

CHAPTER 27

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Part 1
General Provisions

§101. Title. An Ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses, 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; the density of population and intensity of use; and providing for the administration of such Chapter. (Ord. 87-8, 12/10/1987)

102. Short Title. This Chapter shall be known and may be cited as the "Shamokin Dam Borough Zoning Chapter". (Ord. 87-8, 12/10/1987)

§103 Purpose. This Chapter is enacted for the following purposes:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as
2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers, and
3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

(Ord. 87-8, 12/10/1987)

§104. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Borough and its citizens. It is not intended by this Chapter to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough which are not in conflict with any provisions of this Chapter, nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Chapter imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Chapter shall control. (Ord. 87-8, 12/10/1987)

§105. Validity. Severance: If any Part, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Chapter is, for any reason, declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Chapter as a

whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Chapter. The Borough Council of the Borough of Shamokin Dam, Snyder County, Pennsylvania, hereby declares that it would have adopted the Zoning Chapter and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid. (Ord. 87-8, 12/10/1987)

§106. Repealer. Inconsistent Ordinances: Any resolution, ordinance, or part of any ordinance or resolution inconsistent herewith and any amendments thereof are hereby expressly repealed. (Ord. 87-8, 12/10/1987)

Part 2

Community Development Objectives

201. Community Development Objectives. This Zoning Chapter has been adopted in part to assist in carrying out the "Statement of Objectives" of the Comprehensive Plan. The Community Development Objectives include the following:

As part of a regional center, the primary goal for the future of Shamokin Dam Borough is to maintain its mixed urban-suburban character, a character symbolized by a vital "Golden Strip" of commercial activities and by a variety of well-maintained, pleasant neighborhoods populated by friendly and concerned people. This means:

A. Commercial activities on the "Golden Strip" will be recognized as serving the needs of both highway-oriented and neighborhood users. And the area will be improved in terms of aesthetics, function, and reuse of vacant buildings. The traveler and tourist trade will also be given recognition.

The relationship of the Borough's commercial area to downtown Sunbury, downtown Selinsgrove, and the Susquehanna Mall in Hummel's Wharf will be emphasized.

Neighborhood commercial facilities in the Old Trail area will be retained and improved.

B. The Borough's small industrial base will be protected as an important local source of employment and tax revenues; and possible environmental, transportation, and land use conflicts between industrial and other activities will be controlled.

C. Residential neighborhoods will be preserved in their attractive and neat state and improved wherever needed.

Housing will be consistent with the suburban character of the Borough, with a variety of types at various price ranges, but new single-family homes will continue to be the dominant type. Housing maintenance and rehabilitation will be encouraged.

D. Community pride and identity will be enhanced by giving special recognition to every neighborhood of the Borough and by emphasizing the friendly and cooperative spirit of the people.

Outward symbols of the Borough's friendliness will be established to let travelers from other parts of the State and nation know they are welcome.

The Borough will continue its "open door" policy by barring discrimination against potential residents on the basis of color, age or creed.

The special needs of the elderly and handicapped in regard to housing, transportation, recreation, health, social and employment policies will be recognized.

E. The traffic problems of Routes 11 and 15 will be addressed, particularly with regard to traffic volume and flow, the design of access points for development along these routes, and the new bridge and interchange at the juncture of these routes.

Borough streets will be maintained at the highest standards in winter as well as summer. Streets will be reconstructed or repaved as needed, and curbing, gutters, and street lights will be provided where appropriate. The Borough will continue to require adequate off-street parking in all new developments.

The Borough will provide for pedestrian needs by constructing or maintaining sidewalks in higher-density residential areas and in commercial developments.

The special transportation needs of the elderly and handicapped will be addressed.

F. Historic buildings and places will be preserved and restored wherever possible throughout the Borough.

Community facilities in the Borough will be maintained in good condition or constructed as needed. A new municipal building is provided to accommodate the administrative functions of government, while the municipal garage will be maintained. Semi-public organizations, such as the fire hall, churches, and Yoke-Fellows half-way house, will be encouraged to maintain their facilities at high standards.

The Borough will maintain its sewer and water utility systems at the highest possible standards.

The Borough's recreation facilities will serve all age groups and will be attractive, functional, and well-maintained. Particular attention will be paid to the unique riverside recreational facility at the Fabridam, providing for fishing, biking, picnicking and boating.

G. The Borough will cooperate with the Selinsgrove Area School District to provide the best possible education for students in the most efficient and economical manner.

Police protection, government administration, code and ordinance enforcement, and sewer and water service will continue to be provided in the most efficient and economical manner by the Borough government.

Support will be provided to the agencies and organizations providing Borough residents with fire protection, ambulance service, health care, and social services.

Problems resulting from the burning of garbage and trash by residents will be resolved by enforcing present laws and by improving the collection of garbage and trash. Arrangements for refuse disposal will be made in a manner that best protects the public health, is efficient and economical, and meets the requirements of the Pennsylvania Department of Environmental Resources.

H. The Borough of Shamokin Dam will cooperate with other levels of government, nearby municipalities, and community service organizations to make Shamokin Dam a community in which all can take pride.

Part 3
Definitions

§301. Application and Interpretation. It is not intended that this glossary include only words used or referred to in this Chapter. The words are included in order to facilitate the interpretation of the Chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purpose of this Chapter, have the meaning herein indicated:

- A. Words used in the present tense include the future tense.
- B. The word "person" includes a profit or non-profit corporation, company, partnership, or individual.
- C. The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.
- D. The word "building" includes "structure".
- E. The word "lot" includes "plot" or "parcel".
- F. The word "shall" is always mandatory.

(Ord. 87-8, 12/10/1987)

§302. Definition of Terms. For the purposes of this Chapter the following words, terms, and phrases have the meaning herein indicated.

ABUTTING - Having a common border with, or being separated from such common border by, an alley or easement.

ACCESS - A means of vehicular approach or entry to or exit from property.

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

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADULT ENTERTAINMENT ESTABLISHMENTS - These include adult book stores, adult cabarets, adult drive-in theatres, adult massage businesses, adult mini-motion picture theatres, and adult motion picture theatres, which exclude minors by virtue of age. Each is defined as follows:

ADULT BOOK STORE - An establishment which has as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals and which excludes minors by virtue of age.

ADULT CABARET - A cabaret which features go-go dancers, exotic dancers, strippers, male and female impersonators, or similar entertainers and which excludes minors by virtue of age.

ADULT DRIVE-IN THEATRE - An establishment showing motion picture films to patrons, designed to permit patrons to remain in their automobiles or similar vehicles, and which excludes minors by virtue of age.

ADULT MASSAGE BUSINESS - An establishment where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths, and which excludes minors by virtue of age.

ADULT MINI-MOTION PICTURE THEATRE - An enclosed building with a capacity for fewer than fifty (50) persons used for showing motion picture films to patrons and which excludes minors by virtue of age.

ADULT MOTION PICTURE THEATRE - An enclosed building with a capacity of fifty (50) or more persons used for showing motion picture films to patrons and which excludes minors by virtue of age.

ALTERATION - As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another,

ALTERATION, STRUCTURAL - Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

AMENDMENT - A change in the regulations or district boundaries or classifications of property established by this Zoning Ordinance and according to procedures provided by law and exercised by the Borough Council.

ANIMAL HOSPITAL - A building used for the treatment, housing, or boarding incidental to hospital use of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

ANIMAL KENNEL - Any lot or premises on which four (4) or more dogs or cats, or both, at least six (6) months of age, are kept, boarded or trained, whether in special buildings or runways or not.

APPEAL - A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Part II.

AREA, BUILDING - (See BUILDING AREA.)

AREA, LOT - (See LOT AREA.)

ATTIC - That part of a building which is immediately below, and wholly or partly within, the roof framing.

BASEMENT - A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

BASE SITE AREA - A calculated area. (See §702.)

BOARD, or ZONING HEARING BOARD - The Zoning Hearing Board of the Borough of Shamokin Dam.

BOARDING HOUSE - (See ROOMING or BOARDING HOUSE.)

BOROUGH - Refers to the Borough of Shamokin Dam, Snyder County, Pennsylvania.

BUFFER AREA - An area of land, with plantings as specified by this Chapter, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING - Any structure having a roof supported by walls and intended for shelter, housing, or enclosure of persons, animals, or chattel.

BUILDING, ACCESSORY - (See ACCESSORY BUILDING.)

BUILDING AREA - The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps, (See also FLOOR AREA RATIO.)

BUILDING HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING, PRINCIPAL - A building in which is conducted the principal use of the lot on which it is located.

CARPORT - An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

CELLAR - A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. Cellar shall not be considered in determining the permissible number of stories.

CLUB - The room, building, or other facilities used for the meetings of a group of people organized for a common purpose.

COMMERCIAL - Something owned, operated, and supported by private individuals or a corporation, on a profit basis, for the use or benefit of the general public or for some part of the general public.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMPREHENSIVE PLAN - A Comprehensive Plan (overall program) consisting of maps, charts, and textual matter, and indicating the recommendations of the Planning Commission for the continuing development of the Borough. The Comprehensive Plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to the adjacent municipalities and areas.

