308 as a conditional use. The only dwelling units permitted within a Lot Averaging development shall be single-family detached dwellings.
2. The minimum Total Area of the Tract shall be 10 acres in common ownership in order to be eligible for approval as a Lot Averaging Development, except that such minimum shall be 6 acres in the A-1 district. Such land area shall be adjacent, although portions of the tract may be separated by existing or proposed streets or creeks. A Lot Averaging Development shall only be permitted within the R-2 where approved central sewer service and public water supply is not available and A-1 districts.
  - a. Lots of less than 2 acres that were previously granted final subdivision approval as part of a residential development shall not be recombined and resubmitted under this Section.
  - b. For the purposes of this Article, the term Total Area of the Tract shall mean the total lot area or the total lot area of adjacent lots in common ownership, but not including areas within the existing and future rights-of-way of existing streets, but including 1) the right-of-way of any new future streets proposed within the tract and 2) any proposed open space.
  - c. The Total Area of the Tract shall be divided by the total proposed number of dwelling units to equal the average lot area.

3. A Lot Averaging Development shall be designed as a unified and coordinated manner and shall follow an approved development plan. After final subdivision approval and within an approved development agreement, a developer may sell individual lots to different builders or homebuyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.
4. The application shall be submitted and decided upon as a conditional use, within the procedures of Article I. The application shall be reviewed by the Planning Agency and approved or disapproved by the Borough Council.
  - a. To reduce uncertainty to an applicant, a conditional use application under this Section 308 shall only be judged based upon the specific provisions of this Ordinance. The general standards for a conditional use stated in Section 117 shall not apply.
  - b. Time Limit upon the Borough. To reduce uncertainty to an applicant, a conditional use application under this Section 308 shall be decided upon by the Borough Council within 120 days after a complete application is duly submitted, unless the applicant grants a written extension.
  - c. Coordination with Other Approvals. The applicant may choose either of the following options:
    - 1) To have the conditional use review occur at the same time as a preliminary and/or final subdivision review;
    - 2) Or, the conditional use application may be considered before a preliminary or final subdivision submittal. In such case, the conditional use application is not required to include the following types of information: detailed surveying, detailed stormwater management, engineering details, profiles and detailed proposed grading. However, the conditional use application shall include sufficient information for the Borough Council to determine the feasibility of the proposed layout and to fully understand the impact on natural features.
- C. Reduction of Lot Width, Lot Area and Setback. If approved as a Lot Averaging Development, then the minimum lot area, minimum lot width and setbacks specified for Lot Averaging in Section 307.B. of this Ordinance shall apply, unless a more restrictive requirement is established by another applicable section of this Ordinance.
- D. Other Requirements. Only requirements that are specifically stated in this Section as being adjusted shall differ from what would otherwise apply to a conventional non-cluster development. All other requirements of this Ordinance and the Subdivision and Land Development Ordinance shall still apply to a Lot Averaging Development.
- E. Conditions for Approval. In addition to the specific requirements of this Section, a Lot Averaging Development shall only be approved as a conditional use if the applicant

proves to the satisfaction of the Borough Council, based upon review by the Planning Commission, that the following conditions will be met:

1. The applicant shall prove that the Lot Averaging would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include, but are not limited to, one or more of the following:
  - a. The permanent preservation through conservation easements of dense forests, steep slopes over 25 percent, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
  - b. The permanent preservation of a substantial area of land in agricultural uses, in a tract of sufficient size and configuration that allows for efficient long-term agricultural use.
    - 1) These agricultural uses include but are not limited to:
      - a) A plant nursery without on-site retail sales of plants not grown on the premises
      - b) A Christmas Tree Farm
    - 2) If the lot averaging is intended to preserve farmland, then the farmstead should be placed on the largest lot possible.
  - c. The dedication of public parkland at a site acceptable to the Borough Council and that involves land that is clearly physically suitable and physically accessible for public recreation. See methods of ownership below.
2. Natural Features. The applicant shall prove that the Lot Averaging Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes over 25 percent and wetlands. Areas along creeks shall be preserved in their natural state, except for landscaping, erosion control improvements and needed utility, street and driveway crossings.
3. Scenic Character. The applicant shall prove that proposed lots and building locations will be laid out to minimize disruption of the Borough of Saint Clair's scenic character, especially considering views from existing public streets and from major scenic overlooks. Buildings shall not be located in areas that are highly visible, such as on top of major highly visible ridgelines. Buildings shall not be sprawled fronting onto existing public streets.
  - a. The applicant shall provide cross-sections of views from major vantage points along existing public streets.
  - b. The site plan should attempt to place some or all of the houses within woods or behind hedgerows or within dips in topography to minimize their visual impact. Major scenic vistas should remain open.

- c. See Section 308.M, which encourages deed restrictions to preserve scenic character.
  - 4. The site plan shall be prepared to minimize impacts on and conflicts with any tracts of cropland or livestock operations of more than 30 acres on abutting lots.
  - 5. If the intent of the plan is to preserve a significant tract of farmland, then houses should be placed on soils that are less productive as farmland.
- F. Average Density and Open Space.
- 1. The applicant shall prove to the satisfaction of the Borough Council that land will be permanently preserved as public, semi-public or private open space to ensure that the minimum average lot area specified in Section 307 is complied with.
    - a. The following are examples of the ways this Section 308 may be used in the A-1 district, provided that a minimum average lot area of 5 acres per dwelling unit is maintained instead of an absolute minimum lot area of 5 acres per lot, provided all other requirements of this Ordinance are met:
      - 1) A 10-acre tract may be subdivided into a 2-acre and an 8-acre lot, instead of requiring 5-acre minimum lots. In such case, a conservation easement, enforceable by the Borough Council, shall be required on the 8 acre lot to ensure that the lot is not further subdivided and to protect any portions of such lot that have important natural features, such as portions along a creek.
      - 2) A 10-acre tract may be subdivided into two 2-acre lots, if 6 acres are dedicated to the State Game Commission, to a homeowner association or to another approved entity to serve as common open space.
      - 3) A 20-acre tract may be subdivided into four 3-acre lots, if 8 acres are dedicated to the State Game Commission, to a homeowner association or to another approved entity to serve as common open space.
      - 4) A 100-acre tract may be subdivided into 20 2-acre lots, if all remaining land (such as 55 acres after constructing streets) is suitable for and preserved through a conservation easement as usable contiguous farmland or a plant nursery. In such case, the farmland may be sold and resold or leased for its agricultural value.
      - 5) A 100-acre tract may be subdivided into two 2-acre lots and a 96-acre tract. A conservation easement would be needed to protect at least 11 acres of the 96-acre lot. That easement would make sure that the 5-acre minimum average lot size is maintained. The conservation easement would still allow additional subdivisions of the unprotected portions (85 acres) of the 96-acre lot. Under this



example, all of the 100 acres would still be privately owned, would not be open to the public, and could be resold or leased.

- b. See Section 307.B. which permit the minimum lot width to be averaged among the lots in the tract.

2. Method of Preserving Open Space

- a. The applicant shall prove prior to conditional use approval that the proposed method of ownership and preservation of required open spaces will ensure adequate preservation and maintenance of the land.
- b. Unless the applicant proposes to have the open space owned by an acceptable homeowner association, the Borough shall be given right of first refusal at the time of the conditional use review to accept proposed open space as public open space.
- c. In each of the following cases, an appropriate conservation easement shall be established as described in Section 308.L, with such easement being enforceable by the Borough Council. Required open space shall be permanently preserved by one of the following methods:
  - 1) Dedication to the Borough of Saint Clair as public open space, if the Borough Council agree in writing to such dedication and agree to maintain such land for public open space.
  - 2) Dedication to Schuylkill County or the Pennsylvania State Game Commission or the Pennsylvania Fish and Boat Commission as public recreation land, if the County Commissioners or such agency agrees in writing to accept such dedication and agrees to maintain such land as public recreation land.
  - 3) Dedication to the local School District if the School District agrees in writing to accept such dedication and to use and maintain the land for a public school building and/or public open space.
  - 4) Dedication to a homeowner association as common open space that is not publicly-owned, with the homeowners legally bound to ensure the maintenance and preservation of such land.
    - a) Such homeowners association being incorporated with covenants and by-laws providing for the filing of assessments and/or municipal liens for the nonpayment of maintenance costs for such common open space. Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit.
    - b) The Borough Council may require a developer to continue to be responsible for all maintenance and oversight of approved open space until the developer proves that a proposed homeowners association is incorporated and fully able to maintain such land.

- c) Areas required to be preserved shall be preserved by an appropriate method (such as a homeowner association agreement) in a legal form acceptable to the Borough Council, based upon review by the Borough Solicitor. The Borough Council may require reasonable adjustments to such agreement based upon such review.
  - d) The provisions of Sections 705(f) parts (1) and (2) of the PA Municipalities Planning Code, as amended, or such successor sections, shall serve as a general guide for any homeowner association agreement.
- 5) Dedication of the land itself to a well-established and incorporated nature conservation organization acceptable to the Borough Council.
- 6) Dedication of a 99 year minimum conservation easement to the Borough Council and also to a well-established and incorporated nature conservation organization acceptable to the Borough Council. In such case, the open space may remain privately owned within certain lots that are larger than would otherwise be required.
  - a) A conservation easement may be limited to those portions of the lot(s) that would need to be protected to ensure compliance with the minimum average lot area and width requirements. Portions to be protected by the conservation easement shall be contiguous, be generally rectangular in shape and have a minimum width of 200 feet, unless the applicant proves to the satisfaction of the Borough Council that an alternative configuration would be appropriate and reasonable.

G. Open Space Standards. Open spaces needed to meet the lot averaging requirements shall meet all of the following requirements:

- 1. Such open space shall be protected by an appropriate conservation easement (which may include an agricultural preservation easement), as specified in subsection "L" below, including restrictions to prevent further subdivision that would violate the average lot area requirement for the tract. Where public or homeowner association open spaces are required, such land shall only be used for non-commercial recreation and for the preservation of natural features.
- 2. If open space is intended to be open to the public, it shall have pedestrian access a minimum of 20 feet width to a public street or a private street to which the public is permanently granted access or abut an existing open space that is open to the public that has such access. The Borough Council may also require appropriate street access for maintenance vehicles.

3. All proposed open spaces shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping.
- H. Uses. A Lot Averaging Development may only include single-family detached dwellings, nature preserves, crop farming, plant nurseries, Christmas tree farms, Borough-owned recreation and their customary permitted accessory uses.
- I. Steep Slopes. A lot required to have a larger minimum lot area under Section 505 because of steep slopes shall not be permitted to be reduced in lot area below the requirements of that Section 505. (However, through the use of the smaller minimum lot areas in this Article, the lot layout may be able to be revised to move proposed building sites away from steeply sloped portions of a tract so that the requirements of Section 505 no longer apply.)
- J. Access. A Lot Averaging Development involving 4 or more dwelling units shall only be permitted if all lots in the Development will have vehicle access from the perimeter of the Development using streets of less than 12 percent slope and 16 feet minimum width to reach a collector or arterial street. Such standard shall be an absolute minimum, and shall not limit or reduce other Borough requirements.
- K. Phasing. If the development involves 4 or more dwelling units, it shall include a phasing system that shall be approved by the Borough Council. Such phases shall ensure that the requirements of this Article would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.
- L. Conservation Easements. Where a Conservation Easement is required by this Article, the following shall apply:
  1. Definition of a Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on a lot or on specific portions of a lot. Such easement shall restrict the original and all subsequent property-owners, leases and all other users of the land. To meet a requirement of a Borough ordinance, such easement shall run for a minimum period of 99 years. Such easement may serve as an agricultural easement, to ensure the preservation of specified portions of the tract in permitted agricultural uses.
  2. Standards. Where a Conservation Easement is required by this Article, such easement shall meet the following minimum requirements:
    - a. Such easement shall be recorded in the Recorder of Deeds Office in Schuylkill County.
    - b. The vast majority of the land shall be preserved in a near-natural or landscaped state or for agricultural uses.

- c. No new principal buildings may be constructed on the lot, other than for non-commercial recreation or as necessary to support on-site agricultural activities.
  - d. The land shall not be used for any mineral extraction, commercial or industrial activities, other than agriculture or the growing of trees and plants for replanting or for Christmas tree sales.
  - e. The land protected by the Conservation Easement shall not be further subdivided.
  - f. Currently forested areas shall be maintained as forests, with only carefully selective cutting of trees in such a way as to preserve the character of such lands as forested lands, without any clear cutting of trees.
  - g. A conservation easement that is intended to preserve agriculture should be based upon a typical agricultural preservation easement used by the County Agricultural Preservation Board.
- M. Deed Restrictions. The applicant shall provide a written description of the substance of types of any deed restrictions that the applicant proposes to establish on individual lots. The applicant is strongly encouraged to establish architectural standards to ensure that the proposed homes visible from a pre-existing public street are compatible with the Borough's rural character.
  - 1. Such standards should encourage or require the use of the following on the facades of homes: the use of earth tone colors, roof pitches that are typical for farmhouses in the Borough and rustic materials such as wood, brick and stone on at least a portion of the facade.
  - 2. Such deed restrictions should also require future residents to plant a certain number of trees unless the home sites are already wooded.
  - 3. Applicants are encouraged to establish lower height limits on certain sites to minimize visibility from scenic areas along pre-existing public streets.
- N. The proposed site layout and any landscaping plan shall be sealed by a Registered Landscape Architect.
- O. Historic Preservation. The development shall be designed to avoid demolition of and to encourage rehabilitation of attractive historic buildings.
- P. Detention Basins. Stormwater detention or retention basins in visible locations shall be designed to resemble natural ponds to the maximum extent practical. If fencing to be provided around a basin visible from an existing public street, such fencing shall have the appearance of split rail wood, with wire mesh securely attached on the inside of the fence. Any wood used for such fencing shall be pressure-treated or otherwise treated to be weather resistant.



## **ARTICLE IV**

### **ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

#### **401. APPLICABILITY**

- A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, flood plain, environmental and other general requirements of this Zoning Ordinance and the requirements of each District. Wherever two requirements conflict, the more restrictive requirement upon the applicant shall apply.
- B. For uses allowed within a specific Zoning District as "Special Exception" or "Conditional Uses," see the procedures and general standards in Sections 111 and 117. These Sections 402 and 403 list a set of additional standards to be used in determining whether a proposed special exception or conditional use should be approved.

#### **402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES**

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

- A. Adult Use. (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Use.)
  - 1. No such use shall be located within 500 lineal feet of the lot line of any primary or secondary school, technical training school, place of worship, public park, day care center, child nursery, library, existing dwelling not owned by the same owner as the adult use, or any site marked as a proposed future park location on any Borough Official Map.
  - 2. No such use shall be located within 1,000 lineal feet of any existing "adult use."
  - 3. A 35 feet buffer yard shall be provided along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of five feet.
  - 4. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
  - 5. No such use shall be used for any purpose that violates any Federal, State or Borough law.
  - 6. See Section 709, Prohibited Signs.
  - 7. No such use shall be allowed in combination with the sale of alcoholic beverages.
  - 8. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.
  - 9. These uses are specifically prohibited in all Districts except where specifically permitted by Article III.
  - 10. A minimum lot area of one acre is required, unless a larger lot is required in the applicable district regulations.

11. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet.
12. No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers or between customers.
13. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
14. All persons within any adult use, other than performers in an adult live entertainment use, shall wear non-transparent garments that cover their genitals and the female areola.
15. Unless the Zoning Officer agrees in advance to send such notices, the applicant shall provide a written affidavit stating that he has mailed or delivered a written notice of the proposed hearing date to all property-owners of record within 1,000 feet of the subject property at least ten days prior to the hearing date.
16. Any application for such use shall state the names, home addresses and home phone numbers of: a) all individuals intended to have more than a five percent ownership in such use or in a corporation owning such use; b) an on-site manager responsible to ensure compliance with this Zoning Ordinance; and c) any legal representative of the applicant. Such information shall be updated once a year in writing to the Zoning Officer.

B. Adult Day Care Center.

1. Shall be fully licensed by the State, if required by the State.
2. Shall include constant supervision during all hours of operation.
3. Shall not meet the definition of a "treatment center."

C. After Hours Club. See State Act 219 of 1990, which generally prohibits this use.

D. Apartments. See Townhouses and Apartments.

E. Auto Repair Garage or Auto Service Station.

1. Any spray paint work shall be performed within a building. All spray painting shall require a fume collection system that directs fumes away from any adjacent dwellings.
2. See performance standards in Article V, such as noise and glare.
3. Outdoor storage of vehicles shall be setback a minimum of 20 feet from a lot line of an existing dwelling.
4. Overnight outdoor storage of "junk" other than junk vehicles shall be prohibited within view of a public street or a dwelling.
5. An individual "junk vehicle" (as defined by Article II) shall not be stored within view of a public street or a dwelling for a total of more than 20 days. A

maximum of six junk vehicles may be parked on a lot outside of an enclosed building at any one time.

6. Fuel pumps shall be at least 25 feet from the existing street right-of-way.

F. Auto, Boat or Manufactured Home Sales.

1. No vehicle or home on display shall occupy any part of the existing street right-of-way or required customer parking area or any paved area setback required by Section 603.
2. See light and glare standards in Section 511.

G. Bed and Breakfast (see definition in Article II).

1. Minimum lot area of 10,000 square feet plus 300 square feet for each sleeping in excess of four provided the prescribed lot width, yard setbacks, height, and coverage requirements for a single-family dwelling are met unless a large lot is required by the applicable district regulations
2. Capacity. A maximum of five (5) rental units.
3. Parking. 1.5 off-street parking spaces shall be provided for each rental unit, in addition to two off-street parking spaces for the owners/managers/employees. No more than two off-street parking spaces shall be located within the required front yard. If more than four parking spaces are provided within 25 feet of an adjacent dwelling, the spaces shall be separated from the dwelling by plant screening that primarily includes evergreens and that meets the approval of the Borough Council.
4. At least one bathroom shall be provided for every three rental units, plus one bathroom for resident operators.
5. Signs. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign which shall: 1) not be internally illuminated, 2) have a maximum sign area of six square feet on each of two sides, and 3) have a maximum total height above the ground of eight feet.
6. Appearance. The use shall have an appearance and character consistent with a residence. The only exterior changes permitted to portions of residential buildings that are visible from a public street shall be for historic restoration, cosmetic improvements and any necessary safety or handicapped access improvements.
7. The use shall be operated and managed on a daily basis by owners permanently residing on the premises. A maximum of two non-resident employees may regularly work on the premises.
8. Food. Separate cooking facilities shall not be provided in any guest room. Food shall only be served to guests who are staying overnight, and not to the general public, unless a restaurant is also permitted in the district and the requirements for a restaurant are also met.
9. The use shall be limited to transient visitors to the area. No guest shall stay for more than 24 total days in any 60 day period.



10. The use of any amenities, such as swimming pool or tennis court, shall be restricted in use by overnight guests and permanent residents of the establishment and their occasional invited guests, unless commercial recreation is permitted in the district and the requirements for such use are also met.
11. A Bed and Breakfast use may be within any principal building that meets the requirements of this Section. No new accessory building shall be built to accommodate rental units or a restaurant. All existing principal buildings shall be retained and the rooflines of such buildings shall be maintained.
12. Recreation Activity Setback. All active recreation activities shall be setback a minimum of 25 feet from lot lines and shall cease within one hour after sundown.
13. Liquor. The use shall not operate in combination with a liquor license, nor shall alcoholic beverages be sold by the drink. If alcoholic beverages are made available to guests, all applicable State laws regulating the alcoholic beverages shall be complied with.
14. The general standards for conditional uses listed in Article I of this Zoning Ordinance shall be complied with.

H. Boarding House (or Rooming House).

1. Minimum lot area - 10,000 square feet plus 300 square feet for each sleeping room in excess of four, provided the prescribed lot width, yard setbacks, height, and coverage requirements for a single-family dwelling are met unless a large lot is required by the applicable district regulations
2. Each sleeping room shall be limited to 2 persons each.
3. See also standards for "personal care home" which is a separate use.
4. Signs shall be limited to two wall signs with a maximum of two square feet each.
5. Rooms shall be rented for a minimum period of five consecutive days.

I. Car Wash.

1. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
2. On-lot traffic circulation channels and parking areas shall be clearly marked.
3. Adequate provisions shall be made for the proper and convenient disposal of refuse. For a truck wash, the applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways.
4. Water used in the operation shall be collected and recycled, and shall not flow into any storm sewers or waterways or the groundwater outside of an on-lot septic system.
5. Water from the operation shall not flow onto sidewalks or streets, to prevent hazards from ice.
6. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00 PM and 7:00 AM
7. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

J. Cemetery.

1. Minimum lot area – two acres.
2. A crematorium, where allowed, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
3. All structures and graves shall be setback a minimum of: 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the existing right-of-way of any public street and ten feet from the cartway of an internal driveway.
4. No grave sites shall be located within the 100-year floodplain.
5. The use shall include an appropriate system to ensure perpetual maintenance.

K. Communications Tower or Antennae, Commercial – located on existing structures, including building rooftops, water tanks, or existing towers.

1. Building mounted Communications Antennas shall not be located on any residential dwelling unit. Mini-satellite dish antennas associated with receiving television satellite signals are exempt from this regulation.
2. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Building Official for compliance with the Borough of Saint Clair's Building Code and other applicable law.
3. The provider proposing to co-locate antennas shall provide written certification from a Professional Engineer stating that the installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
4. Communications Antennae located on existing structures shall be permitted to exceed the height limitation of the applicable zoning district by no more than 20 feet.
5. Co-located antennas shall meet all applicable building codes and other regulations of the Borough's Zoning Ordinance.
6. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
7. See light and glare standards in Section 511.

L. Communications Tower or Antennae, Commercial, New.

1. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

- a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
  - c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - e. A commercially reasonable agreement could not be reached with the owners of such structures.
2. The applicant shall provide written certification from a Professional Engineer stating that the communications tower/antennae will:
  - a. meet the requirements of the latest International Building Code for wind resistance and strength of construction
  - b. be engineered to fall on the same lot if the structure would fail.
3. A commercial communications tower shall have a maximum height of 250 feet.
4. The base of a freestanding tower shall be surrounded by a secure fence with a minimum height of eight feet.
5. Access shall be provided to the communications tower by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten feet with a dust-free, all-weather surface for its entire length.
6. Any freestanding tower that is higher than 50 feet and is within 100 feet of a public street or dwelling shall be surrounded (except at the driveway crossing) by evergreen screening or preserved woods meeting the requirements of Section 803.D.
7. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such 12 month period.
8. One off-street parking space shall be provided within the fenced area.
9. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operation of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
10. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located with a fence enclosure.

11. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
12. See light and glare standards in Section 511.

M. Community Center, Library

1. Minimum lot area of 20,000 square feet.
2. All parking, interior driveways, except necessary entrance/exit drives, shall be set back a minimum of 50 feet from all residential lot lines, and 25 feet from all other lot lines. All buildings shall be set back a minimum of 25 feet from all lot lines.

N. Conversion of Existing Buildings Resulting in an Increased Number of Dwelling Units, other than as permitted under accessory uses.

1. Only single-family detached dwellings can be converted. The maximum number of dwelling units after conversion is limited to two.
2. Minimum lot area - 5,000 square feet per dwelling unit in the R-1 District and 7,500 square feet per dwelling unit in the R-2 with approved central sewer service and public supply of water and 25,000 square feet per dwelling units in the R-2 district without approved central sewer service. All other bulk and area regulations in Section 307 shall apply.
3. Each dwelling unit shall contain within the unit a complete kitchen, toilet and bathing facility; shared facilities shall not be permitted.
4. Each dwelling unit shall have a minimum habitable floor area according to the following table:

Type of Unit	Minimum Square Feet
Efficiency	400
1-bedroom	500
2-bedrooms	650
3-bedrooms	800
Each additional bedroom, den, or recreation room	150 additional square feet

5. The appearance of a single-family dwelling unit shall be maintained. For the converted structure necessary changes in the number or placement of windows to provide adequate light and air will be allowed, but shall be minimized; any changes which occur shall be of one manner consistent with the architectural character of the dwelling.
6. Except for parking in driveways, no parking spaces shall be located in the front yard. Parking areas shall be designed so that each vehicle has access to the street without the necessity of moving another vehicle. All newly constructed driveways and parking spaces shall be set back a minimum of five (5) feet from all property lines. Off-street parking shall be designed to be accessible from the

lowest order street on which the property fronts. Except for driveway and walkway accesses, buffering shall be placed around off-street parking areas which contain three (3) or more spaces. Plant material or fences shall be used. Material used in screen plantings shall be multi-stemmed evergreen species and shall be at least three (3) feet in height when planted. The plant material shall produce a visual screen of at least four (4) feet in height within two (2) years. Fences shall be four (4) to five (5) feet in height and shall provide a visual screen.

Off-street parking improvements shall be provided based on the number of bedrooms per dwelling unit with two spaces for one sleeping room plus one space for each additional sleeping room. All parking areas shall also comply with Article VI of this Zoning Ordinance.

7. Garbage and refuse pickup and other utility areas shall be provided and shall be located so as not to detract from the aesthetic character of the neighborhood and shall be enclosed and shielded from view by fencing, walls, or shrubbery. Planted material or fences shall meet the standards for buffering of parking areas specified above.
8. Certification of adequate sewer and water services shall be provided by the applicant.
9. Basement or cellar dwelling units shall be permitted only if all exterior walls of the dwelling unit are at least four feet above the average finished grade level of the adjoining ground.

O. Day Care Center, Child (as a principal use).

1. See also day care center as an accessory use in Section 403.
2. The use shall comply with any applicable county, state and federal regulations, including having an appropriate PA Department of Public Welfare registration certificate or license.
3. Convenient parking spaces with the requirements of Article VI shall be provided for persons delivering and waiting for children.
4. In the R-2 District, the use shall meet the lot and dimensional requirements as a single-family detached dwelling for the R-1 District.
5. The use shall include adequate measures to ensure the safety of children from traffic or other nearby hazards. This shall include a secure fence around any outdoor areas routinely used for outdoor play to separate the areas from abutting streets or other attractive nuisances or hazards on adjoining lots.
6. Outside play areas shall be limited to use between 8:00 AM and 8:00 PM if located within 200 feet of an abutting dwelling.
7. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the lot line of an abutting existing occupied dwelling.
8. In residential districts, any permitted day care center shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.

9. A day care center may occur in a building that also includes permitted or nonconforming dwelling units.
10. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.

P. Funeral Home.

1. On a zoning lot having a minimum of seventy-five hundred (7,500) square feet plus three hundred (300) square feet for each chapel.
2. The prescribed yard, lot width, and height requirements for a single-family dwelling are met in the R-1 District.
3. There shall be no crematory, receiving vault, preparation room, or display of merchandise or advertising visible from outside the main or accessory building.
4. There shall be no loading or unloading of merchandise or bodies of deceased persons on public property.
5. There shall be no parking or standing of motor vehicles on public property.
6. The scale of business in relationship to the character of uses around the particular location will be such as not to be detrimental to, or alter the character of, the neighborhood.

Q. Golf Course.

1. The course shall be designed so that golf balls are unlikely to enter public streets or property that is not part of the golf course.
2. A clubhouse, retail sales of golf supplies and/or restaurant may be permitted as accessory uses. Any building shall be setback a minimum of 250 feet from any "residential lot line".
3. Minimum lot area- 40 acres.
4. Any outdoor lighting shall be located and designed in such a way that it does not generate more light onto residential properties than what is customary in a residential neighborhood.
5. Maximum building coverage- three percent.
6. Maximum impervious coverage- ten percent.
7. Fairways and greens shall be setback a minimum of 40 feet from the lot line of any existing dwelling.
8. A golf course may include a driving range, if the area occupied by the users is setback a minimum of 250 feet from any "residential lot line".

R. Group Home.

1. See definition in Article II.
2. Supervision. There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.
3. Certification. The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Borough, and shall be required to be

shown to the Zoning Officer in the future upon request. The group home shall notify the Borough within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents, or if an applicable certification/license expires, is suspended or is withdrawn.

4. Registration. The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Borough. Such information shall be available for public review upon request.
5. Counseling. Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three nonresidents per day.
6. The use shall not meet the definition in Article II of a "treatment center." A group home shall not house persons who can reasonably be considered to be a physical threat to others.

S. Heliport.

1. Minimum lot area - 15 acres.
2. The site and its design shall be approved by the PA Bureau of Aviation and the Federal Aviation Administration.
3. The proposed expected flight paths shall be designed to minimize noise hazards to existing residences or approved residential developments.
4. The landing pad shall be a minimum of 300 feet from the lot line of any existing dwelling which the applicant for heliport does not own or have an agreement of sale. Any portion of a heliport shall be 100 feet from any other lot line.
5. Conditions. The Borough Council, with advice by the Planning Commission, may place such necessary and reasonable conditions on the use to carry out the objectives of this Zoning Ordinance. These include limiting the types and sizes of aircraft, office hours of operations, the numbers of flights and the general direction of approach. However, such board shall not place any conditions on the use that will seriously interfere with the safety of the operations.

T. Hotel/Motel.

1. Recreational facilities limited to overnight guests and a standard restaurant may be permitted accessory uses to a hotel or motel.
2. See definition in Article II, which distinguishes between a hotel/motel and a boarding house.

U. Industrial/Business Park.

1. An Industrial/Business Park shall contain a minimum of 100 contiguous acres of land and must be controlled by one or more landowners under unified control at the time of application. Contiguous lands are those that abut each other or are separated only by streets or roads (public or private, including limited access highways), ways, easements, pipelines, electric power lines, public open space, conduits, or right-of-way, owned in fee or less than fee, by third parties. The following areas shall not be considered as part of the minimum acreage: 50

percent of areas with natural slopes greater than 15 percent, 75 percent of areas within the 100-year floodplain as defined by Federal floodplain maps, and 50 percent of areas within rights-of-ways or easements.

2. An Industrial/Business Park shall have direct access to a State or Federal highway or a road identified as an arterial road on the Schuylkill County Official Map or a road identified as an arterial road by the Borough of Saint Clair *Comprehensive Plan*.
3. At least the first 50 feet of Industrial/Business Parks adjacent to any exterior street line or property line shall not be used for buildings, parking and loading areas and except for access driveways, the area shall be planted and maintained in lawn area and landscaping.
4. All buildings, signs, walkways, lighting fixtures, landscaping, etc. shall be compatibly designed whether constructed all at one time or in stages over a period of time.
5. All uses in the I-1 District, which are expressly permitted, are permitted in an Industrial/Business Park. In addition, the commercial uses listed below may be established, provided that the acreage dedicated to commercial uses does not exceed ten percent of the acreage of the Industrial/Business Park. When the Industrial/Business Park is phased, the maximum acreage for commercial uses shall not exceed ten percent of the acreage developed for industrial uses so that in no event shall commercial uses exceed ten percent of the total area developed for permitted industrial uses. All lots with commercial uses shall be located no more than 1,000 feet from the entranceway of the Industrial/Business Park.
  - a. Retail stores
  - b. Financial institutions
  - c. Medical/Dental Office
  - d. Personal Services
6. Development of an Industrial/Business Park shall be in agreement with the Table of Lot and Setback Requirements provided in Section 307 of this Ordinance except that maximum building height may be increased to 50ft/4 stories, maximum building coverage may be increased to 60 percent, and maximum impervious coverage may be increased to 90 percent.
7. Relation to Zoning, Subdivision, and Land Development Requirements. An application for and tentative and final approval of a development plan for an Industrial/Business Park prescribed in this Section shall be in lieu of all other procedures or approvals otherwise required pursuant to this Zoning Ordinance.
8. Review Procedures. An application for tentative approval of the development plan for an Industrial/Business Park shall be filed with the Zoning Officer and shall include the following
  - a. Identification of resources associated with the natural environment of the tract, including geology, topography, soils, hydrology, and vegetation. These features shall be mapped at a scale of no smaller than one inch equals 100 feet, and shall be briefly described. The maps shall include:
    - 1) Topographic contours at ten-foot intervals, showing rock outcrops and slopes of more than 15 percent;



- 2) Soil type locations and a table identifying soil characteristics relating to agricultural capability, seasonal high water table, depth to bedrock, and suitability for on-site disposal systems, as per the Beaver County Soil Survey;
  - 3) Hydrologic characteristics of the site, including surface water bodies, floodplains and hydric soils; and
  - 4) Vegetation of the site, defining locations and boundaries of woodland areas and vegetation associations in terms of species and size.
- b. Land Use. Current land use and land cover (cultivated areas, paved areas, pastures, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.
  - c. Context. General outlines of buildings, land use, and natural features such as water bodies or wooded areas, road and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no smaller than one inch equals 400 feet.
  - d. Traffic Circulation Plan indicating all existing and proposed arterial or major collector streets, typical road cross sections and critical elevations and grades. The plan shall indicate how the overall collector road network relates to the terrain, the overall design of the planned development and the road network of the Borough.
  - e. Utility Plan indicating existing and proposed sewer and water lines, pump stations, wells, and documentation from respective utility companies as to the feasibility and availability of connections to electric, gas and telephone facilities. The plan shall also indicate:
    - 1) Alignment, general grades and basic design of major elements of sanitary sewer collection system and documentation from appropriate agency to confirm feasibility of serving and capacity for all areas of the project requiring sewers.
    - 2) Alignment and basic design of major elements of water distribution system and documentation from appropriate agency to confirm feasibility of providing potable water supply and fire protection to all areas of project requiring service.
  - f. Drainage Plan indicating the proposed method of controlling and draining storm water on and from the site and including supportive calculations. Additionally, a conceptual description of the intended Soil Erosion and Sediment Control Plan shall be submitted. The plan shall also indicate for storm drainage:
    - 1) Alignment, general grades and basic design of major elements of collection system to confirm feasibility of handling runoff from all areas of project.
    - 2) Flood elevations on major drainage channels indicating anticipated flood levels for 25 and 50 year storms
    - 3) Existing general grade of areas surrounding project to determine impact on on-site and off-site drainage.

- 4) Description of any off-tract drainage improvements necessitated by the planned development and a general schedule for their implementation.
- g. A Landscaping Plan shall be provided for all Industrial/Business Parks. Landscaping shall be integrated into building arrangement, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, and the use of building and paving materials in an imaginative and aesthetic manner. All plant material shall be guaranteed by the developer for two years.
- 9. In the case of development plans for Industrial/Business Parks that contemplate a phased development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned Industrial/Business Park are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the Industrial/Business Park is completed.
- 10. Review by County Planning Department. Once the Zoning Officer determines that an application for tentative approval is complete, he shall forward such application to the Schuylkill County Planning Department for review and comment. Comments shall be submitted to the Zoning Officer within 30 days after the date of the transmittal requesting review.
- 11. Public Hearing.
  - a. Within 60 days after the filing of an application for tentative approval of an Industrial/Business Park development, the Borough Council shall conduct a public hearing on such application after giving public notice.
  - b. The Borough Council may continue the hearing from time to time, provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.
- 12. Action by Borough Council. Within 60 days following the conclusion of the public hearing provided for in subsection (j) above, the Borough Council shall, by official written communication to the applicant, either:
  - a. Grant tentative approval of the development plan as submitted;
  - b. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
  - c. Deny tentative approval to the development plan.Failure to do so within said period shall be deemed to be a grant of tentative approval of the development plan as submitted.
- 13. Refusal of Conditions. In the event that tentative approval is granted subject to conditions, the applicant may, within 30 days after receiving a copy of the official written communication of the Borough Council notify the Borough Council of his refusal to accept all said conditions, in which case the Borough Council shall be deemed to have denied tentative approval of the development plan. In the event the applicant does not, within said period, notify the Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

14. Findings of Fact and Conclusions. The grant of denial of tentative approval by written communication shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial. The written communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
  - a. The extent to which the development conforms to the standards provided by this Section;
  - b. The extent to which the development plan is or is not consistent with the *Comprehensive Plan* for the development of the Borough of Saint Clair;
  - c. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use and the reasons why such departures are not deemed to be in the public interest;
  - d. The physical design of the development plan, including the adequacy of public services, vehicular and pedestrian traffic circulation, and landscaping;
  - e. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the occupants the Industrial/Business Park, including the time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve months.
15. Effect of Tentative Approval.
  - a. The official written communication provided for in Subsection (m) above, shall be certified by the Borough Clerk and filed in the Borough Clerk's office. A certified copy shall be mailed to the applicant.
  - b. Tentative approval of a development plan shall not qualify a plat of the Industrial/Business Park for recording or authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been give tentative approval with conditions which have been accepted by the applicant, and provided that the applicant has not defaulted or violated any of the conditions of the tentative approval, shall not be modified or revoked without the consent of the applicant, provided an application for final approval is filed within the periods of time specified in the official written communication granting tentative approval.
16. Revocation of Tentative Approval. Tentative approval of a development plan shall be deemed to be revoked if prior to final approval, the applicant elects to abandon the development plan and so notifies the Borough Council in writing, or the applicant fails to file for final approval within the required period.

17. Application for Final Approval. An application for final approval may be for all the land included in an Industrial/Business Park, or to the extent set forth in the tentative approval, for a section thereof. An application for final approval shall be made to the Zoning Officer and shall include any drawings, specifications, covenants, easements, performance bond and such other requirements as may be specified for final land development approval under the Subdivision and Land Development Ordinance as well as any conditions set forth in the official written communication granting tentative approval.
18. Public Hearing Not Required. A public hearing on application for final approval of the development plan for the Industrial/Business Park, or part thereof, submitted for final approval, shall not be required provided the development plan, or part thereof submitted for final approval, is in compliance with the development plan for which tentative approval has been given and with any specified conditions attached to such approval.
19. Action by the Borough Council. In the event the application for final approval has been filed, together with all drawings, specifications and other documents required by this Section and the official written communication of tentative approval, the Borough shall, within 45 days of such filing, grant such development plan final approval. In the event the development plan contains variations from the development plan given tentative approval, the Borough Council may refuse to grant final approval. Within 45 days from the filing of the application for final approval, the Planning Commission shall advise the applicant in writing of the refusal, setting forth the reasons why one or more of said variations are not in the public interest.
20. Refile Application or Request Public Hearing if Final Approval Denied. In the event final approval is refused, the landowner may either:
  - a. Refile his application for final approval without the objectionable variations; or
  - b. File a written request with the approving body that it hold a public hearing on his application for final approval.

If the applicant wishes to take either such alternate action, he may do so at any time within the time limit for applying for final approval, or within 30 additional days if this time limit has already passed when the applicant was advised that the development was not in substantial compliance. In the event the landowner fails to take either of these actions within said time, he shall be deemed to have abandoned the development plan.
21. Public Hearing. Any public hearing which is requested under the provisions of Subsection (20) above, shall be held pursuant to the public notice within 30 days after request for the hearing is made by the applicant, and the hearing shall be conducted in the manner prescribed in Article VII of the MPC for public hearings on applications for tentative approval.
22. Action by the Borough Council. Within 30 days after the conclusion of the hearing, the Borough Council shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this

Section, be in the form and contain the findings required for an application for tentative approval as set forth in Subsection (m) above.

23. Recording of Development Plan after Final Approval. A development plan or any part thereof, which has been given final approval shall be certified without delay by the Governing Body and shall be filed in the Office of the Recorder of Deeds before any development shall take place. Upon the filing of the development plan, no subsequent change or amendment in the zoning or subdivision regulations shall be applied to the approved development within five (5) years of the date of final approval that would adversely affect the right of the applicant to commence and complete any aspect of the approved plan in accordance with the terms of such approval. Upon approval of a final plat, the developer shall record the plat and post financial security in accordance with the provisions of the Subdivision and Land Development Ordinance.
24. Enforcement and Modification of Development Plan as Finally Approved.
  - a. The enforcement and modification of any provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall run in favor of the Borough, except as expressly provided otherwise in the development plan for the Industrial/Business Park.
  - b. The provisions shall run in favor of the occupants/tenants of the Industrial/Business Park only to the extent expressly provided in the final development plan. Said provisions may be enforced by occupants/tenants acting individually or through an organization designated in the final development plan to act on their behalf. Occupants/tenants of the Industrial/Business Park may, to the extent expressly authorized in the final development plan, modify, remove, or release their rights to enforce the plan, but this shall not affect the right of the Borough to enforce the plan.
  - c. All those provisions of the development plan authorized to be enforced by the Borough under this Section may be modified, removed, or released by the Borough, except grants or easements relating to the service or equipment of a public utility, following a public hearing and upon a finding by the Borough Council that the modifications are consistent with the efficient development and preservation of the entire Industrial/Business Park, do not adversely affect either the enjoyment of land abutting upon or across the street from the Industrial/Business Park or the public interest, and are not granted solely to confer a special benefit upon any person.

V. Junk Yard (includes automobile salvage yard).

1. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
2. Outdoor storage of junk shall be at least: 1) 100 feet from any residential lot line; and 2) 50 feet from any other lot line and the existing right-of-way of any public street.

3. The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
4. Outdoor storage shall be completely surrounded (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
5. Burning or incineration of vehicles or junk is prohibited.
6. See the noise or dust regulations of Article V.
7. All gasoline and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious, properly drained surface.
8. Lot area - three acres minimum; 20 acres maximum.
9. Tires - see the "Outdoor Storage and Display" standards in Section 403.

W. Kennel.

1. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
2. Buildings shall be adequately soundproofed so that sounds generated within, the buildings cannot routinely be heard within any adjacent dwelling.
3. No animal shall be permitted to use outdoor runs from 8 PM to 8 AM that are within 300 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
4. See State law regulating kennels.
5. A kennel may be used for breeding.
6. Minimum lot area - ten acres.