CONDITIONAL USE - Any uses considered major or otherwise important developments in certain zones or districts where the conditions described for permitting each type of use have been enumerated in the Zoning Chapter and where permission for such use can only be given by the Borough Council after review and recommendation by the Borough Planning Commission and a public hearing after proper legal notice.

COUNCIL - The Shamokin Dam Borough Council.

COUNTY PLANNING COMMISSION - The Planning Commission of Snyder County.

COVERAGE - That portion or percentage of the plot or lot area covered by the building area.

DECK - An uncovered platform in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side, or rear door.

DENSITY - A measure of the number of dwelling units which occupy, or may occupy, an area of land.

DENSITY, GROSS - The maximum density that shall be permitted in any zoning district. It is calculated by dividing the total number of dwelling units by the base site area. This density is illustrative only; net density is controlling.

DENSITY, NET - The maximum density permitted on the buildable portion of the site. Net density is calculated by dividing the total number of dwelling units by the Net Buildable Site Area. This density controls actual site capacity.

DEVELOPER - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development. (See also Subdivider and Land Development.)

DEVELOPMENT - (See LAND DEVELOPMENT.)

DISTRICT or ZONE - A portion of the area of the Borough of Shamokin Dam, as shown on the Zoning Map, containing a uniform class of uses of structures or land, and to which regulations described in the Zoning Chapter text apply.

DWELLING - A building designed or used as the living quarters for one or more families, but not intended to include automobile court, tourist home, or motel.

DWELLING TYPES:

A. Garden Apartments: Three or more dwelling units accommodating three or more families which are located one over the other and which, when more than three units are utilized, are attached side-by-side through the use of common party walls, and which have side yards adjacent to each first-story end unit.

B. Mobile Homes: (See MOBILE HOMES.)

C. Multi-Family Low-Rise Houses: Three or more dwelling units accommodating three or more families which are located one over the other and are attached by the use of common party walls. Each dwelling unit is accessible by a common stairwell. The building is built to a height of three (3) stories.

D. Multi-Family Mid-Rise Houses: Three or more dwelling units accommodating three or more families which are located one over the other and are attached by the use of common party walls. Each dwelling unit is accessible by a common stairwell or elevator. The building is built to a height of four (4) stories.

E. Residential Conversion Units: To be a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion.

F. Single-Family Houses: A dwelling unit accommodating a single family and having two (2) side yards.

G. Townhouses (Row Houses): Three or more dwelling units accommodating three or more families which are attached side by side through the use of common party walls and which have side yards adjacent to each end unit. Each dwelling unit is two (2) stories in height.

H. Two-Family Houses (Duplexes and Flats): Two dwelling units accommodating two families which are attached side by side through the use of a party wall and having one side yard adjacent to each dwelling unit for a duplex; and two dwelling units accommodating two families which are each on a separate floor one over the other and share a common yard for a flat.

DWELLING UNIT - A building or portion thereof providing complete housekeeping facilities for one family or household.

ESSENTIAL SERVICES FOR PUBLIC UTILITIES - The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

FAMILY - One (1) or more persons who live together in one (1) dwelling unit and maintain a common household. A family may consist of a single person or two (2) or more persons, whether or not related by blood, marriage, or adoption. Family may also include domestic servants and gratuitous guests.

FLOOD PLAIN - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOOR AREA RATIO - The ratio of the total floor area to the lot area, as determined by dividing the total floor area by the lot area.

FORESTRY PRODUCTION - The production of forest products through the cultivating, maintaining, and developing of forests.

GARAGES, AUTOMOTIVE SERVICE AND REPAIRS - A garage, other than a private garage, used for gasoline refueling and for the storage, equipping for operation, repairing, maintaining, keeping for remuneration, hiring, or selling of motor vehicles.

GARAGES, PRIVATE - Any accessory building or part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having no public shop or service in connection therewith.

HOME GARDENING - The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock,

HOME NURSERIES AND GREENHOUSES - The cultivating of plants either outdoors or in glass-enclosed structures on the same lot as a dwelling and not for sale commercially.

HOME OCCUPATION - A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, or a structure accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

HOTEL - (See MOTEL or HOTEL.)

IMPERVIOUS SURFACE - Those surfaces which do not absorb water are impervious. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.

IMPERVIOUS SURFACE RATIO - A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by the base site area.

LAND DEVELOPMENT:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (i) a group of two or more buildings, or (ii) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty (40) years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Chapter.

LIVESTOCK - Farm animals such as cattle, horses, sheep, hogs, or goats.

LODGE - The meeting hall of a social or fraternal organization.

LOT - Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Chapter, having not less than the minimum area and width required by this Chapter for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

LOT AREA: - The total area within the lot lines.

LOT, CORNER - A parcel of land at the junction of and abutting on two or more intersecting streets.

LOT DEPTH - The mean horizontal distance between the front and rear lot line. Measurement shall be from the street or highway right-of-way line to the opposite rear line.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINE - Any boundary line of a lot.

LOT OF RECORD - Any lot which individually, or as part of a subdivision, has been recorded in the Office of the County Recorder of Deeds.

LOT WIDTH - The distance between the straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

MOTEL or HOTEL - A building or group of buildings used, or intended to be used, for the lodging of more than ten (10) persons for compensation.

MUNICIPALITY - The Borough of Shamokin Dam, Snyder County, Pennsylvania.

NET BUILDABLE SITE AREA - (See Section 703(3)(G))

NIGHTCLUB - An establishment that stays open late at night and provides food, drink, and entertainment.

NON-CONFORMING LOT - A lot which does not meet the area or dimensional requirements of this Chapter but which has been legally established as a lot of record. (See also LOT OF RECORD.)

NON-CONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use provisions in the Zoning Chapter or amendments hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment. Such non-conforming structures include, but are not limited to, non-conforming signs.

NON-CONFORMING USE - A use, whether of land or of a structure, which does not comply with the applicable use provisions in the Zoning Chapter or amendments hereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NON-PROFIT - Something owned, operated, and supported by private individuals or a corporation, without seeking profit, for the use or benefit of the general public or for some part of the general public.

NURSING or CONVALESCENT HOME - Any commercial premises providing sleeping rooms where patients are lodged and furnished with meals and long-term nursing care.

NURSERY (plants) - An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items such as clay pots, potting soil, fertilizers, etc., directly related to their care and maintenance.

NURSERIES and DAY CARE CENTERS for CHILDREN - Places where children are kept and cared for while their parents are working. The children are generally of pre-school age.

OPEN SPACE - (See §703(3)(G)(4).)

OPEN SPACE RATIO - The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the base site area.

OUTDOOR ADVERTISEMENT - An advertisement used outdoors, including painted walls or rock faces, of a product or service unrelated to the use of the land or structure on which it is located, but not including official notices or directional road signs of a governmental body.

PARCEL - (See LOT.)

PARKING, OFF-STREET - A reasonably level space, available for parking one (1) motor vehicle, and having dimensions of nine (9) feet in width and nineteen (19) feet in depth, or one hundred seventy-one (171) square feet, exclusive of passageways, driveways, or other means of circulation or access.

PATIO - A courtyard with or without railings and without a roof, adjacent to or near a dwelling but not a part of the dwelling structure, and intended to be used as an area for seating, dining, or recreation outdoors.

PLACE OF WORSHIP - A building used for religious services, including churches, synagogues, mosques, and similar edifices.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this Chapter.

PLANNING COMMISSION - The Planning Commission of Shamokin Dam Borough.

PORCH - A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side, or rear door.

POULTRY - Domestic fowls, such as chickens, turkeys, ducks, or geese, raised for flesh or eggs.

POWER GENERATION FACILITY - Any facility that generates electrical power for the purpose of transmission of such electricity to other users not located on the same lot as the facility where the electricity is generated.
[Ord. 2015-6]

PRINCIPAL BUILDING - (See BUILDING, PRINCIPAL.)

PRINCIPAL USE - (See USE, PRINCIPAL.)

PRIVATE - Something owned, operated, and supported by private individuals or a corporation, rather than by government, and not available for public use.

PUBLIC - Something owned, operated, and supported by the community or the people for the use or benefit of the general public.

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than fourteen (14) days from the date of the hearing.

PUBLIC UTILITIES - (See ESSENTIAL SERVICES FOR PUBLIC UTILITIES.)

RESIDENTIAL CONVERSION UNIT - (See Dwelling Type.)

ROOMING AND BOARDING HOUSES - Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire with or without meals in the home of the resident owner. A rooming house or a furnished-room house shall be deemed a boarding house.

SEMI-PUBLIC - Something owned, operated, and supported by private individuals or a corporation, on a non-profit basis, for the use or benefit of the general public or for some part of the general public.

SETBACK LINE - The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

SHOPPING CENTER - A retail commercial area designed as a unit, with adequate off-street, free parking area, and usually consisting of several one-story or two-story buildings.

SIGN - An advertisement displayed outside a building, pertaining to a product, service or name, related directly to the permitted activity carried on and use of the lot on which it is placed, including painted walls and structures. This definition does not include flags or pennants. (See also Outdoor Advertisement.)

SOCIAL HALL - A room or building used for friendly or convivial gatherings.

SPECIAL EXCEPTION - Any uses considered to have special requirements in certain zones or districts where the conditions described for permitting each such use have been enumerated in the Zoning Chapter and where permission for such use can only be given by the Zoning Hearing Board.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF - A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

STREET - Includes street, avenue, boulevard, road, highway, expressway, parkway, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The strip of land including the entire right-of-way, not just the cartway and classified as follows:

A. Arterial Road: A road whose function is to provide for the movement of high volumes of through traffic and both limited access and direct access to abutting properties, subject to necessary control of entrances, exits, and curb use. The right-of-way is in excess of sixty (60) feet wide.

B. Collector Street: A road or street which provides for the movement of large volumes of traffic between arterials and local streets and direct access to abutting property. The right-of-way is between fifty (50) and sixty (60) feet wide.

C. Local Access Street: A street or road whose function is to provide for local traffic movement and direct access to abutting properties. The right-of-way is fifty (50) feet or less in width.

STREET RIGHT-OF-WAY LINE - The line dividing a lot from the full street right-of-way, not just the cartway. The word street shall be defined as above.

STRUCTURAL ALTERATION - (See ALTERATION, STRUCTURAL.)

STRUCTURE - Structure means a combination of materials that form a construction that is safe and stable and includes, among other things, buildings, stadiums, platforms, radio towers, sheds, carports, storage bins, fences, and display signs.

STRUCTURE, ACCESSORY - (See ACCESSORY BUILDING.)

SUBDIVIDER - (See DEVELOPER.)

SUBDIVISION - The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including change in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings, shall be exempted. (See also LAND DEVELOPMENT.)

SWIMMING POOL:

A. Private. Any private swimming pool permanently attached to or temporarily erected on or in the ground, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. Farm ponds, lakes and river are not included, provided that swimming is not the primary purpose for their construction or use. (See also PRIVATE.)

B. Community or Club (Public or Semi-Public): Any public or semipublic swimming pool shall be construed to mean any outdoor pool constructed by a unit of government for use by residents of the Borough or region and their guests or by an association of property owners or by a private club solely for the use and enjoyment of members of the association or club and their families and guests.

TEMPORARY USE - (See USE, TEMPORARY.)

TERRACE - A raised level or platform of earth, supported on one or more faces by a wall, a bank of turf, or the like, or a series of such raised levels or platforms arranged one above the other on a slope.

TOURIST HOME - A private house operated by the resident owner for the commercial purpose of providing bedrooms and breakfast to paying guests who are short-term (no longer than one week) visitors in the community.

TRAVEL TRAILER - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation use, permanently identified "travel trailer" by the manufacturer on the trailer and, when factory-equipped for the road, having a body width not exceeding eight (8) feet, or being of any weight; provided its body length does not exceed thirty-four (34) feet.

USE - The specific purpose for which land or a structure or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

USE, ACCESSORY - (See ACCESSORY USE.)

USE, PRINCIPAL - The main use on a lot.

USE, TEMPORARY - The use of land or the structure or building located on a lot for a limited time as regulated by this Chapter.

VARIANCE - The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the provisions of this Chapter for an adjustment to the application to a specific piece of property of some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Chapter.

YARD - An unoccupied space open to the sky, on the same lot with a building or structure, but not intended to mean "court."

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

YARD, REAR - An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

YARD, SIDE - An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

ZONING - The designation of specified districts or zones within the municipality, reserving them for certain classes of uses, together with limitations on lot area and size, heights of structures, and other stipulated requirements.

ZONING HEARING BOARD - (See BOARD, or ZONING HEARING BOARD.)

ZONING MAP - The officially adopted Zoning Map of Shamokin Dam Borough, Snyder County, Pennsylvania, containing zoning districts, together with all amendments subsequently adopted.

ZONING OFFICER - The Zoning Officer or his authorized representative appointed by the Shamokin Dam Borough Council to enforce this Chapter.

ZONING ORDINANCE - The Zoning Ordinance of Shamokin Dam Borough [this Chapter 27] as amended.

ZONING PERMIT - The written authorization issued by the Zoning Officer for the use of land or buildings or other structures.

(Ord. 87-8, 12/10/1987; as amended by Ord. 2015-6, 6/1/2015, §2)

Part 4
Designation of Districts

§401. General Districts. For the purpose of this Chapter the Borough of Shamokin Dam is hereby divided into the following eight (8) districts designated as follows:

- R-1 Residential - Medium Density
- R-2 Residential - High Density
- R-3 Residential - Multi-Family
- R-S Residential Suburban
- S-1 Open Reserve
- C-1 Commercial, Highway
- C-2 Commercial, Neighborhood
- M-1 General Industrial

(Ord. 87-8, 12/10/1987)

§402. Zoning Map. The location and boundaries of these districts are established as shown on the Zoning Map of the Borough of Shamokin Dam. The Zoning Map is hereby made a part of this Chapter, together with all future notations, references, and amendments.

The original of said "Zoning Map," properly attested, shall be and remain on file in the offices of the Secretary of the Borough of Shamokin Dam.

(Ord. 87-8, 12/10/1987)

§403. District Boundaries. Where uncertainty exists as to boundaries of any District as shown on said map, the following rules shall apply:

1. District boundary lines are intended to follow or be parallel to the center line of streets, streams, and railroads; and lot or property lines as they exist on a recorded deed or plan of record in the Snyder County Recorder of Deed's Office at the time of the adoption of this Chapter, unless such District boundary lines are fixed by dimensions as shown on the Zoning Map.

2. Where a District boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

3. In unsubdivided land or where a District boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the Map or by survey of a registered surveyor hired and paid for by the property owner questioning or contesting the boundary location.

(Ord. 87-8, 12/10/1987)

§404. Interpretation of Boundaries. If uncertainty exists as to the boundary of any District shown on the Zoning Map, the Zoning Hearing Board shall determine the location of such boundary. (Ord. 87-8, 12/10/1987)

§405. State-Owned Property. Wherever State-owned property is included in one or more Zoning Districts, it shall be subject to the provisions of the Chapter only insofar as permitted by the Constitution and laws of the Commonwealth of Pennsylvania. (Ord. 87-8, 12/10/1987)

§406. Exemptions. This Chapter 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 Commission 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. (Ord. 87-8, 12/10/1987)

§407. Prohibited Uses. All uses not specifically provided for in each District are prohibited. (Ord. 87-8, 12/10/1987)

Part 5

District Regulations

§501. R-1 Residential Medium Density District.

1. Purpose: The purpose of this district is to provide for single-family residential structures on lots of at least 7,700 square feet in areas of the Borough subdivided in the recent past and to preserve this character on new lots in the same district.

2. Principal Permitted Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Single-family houses

3. Accessory Uses: Any uses accessory to the above, including but not limited to:

- A. Home gardening, but not the keeping of livestock or poultry
- B. Home nurseries and greenhouses, but not for profit and not including outdoor storage of equipment
- C. Home occupations
- D. Off-street parking and loading areas
- E. Private garages and carports
- F. Signs, except outdoor advertising
- G. Storage and garden sheds
- H. Swimming pools (private)
- I. Travel trailers (unoccupied), recreation vehicles, and boats
- J. Essential services for public utilities, but not including buildings

4. Special Exception Uses (See Part 6.)

- A. Non-profit social halls, clubs and lodges
- B. Nurseries and day-care centers for children
- C. Places of worship
- D. Public and parochial schools
- E. Public and semi-public buildings including municipal buildings, police stations, fire halls, and related structures
- F. Public, semi-public and private (but non-commercial) outdoor recreation facilities
- G. Public utility buildings, except telephone offices and booths
- H. Radio and television transmission or receiving towers
- I. Residential medical centers
- J. Temporary structures and buildings
- K. Accessory uses to uses permitted by special exception

5. Dimensional Regulations (See Table 1.)

- A. Minimum Lot Area: Seven thousand seven hundred (7,700) Sq ft
- B. Minimum Lot Width: Sixty (60) feet at the front setback line
- C. Minimum Front Yard: Twenty-five (25) feet
- D. Minimum Rear Yard: Fifteen (15) feet [Ord. 2011-3]
- E. Minimum Side Yard: Ten (10) feet each side
- F. Maximum Building Height: Thirty-five (35) feet or two and one-half (2½) stories

G. Maximum Building Coverage: Thirty-five percent (35%) [Ord. 09-3]

6. Supplementary Regulations (See Part 8.)

7. Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Chapter.

(Ord. 87-8, 12/10/1987; as amended by Ord. 09-3, 4/6/2009, §2; and by Ord. 2011-3, 11/7/2011, §2)

§502. R-2 Residential High Density District.

1. Purpose: The purpose of this district is to provide for single and two-family residential structures on lots of at least 5,000 square feet in older residential areas of the Borough.