X. Livestock, Intensive Raising of.

1. Minimum lot area - 10 acres.
2. Any structure used for the intensive raising of livestock or any dry lot feed farming station or any related indoor or outdoor manure bulk storage areas shall be located a minimum of 250 feet from the lot lines of existing dwellings \* or undeveloped residentially zoned lots of less than 10 acres, \* and a minimum of 150 feet from all other exterior lot lines.
3. Any existing structure used for the intensive raising of livestock shall be located minimum of 200 feet from the lot lines of existing dwellings \* and undeveloped residential lots of less than 10 acres. \*

\* Except such setback shall not apply from a dwelling or lot owned by the same owner as the livestock use or owned by a relative who provides a written and signed release.

4. Composting - See Section 403.
5. See the State Right-to-Farm Act regarding nuisances.
6. The applicant shall describe in writing and use adequate methods for manure storage and handling. A general guide should be publications of Pennsylvania State University Cooperative Extension.
7. The following additional regulations shall apply to garbage-fed livestock:
  - a. All feeding of garbage shall occur over concrete or similar smooth impervious surface;
  - b. The amount of garbage set out for the livestock shall be limited to what the livestock can reasonably be expected to eat until the next feeding;
  - c. All storage of garbage for feed shall be under cover and within an enclosed building, silos or similar storage;
  - d. When being fed to livestock, the garbage shall be placed in troughs or bunkers designed to prevent spillage. The livestock shall be prevented from stepping in the troughs or bunkers.
  - e. Any raising of garbage-fed livestock shall required conditional use approval. Such approval may be suspended by the Board of Supervisors if significant nuisances are created.
  - f. For the purposes of this subsection, garbage shall not include:
    1. solid waste clearly generated on that farm, or
    2. brewers grain, cannery waste, apple pumice, mushroom stumps, or similar edible waste of a food or beverage manufacturer.

Y. Membership Club.

1. Any such use shall front on a public street having a minimum pavement width of not less than thirty (30) feet and shall provide ingress and egress so as not to minimize traffic congestion.
2. Such uses shall not be located on lots less than one acre.
3. All parking, interior driveways (except necessary entrance/exit drives), developed recreation areas, buildings and similar activity areas shall be setback a minimum of 150 feet from any other lot lines. Any existing healthy trees within such setbacks shall be preserved, except at needed perpendicular crossings.
4. Target Range - see listed separately.

Z. Mineral Extraction. The following Mineral Extraction provisions shall not apply to routine removal of material from a site (such as shale) for use as fill of land.

1. After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive future use.
2. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are

within 250 feet of an area of excavation or within 250 feet of machinery that is greater than 35 feet in height. This yard shall include an earth berm averaging a minimum of six feet in height and an average of one shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence, and shall meet the size and type requirements of Section 603.

3. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner of the mineral extraction use:
  - a. 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
  - b. 150 feet from a commercial or industrial building, unless released by the owner thereof,
  - c. 250 feet from a "residential lot line", other than an abandoned dwelling,
  - d. 150 feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion,
4. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.
5. Fencing. The Borough Council may require secure fencing in locations where needed to protect public safety.
6. Noise and Performance Standards. See Article V.
7. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.
8. Hours of Operation. The Borough Council may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
9. Engineering Review. The application shall be sent to the Borough Engineer or an alternate Engineer appointed by Borough Council for a review, with the reasonable costs of such review paid by the applicant.
10. The applicant shall also submit a copy to the Zoning Officer of all materials submitted by the applicant to State agencies regarding an application for this project. The use shall comply with all applicable State regulations as a condition of Borough approvals under this Zoning Ordinance, and such Borough approval may be revoked for violation of this condition.
11. Preemption. Unless a specific preemption of this Zoning Ordinance by a State or Federal regulation or law, the most restrictive provisions upon the applicant shall apply whenever one or more municipal, State or Federal regulations apply.
12. Application Requirements. For any Mineral Extraction use involving a proposed excavation of more than one acre, the following shall be submitted:
  - a. Present uses of the site.
  - b. A scaled map, prepared by a professional engineer, showing the locations of:
    1. The proposed area to be excavated (and maximum depth);



2. Other land to be affected including but not limited to: 1) storage sites for overburden, 2) access and haulage streets, 3) storage sites for equipment, and 4) offices and other accessory structures;
  3. Lot lines of adjacent lots, and owners and existing uses of these lots;
  4. Watercourses, bodies of water, street rights-of-way, buildings and publicly-owned recreation areas within 250 feet of the boundaries of land to be affected by the mineral extraction operation;
  5. Any wetlands and forested areas to be removed or protected and preserved as part of the use.
  - c. A detailed land reclamation plan of the area to be excavated, showing:
    1. Proposed reclaimed use and topography of the land following site mineral extraction;
    2. Actions to be taken during mining to conserve and replace topsoil removed during mining operations;
    3. Reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the Mineral Extraction operations to be covered by the requested permit.
13. Regulation of the Maximum Acreage Actively Used for Mineral Extraction
- a. To ensure that large areas of land will be reclaimed in compliance with State and Borough regulations, the Borough Council may establish a maximum number of acres which may be "affected by mineral extraction" at any one time on any lot or any series of lots owned by one applicant or closely related applicants.
  - b. Land "affected by mineral extraction" shall mean all total land area at any point in time that is currently under active mineral extraction, that is not adequately reclaimed or backfilled following prior extraction operations and that contains waste or spoil piles from existing or prior mining activities.
- AA. Mobile/Manufactured Home on an individual lot or within a mobile/ manufactured home park.
1. Construction. Every mobile/manufactured home shall have been constructed in accordance with the Safety and Construction Standards of the US Department of Housing and Urban Development. For safety reasons, any mobile/manufactured home not meeting such standards shall not be placed on a different lot for use as a residence in the Borough of Saint Clair, but such home may remain at an existing location if habitable.
  2. Each site shall be graded to provide a stable and well-drained area.
  3. Each home shall have the hitch mechanism removed and it is also recommended, but not required, that the wheels and axles be removed and stored under the home in order to lower the home.
  4. Anchoring. The applicant for a permit to install a manufactured/mobile home shall provide written certification to the Zoning Officer that the installation of the

home complies with this Zoning Ordinance. An anchoring system shall be installed that will prevent shifting or uneven settling of the home and to provide a base for installation of tie-downs. This shall involve the following method, unless the applicant proves to the satisfaction of the Zoning Officer that another method will be used that is recommended by the manufacturer of the home or by the manufacturing housing industry.

- a. The anchoring system shall consist of concrete piers, concrete footings perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). The piers or footings shall be a minimum of four inches greater in width than the concrete blocks used to support the home. This foundation system shall be placed on approximately eight feet centers (unless another distance is specifically recommended in writing by the manufacturer) along each of the two main longitudinal frames for each section of the home, with no more than three feet overhang at each end of the section.
  - b. One-half inch diameter by 12 inch long eyebolts, or approved equivalent unshaped bars that shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing, slab or equivalent foundation. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
  - c. Each mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least four corners and two midpoints. The tie-down shall also be in accordance with the manufacturers' recommendations furnished with each home.
  - d. Mobile homes shall not be placed more than four feet above the supporting ground area.
5. Skirting. The space between the bottom of the home and the ground and/or home pad shall be enclosed using either:
- a. Industry-approved skirting material compatible with the home; or,
  - b. If a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level to be flush or one normal step height below the first floor elevation. If this alternative is used an access area with lower grade through the masonry wall shall be installed for service access.
6. Homes shall have a pitched instead of a flat roof.
7. Homes on individual lots should be located with the longest side facing any boundary public street.
8. Permit. Each mobile home shall require a Borough permit prior to placement on a site.

**BB. Mobile/Manufactured Home Park.**

1. Any mobile/manufactured home park shall meet all requirements of the Subdivision and Land Development Ordinance, except where two provisions

regulate the same matter, the more restrictive upon the applicant shall apply. Spaces for individual mobile homes within a mobile home park are not required to be individually surveyed and shall not require individual metes and bounds descriptions.

2. Mobile/manufactured home parks include the development of parks planned as a unit which are located on tracts of land at least five acres in size. Also includes individual mobile/manufactured homes located in such parks. Such mobile/manufactured homes parks and individual mobile/manufactured homes shall comply with all of the regulations of the State of Pennsylvania for Mobile Home Parks and with the following additional regulations.
3. Individual mobile/manufactured home lots located in a mobile/manufactured home park shall contain at least 4,000 square feet of lot area. The clustering of mobile/manufactured homes home units on a lesser sized area, to produce a livable environment, may be permitted; provided that the objectives of this Section are complied with and provided further that the overall average lot area per unit of the park shall not be less than 4,000 square feet.
4. No mobile/manufactured home shall be located closer than 50 feet to any property line defining the external boundary of the park. This open area shall include evergreen screening meeting the requirements of Section 803 where abutting an existing single family detached dwelling. The same area of land may count towards the setback requirements.
5. No structure located on any lot in any mobile/manufactured home park shall be closer to any front line than 25 feet; to any side lot line than ten feet; nor to any rear lot line than 20 feet.
6. The minimum side clearance between any two adjacent mobile/manufactured homes shall be 30 feet.
7. Roadway or area lighting shall be reflected away from adjoining properties.
8. The commercial sale of mobile/manufactured homes from mobile/manufactured home parks, by a mobile/manufactured home dealer, shall be prohibited.
9. Individual tenants at the mobile/manufactured home park may construct attached enclosures to individual mobile/manufactured homes, provided that such enclosures do not exceed 100 percent of the floor area of the mobile/manufactured home. Individual building and zoning permits shall be required for such enclosures in each case.
10. The layout and construction of new streets within the mobile/manufactured home park shall conform with the requirements of the Subdivision Regulations of the Borough.
11. All mobile/manufactured home parks shall provide to each lot line both a continuing supply of safe and portable water as approved by the Pennsylvania Department of Environmental Protection (DEP). The park shall provide a connection to public sanitary sewage disposal facilities of the Borough or to facilities provided by the developer, which shall be in accordance with, and as approved, by the DEP.
12. All area devoted utility purposes, such as garbage storage area, common washing or drying facilities and other such areas shall be adequately screened.

13. A mobile/manufactured home park may include a recreation center for residents, a rental or management office, maintenance buildings for the park, swimming pool and the sale of mobile/manufactured homes that will be placed on the tract.

CC. Nursing Home.

1. Licensing – See definition in Article II.
2. Minimum lot area – 20,000 square feet unless a larger lot area requirement applies in the applicable district. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
3. The density shall not exceed more than one resident or bed per 250 square feet of total building floor area.
4. Setback. Principal and accessory buildings shall be setback a minimum of 50 feet from a "residential lot line."

DD. Personal Care Home. The standards for nursing homes in this section shall apply.

EE. Picnic Grove, Privately-Owned.

1. All parking and activity areas shall be a minimum of 250 feet of an existing dwelling other than a dwelling with the same owner as the picnic grove. The use shall not operate in a way that is perceptible from beyond the lot lines between the hours of 10:30 PM and 7 AM
2. See noise and glare standards in Article V.
3. Minimum lot area - five acres.

FF. Place of Worship.

1. Minimum lot area- 20,000 square feet unless a larger lot area requirement applies in the applicable district.
2. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship provided that the requirements for such uses are also met.
3. One dwelling unit for a religious leader(s) of the place of worship and their family may be accessory to a place of worship on the same lot.
4. The height requirements of the district wherein the use is located may be exceeded if every portion of the building above the height limit is at least as many feet distant from lot lines as that portion of the building is in height.
5. The location of automobile parking on the site shall be such as to provide maximum protection and facilitate traffic movement on abutting streets.
6. Minimum front and rear yards shall be ten feet greater in depth, and minimum side yards shall be ten feet greater in width, than the minimum required for any other main structure in the district in which such use is located.

GG. Recycling Collection Center.

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

#### HH. Restaurant.

1. If drive-thru service is provided, a maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each if drive-thru service is provided. The words on such signs shall not be readable from a street or residential lot line.
2. Traffic circulation onto, within and off of the lot shall be clearly marked. Any drive-thru use shall be designed: 1) with adequate capacity for waiting vehicles, and 2) to avoid conflicts with traffic onto, around and off of the site.

#### II. School, Public or Private, Primary or Secondary

1. Minimum lot area - three acres, if less than 100 students, five acres if 100 students or over.
2. No children's play equipment, basketball courts, baseball backstop or infield or illuminated recreation facilities shall be within 25 feet of a residential lot line.

3. The use shall not include a dormitory unless specifically permitted in the District.

JJ. Self-Storage Development.

1. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
2. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
3. The interior traffic aisles, required off-street parking areas, loading areas and accessways shall be kept clear of stored items.
4. Major body work on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
5. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
6. Any areas of the use that are within 200 feet of the existing right-of-way of an expressway, arterial street or collector street shall be separated from that street by a buffer yard with screening under Section 803.
7. Maximum building length – 250 feet.
8. Minimum separation between buildings – 20 feet.

KK. Sewage Sludge, Land Application of.

1. Shall have a minimum lot area of 50 contiguous acres.
2. Setback. No septage or sludge shall be applied within:
  - a. 100 feet of an intermittent or perennial stream
  - b. 300 feet of a water source.
  - c. 1,000 feet upgradient of a surface water source
  - d. 25 feet of a bedrock outcrop
  - e. 50 feet of a property line within sludge is applied
  - f. 100 feet of a sinkhole or area draining into a sinkhole
  - g. 25 feet of an undrained depression
  - h. 100 feet of an exceptional value wetland.
3. The waste shall be regularly tested, with the results available to the public and the Borough on request.
4. The applicant shall prove compliance with all applicable DEP regulations. The applicant shall also submit a site plan to the Borough. The use shall only not occur without a Zoning permit.

LL. Slaughter House.

1. Minimum lot area – 10 acres.
2. The buildings where slaughtering takes place shall not be located closer than 250 feet from all exterior lot lines, and no closer than 500 feet from a "residential lot line."

MM. Solid Waste Facility. (Including a sanitary landfill, solid waste-to-energy facility or solid waste transfer facility) - See definition in Article II.

1. No property shall be used as a dumpsite for solid waste without a valid Borough and a valid DEP permit. The Borough permit may be suspended for violation of a Borough or DEP requirement.
2. An applicant for a solid waste facility shall reimburse the Borough for all legal advertisements related to the application, plus pay a non-refundable administrative fee of \$2,000 plus establish an escrow account of \$40,000 to be used to compensate the Borough for actual and customary expenses of professional reviews (such as but not limited to engineering and impact reviews). Any escrow funds used for such reviews shall be nonrefundable, while any funds not used for such reviews shall be returned to the applicant after the final Borough approval.
3. Site Plan. A site plan shall be submitted meeting the requirements of the Subdivision and Land Development Ordinance and including all information required by DEP on any site plan submitted to the State. The site plan shall show existing and proposed final topography, proposed fencing and landscaping, owners of adjacent lots, proposed haul and access roads, proposed staging, location of equipment and tire cleaning areas and location of weighing and firefighting facilities.
4. The applicant shall submit the names and current addresses of any and all persons who have any ownership interest of more than five percent in the proposed use or in businesses that are proposing or intended to own or operate the use. The experience of the applicant in developing and operating other solid waste facilities shall be described.
5. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PADEP at the same time as they are submitted to DEP.
6. A statement shall be submitted describing proposed uses of landfill land after landfilling operations are completed.
7. A traffic study shall be submitted showing intended routes for truck traffic and estimating the total number of vehicles of over 20,000 pounds gross vehicle weight that are expected to enter and exit the facility, and the expected impact of these vehicles on the roads considering the roads' existing construction.
8. An environmental assessment shall be submitted, including the following:
  - a. Summary of important findings in language understandable to laypersons, with references to more detailed reports and data (such as in appendices),
  - b. Descriptions of and maps showing the suitability of the proposed site for the use,
  - c. Applicable technical data provided in an appendix,
  - d. Impacts upon natural and cultural features, including surface water quality, groundwater quality, air quality and historic buildings,
  - e. Impacts upon stormwater and floodwater,
  - f. Visual impacts,

- g. For a use involving incineration, a professional analysis of the expected health impacts of the facility on humans, including a review of relevant studies on the matter.
- 9. Setbacks.
  - a. All solid waste storage, disposal and incineration shall be a minimum of 200 feet from the following: public street right-of-way, exterior lot line, 100-year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than two acres in area.
  - b. All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 400 feet from any of the following: residential district, publicly-owned park, lot line of any existing dwelling (which the applicant does not have an agreement to purchase) or the banks of any perennial creek or river.
  - c. A landscaped area with a minimum width of 100 feet shall surround the site and shall not be used for any use other than perpendicular driveway crossings.
- 10. The use shall be served by a minimum of two access roads paved with a dust free surface, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles, in which case it may be stoned instead of being paved.
- 11. Any burning or incineration shall be carried out in a completely enclosed incinerator approved by the DEP. Any material to be incinerated that is to be stored for more than three hours shall be stored in an enclosed structure.
- 12. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Borough. Violations of this condition shall also be considered to be violations of this Zoning Ordinance.
- 13. Open burning of refuse is prohibited as part of a solid waste facility. Garbage may not be dumped or buried except at an approved solid waste facility.
- 14. The applicant shall prove to the satisfaction of the Borough Council that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas. The Borough Council may require the applicant to make specific improvements to roads to handle extraordinarily heavy loads.
- 15. In cooperation with PADEP requirements, an appropriate double liner and a system to collect and treat leachate and methane is required for any sanitary landfill.
- 16. The applicant shall prove to the satisfaction of the Borough Council that the use would not routinely create noxious odors off of the tract.
- 17. A chain-link or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Borough Council that this is unnecessary. The Borough Council may also require temporary litter-control fences surrounding current dumping areas. The Borough Council shall require earth berms, evergreen screening and/or shade trees with a



minimum total effective height of eight feet or more as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.

18. A minimum total lot area of 50 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a solid waste-to-energy facility or a solid waste transfer facility. For a solid waste-to-energy facility or solid waste transfer facility, a minimum lot area of ten acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 50 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 1,500 tons per day.
19. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
20. Attendant. At least two employees shall be present during all times of operation.
21. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
22. Emergency Access and Services. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided. Fire extinguishers, air packs for employee use and an adequate water supply shall be supplied on site. Employees shall be trained in basic firefighting methods. An emergency communications system shall be provided on site, together with appropriately located telephones available to contact local emergency services.
23. Under authority granted to the Borough under Act 101 of 1988, the hours of operation shall be limited to between 8 AM and 5 PM Monday to Friday and 8 AM to 12 noon on Saturday. The use shall not operate Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Memorial Day, Labor Day or the 4th of July.
24. Tires. See "Outdoor Storage and Display" in Section 403.
25. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks. All open waste trucks entering and exiting the site shall be covered.
26. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
27. Staging. No total area(s) larger than 50 acres shall be used as a disposal area for a sanitary landfill in any calendar year.
28. The applicant shall provide sufficient information for the Borough to determine that the requirements of this Zoning Ordinance will be met.
29. State Requirements. Nothing in this Zoning Ordinance is intended to supersede any State requirements. It is the intent of this Zoning Ordinance that when similar issues are regulated by both the Borough and State, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Borough regulation in a particular aspect.
30. A tire cleaning area shall be provided on access roads from a landfill.

31. The operator shall enter into an agreement with the Borough specifying the types and frequencies of environmental monitoring that will be put into place while a solid waste-to-energy or sanitary landfill is underway and for a minimum of three years after any landfill is closed. For a landfill, such testing shall include at a minimum groundwater monitoring wells. For an incineration use, shall testing shall at a minimum include air pollution monitoring.
32. A leachate treatment system may be an accessory use to a landfill, and a recycling collection center or a bulk recycling center are permitted in combination with any permitted solid waste disposal facility.
33. For any transfer facility or waste-to-energy facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated.
34. For each acre upon which active landfill operations begin, a \$10,000 bond payable to the Borough of Saint Clair shall be posted by the operator to ensure appropriate restoration of the site and adequate monitoring after the use is ended. Such bond shall be in a form acceptable to the Borough Solicitor. Such bond shall be in effect for a minimum of ten years after the operations cease.
35. The operator shall keep written records of the origin of all solid waste, and of the type of any waste accepted other than "municipal waste."
36. Under the authority of State Act 101 of 1988, the Borough Council may appoint one or more landfill inspectors. Such inspector shall have authority to visit the site, to monitor operations and the review records regarding the origin and types of waste.
37. See Act 101 of 1988 which provides municipalities the authority to charge "host fees."
38. The Borough Council may establish certain minimum insurance requirements for the applicant as a condition of Borough approval. Such insurance shall at a minimum include a \$10 million liability policy regarding environmental hazards.

NN. Stable, Nonhousehold.

1. Minimum lot area – 10 acres.
2. Any horse barn or stable shall be a minimum of 50 feet from any lot line, except 200 feet from the lot line of an existing dwelling. Any corral shall be setback 25 feet from the lot line of an existing dwelling.

OO. Swimming Pool, Non-Household. (For swimming pools serving one household, see Section 403)

1. The water surface shall be setback at least 25 feet from any lot line.
2. Minimum lot area – one acre.
3. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by evergreen screening meeting the requirements of Section 803.
4. The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.

5. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: 1) on-lot septic system; or 2) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.
6. Water Service. Any inlet from a central water system shall be above the overflow level of the pool.
7. Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.

PP. Target Range.

1. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.
2. The Borough Council may require that an outdoor firearms target range comply with applicable National Rifle Association standards.
3. An outdoor firearms target range shall be located a minimum of 500 feet from the lot line of any existing residential use or undeveloped residentially zoned land, unless the use is within a completely enclosed sound-resistant building.
4. An outdoor firearms target range shall be fenced and be properly posted.
5. The applicant shall show that the noise limits of Article V will be met.
6. An indoor firearms target range shall be adequately ventilated to allow the building to remain completely enclosed.

QQ. Townhouses and Apartments.

1. Maximum Number of Dwelling Units within Any Building or Within Attached Buildings - 12 for any building including apartments, six for any other building(s).
2. Density. The permitted maximum total density shall be four dwelling units per acre for townhouses and five dwelling units per acre for apartments. In determining such density, the following land areas shall not be considered:
  - a. areas within the existing rights-of-ways of pre-existing or previously approved streets;
  - b. areas with natural slopes greater than 15 percent;
  - c. 75 percent of areas within the 100-year floodplain as defined by Federal floodplain maps; and
  - d. 50 percent of areas within rights-of-ways or easements intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.
3. The following areas are not required to be deleted from the "buildable area" - provided that they do not include areas that are specifically required to be deleted under the standards of "b" above:

- a. rights-of-way of streets that do not exist or that were not previously approved;
  - b. areas of land voluntarily dedicated to and accepted by the Borough or State for a street improvement that would not otherwise be required by the Borough or State and that are not necessary for providing internal access for the development may be included as buildable area;
  - c. areas that will be dedicated as common open space.
- 4. The permitted number of dwelling units may be placed at any appropriate locations within the tract, provided that all other requirements of this Zoning Ordinance are met and provided that no single net acre of land includes more than 15 dwelling units, once street rights-of-ways and common open spaces are deleted.
- 5. Areas of land that are capable of additional development shall not be used towards calculating the allowable density unless those lands are deed restricted against further development.
- 6. Buffer Yard. A 20 foot wide buffer yard with screening shall be provided by the developer of the townhouses or apartments, as described in Section 803.D., between any townhouse or apartment principal building and:
  - a. Any abutting existing single-family detached dwelling within 100 feet; or
  - b. The right-of-way of an arterial street that abuts the rear of townhouse units and is within 100 feet.
- 7. Floor Area - See Section 801
- 8. Building Setback and Separation. The following minimum setbacks shall apply for townhouse and apartment buildings, whichever is most restrictive:
  - a. For principal and accessory structures from all rights-of-ways of pre-existing streets - 50 feet;
  - b. For principal and accessory structures from a right-of-way of a street constructed within the tract\* - 25 feet;
  - c. For accessory structures from a lot line within the townhouse or apartment tract - three feet.

\* = or from the cartway of a private street if a right-of-way does not exist.
- 9. Separation. Each principal building shall be separated by a minimum of 20 feet from any other principal building.
- 10. To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.
- 11. Minimum Width of Townhouses- Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 24 feet for any townhouse that:
  - a. Has two or more off-street parking spaces located within 20 feet of the front of the front of the townhouse; or
  - b. Has garage door(s) for two or more motor vehicles facing onto the front of a townhouse.

12. Additional Requirements: For Construction of Private Streets – See Section 801 "Frontage Onto Improved Streets." For preservation of natural buffers - See Section 803.D. For dumpster screening - See Section 512.
13. Paved Area Setback. All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 20 feet from any dwelling.
14. To avoid garages from being an overly prominent part of the view of townhouses from streets, landscaped parking courts or garages/carports at the rear of dwellings are encouraged.
15. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial street.
16. Common Open Space.
  - a. For any townhouse or apartment development involving 25 or more dwelling units, a minimum of ten percent of the total land area shall be dedicated as common open space. This common open space shall be in addition to any other requirements of this Zoning Ordinance or the Subdivision and Land Development Ordinance. Common open spaces are encouraged to be used as a buffer against any abutting major roads.
  - b. The applicant shall prove to the satisfaction of the Zoning Officer, upon advice of the Borough Council, that there will be an adequate permanent method in place to maintain the common open space.
  - c. Areas within 25 feet of a principal building shall not be used to count towards the required amount of common open space.
17. Condominiums. The division of land into individual lots is not required, but instead, condominium ownership may be used.

SS. Treatment Center.

1. The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Borough Council as a conditional use.
2. The applicant shall prove to the satisfaction of the Borough Council that such use will involve adequate supervision and security measures to protect public safety.
3. The Borough Council may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

TT. Trucking Company Terminal

1. Any portion of the conduct of business shall be located so that no vehicular entrance or exit shall be closer than 200 feet to an entrance or exit of any elementary or secondary or vocational school, playground, church, or public library.

UU. Veterinarian Office (includes Animal Hospital).

1. Any structure in which animals are treated or housed shall be a minimum of 100 feet from any residentially zoned undeveloped lot or any lot line of a primarily residential use. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
2. Outdoor animal runs may be provided for small animals for use between 8 AM and 8 PM, provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
3. A commercial kennel shall only be an accessory and not a principal use, unless a kennel is permitted in that district and the applicable requirements are met.

VV. Warehouse or Wholesale Sales.

1. See off-street loading requirements in Section 605.
2. No storage of garbage (other than is routinely produced on-site and awaiting regular collection) shall be permitted.
3. See requirements in Section 403 for "Outdoor Storage or Display."

**403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES**

- A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by-right, special exception or conditional use are permitted by-right, except as is provided for in this Zoning Ordinance.
- B. Accessory Setbacks. All accessory structures shall conform with the minimum yard regulations established in Table 307 except as permitted below. Maximum height of permitted accessory uses in the residential districts is one and one-half stories not to exceed 15 feet.
- C. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
  1. Accessory Dwelling for a Relative or Full-Time Caregiver or Caretaker.
    - a. Any on-lot septic system shall be reviewed by the Sewage Enforcement Officer, who may require improvements or a new system as needed to address the increased flows. An additional dwelling shall not be permitted if there is evidence of a system malfunction, unless such system is adequately improved.
    - b. An existing single-family detached dwelling shall maintain the appearance of a single-family detached dwelling from the street with a single front

entrance. Additional entrances may be placed on the side or rear of the structure, or the dwellings may internally share the single front entrance.

- c. The principal dwelling unit shall include a minimum of 600 square feet of floor area.
- d. A maximum of two total dwelling units are permitted.
- e. The accessory dwelling unit shall be inhabited by a minimum of one of the following:
  - 1. A "relative" (as defined in Article II) of an occupant of the principal dwelling unit on the lot;
  - 2. A full-time caretaker of the property who does not pay cash rent and who does not have any other full-time occupation; or
  - 3. A full-time caregiver (such as a nurse) to an occupant of the principal dwelling unit, provided such caregiver does not pay cash rent and who does not have any other full-time occupation.
- f. The dwelling unit should be designed and installed in such a way that it can easily be reconverted into part of the principal dwelling unit (or in the case of an accessory building, revert to a non-residential use) after the permitted occupants no longer lives within it. Once the accessory dwelling is no longer occupied by a permitted occupant, the dwelling shall be reconverted into part of the principal dwelling unit, be removed or be converted to storage or another permitted use.
- g. If the accessory dwelling is within the same building as the principal dwelling, the two dwelling units shall have at least one interconnecting inside door.
- h. The dwelling shall be within a principal or accessory building that existed at the time of adoption of this Zoning Ordinance, or within an addition to such a building.

2. Composting as a principal or accessory use.

- a. On a lot of less than five acres, composting shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste, and shall not include animal wastes or fats.
- b. Composting shall only be conducted in ways that fire, rodent or disease-carrying insect hazards or noxious odors are not created.
- c. Composting of manure shall be setback a minimum of 150 feet from any dwelling on an adjacent lot, and be located and graded to prevent manure from being washed into a creek, lake, or river by storm water.
- d. See the guidelines of the Pennsylvania State University Cooperative Extension Service concerning manure management.
- e. Compost shall be kept free of other garbage.
- f. The following regulations shall apply to composting on a bulk commercial basis that involves manure being brought onto a site from land owned or leased by others persons:

1. The provisions of this subsection 2.f. shall not apply to composting involving materials such as manure generated on-site or generated on property owned or leased by the same person.
2. The applicant shall prove to the satisfaction of the Borough Council that:
  - i. Sufficient setbacks, screening, siting, methods and structures will be used to reasonably ensure compatibility with neighboring properties, including minimizing odors off the site; and
  - ii. Sufficient measures will be used to protect water quality.
3. Minimum lot area – 50 acres.
4. Minimum setback for structures or areas used for the production or storage of compost from:
  - i. Lot lines of dwellings with different owners than the owner of the composting use – 600 feet.
  - ii. Other exterior lot lines and the centerlines of creeks – 300 feet.
  - iii. Compost shall not be bulk stored or leveled within 100 feet of wells, lakes, rivers or creeks or within a 100-year floodplain.
5. All leachate and compost pad runoff shall be collected and properly treated.
6. All compost wharves shall be constructed of an acceptable all-weather impervious surface.

3. Day Care Center as Accessory Use to a Residential Use.

- a. The following shall be the maximum number of children under age 15 that may be cared for in any dwelling unit, in addition to children who are not "related" (see definition in Article II) to a permanent resident of the dwelling:
  1. In a single-family detached dwelling with a minimum lot area of 20,000 square feet or larger and a 10 feet setback from all existing dwellings: maximum of six children.
  2. In any other dwelling unit: maximum of three children.
- b. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic and any needed safety improvements.
- c. Any day care center involving seven or more children shall be considered a principal use and meet the standards of Section 402 for such use, if permitted.
- d. The use shall be actively operated by a permanent resident of the dwelling.
- e. The building shall have smoke detectors and at least one A-B-C fire extinguisher.
- f. A minimum of 200 square feet of safe exterior play area shall be available, which preferably should be fenced.



4. Farm-Related Business (see definition in Article II; see also Home Occupation below).
- a. A zoning permit shall be required for a Farm-Related Business. A site plan is not required unless there would be a new building, building expansion, new driveway or new parking lot.
  - b. Minimum lot area - 10 acres.
  - c. A farm-related business shall be conducted completely indoors, and may only be within a principal or accessory building that existed at the time of adoption of this Ordinance. The total amount of floor area of all buildings used for a farm-related business shall not be greater than 2,000 square feet of total floor area.
  - d. No industrial operations shall occur outdoors.
  - e. Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except for one (1) illuminated sign with a maximum sign area of 4 square feet on each of 2 sides and a maximum height of 8 feet.
  - f. Truck Traffic. The use shall not require the parking of, storage of, or regular servicing by a tractor-trailer truck, except for a single truck used by a resident of the dwelling as an over-the-road driver as a primary occupation, and except for trucks clearly servicing an agricultural use.
  - g. The use shall clearly be accessory to the principal use of the lot (such as agriculture or a dwelling). Use permitted as a farm-related business include the following and use that the Borough Council determines are closely similar: farm equipment and auto repair, light welding, sale of seed, barber/beauty shop, music or art instruction, small engine repair, woodworking or custom cabinetmaking, custom blacksmithing, boarding of up to 2 horses (see stable, non-household for more horses), sharpening service, light processing of locally produced agricultural products, installation of automobile accessories (other than spray painting), veterinarian office, indoor warehousing, and sale of manure or compost routinely produced on-site as part of a farming operation.
  - h. The following uses shall not be permitted as a farm-related business: kennel, funeral home, retail sales other than types specifically stated as permitted, restaurant, or trucking company terminal. (See also uses permitted as a home occupation.)
  - i. The use shall also comply with all environmental and nuisance control regulations of this Ordinance including Article V.
  - j. Parking and Loading. The lot shall include sufficient off-street parking for the maximum number of vehicles on-site at one time, plus parking for the dwelling unit.
    - 1. If 5 or more vehicles are expected to be parked within 50 feet of an abutting dwelling, then such parking spaces shall be screened by evergreen plants meeting the requirements of Section 803.

2. For any motor vehicle repair operation, a maximum of 4 vehicles may be parked on-site or on an adjacent street, other than vehicles owned by the operation of the use.
  3. A defined driveway shall be provided, and shall be shown on the site plan. The applicant shall prove that such driveway has adequate site distance.
  4. No motor vehicle that is not owned or leased by the operator of the use shall be on-site longer than 6 months in such a way as to be visible from a public street or a dwelling on another lot.
  5. The applicant shall show that there is a safe location available for any needed deliveries, which shall be located off of the cartway of a public street.
- k. Building Appearance. The exterior of a residential building or barn as viewed from a public street or dwelling on an adjacent lot shall not be changed in such a way as to decrease its residential or barn appearance, except for permitted parking spaces and the permitted sign. A farm-related business shall not have an industrial appearance as viewed from a public street or dwelling on an adjacent lot.
  - l. Hours. A farm-related business shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 10 PM and 5 AM. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.
  - m. Hazardous Substances. The use shall not involve the storage or use of hazardous, flammable or explosive substance, other than types and amounts commonly found in a dwelling or farm building.
  - n. Number of Employees. A total maximum of 3 persons who are not permanent residents of the lot shall work on the premises at one time.
  - o. An applicant of conditional use approval shall deliver or mail to all owners of record of adjacent dwellings a photo-copy of the zoning application and a statement of the date, time, and place of the meeting at which the application is intended to be reviewed by the Borough Council. Such information shall be mailed or delivered a minimum of 7 days before such meeting.
  - p. Leasing. If a property-owner resides on the lot, then that owner may lease a barn on the lot for an approved farm-related business. If the owner, however, does not reside on the lot, then the barn cannot be leased separately from any dwelling on the site (except for agricultural uses or household storage).
  - q. A farm-related business cannot be combined on the same lot with a home occupation. If a farm-related business is also regulated as a principal use, and if any additional standards apply to such principal use in Section 402, then the farm-related business shall also be required to meet those standards in Section 402.

5. Fences and Walls.

- a. Fences and walls are permitted by right in all districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
- b. Sight Distance, Stormwater and Easements. No fence, wall or hedge shall obstruct the sight distance requirements of Section 803.C. No fence or wall shall obstruct the flow of stormwater, except as part of a Borough approved stormwater system.
- c. Fences.
  - 1. Front Yard. Any fence located in the required front yard of a lot in a residential district shall have a minimum ratio of 1:1 of open to structural areas (such as a picket fence, split rail fence or chain link fence).
  - 2. A fence shall not be required to comply with minimum setbacks for accessory structures.
  - 3. Height. A fence in a residential district that is within ten feet of a residential lot and that is not within a required front yard shall have a maximum height of seven feet, except:
    - a. A maximum of height of ten feet is permitted to enclose a tennis or racquet sport court or a non-household swimming pool or an electric substation provided that such fence is setback a minimum of ten feet from all lot lines; or
    - b. If an applicant clearly proves in writing to the satisfaction of the Zoning Officer that a higher fence is needed to protect public safety around a specific hazard.
  - 4. Setbacks. A fence may be constructed on a lot line, except: a) a fence shall not be placed within a street right-of-way; and b) a fence of a business shall be setback a minimum of five feet from the abutting lot line of an existing dwelling or an undeveloped residentially zoned lot. Homeowners are encouraged but not required to setback fences at least two feet from an abutting lot line in order to allow for maintenance over the long-term.
  - 5. Fence materials. A fence shall not be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.
- d. Walls.
  - 1. Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by-right as needed in all Districts.
  - 2. In a residential district, a freestanding wall (other than a necessary retaining wall) shall have:
    - a. A maximum height greater than four feet within a required front yard or is within ten feet of a lot line other than a required front yard; and
    - b. Seven feet in other locations.

6. Garage Sale.

- a. See definition in Article II. A garage sale shall not include sale of new merchandise (other than custom crafts).
- b. Garage sales shall be limited to a maximum of four total days in any two consecutive months.

7. Home Gardening, Nurseries and Greenhouses.

Home gardening and accessory structures, used for nurseries or as greenhouses, are permitted in residential areas provided they are used by the residents for non-commercial purposes and provided further that they shall not include the outdoor storage of equipment and supplies.

8. Home Occupation, General or Light. (see definitions in Article II; see also Farm-Related Business above)

- a. A home occupation shall be conducted completely indoors, and may be within a principal or accessory building. The total amount of floor area of all buildings used for a home occupation shall not be greater than 25 percent of the total floor area of the principal dwelling unit.
- b. There shall be no outdoors operations or outdoors storage of materials, products or equipment.
- c. Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except for non-illuminated one sign with a maximum sign area of 1-1/2 square feet on each of two sides and a maximum height of eight feet.
- d. Truck Traffic. The use shall not require the parking of, storage of or regular servicing by a vehicle with an aggregate gross vehicle weight of more than 12,000 pounds, except for: 1) One vehicle used by a resident whose primary occupation is as an over-the-road driver of such vehicle; or 2) Trucks clearly serving a permitted agricultural use.
- e. Uses permitted as a home occupation include, but are not limited to: art studio, office, custom sewing, tax preparation or musical instruction.
- f. The following uses shall not be permitted as a home occupation: veterinarian office on a lot of less than three acres, stable, kennel, funeral home, industrial uses (other than custom crafts and sewing), wholesale or retail sales on the premises (except as accessory to custom crafts and except for sales over the phone or through the mail), restaurant, outdoor repairs of motor vehicles (other than farm equipment) or trucking company terminal, machinery repair or manufacturing.
- g. Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby, domestic or sewing purposes shall be permitted. No use shall

generate noise or glare in excess of what is typical in a residential neighborhood.

- h. The use shall also comply with all environmental and nuisance control regulations of this Zoning Ordinance, including Article V.
- i. Parking and Loading. The lot shall include sufficient parking for the maximum number of vehicles on-site at one time, plus parking for the dwelling unit. A defined driveway shall be provided, and shall be shown on the site plan. The applicant shall prove that the driveway provides for safe sight distance.
  - 1. If five or more vehicles are expected to be parked within 50 feet of an abutting dwelling, then such parking spaces shall be screened by evergreen plants meeting the requirements of Section 803.
  - 2. The applicant shall show that there is a safe location available as needed for any deliveries, which shall be located off of the cartway of a public street.
  - 3. For any vehicle repair operation, a maximum of two vehicles may be parked on-site or on an adjacent street, other than vehicles owned by the operator of the use.
- j. Building Appearance. The exterior of a previously residential building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.
- k. Hours. A home occupation shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 9 PM and 7 AM. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.
- l. Hazardous Substances. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling.
- m. Advertising. The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.
- n. Number of Employees. A total maximum number of two persons \* who are not permanent residents of the dwelling may work on the premises at one time, except for a use that only involves clerical, administrative or office-type activities, the above maximum of two persons may be increased to four persons, provided that the applicant proves to the Borough Council that the use will not cause adverse impacts upon neighbors, such as high amounts of traffic.
  - \* Except a barber or beauty shop shall not employ any non-residents. The maximum number of employees shall not apply to persons accomplishing clearly agricultural work.
- o. Instruction - Any instruction or tutoring shall be limited to a maximum of four students on the property at any one time.
- p. An applicant for conditional use approval shall deliver or mail to all owners of record of adjacent dwellings a photo-copy of the zoning application and a statement of the date, time and place of the meeting at

which the application is intended to be reviewed by the Borough Council. The information shall be mailed or delivered a minimum of seven days before the meeting.

- q. A permit shall be required for any home occupation. In most cases, Section 307 also requires conditional use approval for a home occupation. If the type of a home occupation changes, a new approval shall be needed.
- r. No new buildings shall be constructed to accommodate a home occupation.
- s. Driveway entrances for a home occupation shall have a maximum width of ten feet, unless a wider width is required by PENNDOT or the Borough. The applicant shall prove that any driveway for a general home occupation will meet the PENNDOT minimum sight distance requirements that would apply as if a new driveway would be proposed onto a State road. The sight distance shall consider where parking would be possible.
- t. If a Home Occupation is also regulated as a principal use, and if any additional standards apply to such principal use in Section 402, then the Home Occupation Business shall also be required to meet those standards in Section 402.

9. Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.

- a. Location. Outdoor storage or display shall not occupy any part of any of the following:
  - 1. the existing street right-of-way
  - 2. any public sidewalk or other paved area intended or designed for pedestrian use unless specifically designed to accommodate such outdoor storage or display and indicated as such on the approved site plan
  - 3. any required parking area unless specifically indicated to be used as such on the approved site plan and on a seasonal temporary basis only and in no event larger than 7000 square feet
  - 4. any required paved area setback (see Section 703.G.).
- b. No storage or display shall occur on areas with a slope in excess of 25 percent or within the 100-year floodway.
- c. Screening. See Section 803.D, "Buffer Yards."
- d. Tires. If more than 250 tires are stored on a lot, each stack shall be a maximum of 20 feet high, and cover a maximum of 400 square feet. Each stack shall be separated from other stacks by a minimum of 75 feet.