2. Principal Permitted Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

- A. Single-family houses
- B. Two-family houses (duplex or flat)

3. Accessory Uses: Any uses accessory to the above, including but not limited to:

- A. Home gardening, but not the keeping of livestock or poultry
- B. Home nurseries and greenhouses, but not for profit and not including outdoor storage of equipment
- C. Home occupations
- D. Off-street parking and loading areas
- E. Private garages and carports
- F. Signs, except outdoor advertising
- G. Storage and garden sheds
- H. Swimming pools (private)
- I. Travel trailers (unoccupied), recreation vehicles, and boats
- J. Essential services for public utilities, but not including buildings

4. Special Exception Uses (See Part 6.)

- A. Non-profit social halls, clubs and lodges
- B. Nurseries and day-care centers for children
- C. Nursing and convalescent homes
- D. Places of worship
- E. Public and parochial schools
- F. Public and semi-public buildings including municipal buildings, police stations, fire halls, and related structures
- G. Public, semi-public, and private (but non-commercial) outdoor recreation facilities
- H. Public utility buildings, except telephone offices and booths
- I. Radio and television transmission or receiving towers
- J. Residential conversion units
- K. Residential medical centers
- L. Rooming or boarding houses
- M. Temporary structures and buildings

N. Accessory uses to uses permitted by special exception

5. Dimensional Regulations (See Table 1.)

- A. Minimum Lot Area: Five thousand (5,000) square feet
- B. Minimum Lot Width: Fifty (50) feet at the front setback line
- C. Minimum Front Yard: Twenty-five (25) feet
- D. Minimum Rear Yard: Fifteen (15) feet [Ord. 2011-3]
- E. Minimum Side Yard: Five (5) feet each side
- F. Maximum Building Height: Thirty-five (35) feet or two and one-half (2½) stories
- G. Maximum Building Coverage: Thirty percent (30%)

6. Supplementary Regulations (See Part 8.)

7. Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Part 3 shall also be subject to the regulations found in the Subdivision and Land Development Chapter.

(Ord. 87-8, 12/10/1987; as amended by Ord. 2011-3, 11/7/2011, §3)

§503. R-3 Residential Multi-Family District.

1. Purpose: The purpose of this district is to provide for multifamily structures for young married, single, and elderly residents in various parts of the Borough supplying a greater variety of housing types.

2. Principal Permitted Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

- A. Multi-family low-rise houses
- B. Multi-family mid-rise houses
- C. Residential conversion units
- D. Townhouses
- E. Apartment houses

3. Accessory Uses: Any uses accessory to the above, including but not limited to:

- A. Home gardening, but not the keeping of livestock or poultry
- B. Home nurseries and greenhouses, but not for profit and not including outdoor storage of equipment
- C. Home occupations
- D. Off-street parking and loading areas
- E. Private garages and carports
- F. Signs, except outdoor advertising
- G. Storage and garden sheds
- H. Swimming pools (private)
- I. Essential services for public utilities, but not including buildings

4. Special Exception Uses: (See Part 6.)

- A. Non-profit social halls, clubs and lodges
- B. Nurseries and day-care centers for children
- C. Nursing and convalescent homes
- D. Places of worship

- E. Public and parochial schools
- F. Public and semi-public buildings including municipal buildings, police stations, fire halls, and related structures
- G. Public, semi-public and private (but non-commercial) outdoor recreation facilities
- H. Public utility buildings, except telephone offices and booths
- I. Radio and television transmission or receiving towers
- J. Residential medical centers
- K. Rooming or boarding houses
- L. Temporary structures and buildings
- M. Tourist homes
- N. Accessory uses to uses permitted by special exception

5. Dimensional Regulations (See Table 1.)

A. Minimum Lot Area

Multi-family low-rise houses:	7,500 square feet
Multi-family mid-rise houses:	20,000 square feet
Residential conversion units:	5,000 square feet
Townhouses:	16,000 square feet
Garden apartments:	40,000 square feet

B. Minimum Lot Width

Multi-family low-rise houses:	75 ft at front setback line
Multi-family mid-rise houses:	100 ft at front setback line
Residential conversion units:	40 ft at front setback line
Townhouses:	196 ft at front setback line
Garden apartment:	200 ft at front setback line

C. Minimum Front Yard: Twenty-five (25) feet

D. Minimum Rear Yard: Thirty (30) feet

E. Minimum Side Yard: Ten (10) feet each side

F. Minimum Distance between Buildings: Thirty (30) feet

G. Maximum Floor Area Ratio (FAR): Twenty-five percent (25%)

H. Maximum Building Height: Four (4) stories or fifty (50) feet, whichever is less

6. Supplementary Regulations (See Part 8.)

7. Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Part 3 shall also be subject to the regulations found in the Subdivision and Land Development Chapter.

8. Landscaping and Fences: The required yards set forth above shall be landscaped with grass, shrubs, trees, and other comparable ground cover, except for driveway areas. Such landscaped areas shall be maintained in good condition. Off-street parking areas for more than five (5) vehicles shall comply with screening and landscaping requirements for Off-Street Parking and Loading as found in Part 8.

(Ord. 87-8, 12/10/1987)

§504. R-S Residential Suburban District.

1. Purpose: The purpose of this district is to provide for one or a variety of dwelling types in Planned Residential Developments, where performance standards are established to encourage clustering of development and the preservation of open space and natural resources in the Borough.

2. Principal Permitted Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following:

- A. Single-family houses

3. Accessory Uses: Any uses accessory to the above, including but not limited to:

- A. Home gardening, but not the keeping of livestock or poultry
- B. Home nurseries and greenhouses, but not for profit and not including outdoor storage of equipment
- C. Home occupations
- D. Off-street parking and loading areas
- E. Private garages and carports
- F. Signs, except outdoor advertising
- G. Storage and garden sheds
- H. Swimming pools (private)
- I. Essential services for public utilities, but not including buildings

4. Special Exception Uses (See Part 6.)

- A. Non-profit social halls, clubs and lodges
- B. Nurseries and day-care centers for children
- C. Public and semi-public buildings including municipal buildings, police stations, fire halls, and related structures
- D. Public utility buildings, except telephone offices and booths
- E. Radio and television transmission or receiving towers
- F. Temporary structures and buildings
- G. Accessory uses to uses permitted by special exception 5.

5. Conditional Uses (See Part 7.)

- A. Mobile home parks
- B. Planned residential developments

6. Dimensional Regulations (See Table 1.)

- A. Minimum Lot Area: Eight thousand (8,000) square feet
- B. Minimum Lot Width: Seventy (70) ft at the front setback line
- C. Minimum Front Yard: Thirty-five (35) feet
- D. Minimum Rear Yard: Forty (40) feet
- E. Minimum Side Yard: Ten (10) feet each side
- F. Maximum Building Height: Thirty-five (35) feet or two and one-half (2½) stories
- G. Maximum Building Coverage: Twenty percent (20%)

7. Supplementary Regulations (See Part 8.)

8. Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Part 3 shall also be subject to the regulations found in the Subdivision and Land Development Chapter.

(Ord. 87-8, 12/10/1987)

§505. S-1 Open Reserve District.

1. Purpose: The purpose of this district is to protect and preserve its open, rural character for special public utility uses until such time that these uses have ceased and the land is available for development.

2. Principal Permitted Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

- A. Fly-ash and silt depository for utility company operations
- B. Golf courses
- C. Mobile homes
- D. Nursery and forestry production
- E. Park and outdoor recreation areas
- F. Single-family houses

3. Accessory Uses: Any uses accessory to the above, including but not limited to:

- A. Home gardening, but not the keeping of livestock or poultry
- B. Home occupations
- C. Off-street parking and loading areas
- D. Private garages and carports
- E. Signs, except outdoor advertising
- F. Storage and garden sheds
- G. Swimming pools (private)
- H. Travel trailers (unoccupied), recreation vehicles, and boats
- I. Essential services for public utilities; but not including buildings

4. Special Exception Uses: (See Part 6.)

- A. Public utility buildings and structures, except telephone offices and booths
- B. Radio and television transmission or receiving towers
- C. Temporary structures and buildings
- D. Accessory uses to uses permitted by special exception

5. Dimensional Regulations (See Table 1.)

- A. Minimum Lot Area: Two hundred thousand (200,000) square feet
- B. Minimum Lot Width: Four hundred (400) feet at the front setback line
- C. Minimum Front Yard: Forty (40) feet
- D. Minimum Rear Yard: Thirty (30) feet
- E. Minimum Side Yard: Twenty (20) feet each side
- F. Maximum Building Height: Thirty-five (35) feet or two and one-half ($2\frac{1}{2}$) stories
- G. Maximum Building Coverage: Ten percent (10%)

6. Supplementary Regulations (See Part 8.)

7. Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Part 3 shall also be subject to the regulations found in the Subdivision and Land Development Chapter.

§506. C-1 Commercial, Highway District.

1. Purpose: The purpose of this district is to provide the type of commercial facilities which supply goods and services to the whole Borough as well as to its environs and to highway travelers.