10. Pets, Keeping of. (Note: This does not apply to Raising of Livestock, which is regulated by Section 402 nor to keeping of animals permitted as an accessory use under the definition of Crop Farming in Article II).

- a. This use shall not include a use meeting the definition of a kennel.

- b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
  - c. For carrier pigeons, see the State Carrier Pigeon Law.
  - d. The non-commercial keeping of horses is permitted on a lot of two acres or more. Any horse barn, corral, fenced-in area or stable shall be a minimum of 50 feet from any abutting lot line (other than a street right-of-way) and 150 feet from any existing dwelling other than that of the owner of the horses. Any commercial keeping of horses shall be considered a "stable" or a "farm-related business."
  - e. Proper soil erosion control measures shall be used as needed.
- 11. Retail Sales of Agricultural Products Grown Primarily on the Premises.
  - a. The use shall be an accessory use incidental to a crop farming or raising of livestock use.
  - b. The only retail sales shall be of agricultural products. A minimum of 50 percent of the products sold shall have been grown or raised by the operator of the retail sales use, or a member of their immediate family or a lessee of their land.
  - c. Off-street parking shall be provided in compliance with the provisions of Article VI. No parking shall occur in such a way that it creates a safety hazard.
  - d. All buildings erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
  - e. Signs. See Section 709.
  - f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line, or 100 feet from the closest intersecting point of street rights-of-way at an intersection.
  - g. A maximum of 800 square feet of building floor area may be used for such use.
  - h. The use may occur as an accessory use within an existing dwelling or barn. Any stand shall be maintained in good condition.
- 12. Satellite Antennas. (See also setback requirements for an accessory structure in the applicable district. See also Commercial Communications Antennas in Section 402.)
  - a. The following regulations shall only apply within a residential district for a satellite antenna that is visible from a street or an adjacent lot line:

1. Maximum diameter - 11 feet; and
    2. Maximum total height of 15 feet above the average ground level.
  - b. Earth tones are strongly encouraged.
13. Swimming Pool, Household. (Referred hereafter as "pool".)
- a. The pool shall not involve any commercial use.
  - b. Enclosure around In-Ground Pools. A new or existing in-ground pool shall be completely surrounded by a secure fence, wall, portion of a building and/or similar enclosure not less than six feet in height nor more than eight feet in height. This enclosure shall be constructed to make it very difficult for small children to climb up or slip through the enclosure. All gates or door openings through such enclosure (other than a door to a building) shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed times when not in use.
  - c. Enclosure Around Above Ground Pool. Any existing or new above ground pool shall include a secure fence, wall or other enclosure a minimum of four feet high above the surrounding average ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of four feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.
  - d. Location. A pool and any deck or shelter that is elevated above the average surrounding ground level may be located within the required rear or side yards for the district in which the pool is located, except that no portion of the pool shall be located closer than two feet or ten percent of the lot width, whichever is greater, to the side property line and ten feet from the rear property line. Patios around pools that are level with the average surrounding ground level are not required to meet setbacks. A pool is not permitted within a required front yard.
  - e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: 1) on-lot septic system or 2) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.
  - f. Permits. Building permits shall be required for all pools of a permanent or semi-permanent nature which require construction or assembly and which may be designed to hold water to a depth greater than twelve inches.



## **ARTICLE V**

### **ENVIRONMENTAL PROTECTION**

#### **501. ADDITIONAL INFORMATION**

If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards. The applicant may specify that portions of such submittal shall be treated as confidential to be viewed only by Borough officials without a business interest in such matters, in order to protect proprietary information.

#### **502. NUISANCES AND HAZARDS TO PUBLIC SAFETY**

- A. No land owner, tenant, nor lessee shall use or allow to be used land or structures in a way that seriously threatens to or creates any of the following conditions:
1. Communicable disease or other public health hazards, including activities that encourage the breeding of disease-prone insects or rodents.
  2. Significant physical hazards to the public, especially hazards that would be easily accessible by small children.
  3. Activity that prevents a neighboring landowner of ordinary sensitivities from making reasonable use of their property.
  4. Activity including storage of materials that creates a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic or toxic hazards.
  5. Activity that causes serious pollution to groundwaters or surface waters. See Section 506.
- B. It is the responsibility of every property owner to ensure that their property does not threaten public health or safety, and to remove or alter any structure or situation that threatens the public health and safety. This includes, but is not limited to structurally unsound structures, including those damaged by fire. The Borough does not accept responsibility to identify or address all such hazards.

#### **503. WETLANDS REVIEW**

- A. If the Zoning Officer, based upon review by the Borough Engineer or the County Conservation District or DEP or the Fish and Wildlife Service or the Army Corps of Engineers, has reason to believe that a portion of a site proposed to be altered may possibly meet the State or Federal definitions of a "wetland", the Zoning Officer may require the applicant to provide a study by a qualified professional delineating the locations of wetlands. However, the Borough accepts no responsibility to identify all wetlands or to warn all parties of such possibilities.

- B. All permits of the Borough are issued on the condition that the applicant comply with Federal and State wetlands regulations, and such permits may be revoked or suspended by the Zoning Officer for noncompliance with the regulations.

#### **504. SETBACKS FROM CREEKS**

- A. Purpose. To protect the water quality of surface waters, preserve physical access to surface waters in case of future public acquisition, minimize erosion and sedimentation, preserve the natural stormwater drainage system of the area, conserve sensitive wildlife and aquatic habitats, preserve vegetation along waterways that will help screen out eroded soil and other pollutants and provide for setbacks that can be used as required yard areas for a use.
- B. Setbacks from Creeks. No new principal building or new off-street parking for more than two vehicles or new commercial or industrial storage area shall be located within ten feet from the outer edge of the floodway of a creek. See the Borough floodplain map in case such map regulates a wider area.
- C. Exceptions. The setbacks of this Section shall not apply to public utility facilities, publicly-owned recreational facilities, expansions of existing buildings or the placement of accessory structures.
- D. Setback Areas and Construction. During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this Section undisturbed, except at approved waterway crossings.

#### **505. STEEP SLOPES**

- A. Applicability. If an area of a lot including slopes of 15 percent or greater is proposed for construction of buildings, streets or driveways or non-agricultural grading, then the applicant shall submit a steep slope site plan to the Zoning Officer. These submittal requirements may be met by including the required information on subdivision/land development plans.
- B. Plan. A steep slope site plan shall meet the following requirements:
  - 1. Show detailed slope contours for all areas that potentially may be disturbed and constructed upon,
  - 2. Identify all areas of 15 percent to 25 percent and greater than 25 percent slope,
  - 3. Be to scale (such as 1 inch = 50 ft.),
  - 4. Show substantial areas of trees and dense vegetation proposed to be removed or preserved prior to or during the development of the use,
  - 5. Be stamped by a professional surveyor, professional engineer, or registered landscape architect,
  - 6. Show proposed locations of principal buildings, streets, driveways, on-lot septic fields and other areas of soil disturbance, \*

7. State the maximum slope of proposed driveways and streets, and
8. Show an area of 20 feet around the proposed principal building locations.

\* If the exact location of these features is not definitely determined at the time of plan submittal, then the plan shall designate the outer limits of areas where such features may potentially be located. If different locations outside of the approved location would be proposed after approval of the site plan, then the applicant shall prove to the Zoning Officer that the revised location would still meet the requirements of this Section.

C. 15 to 25 Percent. If a proposed principal building and driveway location and any areas within 20 feet of such location on the lot include more than 1,000 square feet with 15 percent or greater slopes, but do not include more than 1,000 square with slopes greater than 25 percent, the following regulations shall apply, unless more restrictive regulations are stated elsewhere in this Zoning Ordinance:

1. Minimum lot area of ten acres per dwelling unit or per principal non-residential use; and
2. Maximum impervious coverage of five percent.

D. Greater than 25 Percent. If a proposed principal building location and any areas within 20 feet of such location on the lot include more than 1,000 square feet with slopes greater than 25 percent, then the Zoning Officer shall not permit the construction of such principal buildings within the proposed location.

E. Erosion Control. See Section 512.

F. Grading; Man-Made Slopes. No grading shall occur in such a way that would circumvent the requirements of this Zoning Ordinance, such as prior to submittal for a zoning or building permit or subdivision or land development approval. The steep slope requirements shall apply based on the slope of land at the time of the adoption of this Zoning Ordinance. This section shall not apply to man-made slopes that naturally were not 15 percent or greater slope.

G. Driveways. A new driveway shall not be built that would require cutting against contours through an area of 30 percent or greater natural slope for 75 feet or longer, measured in a straight line.

## **506. THREATS TO WATER QUALITY**

A. No substance shall be stored in such a way that it could be washed into the groundwater or surface water, if such substance could seriously contaminate groundwater or surface water or serious harm aquatic life of a waterway.

B. If a substance threatens groundwater or surface water contamination, it shall be stored within an impermeable containment. Such storage shall be surrounded if needed by a

berm that would drain any spilled substance to an engineered collection area, or other method approved in writing by the Borough Council or DEP.

- C. All hazardous substances shall be properly labeled, and shall be in compliance with the PA Worker and Community Right to Know Act.

#### **507. SEWAGE DISPOSAL**

- A. All methods of wastewater disposal shall meet requirements of DEP, the Borough Sewer Authority and the Official Borough Sewage Facilities Plan, as amended, as applicable. Uses within 150 feet of a sanitary sewer line connected with a public sewer system shall be required to connect to the line.
- B. Review of on-lot systems. Any septic system is required to be reviewed by the Sewage Enforcement Officer (SEO) for adequacy if a change of use or expansion of use would cause a significant increase in sewage flows, or if there would be an increase in the number of dwelling units. If the SEO determines that a system is malfunctioning or undersized, improvements may be required to the system prior to such change of use or expansion.
- C. Back-up System. Any lot using an on-lot septic system that is to be granted final subdivision approval as part of a subdivision after the adoption of this section shall include a second open unpaved land area suitable for an alternate septic system location. Such site shall be found suitable based on soil probes, but not necessarily a perc test, by a State-certified Sewage Enforcement Officer and found in writing to meet State setback and slope requirements. The soil probes shall be located a minimum of 15 feet from the boundaries of the proposed primary septic system. A Borough sewage permit is not specifically required at the time of subdivision approval for such back-up system.
- D. On-lot systems and lot area. A more restrictive minimum lot area may be established by the SEO based on DEP regulations.

#### **508. NOISE**

- A. No principal or accessory use, or its operations, shall generate a sound level exceeding the limits established in Table 5.1, when measured at the specified locations.
- B. The maximum permissible sound levels in Table 5.1 shall **NOT** apply to any of the following:
  - 1. Sound needed to alert people about an emergency.
  - 2. Repair or installation of utilities or construction of structures, sidewalks or streets.
  - 3. Household power tools and lawnmowers.
  - 4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
  - 5. Railroads, aircraft or vehicles operating on a public street.

6. Public celebrations specifically authorized by the Borough Council or a County, State or Federal Government agency or body.
7. Unamplified human voices.
8. Ringing of bells and chimes by a place of worship.

**TABLE 5.1 – Sound Level Limits by Receiving Land Use/District**

<b>Land Use or Zoning District Receiving the Noise</b>	<b>Hours/Day</b>	<b>Maximum Sound Level</b>
10 feet inside a Residentially Zoned Lot	1) 7 AM to 9 PM other than Sundays, Christmas Day, Thanksgiving Day, New years Day, Labor Day and Memorial Day  2) 9 PM to 7 AM plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day	1) 68 DBA  2) 63 DBA
10 feet inside any Lot Line not listed above	All times and days	73 DBA

#### **509. VIBRATION**

No use shall generate vibration that is perceptible to an average person through their senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to occasional non-routine blasting that may be necessary during construction of streets, structures and utilities.

#### **510. ODORS AND DUST**

No use shall generate odors or dust that is significantly offensive to persons of average sensitivities beyond the boundaries of the subject lot.

- A. This restriction shall not apply to odors or dust created by permitted agricultural uses that are using "normal farming practices" within: a) Act 133 of 1982, as amended, the State "Right to Farm Act" or b) an official Agricultural Security Area. This odor restriction shall apply to uses that do not follow the farming practices referenced in those State laws, such as if manure is not plowed under within a reasonable period of time.

#### **511. GLARE**

- A. Street Lighting Exempted. This Section 511 shall not apply to street lighting that is owned, financed or maintained by the Borough or the State.
- B. Glare. All lights and signs shall be designed and operated to reasonably minimize the amount of light and glare they generate onto residential lots and streets. All light sources,

including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings and to prevent the lighting from shining into the eyes of passing motorists.

- C. Height of Lights. No luminaries spotlight or other light source that is within 200 feet of a dwelling shall have a height exceeding 25 feet above the average surrounding ground level except recreational. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
- D. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25<sup>th</sup> and January 25<sup>th</sup>.

## **512. EROSION CONTROL, DRAINAGE, FILLING, EXCAVATION, AND GRADING**

- A. Grading and Erosion Plans. In advance of any earth disturbance (including grading, filling and excavation), other than crop farming, an appropriate sedimentation and erosion control and grading plans shall be submitted to the Zoning Officer if such work:
  - 1. Involves an area greater than 0.5 acre,
  - 2. Will create finished slopes greater than 3:1, or
  - 3. Involve alteration of areas with a natural slope in excess of 15 percent.

These plans may be subject to reviews by the Borough Engineer and the County Conservation District.

- B. Erosion. Earth moving activities and the stripping of vegetation shall be held to a reasonable minimum to avoid erosion. All Borough permits are granted on the condition that State erosion and sedimentation regulations and any submitted erosion and sedimentation plan are complied with. Failure to comply with such regulations or plan shall be cause for suspension of Borough permits.
- C. Drainage. The ground adjacent to a building shall be graded so that surface water will be drained away from such building and away from on-lot septic fields. Adequate stormwater control shall be used to protect buildings on the subject lot and all adjoining property. This shall include, but not be limited to, measures to prevent high-velocity, concentrated runoff from damaging other property and causing erosion.
- D. Grading shall not be completed in such a way that soils, rocks or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.
- E. Fill. Materials used for fill as a future base for construction shall be nonbiodegradable, well compacted and provide a suitable and secure base.

- F. Dumping. Outdoor dumping of junk or solid waste in other than an approved solid waste disposal facility, composting facility or junkyard is prohibited.
- G. Stripping of Topsoil. Sufficient top soil to grow grass and similar vegetation shall remain on all land, except for areas approved to be paved.

### **513. FLOOD-PRONE AREAS**

- A. Purposes. To prevent loss of life and destruction and damage of property; to avoid government expenditure for flood protection, rescues and reconstruction; to avoid public health and safety hazards; to avoid increases in flood levels and velocities; and to reduce the numbers of persons unknowingly investing in land or new structures that are prone to flooding.
- B. Floodplain Applicability. Development within floodplains is subject to the requirement of Borough Ordinance No. 263 regulating areas subject to flooding. Where the regulations of the Borough Ordinance No. 263 differ from the regulations of any other Section of this Zoning Ordinance, the provision that is more restrictive on development shall apply. See the "Liability" section in Article I.
- C. Description of Floodplain Areas. For the purposes of this Article, the "100-Year Floodplain" shall be those areas identified as "Special Flood Hazard Areas Inundated by 100-Year Flood" or such similar designation on the latest version of the official Flood Insurance Study for the Borough as issued by the U.S. Department of Housing and Urban Development or its successor agency which shall hereafter be referred to as the "Federal Floodplain Study."
  - 1. Floodway - shall mean the channel of a stream plus any adjacent portions of the 100-Year Floodplain that must be kept free of encroachment in order to prevent the increase of flood levels by more than one foot.
  - 2. Flood-Fringe - shall mean portions of the 100-Year Floodplain that are not within the 100-Year Floodway.
  - 3. Floodplain Amendments. The Borough Council may officially amend the 100-Year Floodplain to account for man-made or natural changes, or to incorporate an updated Federal or State study or to accept an appropriate professional study that provides a detailed analysis of a specific segment of a waterway. However, any official amendment of the official Floodplain Map requires prior approval of the Federal Insurance Administration or its successor agency.
  - 4. Interpretation.
    - a. The Zoning Officer shall initially determine the location of the 100-Year Floodplain areas based upon the Federal Floodplain Study.

- b. Where exact measurements do not exist, the boundaries of the 100-Year Floodplain areas shall be determined by scaling distances from the official Floodplain Map. The Zoning Officer may request the advice of the Borough Engineer.
  - c. The applicant may appeal such determination to the Zoning Hearing Board as a variance. In such case, the full burden of proof shall be on the applicant to prove that the determination of the Zoning Officer or the study being used is not accurate. See the standards for a professional floodplain study in part "513.D.4" below.
- 5. Definitions. For the purposes of this Zoning Ordinance, the following terms shall have the following meanings:
  - a. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. The term "development" shall also include but not be limited to the placement or development of a "mobile/manufactured home" (as defined below) on a lot.
  - b. Historic Structure. A structure that is:
    - 1) Listed individually on the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, or
    - 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district, or
    - 3) Individually listed on a local inventory of historic places under a program that has been certified by the PA Historical and Museum Agency.
  - c. Substantially Improved. See Section D.6.c.

D. Permitted and Prohibited Uses in the 100-Year Floodplain.

- 1. Within the 100-year Floodplain, each of the following is prohibited:
  - a. Construction of new buildings,
  - b. Construction, development, placement or extension of a structure that could inhibit the passage of 100-year floodwater or that could reduce the water carrying capacity of a 100-year floodplain,
  - c. Filling in or grading within the 100-year floodplain, other than minor finished grading or excavation that the applicant proves to the written



- satisfaction of the Borough Engineer will not result in a net reduction in the water carrying capacity of the floodplain,
- d. Redirection of a perennial waterway, other than stream improvements authorized by the PA Fish and Boat Agency that are intended solely to improve aquatic habitats,
  - e. The development or expansion of any of the following uses:
    - 1) Manufactured/mobile homes or manufactured/mobile home parks,
    - 2) Jails or prisons,
    - 3) Nursing homes or hospitals,
    - 4) Junkyards or solid waste disposal facilities,
    - 5) Bulk manure storage, or
    - 6) Grave sites of cemeteries.
  - f. Storage of any substances, items or materials that would be:
    - 1) Buoyant and not anchored or tied down or easily moved within the time available after a flood warning,
    - 2) Toxic,
    - 3) Highly hazardous,
    - 4) Explosive, or
    - 5) Radioactive.
  - g. Any new or substantially improved structure that will be used for the production or storage of any of the following substances or substances involving a similar degree of hazards or any use involving the maintenance of more than 550 gallons of any of the following substances:
    - 1) Acetone,
    - 2) Ammonia,
    - 3) Benzene,
    - 4) Calcium Carbide,
    - 5) Carbon disulfide,
    - 6) Celluloid,
    - 7) Chlorine,
    - 8) Hydrochloric acid,
    - 9) Hydrocyanic acid,
    - 10) Magnesium,
    - 11) Nitric acid and oxides of nitrogen,
    - 12) Petroleum products (such as gasoline and fuel oil),
    - 13) Phosphorus,
    - 14) Potassium,
    - 15) Sodium,
    - 16) Sulphur and sulphur products,
    - 17) Pesticides (including insecticides, fungicides and rodenticides),

- 18) Radioactive substances, insofar as such substances are not otherwise regulated,
  - 19) Such other substances regulated as "hazardous" under Federal or State regulations that would represent a threat to water quality.
2. Standards. Before any action affecting the 100-Year Floodplain occurs, the applicant shall prove to the written satisfaction of the Borough Engineer that:
  - a. All applicable Borough, State and Federal requirements have been met and applicable permits have been granted,
  - b. Compensating improvements will be made to prevent any net increase in flood levels or adverse affects on flood velocities and drainage patterns,
  - c. Prior notice has been given of such proposal to: any municipalities that will be affected by a change in an alteration or relocation of a waterway has been given prior notice of such proposal, the PA Department of Community Affairs and the U.S. Federal Emergency Management Agency, and
  - d. No development, filling in or grading will occur within the 100-year Floodplain that would cause an increase in the 100-year flood elevations.
3. Permitted Uses. Permitted uses in the 100-year floodplain (except areas that an applicant proves are not within the 100-year floodway) shall be limited to the following uses, provided that such uses are permitted by the underlying zoning district and will meet the other requirements of this Section:
  - a. Nature preserves,
  - b. Plant nurseries,
  - c. Outdoor recreation uses,
  - d. Golf courses,
  - e. Parking areas,
  - f. Yard/setback areas,
  - g. Parking areas (see "setbacks from creeks in Section 504),
  - h. Crop farming,
  - i. Below ground and elevated utilities, and
  - j. Bridges, culverts and similar structures that the applicant proves to the written satisfaction of the Borough Engineer will:
    - 1) Pass over the 100-year Floodplain, or
    - 2) Carry stormwater within a Borough-approved stormwater improvement, or
    - 3) Float over floodwater, or
    - 4) Allow 100-year floodwater to easily pass through the structure without causing debris to block the flood channel.
4. Flood Fringe Areas. To avoid the prohibition of construction of structures within the 100-Year Floodplain, an applicant may prove to the satisfaction of the Zoning

Hearing Board as a special exception, based upon review by the Borough Engineer, that a particular portion of the 100-Year Floodplain is within the 100-year flood fringe and not within the 100-Year Floodway. Such proof shall be based upon a professional hydrological study. Such study shall:

- a. Only be conducted by a professional engineer or hydrologist,
  - b. Follow current accepted hydraulic technical methods and Federal standards,
  - c. Provide sufficient analysis and computation information for the Borough Engineer to determine that the study is accurate.
5. Flood Fringe. If a floodplain study provided for within the standards of part "4." above is accepted by the Zoning Hearing Board, then such study shall be used to define the areas within the 100-year floodway and 100-year flood fringe within the studied areas. Structures and additions to structures may then be permitted within the areas determined to be within the 100-year flood fringe. In such case, within those areas of the 100-year floodplain found not to be within the 100-year floodway, the following provisions may apply:
- a. All new buildings and all existing buildings that are "substantially improved", as specified in Section "6" below, shall be: 1) anchored to resist flotation, collapse and lateral movement, and 2) fully floodproofed in compliance with this Zoning Ordinance, any Borough Building Codes and applicable Federal and State standards. This shall include but not be limited to the following:
    - 1) The elevation of the lowest floor (including the basement) of any new or substantially improved residential structure shall be a minimum of 1.5 feet above the 100 year flood elevation. Enclosed areas below this lowest floor are prohibited.
    - 2) The elevation of the lowest floor (including the basement) of any new or substantially improved non-residential structure shall a) be a minimum of 1.5 feet above the 100 year flood elevation, or b) be floodproofed up to that height.
      - a) Enclosed areas below this lowest floor (including the basement) are prohibited.
      - b) Such required floodproofing shall follow the standards for completely or essentially dry structures stated in the Army Corps of Engineers' "Flood Proofing Regulations" publication or some equivalent standard acceptable to the Borough Engineer. The applicant shall ensure that plans for such floodproofing shall be certified by a professional engineer or architect certifying that a building has been adequately designed to withstand the 100-year flood

elevations, pressures, velocities, impact and uplift forces associated with a 100-year flood and that utility extensions have been designed to take the 100-year flood levels fully into account.

6. Existing Structures in Floodplains.

- a. Structures that existed prior to the adoption of this Section within the 100-year floodplain shall not be expanded or enlarged, except:
  - 1) If a professional floodplain study proves that the area is not within the 100-year floodway and the expansion meets the requirements for the 100-year flood fringe, or
  - 2) For additions of unenclosed features such as porches or any upper story additions that are not "substantial improvements" provided that such additions do not decrease the water carrying capacity of the 100-year floodplain, or
  - 3) If any negative effects on 100-year flood heights are fully offset by accompanying improvements.
- b. Any modification, alteration, reconstruction or improvement to a structure that existed prior to the adoption of this Section within the 100-year floodplain that is equal in value to less than 50 percent of the structure's market value \* shall to the greatest extent possible be elevated and/or flood proofed.
- c. Any modification, alteration, reconstruction or improvement to a structure that existed prior to the adoption of this Section within the 100-year floodplain that is equal in value to 50 percent or more of the structure's market value\*\* (which shall be considered to be "substantially improved") shall only occur in full compliance with the provisions of this Article.

\* Based upon the value of the structure before the improvement or repair started and before any flood damage that may be being repaired.
- d. Historic and Safety Exception. Parts "b" and "c" above shall not apply to improvements that are necessary to comply with a Borough, County or State health, safety or sanitary regulation or to historically rehabilitate and restore a "historic structure" (see definition above).
- e. The applicant shall provide written information to the Zoning Officer on the lowest floor elevation of each structure approved within the 100-year floodplain.
- f. Basement shall be defined for the purposes of this Section as any area of a building having its floor below ground level on all sides.

7. Floodplain Variances.

- a. A variance shall not be granted to the provisions of this Article if the variance would result in unacceptable increased flood heights or to increased threats to the public safety. Any variances to this Article shall be annually reported to the Federal Insurance Administration.
- b. If a variance is granted to allow construction of a structure below the 100-year floodplain elevation, the applicant should be notified in writing by the Zoning Officer that such construction will likely result in increased premium rates for flood insurance, and that the applicant may be creating a risk to life and property, and that the applicant is completing such work at his/her own risk.
- c. The variance shall be the minimum necessary to afford relief.
- d. A variance shall not be granted for any development within the 100-year floodway that would cause an increase in the 100-year flood elevations.

#### **514. TREE PRESERVATION; FORESTRY**

- A. Purposes. To protect wildlife and bird habitats, encourage groundwater recharge, avoid pollution of creeks by high temperature runoff, maintain the attractive character of areas, conserve energy, protect and enhance property values, avoid negative environmental impacts and assist in carrying out the purposes and requirements of State environmental laws and regulations.
- B. Trunk Measurement. For the purposes of this Section, trunk diameter shall be measured at a height of 4.5 feet above the average surrounding ground level.
- C. Tree Removal. Except as is approved below as Commercial Forestry or the Thinning of Woods, the cutting down, killing or otherwise effectively destroying of healthy trees with a trunk diameter of 6 inches or more shall be held to a reasonable minimum. The burden of proof shall be upon the applicant to prove that such trees are required to be removed to allow the reasonable permitted development of the site.
  - 1. As part of the development of a use in the A-1 district, existing trees may be cleared from a maximum of 15 percent of the lot area.
  - 2. Any application for a permit or approval under this Ordinance shall designate trees or areas of trees with a trunk diameter of 6 inches or more that are proposed to be removed or preserved.
  - 3. Site Layout. The design of the site shall consider and seek to maximize the preservation of healthy trees with a trunk width of 6 inches or more. Especially strong emphasis shall be placed upon preserving healthy trees with a trunk width of 18 inches or more.
- D. Exceptions. The provisions of this Section 514 shall not apply to the following:
  - 1. A bonafide Plant Nursery or Christmas Tree Farm.

2. The removal of trees on a residential lot of less than 2 acres after occupancy by a family.
3. The removal of up to 25 trees per lot, or on any combination of adjoining lots in common ownership, with a trunk diameter of 6 inches or more in any calendar year.
4. The routine thinning of woods involving the cutting down on 1 or more abutting lots in a calendar year of up to 20 percent of the trees of greater than 6 inches trunk diameter, with such cutting well-distributed throughout the wooded area.
5. The removal of trees with a trunk diameter of less than 6 inches.
6. The removal of trees meeting any of the following conditions, which shall not require review or approval by the Borough:
  - a. the tree is located within 10 feet of an uncurbed vehicular cartway,
  - b. the tree is within 3 feet of a proposed or existing vehicular cartway, shoulder or sidewalk,
  - c. the tree is within 10 feet of an approved storm water detention basin, paved area, driveway or on-lot sewage system or utility line,
  - d. the tree is within 30 feet of the foundation of an approved structure,
  - e. the tree is within an approved utility corridor,
  - f. the tree is diseased, dead or poses a clear danger to a structure, utility or public improvement,
  - g. the tree is a hazard to vehicular sight distance,
  - h. the tree is clearly of old age and unhealthy and cannot reasonably be expected to live for more than an additional 10 years,
  - i. the tree is within an area of an approved principal or accessory use that clearly requires the removal of the tree,
  - j. the tree is within an area that must be cleared to develop an approved golf course, or
  - k. the tree needs to be removed to allow longer rows for crop farming.

E. Protection of Trees during Construction.

1. Reasonable efforts shall be taken during any construction to ensure that trees protected by this section are not accidentally injured or removed, including root compaction by equipment and materials, damage by equipment or change in grade level.
2. Temporary fences shall be securely placed around the outer driplines of trees to be preserved during any adjacent construction activity or on-site movement of vehicles. Vehicles shall not enter and materials shall not be stored within such tree protection area.

3. Trees that were required to be preserved and that were destroyed shall be replaced by the developer with mature trees with the closest trunk width that is commercially available, in addition to any penalty that may be exercised under this Ordinance.
- F. Preservation of Trees within Buffer Areas. See Section 803.
- G. Commercial Forestry. The following provisions shall apply to forestry operations involving the cutting down in a calendar year of more than 25 live trees of more than 6 inch trunk diameter (measured at 4.5 feet above the surrounding average ground level). See Section 514.D. which describes situations in which the following provisions do not apply (such as routine Thinning of Woods as described above).
1. A Forestry Management Plan shall be prepared and followed for any forestry involving more than 10 acres. Such Plan shall be submitted to the Zoning Officer and shall be provided to the Planning Agency for an advisory review prior to issuance of a permit. This Plan shall be prepared by a professional forester, who has graduated with a minimum of a bachelor's degree in forestry from a college or university accredited by the Society of American Foresters.
    - a. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the PA Forestry Association.
    - b. Such plan shall describe proposed reforestation measures, except:
      - 1) where clearing is necessary to convert Class I, II or III soils for agricultural use
      - 2) for areas that will naturally become reforested
      - 3) for areas necessary to be cleared for development approved under this Ordinance.
    - c. A 20 feet wide buffer of existing trees shall be maintained abutting public streets and existing dwellings, except for necessary ingress and egress of vehicles, except such buffer abutting a dwelling may be waived in writing by the owner of such dwelling.
    - d. The Borough Zoning Officer shall be notified a minimum of 3 working days prior to the initiation of forestry activities. The Borough Council may authorize one or more persons to assist the Zoning Officer in overseeing operations.
  2. An Erosion and Sedimentation Control Plan shall be submitted to the County Conservation District for any review and recommendation.
  3. All forestry shall maximize use of selective cutting and/or reforestation and shall minimize clear cutting. Clear cutting is prohibited on areas exceeding 25 percent slope and within 100 feet of the centerline of a perennial waterway.

4. Clear-cutting of trees shall not exceed a total of more than 2 acres, except for areas approved for development.
5. Logging roads, skid trails and landings shall be properly revegetated after forestry operations are complete.
6. No trees shall be skidded into or across a perennial waterway.



## ARTICLE VI

### OFF-STREET PARKING AND LOADING

#### 601. REQUIRED NUMBER OF PARKING SPACES

##### A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as may be allowed under Section 601.B.
4. Calculation. Where the calculation of required parking spaces does not result in a whole number, the calculation shall be rounded to the closest whole number.

##### B. Reduction of Parking Requirements as a Conditional Use.

1. Purposes. To minimize impervious surfaces, while ensuring adequate parking; to recognize unique circumstances may justify a reduction in parking.
2. The Borough Council may permit a reduction, through the Conditional Use process of Section 117, of the number of parking spaces required to be developed if the Applicant proves to the satisfaction of the Borough Council that less parking spaces are needed.
  - a. Proof. To prove that fewer parking spaces are needed, the applicant shall provide existing and projected employment, customer, resident or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.
  - b. Shared Parking. Under this Section, an applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.

- c. Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Borough Council may require as a condition of the approval that the lot include the reservation, permanently or for a specified number of years, of areas for use if needed in the future for additional parking.
- 1) Such reservation shall be provided in a legal form acceptable to the Borough Solicitor.
  - 2) In such case, the Applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional parking could be accomplished.
  - 3) Such additional parking shall be required to be provided within one year by the owner of the lot at that time after the Zoning Officer may determine in writing to such owner that such parking has become needed to meet actual use. Such determination shall be based upon the Zoning Officer's on-site review on least three different days.

**TABLE 6.1 – Off-Street Parking Requirements**  
(See definition of employee in Article II)

Use	Number of Off-street Parking Spaces Required	Plus One Off-street Parking Space for Each:
<b>Agricultural Uses</b>		
Crop Farming or Raising of Livestock	-----	Employee
Kennel	1 per employee (minimum of 4)	15 animals of capacity
Plant Nursery	1 per employee	250 sq. ft. of indoor sales floor area and 10,000 sq. ft. of outdoor sales area
Stable, non-household	1 per employee (minimum of 2)	8 animals of capacity
Seasonal Sale of Agricultural Products	1 per employee	250 sq. ft. of sales floor area
<b>Residential Uses</b>		
Dwelling Unit	2 per dwelling unit	
Home Occupation or Farm-related Business	2 spaces for any business expected to routinely have visitors, plus the spaces for the dwelling unit, plus any storage space needed for vehicles being worked upon	Non-resident employee
Boarding House	1 per rental unit or bed, whichever is greater	Non-resident employee
Group Home	See Section 402	
Manufactured/ Mobile Home Park	See Section 402	
<b>Institutional Uses</b>		
Place of Worship or Church	1 per 4 seats in room of largest capacity	Employee
Hospital	1 per 2 beds	1.2 employees
Nursing Home	1 per 6 beds	1.2 employees
Personal Care Home	1 per 4 beds	1.2 employees
Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.2 employees
School, Primary or Secondary	1 per 4 students aged 16 or older	Employee
Utility Facility	1 per vehicle routinely needed to service facility	
Trade School	1 per 3 students who attend class at any one (1) time	Employee

**TABLE 6.1 – Off-Street Parking Requirements (cont.)**  
(See definition of employee in Article II)

Use	Number of Off-street Parking Spaces Required	Plus One Off-street Parking Space for Each:
<b>Institutional Uses (cont.)</b>		
Treatment Center	1 per 2 residents age 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-resident employee
Swimming Pool, Non-household	1 per 40 sq. ft. of water surface, other than wading pools	Employee
<b>Commercial Uses</b>		
All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.		
Auto Service Station or Repair Garage	2 per repair or service bay	Employee; plus any parking needed for a convenience store under “retail sales”
Auto, Boat, Recreational Vehicle or Manufactured Homes Sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
Adult Use (including Adult Bookstore, Adult Live Entertainment Use or Massage Parlor)	1 per 30 sq. ft. of total floor area (minimum of 10)	Employee
Bed and Breakfast	See Section 402	
Bowling Alley	2 per lane	1.2 employees
Car Wash	2 per washing lane or stall, which may be located in drying or vacuuming areas	1.2 employees
Financial Institution (including Bank)	1 per 200 sq. ft. of floor area accessible to customers, plus 3 convenient spaces for each automatic banking transaction machine	employee
Funeral Home	1 per 4 seats in rooms intended to be in use at one time for visitors	employee
Golf Driving Range	1 per tee	1.2 employees
Miniature Golf	2 per hole	1.2 employees
Golf Course	3 per hole (plus spaces required for any membership club building or restaurant)	1.2 employees
Ice Skating/Roller Skating	1 per 200 sq. ft. of floor area accessible to users	1.2 employees
Haircutting/Hairstyling	2 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 employees

**TABLE 6.1 – Off-Street Parking Requirements (cont.)**  
(See definition of employee in Article II)

Use	Number of Off-street Parking Spaces Required	Plus One Off-street Parking Space for Each:
<b>Commercial Uses (cont.)</b>		
Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.2 employees
Office or Clinic, Medical/Dental	4 per person engaged in practice	1.2 employees
Personal Service Use, other than haircutting/hairstyling	1 per 200 sq. ft. of floor area accessible to customers (minimum of 2 per establishment)	Employee
Indoor Recreation (other than bowling alley), Membership Club, or Exercise Club	1 per 200 sq. ft. of floor area other than racquetball courts accessible to customers/members plus parking required by any additional use (such as restaurant) plus 2 spaces per racquetball court	Employee
Outdoor Recreation (other than uses specifically listed in this table)	1 per 3 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 employees
Restaurant	1 per 4 seats	1.2 employees
Retail Sales (other than types separately listed) or Shopping Center (minimum of 5 per establishment, except 10 per video rental store)	1 per 200 sq. ft. of floor area accessible to customers	
Tavern or Nightclub	1 per 30 sq. ft. of total floor area	1.2 employees
Theater or Auditorium	1 per 3 seats	1.2 employees
Veterinarian Office	4 per veterinarian	Employee
<b>Industrial Uses</b>		
All Industrial Uses (including warehousing, distribution, and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance.  1 per employee, based on the maximum number of employees on-site at peak period of times (including any overlapping shifts)	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 15 storage units	Employee

## **602. GENERAL REGULATIONS FOR OFF-STREET PARKING**

- A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.
- B. Existing Parking. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Zoning Ordinance shall not in the future be reduced in number below the number required by this Zoning Ordinance.
- C. Change in Use or Expansion. A structure or use in existence at the effective date of this Zoning Ordinance that expands or significantly changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:
  - 1. If the use expands in total building floor area by a aggregate total maximum of five percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Zoning Ordinance, then no additional parking is required, or
  - 2. If the change in use would increase the number of required parking spaces by less than 20 spaces beyond what was required by the previous use, then an applicant may choose to only add the additional number of spaces required by the new use compared to the previous use.
- D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.
- E. Location of Parking. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a permanent method of providing the spaces is available using area of a lot within 250 feet of the entrance of the principal use being served. Off-street parking and loading lots may be developed on any required side, front, or rear yard, but not closer than ten feet to any street pavement.

## **603. DESIGN STANDARDS FOR OFF-STREET PARKING**

### **A. General Requirements.**

1. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single-family or two-family dwelling with its access onto a local street or parking court.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces of a single-family detached dwelling.
3. Parking areas shall not be within any of the following: a required buffer yard, a future or existing street right-of-way or a required paved area setback.
4. Defined Traffic Ways. All parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 25 off-street parking spaces, raised curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated as much as is reasonable from major pedestrian routes within the lot.
5. Separation from Street. All areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary and approved vehicle entrances and exits to the lot. All commercial and industrial parking areas approved after the adoption of this Zoning Ordinance shall be separated from the street by a grass or landscaped strip of land.

### **B. Size and Marking of Parking Spaces.** Each parking space shall have a minimum area of one hundred eighty (180) square feet and be a rectangle with a minimum width of nine (9) feet and a minimum length of twenty (20) feet, except:

1. The minimum length shall be 22 feet for parallel parking.
2. All spaces shall be marked to indicate their location, except those of a single-family or two-family dwelling.
3. The C-3 District shall have a minimum area of one hundred sixty-two (162) square feet and a minimum dimension of nine (9) feet by eighteen (18) feet.

### **C. Aisles**

1. Each aisle providing access to stalls for traffic only shall be at least the minimum aisle width as specified in Table 6.2.

**TABLE 6.2 – Minimum Aisle Widths  
Based on Parking Angle**

Angle of Parking	Minimum Aisle Width (Ft.)	
	One-Way	Two-Way
Parallel	12	20
30 degrees	12	20
45 degrees	15	20
60 degrees	18	24
90 degrees	20	24

2. Each aisle providing access to stalls for two-way traffic shall be at least 24 feet in width, except a width of 20 feet may be allowed for: a) areas of parking that are clearly primarily for employees, or b) parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.
3. Maximum length of parking aisle – 250 feet.

**D. Access Drives and Driveways.**

1. The width of driveway/accessway at entrance onto a public street shall be as specified in Table 6.3.

**TABLE 6.3 – Driveway/Accessway Width at Entrance onto Public Street**

	Driveway/Accessway Width at Entrance onto Public Street (at edge of cartway)*	
	One-Way Use	Two-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

\* Unless a different standard is required by PENNDOT for an entrance to a State road.

2. Maximum Grades of Driveway. See the Subdivision and Land Development Ordinance.
3. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
4. Driveways on One Lot. On any one lot a maximum of two driveways per 500 feet of lot frontage.
5. State Permit. Where there will be new or intensified access to a State street or other work within the right-of-way of a State street, a State Highway Occupancy Permit shall be obtained, as applicable.
6. Sight Distance for Driveways. See Section 803.



E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways abutting dwellings shall be surfaced with asphalt or concrete or decorative paving blocks.

F. Lighting of Parking Areas. See Section 511 "Light and Glare Control."

G. Paved Area Setbacks. (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Uses within the Paved Area Setback.
  - a. The paved area setback required by this section, together with any existing legal street right-of-way area that is not used as a cartway, street shoulder or on-street parking, shall be maintained in natural groundcover (such as grass) and shall not be used for any of the following:
    - 1) Paving, except for approved driveway/ access drive entrances and except any concrete sidewalks or asphalt bike paths of eight feet wide or less,
    - 2) Fences, or
    - 3) Parking, storage or display of vehicles or items for sale or rent.
  - b. A paved area setback may include the following:
    - 1) Permitted freestanding signs,
    - 2) Storm water facilities that are primarily vegetated.
    - 3) Concrete sidewalks or asphalt bike paths of eight feet wide or less, and
    - 4) Approved driveway crossings.
3. Width of Paved Area Parking Setbacks. Any commercial, industrial, institutional, townhouse or apartment use shall provide paved area setbacks as provided in Table 6.4.