2. Principal Permitted Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Retail business establishments similar to the following:

automotive (and other vehicular) sales, rentals and supplies
clothing, drugs, and notions
greenhouses, flowers, and garden supplies
groceries, bakeries, and liquor sales
hardware and paint
household goods, appliances and furniture
office supplies
sporting goods

B. Customer service establishments similar to the following:

appliance repair with inside storage
automotive service garages, gasoline stations, and car washes
barber and beauty shops
business offices, such as real estate, insurance, banking,
and finance
dry cleaning pick-up stations and self-service dry cleaning
and laundromats
eating and drinking establishments
funeral homes and crematories
motels and hotels
photographic studios
professional offices, including medical clinics, doctors'
offices, law offices, architects' offices, and engineers'
offices
radio and television studios
shoe repair shops
tailoring and dress making shops

C. Commercial recreation and entertainment establishments similar to the following:

art galleries and cultural establishments
bowling alleys, skating rinks, and billiard parlors
nightclubs
social halls, clubs and lodges
swimming pools
theatres

D. Commercial education establishments similar to the following:

art; music, and dancing schools
business schools
photography schools
technical trade schools

3. Accessory Uses: Any uses accessory to the above, including but not limited to:

- A. Off-street parking and loading areas
- B. Signs, except outdoor advertising
- C. Storage buildings
- D. Essential services for public utilities, but not including buildings

4. Special Exception Uses (See Part 6.)

- A. Animal hospitals and kennels
- B. Dwellings directly related to certain businesses
- C. Nurseries and day-care centers for children
- D. Places of worship
- E. Public and parochial schools
- F. Public utility buildings, except telephone offices and booths
- G. Radio and television transmission or receiving towers
- H. Temporary structures and buildings
- I. Accessory uses to uses permitted by special exception

5. Conditional Uses (See Part 7.)

- A. Adult entertainment establishments

6. Dimensional Regulations (See Table 1.)

- A. Minimum Lot Area: Ten thousand (10,000) square feet
- B. Minimum Lot Width: One hundred (100) feet at the front setback line
- C. Minimum Front Yard: Forty (40) feet
- D. Minimum Rear Yard: Ten (10) feet
- E. Minimum Side Yard: Ten (10) feet each side
- F. Maximum Building Height: Forty (40) feet or three (3) stories
- G. Maximum Building Coverage: Twenty percent (20%)

7. Supplementary Regulations (See Part 8.)

8. Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Part 3 shall also be subject to the regulations found in the Subdivision and Land Development Chapter.

9. Buffer Area: Buffer areas shall be required between zoning districts. No commercial activities, including areas for parking of vehicles and storage of equipment and supplies, shall be allowed in an area measured twenty-five (25) feet at right angles to the district boundary within the commercial district. All buffer areas shall be landscaped, except for roadways crossing these buffer areas, with trees, shrubbery, or hedges at least six (6) feet high and maintained in good condition.

(Ord. 87-8, 12/10/1987)

§507. C-2 Commercial, Neighborhood District.

1. Purpose: The purpose of this district is to provide the type of commercial facilities which supply convenience goods and services to neighborhood residents in the Borough.

2. Principal Permitted Uses. A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

A. Retail business establishments similar to the following:

drugs and specialty and gift items
grocery, bakery, and confectionary stores

B. Customer service establishments similar to the following:

barber and beauty shops
business and professional offices similar to:
doctors, dentists, lawyers, engineers, architects,
surveyors, insurance salesmen, and realtors
eating and drinking establishments
shoe repair shops

3. Accessory Uses. Any uses accessory to the above, including but not limited to:

A. Off-street parking and loading areas

B. Signs, except outdoor advertising

C. Storage buildings

D. Essential services for public utilities, but not including buildings

4. Special Exception Uses (See Part 6.)

A. Dwellings directly related to certain businesses

B. Dwellings over or attached to business establishments

C. Nurseries and day-care centers for children

D. Places of worship

E. Public utility buildings, except telephone offices and booths

F. Temporary structures and buildings

G. Accessory uses to uses permitted by special exception

5. Dimensional Regulations (See Table 1.)

A. Minimum Lot Area: Eight thousand (8,000) square feet

B. Minimum Lot Width: Eighty (80) feet at the front setback line

C. Minimum Front Yard: Twenty-five (25) feet

D. Minimum Rear Yard: Thirty (30) feet

E. Minimum Side Yard: Ten (10) feet each side

F. Maximum Building Height: Thirty-five (35) feet or two and one-half (2½) stories

G. Maximum Building Coverage: Thirty percent (30%)

6. Supplementary Regulations (See Part 8.)

7. Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Part 3 shall also be subject to the regulations found in the Subdivision and Land Development Chapter.

(Ord. 87-8, 12/10/1987)

§508. M-1 General Industrial District.

1. Purpose: The purpose of this district is to provide for industrial and related uses of such nature that such areas shall be restricted by type of industry or related use.

2. Principal Permitted Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:

- A. Contractor yards, offices and shops such as: building, cement, electrical, heating, lumber, masonry, painting, roofing, and plumbing
- B. Laboratories for researching, testing, and experimenting
- C. Laundry, cleaning, and dyeing plants
- D. Manufacturing, including production, processing, assembling, cleaning, testing, and distribution of materials
- E. Printing, publishing, and binding plants
- F. Public and public utility maintenance garages and storage yards
- G. Public utility plants, structures, except utility lines, and buildings
- H. Service and general repair of automobiles, trucks, and construction equipment
- I. Power generation facility [Ord. 2015-6]

3. Accessory Uses: Any uses accessory to the above, including but not limited to:

- A. Accessory garages
- B. Off-street parking and loading areas
- C. Signs, except outdoor advertising
- D. Storage buildings E. Essential services for public utilities

4. Dimensional Regulations (See Table 1.)

- A. Minimum Lot Area: Eighty thousand (80,000) square feet
- B. Minimum Lot Width: Two hundred (200) feet at the front setback line
- C. Minimum Front Yard: Sixty (60) feet
- D. Minimum Rear Yard: Forty (40) feet
- E. Minimum Side Yard: Twenty (20) feet each side
- F. Maximum Building Height: Sixty (60) feet or four (4) stories
- G. Maximum Building Coverage: Twenty percent (20%)

5. Supplementary Regulations (See Part 8.)

6. Performance Standards: All activities and uses allowed in the M-1 District shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial wastes, fire hazards, and any other side effects of industrial operations deemed injurious to the public health, safety, and welfare by such agencies as the U.S. Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Resources (DER), and the Pennsylvania Department of Labor and Industry (DL&I).

7. Buffer Area: Buffer areas shall be required between zoning districts. No industrial activities, including areas for parking of vehicles and storage of equipment and supplies, shall be allowed in an area measured twenty-five (25) feet at right angles to the district boundary within the industrial district. All buffer areas shall be landscaped, except for roadways crossing these buffer areas, with trees, shrubbery, or hedges at least six (6) feet high and maintained in good condition.

8. Landscaping and Fences: The required yards set forth above shall be landscaped with grass, shrubs, trees, and other comparable ground cover, except for paved driveway areas. Such landscaped areas shall be maintained in good condition. Fences not to exceed eight (8) feet in height shall be permitted provided they do not interfere with sight distances at road intersections, as provided for in the Supplementary Regulations.

9. Subdividing: Any area divided into parcels or developed with two or more principal buildings according to the definitions of subdivision and land development as found in Part 3 shall also be subject to the regulations found in the Subdivision and Land Development Chapter.

(Table 1 follows)

Table 1
Schedule of District Dimensional Regulations

Type of Regulation	R-1	R-2	R-3	R-S
(a) Minimum Lot Area	7,700 sq. ft.	5,000 sq. ft.	7,500 sq. ft. multi-family low rise 20,000 sq. ft. multi-family mid rise 5,000 sq. ft. residential conversion 16,000 sq. ft. townhouses 40,000 sq. ft. garden apartments	8,000 sq. ft.
(b) Minimum Lot Width	60 ft.	50 ft.	75 ft. multi-family low rise 100 ft. multi-family mid rise 40 ft. residential conversion 196 ft. townhouses 200 ft. garden apartments	70 ft.
(c) Minimum Front Yard	25 ft.	25 ft.	25 ft.	35 ft.
(d) Minimum Rear Yard	15 ft. <u>[Ord. 2011-3]</u>	15 ft. <u>[Ord. 2011-3]</u>	30 ft.	40 ft.
(e) Minimum Side Yard (each side)	10 ft.	5 ft.	10 ft.	10 ft.
(f) Maximum Building Height	35 ft. or 2½ stories	35 ft. or 2½ stories	50 ft. or 4 stories	35 ft. or 2½ stories
(g) Maximum Building Coverage	35% <u>[Ord.</u> <u>09-3]</u>	30% <u>[Ord.</u> <u>09-3]</u>	N.A.	20%
(h) Maximum Floor Area Ratio (FAR)	N.A.	N.A.	25%	N.A.
(i) Minimum Distance between bldgs	N.A.	N.A.	30 ft.	N.A.

(Remaining Districts on following page)

Table 1 (continued)

Type of Regulation	S-1	C-1	C-2	M-1
(a) Minimum Lot Area	200,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	80,000 sq. ft.
(b) Minimum Lot Width	400 ft.	100 ft.	80 ft.	200 ft.
(c) Minimum Front Yard	40 ft.	40 ft.	25 ft.	60 ft.
(d) Minimum Rear Yard	30 ft.	10 ft.	30 ft.	40 ft.
(e) Minimum Side Yard (each side)	20 ft.	10 ft.	10 ft.	20 ft.
(f) Maximum Building Height	35 ft. or 2½ stories	40 ft. or 3 stories	35 ft. or 2½ stories	60 ft. or 4 stories
(g) Maximum Building Coverage	10%	20%	30%	20%

(Ord. 87-8, 12/10/1987; as amended by Ord. 09-3, 4/6/2009, §3; by Ord. 2011-3, 11/7/2011, §4; and by Ord. 2015-6, 6/1/2015, §3)

Part 6
Special Exception Uses

§601. Purpose. The purpose of special exception use regulations is to provide additional standards for controlling the unique or special characteristics of certain uses which otherwise conform to uses permitted in their respective districts. (Ord. 87-8, 12/10/1987)

§602. General Provisions. Decisions for granting or denying special use permits shall be made by the Zoning Hearing Board as provided for in Part 10.