**TABLE 6.4 – Width of Paved Area Parking Setbacks**

<b>If a paved area abuts:</b>	<b>Minimum Paved Area Setback (measured from the proposed edge of paving and gravel of the street after development)</b>
Arterial or collector street: for lot with 2 acres or less of impervious coverage for lot with more than 2 acres of impervious coverage	10 feet  15 feet
Local street:	5 feet

4. Buffer Areas between Uses. See Section 803.

H. Paved Area Landscaping (Parking Lot Trees).

1. Intent. This section is primarily intended to reduce the thermal pollution of surface waters from parking lot runoff.
2. Any lot that would include more than five parking spaces shall be required to provide landscaped areas within the paved area.
3. One deciduous tree shall be required for every 3,000 square feet of paved area. This number of trees shall be in addition to any trees required by any other section of this Zoning Ordinance or by the Subdivision and Land Development Ordinance.
4. Trees required by this section shall meet the following standards:
  - a. Type of Trees Permitted. Required trees shall be chosen from the list of approved street trees provided in Table 6.5, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.
  - b. Minimum Size. The trunk diameter (measured at a height of one foot above the finished grade level) shall be a minimum of three and one-half inches or greater.

**TABLE 6.5 – Types of Deciduous Trees Permitted to Meet Ordinance Requirements**

Acer rubrum - American Red Maple	Quercus borealis - Red Oak
Acer saccharum - Sugar Maple	Quercus coccinea - Scarlet Oak
Celtis occidentalis - Common Hackberry	Quercus macrocarpa - Bur Oak
Fagus sylvatica - European Beech	Quercus imbricaria - Shingle Oak
Fraxinus americana - White Ash	Quercus montana - Chestnut Oak
Fraxinus Pennsylvanica - Green Ash	Quercus veitiana - Black Oak
Ginkgo biloba fastigiata - Maiden Hair Tree	Quercus phellos - Willow Oak
(male only; female has noxious odor)	Sophora japonica - Chinese Scholar Tree
Gleditsia triacanthos - Thornless Locust	Tilia americana - American Linden
Liriodendron tulipifera - Tulip Poplar	Tilia cordata - Little Leaf European Linden
Quercus alba - White Oak	Tilia euclora - Crimean Linden
Quercus acutissima - Sawtooth Oak	Tilia petiolaris - Silver Linden
	Zelkova serrata - Zelkova

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

#### I. Handicapped Parking Spaces

1. Number of Spaces. Any lot including four (4) or more off-street parking spaces shall include a minimum of one (1) handicapped space. The number of handicapped spaces shall be provided in accordance with Table 6.6, unless a revised regulation is officially established under the Federal Americans with Disabilities Act.

**TABLE 6.6 – Width of Paved Area Parking Setbacks**

Total Number of Required Parking Spaces on the Lot	Required Minimum Number (or Percent) of Handicapped Parking Spaces
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required spaces
1,001 or more	20 plus 1% of required number over 1,000

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size. Each required handicapped parking space shall be ten by 20 feet. In addition, each space shall be adjacent to a five foot wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, one out of every eight required handicapped parking spaces shall have an adjacent access aisle of eight feet width instead of five feet.
4. Slope. Handicapped parking spaces shall be located in areas of less than six percent slope in any direction.
5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.

#### **604. OFF-STREET LOADING**

##### **A. General Requirements.**

1. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use.
2. At the time of site plan or land development review, the applicant shall provide evidence to the Planning Agency, who may advise the Zoning Officer, on whether the use will have sufficient numbers and sizes of loading facilities. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

##### **B. Design and Layout of Loading Facilities.** Off-street loading facilities shall meet the following requirements:

1. Each off-street loading space shall be sufficient in size to accommodate the largest vehicle that can reasonably be expected to use such space but shall not be less than 300 square feet in area with a minimum clearance of fourteen feet.
2. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it threatens a safety hazard, public nuisance or a serious impediment to traffic off the lot.

3. Each space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas, paved area setbacks and street right-of-ways.
- C. Fire Lanes. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by Borough Fire Officials.

## **ARTICLE VII**

### **SIGNS**

#### **701. APPLICABILITY**

- A. Purposes. This Article is intended to: promote and maintain overall community beautification; establish reasonable time, place, and manner regulations on the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; protect property values and ensure compatibility with the neighboring existing and planned land uses; and assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended.
- B. Permit Required. A permit under this Zoning Ordinance shall be required for all signs. Only types, sizes and heights of signs that are specifically permitted by this Zoning Ordinance within the applicable District shall be allowed. Any sign that is moved to another location either on the same or to other premises, shall be considered a new sign and a permit shall be secured for any work performed in connection therewith.
- C. Changes on Signs. Lawfully existing signs may be painted, repaired or changed in message without a new permit under this Zoning Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increase in nonconformity with this Zoning Ordinance.

#### **702. NONCONFORMING SIGNS**

Signs legally existing at the time of enactment of this Zoning Ordinance which do not conform to the requirements of the Zoning Ordinance shall be considered nonconforming signs. An existing lawful nonconforming sign may be replaced with a new nonconforming sign provided that the new sign is not more nonconforming in any way than the old sign.

#### **703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS**

The following signs shall be permitted by right within all zoning districts. The provisions of this Article shall not apply to the following signs:

- A. Interior Signs which are not visible from a public right-of-way or an adjoining property.
- B. Cornerstones or tablets built into or attached to the wall of a building providing customary information on building erection or commemorating a person or event.
- C. Public service company signs as aids to safety or service.
- D. Banners, spinners, flags, pennants or other moving objects used for temporary purposes whether containing a message or not.

- E. Historic Sign. Memorializes an important historic place, event or person and that is specifically authorized by the Borough, County, State or Federal agency.
- F. Holiday Decorations. Commemorates a holiday recognized by the Borough, County, State or Federal Government and that does not include advertising.
- G. Not Readable Sign. Not readable from any public street or any exterior lot line.
- H. Official Sign. Erected by the State, County, Borough or other legally constituted governmental body, or specifically authorized by Borough Ordinance or resolution, and which exists for public purposes.
- I. Required Sign. Only includes information required to be posted outdoors by a government agency or the Borough.
- J. Right-of-Way Sign. Posted within the existing right-of-way of a public street and officially authorized by the Borough or PENNDOT.

#### **704. PERMITTED SIGNS**

##### **A. Signs Permitted in A-1, R-1, and R-2 Districts**

1. Non-advertising signs, situated within the property lines and not exceeding two (2) square feet in area, such as "No Trespassing", "Private Drive", name-plate signs, traffic directional signs, professional office identification signs, etc.
2. Identification signs for churches, hospitals, schools, playgrounds, parks and other public uses not to exceed sixteen (16) square feet in area.
3. Signs identifying a permitted office or use and situated within the property lines of the premises they identify and not exceeding two (2) square feet in area.
4. Signs advertising private clubs, lodges, and other similar permitted uses, and situated within the property lines of the premises to which they relate and not exceeding twelve (12) square feet in area.
5. Signs prohibiting or otherwise controlling trespassing upon particular premises or indicating the private nature of a road, driveway or premises provided that the area or any such does not exceed two (2) square feet.
6. Signs prohibiting or otherwise controlling fishing, hunting, etc., upon particular premises provided that the area of any such sign does not exceed two (2) square feet.

7. One (1) project identification sign on each side of the multi-family development which has frontage on a public street may bear only the name of the project, the address and the presence or lack of vacant units. Such signs shall not exceed sixteen (16) square feet in total area on either side and six (6) feet in height, and shall be situated within the building line.
8. No flashing, blinking, twinkling, illuminated, animated or moving signs of any type.

B. Signs Permitted in C-1 Districts

1. Applicable signs as permitted in Residential Districts.
2. Each permitted street level use may have one (1) wall and one (1) projecting identification sign located on or attached to each street and entrance façade or said use. No sign shall project more than thirty-six (36) inches into the public right-of-way. Total sign area for each use shall not exceed an area equal to two (2) square feet for each one (1) foot of street frontage occupied by such use. The combined sign areas shall not exceed maximum thirty-two (32) square feet on any one (1) street or entrance façade.
3. Each permitted upper or lower level use, having no street level space other than an entrance, may have one (1) attached to each street and entrance façade or said use. Such signs shall not project more than thirty-six (36) inches into the public right-of-way.
4. A single use occupying an individual property may have one (1) free standing pole or ground identification sign provided that such sign shall not exceed thirty-two (32) square feet, shall be erected with the bottom edge of the sign at least fourteen (14) feet above the level of the street centerline or public way, whichever is higher, and shall be within the property lines of the premises to which it relates.
5. In the case of a group of different uses occupying a single property, a freestanding pole, ground identification or projecting sign may be permitted with individual signs identifying different establishments. Such freestanding signs shall meet the requirements as described in (4) above. Projecting signs shall be aligned vertically and not staggered on the face of the building. Multiple signs shall be grouped or affixed together.
6. Signs required by law to be exhibited by the occupants of the premises.

C. Signs Permitted in C-2 District

1. Applicable signs as permitted in Residential Districts.



2. Each permitted use may have one (1) wall and one (1) projecting identification sign located on or attached to each street and entrance façade of said use. Such signs shall not project more than five (5) feet beyond the required setback line nor more than three (3) feet beyond the face of the building. Such aggregate sign area shall not exceed sixty (60) square feet in area.
3. Each permitted use may have one (1) free standing pole or ground identification sign provided such sign shall not exceed sixty (6) square feet in total area, shall be erected with the bottom of the sign at least fourteen (14) feet above the level of street centerline or public way, whichever is higher, or be set back from the property line a distance not less than fifty (50) percent of the required front yard. No such sign shall extend more than twenty-five (25) feet above the level or the street centerline.
4. Signs required by law to be exhibited by the occupants of the premises.
5. In addition to above cited business or identification signs, advertising sign structures shall be permitted in the C-2 District provided they are limited to not more than one (1) for one hundred (100) feet of street frontage of the lot or more and to only one (1) additional for each additional five hundred (500) feet of lot frontage. Signs shall be spaced a minimum of five hundred (500) feet apart unless they share the same structure. This distance shall be computed from the point closest to the adjacent sign, nor more than two (2) advertising messages shall be permitted for each facing of the sign structure. In no event shall the sign exceed a vertical dimension of twenty-five (25) feet above the grade of the lot. However, where a lot is below the street grade, the vertical dimension may not exceed twenty-five (25) feet above the street grade. No sign shall exceed forty (40) feet in width. Such signs shall meet building setback requirements.
6. No advertising sign shall be permitted to be erected within seventy-five (75) feet of an adjoining Residential Zone.
7. No sign shall be erected, attached or displayed within fifty (50) feet of the point of an intersection as measured from the closest street paving edge.
8. No advertising sign shall exceed sixty (60) square feet in total area.
9. On structures containing more than one sign face, each face shall be considered a separate sign and shall comply with (5) above.

D. Signs Permitted in C-3 District

1. Applicable signs as permitted in Residential Districts and C-1 and C-2 Districts.
2. Each permitted use may have wall signage and one (1) projecting identification sign located on or attached to each street and entrance façade of said use. Such

signs shall not project more than five (5) feet beyond the required setback line nor more than three (3) feet beyond the face of the building. Such aggregate sign area shall not exceed ten (10) percent of the total façade wall area.

3. Each permitted use may have two (2) free standing pole or ground identification signs provided the aggregate of sign area shall not exceed two hundred (200) square feet in total area, shall be erected with the bottom of the sign at least fourteen (14) feet above the level of the street centerline or public way, whichever is higher, or be set back from the property line a distance not less than fifty (50) percent of the required front yard. No such sign shall extend more than thirty (30) feet above grade level. For buildings over 200,000 square feet of floor area, a third free standing pole or ground identification sign may be permitted meeting the area requirements of this paragraph.
4. Signs required by law to be exhibited by the occupants or the premises.
5. In addition to the above cited business or identification signs, advertising sign structure shall be permitted in the C-3 District provided they are limited to not more than one (1) for one hundred (100) feet of street frontage of the lot or more and to only one (1) additional for each additional five hundred (500) feet of lot frontage. Signs shall be spaced a minimum of five hundred (500) feet apart unless they share the same structure. This distance shall be computed from the point closest to the adjacent sign. In no event shall the sign exceed a vertical dimension of thirty (30) feet above the grade of the lot. However, where a lot is below the street grade, the vertical dimension may not exceed thirty-five (35) feet above the street grade. No sign shall exceed forty (40) feet in width. Such signs shall meet building setback requirements.
6. No advertising sign shall be permitted to be erected within seventy-five (75) feet of an adjoining Residential Zone.
7. No sign shall be erected, attached or displayed within fifty (50) feet of the point of an intersection as measured from the closest street paving edge.
8. No advertising sign shall exceed sixty (60) square feet in total area.
9. When a single sign structure has more than one face with the same message, and no two sign faces are more than three (3) feet apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.

E. Signs Permitted in I-1 and I-2 Districts

1. Applicable signs as permitted in residential zones.

2. Each permitted use may have one (1) wall identification sign located on, or attached to each street side of said use. Such signs shall not exceed an area equal to ten (10) percent of said wall area, including window and door area, on which or in front of which they are displayed; however, aggregate sign area per wall shall never exceed two hundred (200) square feet.
3. Each permitted use may have one (1) free standing pole or ground identification sign provided such sign shall not exceed one (100) square feet in total area, shall be erected with the bottom of the sign at least fourteen (14) feet above the level of the street centerline or the public way, whichever is higher, or be set back from the property line a distance of not less than fifty (50) percent of the required front yard. No sign shall extend more than twenty-five (25) feet above the level of the street centerline or the public way, whichever is higher.
4. Signs required by law to be exhibited by the occupant of the premises.

#### **705. ABANDONED OR OUTDATED SIGNS**

Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

#### **706. LOCATION OF SIGNS**

The following shall regulate the location of signs:

- A. Setback from Streets. No sign except Official Signs, Nameplate Signs, Public Service Signs and Directional Signs shall be erected within or project over any existing or established future street right-of-way except when such signs are required in connection with the provision of municipal services.

The main supporting structure of all free standing business signs and freestanding signs permitted in residential or other districts shall not be located closer than five feet to any curblane, except for official traffic signs or other government signs.

Signs attached to any structure shall be attached flat against the structure and shall not hang, suspend or project outward more than 36 inches from the wall to which it is attached, unless the sidewalk is more than nine feet wide; and in no event shall the farthest point of projection be closer than six feet to the curblane where the sidewalk is wider than nine feet.

- B. Sight Distance. No sign shall be so located or arranged that it interferes with the sight distance requirements of Section 803 or safe sight distances for vehicles within a lot. Signs in a location that may reduce sight distance shall have a minimum clearance of three feet above the ground, except for structural posts.

- C. Off-Premises, No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.
- D. Setbacks from Lot Lines. A freestanding sign for a commercial or industrial business shall not be located within 10 feet of the lot line of a "residential lot line." A sign is not required to meet setback requirements for accessory structures.
- E. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.
- F. Utility Poles. No sign shall be stapled or nailed to a utility pole, except by an authorized utility. See also Section 709.G.

#### **707. ILLUMINATION OF SIGNS**

- A. See Section 511, "Light, Glare and Heat Control."
- B. Times of Illumination. It is strongly encouraged that signs within 200 feet of a dwelling or a residential district not be illuminated between the hours of 10:00 PM and 6:00 AM

#### **708. VEHICLES FUNCTIONING AS SIGNS**

Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure, but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

#### **709. PROHIBITED SIGNS**

The following signs are prohibited in all zoning districts:

- A. Spinners or any moving object used to attract attention to a commercial use.
- B. Flashing, blinking, twinkling, animated or moving signs of any type, except time and temperature signs. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.
- C. Signs which emit smoke, visible vapors or particles, sound or odor.
- D. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Zoning Ordinance.
- E. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to

confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger" or "Stop").

- F. Signs or displays that include words or images that are obscene, pornographic or that an average reasonable person would find highly offensive to public decency.
- G. Signs attached to utility poles.
- H. Advertising signs (billboards) shall not be permitted to be erected in any district other than the C-3 Heavy Commercial District provided conditional approval is granted by the Borough. In C-3 Heavy Commercial District, advertising signs shall be restricted and controlled as provided in this article, and other articles of this Zoning Ordinance.
- I. No sign except a wall sign or projecting sign as defined herein shall be permitted to have any portion thereof extending into the public right-of-way in excess of thirty-six (36) inches except as hereinafter modified.

#### **710. CONSTRUCTION OF SIGNS**

Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. Peeling paint shall be removed and replaced, broken letters or other parts shall be repaired or replaced, broken lights shall be replaced, and similar maintenance tasks shall be performed when necessary. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Borough may repair or remove such sign at the expense of such owner or lessee.

#### **711. MEASUREMENT AND MAJOR TYPES OF SIGNS**

- A Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:
  - 1. Building Face. The vertical area of a particular side of a building, including the vertical area in front of any slanted roof.
  - 2. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
  - 3. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article.
  - 4. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display

case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.

5. Off-Premise Sign. See Article II.
6. Sign. See Article II.
7. Wall Sign. A sign primarily supported by or painted on a wall of a building and which does not project more than two feet from such wall.
8. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

B. Measurement of Sign Area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the total area of all signs on the structure.
2. The sign area shall not include any structurally supporting framework, bracing, or clearly defined wooden framing if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. In computing the permitted sign area of a sign with two sides, the permitted total sign area shall be based upon the sign area of only one side (the larger of any two if they differ).
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.
6. Flat wall and projecting signs as permitted within this Ordinance which project into any public right-of-way shall be erected with the bottom of the sign at least fourteen (14) feet above the level of the road centerline, or public way, whichever is higher.
7. Real Estate signs may be permitted within the property lines, advertising the prospective or completed sale or rental of the premises upon which it is located, not exceeding eight (8) square feet in area within any Residential District, sixteen

(16) square feet in area in Commercial Zone C-1, not exceeding thirty-two (32) feet in area in Commercial Zone C-3, and not exceeding sixteen (16) feet in area in all remaining districts, and provided that it shall be maintained and removed within thirty (30) days after consummation of a lease or sale transaction.

- C. Flags and banners are permitted provided that any flag or banner having a commercial message shall be regulated the same as a sign.

## **712. TEMPORARY SIGNS**

- A. Temporary signs shall be permitted in non-residential properties only for a total period not to exceed ninety (90) days in any calendar year, providing they do not exceed sixteen (16) square feet in area and are removed promptly after the conclusion of the campaign or event. The ninety (90) days shall be cumulative, and any part of a day shall count as a full day.
- B. Non-illuminated temporary signs on new construction sites not exceeding fifty (50) square feet in total area and provided they shall be removed within thirty (30) days after completion of the construction work and not more than one (1) sign shall be placed on each street frontage of the construction site.

## **713. OFF-PREMISE SIGNS (Including Billboards)**

- A. Purposes. Off-premise signs are controlled by this Zoning Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development; prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within proximity to existing residences; prevent glare on adjacent property and streets; protect the open space and natural character of areas of the Borough; avoid the creation of additional visual distractions to motorists, especially along the busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; recognize that this Zoning Ordinance allows every landowner a reasonable use for their land; avoid off-premise signs that would have an unfair advantage over on-premise signs in the competition for attention, because off-premise signs typically are higher and larger than on-premise signs; carry out the purposes listed in Section 701.
- B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- C. Commercial and Noncommercial. This section applies to both commercial and noncommercial off-premise signs except as may be specifically provided for elsewhere in this Zoning Ordinance.

- D. PENNDOT Sign. Signs erected and maintained by the PENNDOT are permitted by-right in all Districts. Such signs that identify business services available at an interchange are specifically encouraged as an appropriate and orderly means of providing information without causing visual pollution or traffic hazards.
- E. Based directly on the intent statements within this Zoning Ordinance, off-premise signs are only permitted if they meet the following requirements, except for "Signs Not Requiring a Permit" under Section 703.
1. District. An off-premise sign is only permitted in the Commercial and Industrial Districts, and shall require conditional use approval.
  2. Location. An off-premise sign is only permitted within a maximum of 200 feet of existing right-of-way of an arterial street and a minimum of ten feet from any non-residential lot line. Any off-premises sign shall be setback a minimum of 20 feet from all existing and future street rights-of-way. No off-premise sign shall be located within 200 feet of an existing "residential lot line".
  3. Maximum Sign Area and height. Signs shall conform to the yard, height and area requirements of the zone in which they are located.
  4. Spacing. Any off-premise sign shall be separated by a minimum of 1,500 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premise sign.
  5. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign. Off-premise signs shall have a maximum of two sign faces.
  6. Lighting and Glare. No off-premises sign shall be illuminated.



## ARTICLE VIII

### GENERAL REGULATIONS

#### **801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS**

##### **A. Frontage Required onto Improved Street.**

1. Every principal building shall be built on a lot with permanent access on a public street or a private street that is: a) improved to meet Borough standards including a street right-of-way, or b) for which such improvements have been insured by the posting of a performance guarantee pursuant to the applicable Subdivision and Land Development Ordinance. In the case of townhouses, this requirement may be met by access onto a parking court which has access onto such street.
2. If a pre-existing lawful lot only has access onto an existing private street that does not meet Borough standards and the improvement of that street is reasonably beyond the control of the applicant, or the lot only has access via a legal easement, the lot may be used for a single permitted by right use, but no new lots shall be created that will not be able to meet the above requirement of subsection "1".