1. Decisions: Decisions of the Board shall be made pursuant to standards and criteria expressed in this Part 6, to regulations for the respective districts in which the uses are located, and to all other requirements of this Chapter.

The Board shall grant an approval for a special use only if it finds adequate evidence that the proposed use meets both the general and specific requirements for such use.

2. Site Plan: A plan for the proposed development of a site for a special use shall be submitted with the application for a special permit. Such plan shall show the location of all buildings, open spaces, parking areas, traffic access and circulation, landscaping, and any other information required for determining the conformance of the special use with the regulations for that use.

3. General Standards: Decisions for granting all special exception uses shall be guided by the following general standards:

A. The proposed use shall not jeopardize the objectives of the Comprehensive Plan.

B. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use.

C. Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion and for providing for the safety and convenience of pedestrian and vehicular traffic.

D. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the location and size of the site relative to the proposed operation, and the nature and intensity of the operation involved.

E. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that property is not impaired.

F. The proposed use shall not be more objectionable in its operations in terms of noise, fumes, vibrations, smoke, fly ash, or flashing lights than would be the operations of any permitted use in the district.

G. Any other reasonable conditions and safeguards, in addition to those expressed in this Chapter, may be imposed by the Board if the Board deems it necessary for implementing the purposes of the Pennsylvania Municipalities Planning Code (Act 247 as amended) and this Zoning Chapter.

(Ord. 87-8, 12/10/1987)

§603. Specific Provisions. Uses permitted as special exception uses in this Chapter include the following, for which additional regulations are prescribed:

1. Animal Hospitals and Kennels: Hospitals for pets shall be located in a soundproof building with no objectionable odors produced outside the building, in which case the building and pens shall comply with all regular district regulations. Animal kennels in which animals are kept, boarded, or trained shall be completely enclosed, soundproof buildings and shall comply with all regular district regulations. No open pens or runways shall be allowed for animal hospitals or kennels.

2. Dwellings Directly Related to Certain Businesses: Single-family detached dwellings shall be permitted on the same lot as the following business establishments: medical and dental clinics, mortuary and undertaking establishments, nursing and convalescent homes, and motels, provided that such dwellings are occupied by the owner or manager of such business establishment. Such dwellings shall be designed as living quarters, having adequate natural light and kitchen and bathroom facilities. Such dwellings shall also have private access and the required residence parking spaces in addition to commercial spaces.

3. Dwellings Over or Attached to Business Establishments: Where dwellings are permitted over or attached to business establishments, such dwellings shall be designed as living quarters having at least nine hundred (900) square feet of floor area per dwelling unit and having adequate natural light and kitchen and bathroom facilities. Such dwellings shall also have private access and the required residence parking spaces in addition to commercial spaces.

4. Non-Profit Social Halls, Clubs and Lodges: Non-profit social halls, clubs and lodges shall have no external evidence of the activity except for a sign indicating the presence of the activity. Such facilities shall be located on a tract a minimum of twenty thousand (20,000) square feet in size and shall front on an arterial or collector street. Where the tract abuts residences on the side or rear property lines, a solid wall, a substantial, attractive, tight fence five (5) feet in height, or a landscaped buffer area having a depth of not less than ten (10) feet shall be provided. The wall, fence, shrubs, or buffer shall be maintained in good condition. A parking area shall accommodate all spaces required in Part 8.

5. Nurseries and Day-care Centers for Children: Day nurseries, nursery schools, private kindergartens, and day-care centers shall provide outdoor play space complying with the standards of the Pennsylvania Department of Public Welfare for "Child Day Care Centers under Social Service Auspices". The outdoor play area shall adjoin the indoor space, be easily accessible, and be fenced with a chain-link fence and gate at least three (3) feet in height which shall be maintained in good condition.

6. Nursing and Convalescent Homes: Nursing and convalescent homes shall be located on a tract a minimum of twenty thousand (20,000) square feet in size and shall front on an arterial or collector street. Where the tract abuts residences on the side or rear property lines, a solid wall, a substantial, attractive, tight fence five (5) feet in height, or a landscaped buffer area having a depth of not less than ten (10) feet shall be provided. The wall, fence, shrubs, or buffer shall be maintained in good condition. Access drives shall be no more than twenty-five (25) feet in width and, in the case of a corner lot, shall be located at least sixty (60) feet from the intersection of the two streets, as measured from the right-of-way line. Loading and unloading areas for ambulances and cars shall be provided, and parking spaces for both employee and visitors shall be provided as required in Part 8.

7. Places of Worship: A place of worship shall be located on a tract a minimum of twenty thousand (20,000) square feet in size and shall front on an arterial or collector street. Where the tract abuts residences on the side or rear property lines, a solid wall, a substantial, attractive, tight fence five (5) feet in height, or a landscaped buffer area having a depth of not less than ten (10) feet shall be provided. The wall, fence, shrubs, or buffer shall be maintained in good condition. Access drives shall be no more than twenty-five (25) feet in width and, in the case of a corner lot, shall be located at least sixty (60) feet from the intersection of the two streets, as measured from the right-of-way line. Loading and unloading areas, parking areas, and circulation and access areas shall be provided in accordance with Part 8.

8. Public and Parochial Schools: The size of the school tract shall be at least the minimum prescribed by the Pennsylvania Department of Education. Access to the tract shall be from an arterial or collector street, and access driveways shall be no more than thirty-five (35) feet in width. In the case of a corner lot access driveways shall be at least sixty (60) feet from the intersection of the two streets as measured along the right-of-way lines. Loading and unloading areas, parking areas, and circulation and access areas shall be provided in accordance with Part 8.

9. Public and Semi-Public Buildings including Municipal Buildings, Police Stations, Fire Halls, and Related Structures: Each such building shall be located on a tract a minimum of ten thousand (10,000) square feet in size and shall front on an arterial or collector street. Where the tract abuts residences on the side or rear property lines, a solid wall, a substantial, attractive, tight fence five (5) feet in height, or a landscaped buffer area having a depth of not less than ten (10) feet shall be provided. The wall, fence, shrubs, or buffer shall be maintained in good condition. Access drives shall be no more than twenty-five (25) feet in width and, in the case of a corner lot, shall be located at least sixty (60) feet from the intersection of the two streets, as measured from the right-of-way line. Loading and unloading areas, parking areas, and circulation and access areas shall be provided in accordance with Part 8.

10. Public, Semi-Public, and Private (but Non-Commercial) Outdoor Recreation Facilities: All such facilities shall be governed by the following regulations:

A. Swimming Pools, Community or Club: A community or club swimming pool shall mean any pool constructed by an association of property owners or by a private club, solely for use and enjoyment by members of the association or club and their families and guests, or by the municipal government for residents of the Borough. Such swimming pools shall comply with the following conditions and requirements: (1) The pool and accessory structures thereto, including the area used by the bathers, shall not be closer than one hundred (100) feet to any property line. (2) A buffer strip at least fifty (50) feet wide surrounding the pool and paved areas around the pool shall be used for trees, shrubs, and grass landscaping. (3) A chain-link fence and gate at least six (6) feet high and maintained in good condition shall surround the pool and all areas used by bathers so as to prevent all uncontrolled access by children. (4) Outside lighting shall be directed away from adjacent activities, (5) Circulation and parking areas shall be provided as required by Part 8. (6) Relevant regulations of the Pennsylvania Department of Environmental Resources shall be met.

B. Other Recreation Facilities and Uses Outdoor: All such facilities shall conform to the following regulations: (1) No outdoor recreation activity shall be conducted closer than ten (10) feet to any property line. (2) A buffer strip at least ten (10) feet deep and planted with trees, shrubs, or other landscaping shall surround the property except for access drives crossing such strip. (3) Access drives shall be no more than twenty-five (25) feet in width. (4) Circulation and parking areas shall be provided as required by Part 8, and parking shall not be in buffer areas or on public road rights-of-way. (5) Storm drainage from the site shall be channeled to natural drainage courses and away from adjoining properties. (6) Outside lighting shall be directed away from adjacent activities. (7) Measures shall be taken to minimize noise.

11. Public Utility Buildings and Structures, Except Telephone Offices and Booths: Such buildings and structures are intended to include telephone exchanges, electric stations and substations, and gas, water, and sewage pumping stations, water tanks and reservoirs, and sewage treatment plants. The property on which any such activity is located shall conform to the following regulations: (1) Access and parking shall be provided only for maintenance and servicing of such activities. (2) A chain-link fence and locked gate at least six (6) feet high and maintained in good condition shall surround the building or structure, except for the telephone exchange, which may be controlled by a locked door. (3) A buffer area at least twenty (20) feet deep and containing trees and shrubs to conceal the chain link fence and building or structure shall be provided along all boundaries of the property. (4) The premises shall be kept in good condition and free of litter and junk. (5) Outside lighting shall be directed away from adjacent activities. (6) The location, design and operation of such facility shall not adversely affect the character of any adjacent residential property.

12. Radio and Television Transmission or Receiving Towers: Such tower shall be set back from all tract boundary lines a distance equal to its height, and the base of such tower shall be surrounded by a chain-link fence and locked gate at least six (6) feet high and located at least six (6) feet from the outer edge of the base. The fence and gate shall be maintained in good condition.