##### **B. Building Facades**

1. The building facade which fronts on a public street shall be considered a front building facade and shall be designed and constructed with an architectural treatment consistent with the street.
2. For buildings on corner lots, one of the facades of the building which front on a public street shall be designated a front building facade.

##### **C. Multiple Uses in a Building. Occupancy of a principal commercial or industrial building by more than one permitted use is specifically allowed, provided that all other requirements of this Zoning Ordinance are satisfied.**

##### **D. Multiple Buildings on a Lot.**

1. More than one building housing one permitted principal use may be erected on a single lot, provided that area, yard and other requirements of this Zoning Ordinance shall be met for each building as though it were on an individual lot. However, if two or more: approved townhouse buildings, apartment buildings or buildings in a Commercial or Industrial district are placed on one lot those buildings shall only be required to meet the yard requirements around the perimeter of the lot and shall only be required to meet the specified lot area requirements.

2. Individual buildings or portions of such buildings may be held in approved condominium ownership, but the lot shall be owned by a single legal entity.
- E. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of habitable, indoor, heated floor area.

## **802. HEIGHT EXCEPTIONS**

The maximum structure height specified for each district shall not apply to: farm silos and associated agricultural structures, communications towers, amateur radio antenna, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. In addition, a pitched roof may extend beyond the maximum building height within an area equal to a maximum of ten percent of the building footprint to allow for architectural features, provided that such space is not intended to be occupied.

## **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 Zoning Ordinance. This includes, but is not limited to, setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles.

### **B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.**

1. Nonconforming Lots. See Article IX.
2. Corner Lots. A setback area equal to the minimum front yard setback shall be provided along all portions of a corner lot abutting any public street, except where otherwise provided by this Ordinance or the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback of a different yard for a residential building will conform with the clearly prevailing yard pattern on numerous existing developed adjoining lots fronting on the same street.
3. Projections into Required Yards.
  - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads or

chimneys or other similar structures that do not include space usable by persons may extend or project into a required yard not more than four feet.

- b. Front or rear porches or decks and accompanying steps, whether covered or uncovered, that are not enclosed and do not have walls of mostly solid material, glass or plexiglass and that abut the principal building may project up to eight feet into the required front yard setback and up to 15 feet into a required rear yard setback.
4. Septic Systems. Nothing in this Zoning Ordinance shall prevent the Municipal Sewage Enforcement Officer from requiring a minimum lot area larger than what is stated in this Zoning Ordinance to carry out State and Borough sewage regulations.
5. Previously Approved Setbacks. Where a subdivision or land development was granted final approval prior to the adoption of this Zoning Ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved setbacks may apply in place of any revised setbacks in this Zoning Ordinance.
6. Front Yard Setback Exception. When an unimproved lot is situated between two lots with existing principal buildings that each have front yard setbacks less than the setback required in that District, then the front yard setback may be reduced to a depth equal to the average of the two adjacent lots, provided that in no case shall a front yard be reduced by more than 50 percent of the required front yard for that District.

C. Sight Distance at Intersections.

1. Intent. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
2. A triangular area as described in this Section shall be graded and shall be kept free of sight obstructions between a height of 30 inches and ten feet, including structures, nontransparent fences, vegetation and signs (but not including sign posts of less than one foot in width or utility posts or the trunks of trees).
3. This sight distance triangle shall be shown on development plans submitted to the Borough and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.
4. The clear sight triangle shall be measured a distance of 75 feet along the centerline of each street, measured from the intersection of the centerlines. However, the length shall be 150 feet along the centerline of the arterial street.

The two resulting lines shall then be connected by a third longer leg of the triangle.

D. **Buffer Yards.** Buffer yards and screening complying with the following standards shall be required under the following situations:

1. **Buffer Yard Width, When Required.** Buffer yards with evergreen screening shall be required in accordance with Table 8.1, with most restrictive applying.

**TABLE 8.1 – Buffer Yard Requirements**

Buffer Yard Required to be Provided by the Following:	When Such Use is Abutting the Following:	Minimum Width of Buffer Yard (in feet):
Any newly developed or expanded industrial use or industrial storage or industrial loading area.	Within 250 feet of an existing dwelling	10
Any newly developed or expanded industrial outdoor storage area.	An arterial or collector street.	10
Any use required to provide a buffer yard under another section of this Zoning Ordinance.		10, unless stated otherwise

2. **Location of Buffer Yards.**
  - a. The buffer yard shall be measured from the district boundary line, future street right-of-way line or lot line, whichever is applicable.
  - b. Plants needed for the visual screen shall not be placed within future street right-of-way. The required buffer yard width shall be in addition to the required future street right-of-way.
  - c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.
3. **Characteristics of Buffer Yards.**
  - a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. No new driveways or streets shall be permitted in the buffer yards except at points of approved approximately perpendicular crossings for ingress or egress.
  - b. **Maintenance.** In buffer yards, all areas not covered by trees and shrubs shall be well-maintained in an all-season vegetative ground cover (such as

grass) and shall be kept free of debris and rubbish and shall not include grass areas higher than eight inches.

- c. Preservation of existing vegetation or slopes. If an applicant proves to the satisfaction of the Zoning Officer that an existing healthy tree line, attractive thick vegetation, natural earth berm and/or steep slopes will be preserved and serve the same buffer purposes as plant screening that would otherwise be required, then such preserved existing buffer shall be permitted to be used in place of planting new plants. In such case, the width of the buffer yard required by Section 803.D.1 shall still apply. If this existing buffer requirement is removed, the applicant shall be required to plant a buffer yard that will meet the planting requirements of this section.
- d. Fence. Ornamental or wooden fences may be located anywhere within a buffer yard. All other types of fences (such as chain link) within a buffer yard shall be placed on the inside of any required plant screening.

#### 4. Plant Screen.

- a. Each buffer yard shall include a planting screen of trees or shrubs extending the full length of the lot line.
- b. Each planting screen shall meet the following requirements:
  - 1) Plant materials needed to form the visual screen shall have a minimum height when planted of four feet.
  - 2) 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 solid year-round visual screen at least 6 feet in height.
  - 3) The plant screen shall be permanently maintained by present and future landowners. Any plants needed to form the visual screen that die or are removed shall be replaced within six months.
  - 4) The plant screen shall be placed so that at maturity the plants will be at least five feet from any cartway and will not grow over an exterior lot line.
  - 5) The plant visual screen shall be interrupted only at: a) approved points of vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with the sight distance requirements of Section 803.C, and c) locations needed to meet other specific State and Borough requirements.
  - 6) Evergreen trees likely to grow substantially in diameter should be planted in two or more rows or off-sets if needed to allow space for future growth.

#### 5. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Zoning Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
    - 1) The location and arrangement of each buffer yard,
    - 2) The placement, general selection of species and initial size of all plant materials, and
    - 3) The placement, size, materials and type of all fences to be placed in such buffer yard.
  - b. The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Zoning Ordinance.
6. Species of Plants in Visual Screens. Trees and shrubs needed to form a required visual screen shall be of the following or closely related species, unless the applicant proves to satisfaction of the Planning Agency, Borough Council or Zoning Officer that a substitution would be appropriate. A required visual screen shall primarily include evergreen plants. Leafy deciduous plants may be selectively used provided that their use does not result in significant visual openings during the winter. If more than 25 plants are needed to form a visual screen, then a maximum of 75 percent of such plants shall be of one species.

Buxus - all varieties of Boxwood  
Caragana arborescens - Siberian Pea Shrub  
Cephalanthus Occidentalis - Button Bush  
Chaenomeles Japonica - Flowering Quince  
Cornus - all varieties of Dogwood  
Cotoneaster divaricata - Spreading or Upright Cotoneaster  
Crataegus crusgafli - Cockspur Thom  
Crataegua phanenopyum - Washington Hawthorn  
Elaeagnus angustifolia - Russian Olive  
Eucalyptus - all varieties of Eucalyptus  
Euonymus - all varieties of Euonymus  
Forsythia spectablilis - Showy Forsythia  
Hamamelis - all varieties of Witch Hazel  
Hydrangea arbrescens - Hills of Snow Hyrangea  
Ilex - all varieties of Holly  
Juniperus - all varieties of Junipers  
Kolkwitzia amabilis - Beauty Bush  
Laurus mobilis - Sweet-Bay  
Ligustrum - all varieties of Privet  
Lonciera - all varieties of Honeysuckle  
Magnolia stellata - Star Magnolia  
Picea - all varieties of Spruces  
Pinus - all varieties of Pines  
Photinia - all varieties of Photinia

*Pseudotsuga* - all varieties of Firs  
*Pyracantha laiandei* - Laland Firethorn  
*Rhamnus davurica* - Dahurian Buckthorn  
*Rhamnus frangula* - Glossy or Alter Buckthorn  
*Spirea* - all varieties of Spirea  
*Syringa* - all varieties of Lilac  
*Taxus* - all varieties of Yews (avoid near livestock)  
*Thuja occidentalis* - American Arborvitae  
*Thuja orientalis* - Oriental Arborvitae  
*Tsuga* - all varieties of Hemlocks  
*Viburnum* - all varieties of Viburnum

#### **804. LANDSCAPING**

- A. Groundcover. Any part of a commercial, industrial, institutional or garden 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 groundcover, and shall be landscaped with trees and shrubs.
- B. See Section 603 regarding Paved Area Landscaping and Section 803 regarding Buffer Yards.

#### **805. TEMPORARY USES**

- A A temporary permit may be issued by the Zoning Officer for any of the following:
  - 1. Any temporary use that meets the requirements of this Zoning Ordinance.
  - 2. Customary, routine and accessory short-term special events, provided that
    - a. Only a well-established nonprofit organization or a lawful place of worship proposing a temporary use to clearly primarily serve a charitable. Public service or religious purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted, and
    - b. The Zoning Officer shall establish a reasonable limit on the duration of the use.
  - 3. Temporary construction-related trailers, structures and uses as provided for in Section 306.E.
  - 4. The temporary erection of a tent or similar temporary structure that is not totally enclosed for a maximum of 14 days in any four month period for clearly routine customarily accessory uses such as the following: a wedding in the rear yard of a dwelling, a festival by a place of worship or a special sale within the lot of a lawful commercial use.
- B Removal. Prior to the issuance of a permit for a temporary use or structure, the Zoning Officer may require an applicant to present a statement from the owner of record of the

land recognizing the application and accepting responsibility to ensure that the use or structure is removed once the permit expires. Any temporary structure or use shall be removed completely upon expiration of the permit without cost to the Borough. If the structure or use is not removed in a timely fashion after proper notification, the Borough may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.

**806. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REQUIREMENTS APPLYING TO NON-RESIDENTIAL BUILDINGS**

Any proposed development, construction, erection or placement of one or more new principal non-residential building(s), other than solely for an agricultural use, shall be required to submit a plan meeting the requirements for a preliminary plan and to meet all of the design standards and improvement specifications stated in the Borough of Saint Clair Subdivision and Land Development Ordinance as amended or the Subdivision and Land Development Ordinance in place at the time of application, except for submission requirements specifically waived in advance by the Borough Engineer or Zoning Officer as being inapplicable to the proposal.

**807. DRIVEWAY COMPLETION**

Any driveway intended to provide access from a new principal building to a public street shall be completed and stabilized prior to issuance of a building permit for such principal building. It is the intent of the Borough to reinspect each driveway approximately two years after issuance of a permit to ensure that the driveway was constructed according to approved plans.



## **ARTICLE IX**

### **NONCONFORMITIES**

#### **901. PROOF AND REGISTRATION OF NONCONFORMITIES**

It shall be the responsibility, 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.

#### **902. CONTINUATION OF NONCONFORMITIES**

A lawful nonconforming use, structure or lot as defined by this Zoning Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.

- A. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this section on nonconformities.

#### **903. EXPANSION, CONSTRUCTION UPON OR CHANGE IN USE OF NONCONFORMITIES**

- A. Nonconforming Structure.

- 1. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
  - a. That such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity, and
  - b. That any expanded area will comply with the applicable setbacks in that District and other requirements of this Zoning Ordinance.
- 2. If a nonconforming structure includes a nonconforming use, any expansion shall also meet the requirements of this section regarding nonconforming uses.

- B. Nonconforming Lots. For the purposes of this Zoning Ordinance, a lot shall only be considered to be a "nonconforming lot" if it has less lot area than is required by the applicable District requirements. A lot shall not be considered nonconforming because of insufficient lot width or a similar dimensional requirement.

- 1. New permitted structures for a single permitted-by-right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a

nonconforming lot of record as a permitted by-right use if all of the following requirements are met:

- a. The lot area is at least 20 percent of the minimum lot area.
    - b. The lot is a lot of record that lawfully existed prior to the adoption of this Zoning Ordinance or an applicable subsequent amendment.
    - c. Minimum setbacks and other requirements of this Zoning Ordinance are complied with for any new construction or expanded area.
    - d. If a new principal building will be served by an on-lot septic system, the lot shall comply with all State septic regulations, and shall provide an approved alternative drainfield location.
  2. Merger of Lots. Contiguous parcels, tracts or lots under common ownership that are nonconforming because of lot area and that have a lot area of less than 10,000 square feet each shall be combined to form lots that would be conforming or less nonconforming. When lots, parcels or tracts are merged to result in a single lot, the individual pre-existing parcels shall not be sold separately.
    - a. In any case, if two or more contiguous nonconforming parcels, lots or tracts under single ownership shall automatically be considered to be merged from the effective date of this Zoning Ordinance if land from one of the parcels, lots or tracts is needed to meet a lot area or setback requirement of a use on the abutting lot.
  3. If a proposed development on a nonconforming lot does not meet the requirements of the above subsections 1 and 2 then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the PA Municipalities Planning Code, the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would less significantly adverse impacts upon the established character of an existing residential neighborhood than the proposed use.
- C. Expansion of a Nonconforming Non-Residential Use. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
1. An expansion of more than ten percent in total building floor area shall require approval by the Zoning Hearing Board as a special exception. The same standards as listed in Section 117 for a conditional use shall apply.
  2. 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.
  3. The 1) total building floor area used by a nonconforming use, or the 2) total area covered by impervious surfaces of a nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond each such measurement that existed in such use at the time such use became nonconforming.

This maximum increase shall be measured in aggregate over the entire life of the nonconformity.

4. Any expansion of a nonconforming use shall meet the required setbacks, lot area, and maximum height, building coverage and impervious coverage requirements of this Zoning Ordinance unless the Zoning Hearing Board grants a variance.

D. Expansion of a Nonconforming Residential Use. An existing nonconforming residential use may be expanded in floor area as a permitted by-right use provided that:

1. the number of dwelling units is not increased
2. the expansion meets all applicable setbacks
3. no new types of nonconformities are created
4. a nonconformity is not made more severe (including the building area within the required setback area).

#### **904. DAMAGED OR DESTROYED NONCONFORMITIES**

A. A nonconforming structure that has been destroyed or damaged equal to 50 percent or more of its total value by fire, windstorm, lightning or a similar cause deemed to be not the fault of the owner may rebuild in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterwards and c) no new nonconformity may be created or increased by any reconstruction. Property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

B. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.

C. Nonconforming Use of Open Land. All nonconforming off-premise signs, junkyards, outside storage areas and similar nonconforming uses of open land, when damaged to an extent of 50 percent or more of replacement cost or when discontinued for more than six months, shall not be continued, repaired or reconstructed.

#### **905. ABANDONMENT OF A NONCONFORMITY**

A. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 365 or more days, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:

1. As provided for in the "Damaged or Destroyed Nonconformities" provisions of this section; and

2. If a nonconforming off-premise junkyard, outside storage area or similar nonconforming use of open land is discontinued for at least 30 days, the use shall not be continued, repaired or reconstructed.
- B. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

**906. CHANGES FROM ONE NONCONFORMING USE TO ANOTHER USE**

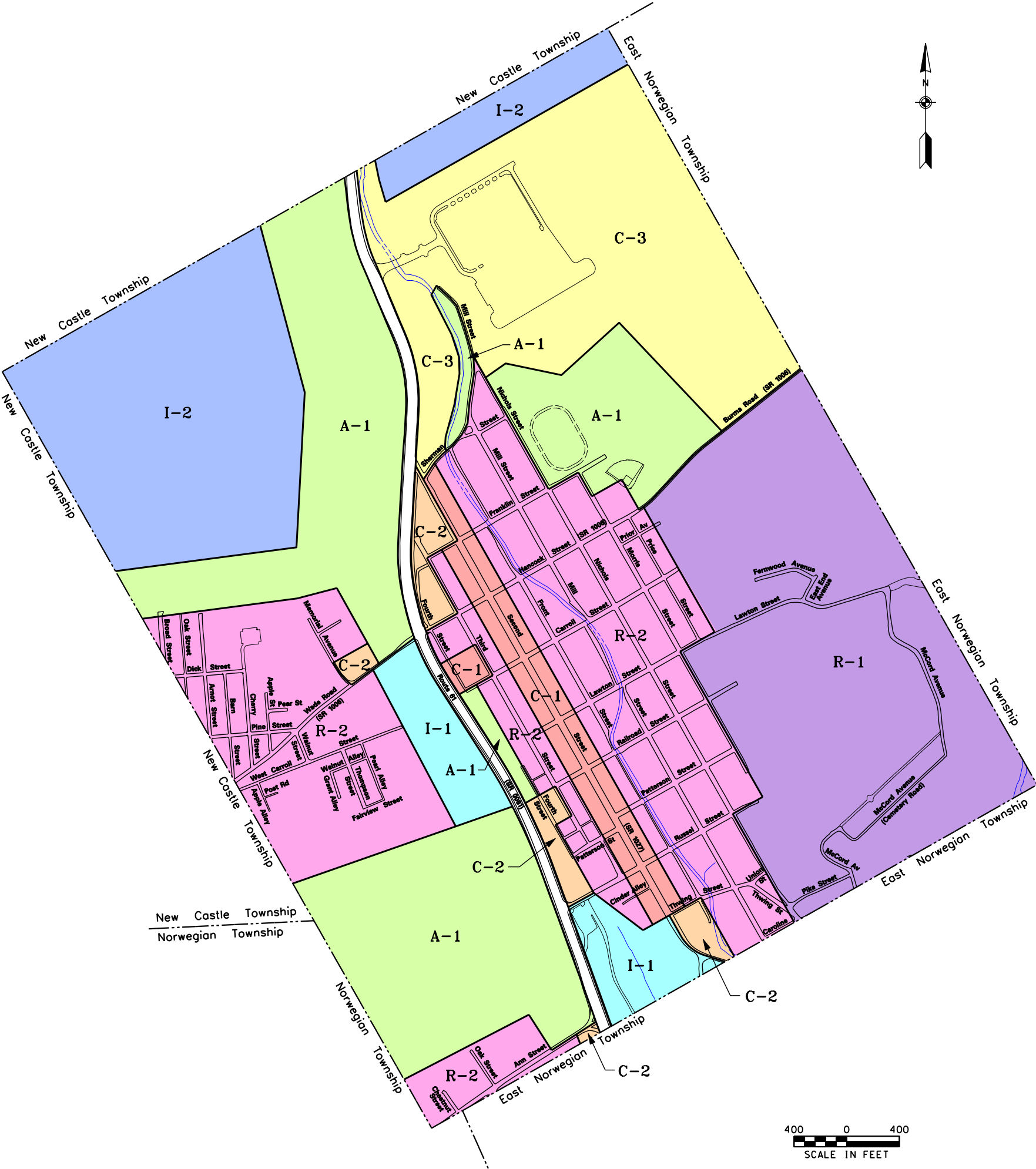
- A. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
- B. A nonconforming use may be changed to another nonconforming use only if permitted as a Conditional Use by the Borough Council. The Borough Council shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:
1. Traffic generation (especially truck traffic),
  2. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire and explosive hazards,
  3. Amount and character of outdoor storage,
  4. Hours of operation if the use would be close to dwellings and
  5. Compatibility with the character of the surrounding area.

Official Zoning Map  
of the  
Borough of St. Clair  
Schuylkill County, Pennsylvania



Zoning Districts

- A-1 - Conservation/Low Density Residential
- R-1 - Medium Density Residential
- R-2 - High Density Residential
- C-1 - Central Commercial
- C-2 - General Commercial
- C-3 - Heavy Commercial
- I-1 - Light Industrial
- I-2 - Heavy Industrial



This is to certify that this is the Official Zoning Map of the Borough of St. Clair adopted this \_\_\_\_ day of \_\_\_\_, 2005 as amended.

\_\_\_\_\_  
President,  
St. Clair Borough Council

\_\_\_\_\_  
Secretary,  
St. Clair Borough Council

Official Zoning Map  
Borough of St. Clair  
Schuylkill County, Pennsylvania

alfred benesch & company  
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610-622-4055

**benesch**

Project No.: 8340.04	Sheet No.: 1 OF 1	Scale: AS NOTED	Date: 02/02/2005	Drawn: MAB	By: Chk'd	Designed: BWB	Checked:
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