13. Residential Conversion Units: All dwelling units created through residential conversion shall maintain a minimum floor area of nine hundred (900) square feet per dwelling unit and a minimum lot area of three thousand (3,000) square feet per dwelling unit. Such dwellings shall be designed as living quarters, having adequate natural light and kitchen and bathroom facilities. Such dwellings shall also have at least two (2) exits for each unit and shall have the number of parking spaces per unit as required by Part 8.

14. Residential Medical Centers: Residential medical centers shall include professional medical offices limited to doctors and dentists, with no more than two (2) licensed doctors and a maximum of three (3) other employees. The facility shall be located on a tract a minimum of twenty thousand (20,000) square feet in size and shall front on an arterial or collector street. Where the tract abuts residences on the side or rear property lines, a solid wall, a substantial, attractive, tight fence five (5) feet in height, or a landscaped buffer area having a depth of not less than ten (10) feet shall be provided. The wall, fence, shrubs, or buffer shall be maintained in good condition. Access drives shall be no more than twenty-five (25) feet in width and, in the case of a corner lot, shall be located at least sixty (60) feet from the intersection of the two streets, as measured from the right-of-way line. Parking areas and circulation and access areas shall be provided in accordance with Part 8.

15. Rooming or Boarding Houses: A rooming or boarding house shall have no more than four (4) rooms of the residence used for rooming and boarding. The property shall maintain all yard areas for the district in which it is located and shall provide off-street parking spaces as required by Part 8. In outward appearance the rooming or boarding house shall be consistent with the character of other residences in the immediate area.

16. Temporary Structures or Buildings: The proposed temporary use and the reasons for requesting the use of a temporary structure or building shall be supplied by the applicant. The Zoning Hearing Board shall make a determination as to the acceptability of this information and shall set a date for the termination of the temporary use two (2) years from the date the special exception is granted. An extension of not more than one (1) additional year shall be considered at any one time, provided the applicant can show a need for the extension to the satisfaction of the Board.

17. Tourist Homes: Single-family dwellings used for the purpose of providing overnight accommodations for transient guests shall provide no more than four (4) bedrooms for guest accommodations. Off-street parking shall be provided as required by Part 8. The serving of breakfast shall be only to guests and not to the public generally, as in a restaurant.

(Ord. 87-8, 12/10/1987)

Part 7
Conditional Uses

§701. Purpose: The purpose of conditional use regulations is to permit certain types of development in certain zones or districts when the conditions described for each type of development have been fulfilled, as determined by Council upon recommendation by the Planning Commission. (Ord. 87-8, 12/10/1987)

§702. General Provisions.

1. Decisions: Decisions of Council shall be made pursuant to the standards and criteria expressed in this section, to regulations for the respective districts in which the uses are located, and to all other requirements of this Chapter.

Council shall grant approval for a conditional use only after it has reviewed the recommendation of the Planning Commission and has found adequate evidence that the proposed use meets the standards and criteria for such use.

2. Site Plan: A plan for the proposed development of a site for a conditional use shall be submitted with the application for such use. The plan shall show the location of all buildings, open spaces, parking areas, traffic access and circulation, landscaping, and any other information required for determining the conformance of the conditional use with the regulations for that use.

3. General Standards: Decisions for granting all conditional uses shall be guided by the following general standards:

A. The proposed use shall not jeopardize the objectives of the Comprehensive Plan.

B. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use.

C. Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion and for providing for the safety and convenience of pedestrian and vehicular traffic.

D. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the location, size of the use, the size of the site relative to the proposed operation, and the nature and intensity of the operation involved.

E. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that property is not impaired.

F. The proposed use shall not be more objectionable in its operations in terms of noise, fumes, vibration, or flashing lights than would be the operations of any permitted use in the district.

G. Any other reasonable conditions and safeguards, in addition to those expressed in this Chapter, may be imposed by Council if it deems it necessary for implementing the purposes of the Pennsylvania Municipalities Planning Code (Act 247 as amended) and this Zoning Chapter.

(Ord. 87-8, 12/10/1987)

§703. Specific Provisions: Uses permitted as conditional uses in this Chapter include the following, for which additional regulations are prescribed:

1. Adult Entertainment Establishments (C-1 District)

A. Purpose The purpose of this conditional use is to provide for establishments which have a sex-related nature or purpose in an appropriate environment which prevents the deleterious blighting or downgrading effects which a concentration of such uses or the inappropriate placement of such uses may have upon surrounding neighborhoods.

B. Use Regulations: The principal permitted uses shall be adult entertainment establishments as designated herein under subsection G, "Uses Designated and Regulated".

C. Dimensional Regulations: The dimensional regulations shall be the same as those applicable to the "C-1 Commercial, Highway" District.

D. Supplementary Regulations: (See Article 8.)

E. Development Regulations: Adult entertainment establishments (as defined herein) shall be subject to the following development regulations:

(1) Comprehensive Plan: Proposed adult entertainment establishments shall be consistent with the Comprehensive Plan of the Borough.

(2) Site Location: Adult entertainment establishments shall be located only in the "C-1 Commercial, Highway" Districts, and the proposed location of such an establishment within such district shall be at least five hundred (500) feet distant from another such adult entertainment establishment, residential district, property lines of churches and related religious institutions and property lines of schools and playgrounds.

F. Definitions: Definitions used in this subsection include:
(See Part 3.)

- (1) Adult book store
- (2) Adult cabaret
- (3) Adult drive-in theatre
- (4) Adult massage business
- (5) Adult mini-motion picture theatre
- (6) Adult motion picture theatre

G. Uses Designated and Regulated: Uses designated and regulated as adult entertainment establishments include: adult book stores, adult cabarets, adult drive-in theatres, adult massage businesses, adult mini-motion picture theatres, and adult motion picture theatres.

2. Mobile Home Parks (R-S District)

A. Purpose. The purpose of this conditional use is to permit mobile home parks in such a way that their development is safe and sanitary and fit for human habitation and that their development is acceptable and compatible with other development in the district in which they are located.

B. Use Regulations: The principal permitted use shall be mobile homes. Accessory uses shall include those uses usually associated with such a facility.

C. Dimensional Regulations

(1) Minimum Park Area: A mobile home park shall have an area of at least ten (10) acres.

(2) Density: The density shall not exceed five (5) mobile homes per gross acre.

(3) Minimum Park Width: A mobile home park shall have a minimum width of three hundred (300) feet.

(4) Buffer Areas: The minimum buffer areas along all boundaries of the mobile home park tract shall be fifty (50) feet in depth as measured at right angles from the property lines. This space shall be used for no other purpose but landscaping and access roads which cross the buffer.

(5) Tract Coverage: No more than twenty percent (20%) of the tract shall be covered with buildings.

(6) Building Height: The maximum height of any building shall be fifteen (15) feet or one (1) story.

D. Supplementary Regulations (See Part 8.)

E. Development Regulations: A mobile home park shall be subject to the following development regulations:

(1) Comprehensive Plan: A proposed mobile home park shall be consistent with the Comprehensive Plan of the Borough.

(2) Site Location: A mobile home park shall be located on land having a reasonably flat terrain (having an average slope of 8% or less). The land area shall be free from swamps, marshes, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development. The location shall be free from flooding by a one hundred (100) year flood and shall have access to public roads.

(3) Placement of Mobile Homes: Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the axles of the mobile home. The poured concrete base shall measure one (1) foot deep, three (3) feet wide, and seventy (70) feet long for each of the two strips.

Each mobile home site shall also be provided with a poured concrete outdoor patio six (6) inches deep and at least one hundred eighty (180) square feet in area at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors and tie-downs which are able to sustain a total tensile load equal to four times the weight of the particular mobile home.

(4) Mobile Home Lots: Only one mobile home, including its extensions and additions, may be placed on each mobile home lot, which shall have access to a street in the mobile home park. Each lot shall have a minimum area of four thousand five hundred (4,500) square feet and a minimum width of forty-five (45) feet. The minimum front yard shall be ten (10) feet; the rear yard, five (5) feet; and each side yard, (5) feet. The minimum distance between buildings shall be thirty (30) feet. No more than thirty percent (30%) of any lot shall be covered by structures.

(5) Parking Requirements: Parking spaces shall be provided as required by Part 8. All parking spaces for mobile home lots shall be paved.

(6) Ingress and Egress: Access points to public streets from a mobile home park shall be located no less than two hundred fifty (250) feet from any public street intersection. Streets within the mobile home park shall be constructed to Borough specifications as described in the Subdivision and Land Development Chapter, except that the Planning Commission may allow for one-way streets, provided access by fire and other emergency vehicles is not impaired and provided the street plan is reviewed and approved by the Borough Engineer.

(7) Sidewalks: All mobile home parks shall be provided with safe, convenient, all season pedestrian walks of ID-2 Bituminous concrete or Portland cement concrete to a depth and width approved by the Borough Engineer between individual mobile homes and streets and all park facilities provided for the residents. Walkways serving park facilities shall have a minimum width of four (4) feet.

(8) Recreation Areas: All mobile home parks shall be provided with a recreation area for mobile home park residents. A recreation area shall be no less than ten percent (10%) of the total area of the park. Such an area shall be appropriately developed with recreation facilities and easily accessible to all homes in the park.

(9) Laundromats: At least one (1) laundromat shall be provided for every mobile home park for the exclusive use of residents of that park. At least one (1) washer for every ten (10) mobile homes and one (1) dryer for every fifteen (15) mobile homes shall be provided. The structure housing the laundry facilities shall be easily accessible to all residents of the mobile home park. The water and sewerage systems serving the laundromat shall satisfy all requirements of the Pennsylvania Department of Environmental Resources.

(10) Storage Sheds: Each mobile home park shall provide to each mobile home an enclosed storage shed or partitioned space in such a shed, either of which shall have at least three hundred sixty (360) cubic feet and shall be located within one hundred fifty (150) feet of said mobile home.

(11) Refuse Storage: Each mobile home shall provide its own garbage and refuse containers in accordance with Borough regulations pertaining to garbage and other solid wastes, or the mobile home park owner shall provide for the weekly collection of garbage and refuse.

(12) Drainage: Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the mobile home park and on every lot within the park for absorption of water runoff and hence for flood protection.

(13) Sewerage Systems: Each mobile home lot shall be provided with at least a four (4) inch diameter vertical riser pipe which connects the mobile home sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be directed away from the riser. The rim of the riser pipe shall extend at least six (6) inches above ground elevation.

(14) Water Systems: Each mobile home lot shall have a water riser pipe which connects the mobile home water system to the central water system. An outside hose bib shall be supplied for each mobile home.

(15) Utilities: All utilities serving mobile home lots shall be placed at a depth appropriate to the service provided but at least thirty (30) inches underground.

(16) Subdividing: A mobile home park is divided into parcels for leasing and is therefore subject to the regulations of the Subdivision and Land Development Ordinance.

3. Planned Residential Development (R-S District)

A. Purpose: The purpose of this conditional use as stated in the Pennsylvania Municipalities Planning Code (Act 247 as amended) and as intended by the residents of Shamokin Dam Borough, is to achieve the following:

(1) To ensure that the provisions of the Shamokin Dam Borough Zoning Chapter which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the Zoning Chapter;

(2) To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings;

(3) To provide greater opportunities for better housing and recreation for all who are or will be residents of the Borough;

(4) To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may inure to the benefit of those who need homes;

(5) To encourage more flexible land development which will respect and conserve natural resources such as streams, flood plains, ground water, wooded areas, steeply-sloping areas of unusual attractiveness in the natural environment; and

(6) In aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

B. Use Regulations: The principal permitted uses shall be the following housing types, with the same accessory uses as permitted in the R-S Residential Suburban District:

- (1) Single - family houses
- (2) Two-family houses (duplex or flat)
- (3) Garden apartments
- (4) Multi-family low-rise houses
- (5) Multi-family mid-rise houses
- (6) Townhouses
- (7) Mobile homes

C. Special Exception Uses: The special exception uses shall be the same as those permitted in the R-S Residential Suburban District, for which specific regulations are found in Part 6.

D. Dimensional Regulations

- (1) Single-family houses

- (a) Minimum Lot Area: Eight thousand (8,000) sq. ft.
- (b) Minimum Lot Width: Seventy (70) feet at the front setback line
- (c) Minimum Front Yard: Thirty-five (35) feet
- (d) Minimum Rear Yard: Forty (40) feet
- (e) Minimum Side Yard: Ten (10) feet each side
[See (F) (7).]
- (f) Maximum Building Coverage: Thirty percent (30%)
- (g) Maximum Building Height: Thirty-five (35) feet
two and one-half (2½) stories

(2) Two-family houses (duplex or flats)

- (a) Minimum Lot Area: Four thousand (4,000) sq.ft. per dwelling unit
- (b) Minimum Lot Width: Forty (40) feet per dwelling unit at the front setback line
- (c) Minimum Front Yard: Thirty-five (35) feet
- (d) Minimum Rear Yard: Forty (40) feet
- (e) Minimum Side Yard: Ten (10) feet each side
[See (f) (7).]
- (f) Maximum Impervious Surface Ratio (on lot): .30
- (g) Maximum Building Height: Thirty-five (35) feet or two and one-half (2½) stories

(3) Garden Apartments

- (a) Minimum Lot Area: Forty thousand (40,000) sq.ft.
- (b) Minimum Lot Area per Dwelling Unit: Two thousand five hundred (2,500) square feet
- (c) Minimum Lot Width: Two hundred (200) feet at the front setback line
- (d) Minimum Front Yard: Fifty (50) feet
- (e) Minimum Rear Yard: Twenty-five (25) feet
- (f) Minimum Side Yard: Ten (10) feet each side
[See: (F) (7).]
- (g) Maximum Impervious Surface Ratio (on lot): .50
- (h) Maximum Dwelling Units per Structure: Sixteen (16)
- (i) Maximum Building Height: Forty (40) feet or three stories

(4) Multi-family low-rise houses

- (a) Minimum Lot Area: Eight thousand (8,000) sq.ft.
- (b) Minimum Lot Area per Dwelling Unit: Two thousand five hundred (2,500) square feet
- (c) Minimum Lot Width: Eighty (80) feet at the front setback line
- (d) Minimum Front Yard: Thirty (30) feet
- (e) Minimum Rear Yard: Forty (40) feet
- (f) Minimum Side Yard: Ten (10) feet each side
[See (F) (7).]
- (g) Maximum Impervious Surface Ratio (on lot): .30
- (h) Maximum Dwelling Units per Structure: Eight (8)
- (i) Maximum Building Height: Forty (40) feet or three (3) stories

(5) Multi-family mid-rise houses

- (a) Minimum Lot Area: Eighty thousand (80,000) sq.ft.
- (b) Minimum Lot Area per Dwelling Unit: One thousand (1,000) square feet
- (c) Minimum Lot Width: Two hundred (200) feet at the front setback line
- (d) Minimum Front Yard: One hundred (100) feet
- (e) Minimum Rear Yard: Forty (40) feet
- (f) Minimum Side Yard: Ten (10) feet each side
[See (F) (7).]
- (g) Maximum Impervious Surface Ratio (on lot): .60
- (h) Maximum Building Height: Fifty (50) feet or four (4) stories

(6) Townhouses

- (a) Minimum Lot Area: Sixteen thousand (16,000) sq.ft.
- (b) Minimum Lot Area per Dwelling Unit: One thousand nine hundred (1,900) square feet
- (c) Minimum Lot Width: One hundred ninety-six (196) feet at the front setback line and twenty-two (22) feet per dwelling unit
- (d) Minimum Front Yard: Thirty (30) feet
- (e) Minimum Rear Yard: Twenty-five (25) feet
- (f) Minimum Side Yard: Ten (10) feet each side of building [Also see (F) (7).]
- (g) Maximum Impervious Surface Ratio (on lot); .40
- (h) Maximum Dwelling Units per Structure: Eight (8)
- (i) Maximum Building Height: Thirty-five (35) feet or two and one-half stories

(7) Mobile homes

- (a) Minimum Lot Area: Eight thousand (8,000) sq.ft.
- (b) Minimum Lot Width: Seventy (70) feet at the front setback line
- (c) Minimum Front Yard: Thirty-five (35) feet
- (d) Minimum Rear Yard: Forty (40) feet
- (e) Minimum Side Yard: Ten (10) feet each side [See (F) (7).]
- (f) Building Coverage: Thirty percent (30%)
- (g) Minimum Building Height: Fifteen (15) feet or one (1 story)

E. Supplementary Regulations (See Part 8.)

F. Development Regulations: A planned residential development shall be subject to the following development regulations:

(1) Comprehensive Plan: The planned residential development shall be consistent with the Comprehensive Plan of the Borough of Shamokin Dam.

(2) Minimum Tract Area: A planned residential development shall have an area of at least five (5) acres.

(3) Net Density: The density of a planned residential development shall not exceed eight (8) dwelling units per net acre.

(4) Common Open Space: Not less than thirty percent (30%) of the total area of the planned residential development tract shall be designated as and devoted to common open space.

(5) Impervious Surface Areas: No more than twenty percent (20%) of the total area of the planned residential development tract shall be covered by impervious surface areas.

(6) Mix of Housing Types

(a) In developments of 1 - 49 dwelling units, the maximum percentage of any housing type shall be 100%, but the minimum of any one type shall be no less than 20%.

(b) In developments of 50 - 99 dwelling units the maximum of any housing type shall be 50%, but the minimum of any one type shall be no less than 15%. At least two (2) different types of housing shall be required.

(c) In developments of 100 - 299 dwelling units the maximum of any housing type shall be 40%, but the minimum of any one type shall be no less than 10%. At least three (3) different types of housing shall be required.

(d) In developments of 300 or more dwelling units the maximum of any housing type shall be 40%, but the minimum of any one type shall be no less than 5%. At least four (4) different types of housing shall be required.

(7) Distance Between Buildings (See table 2 next page.)

(8) Buffer Area: A buffer area shall be required around the tract. The buffer area shall be a part of the common open space and not part of the yard area assigned to the dwelling units. The width of the buffer area shall be thirty (30) feet and shall constitute a maximum of thirty percent (30%) of the required common open space. The buffer shall consist of plantings of trees and shrubbery and other foliage which provide shade and screening.

(9) Requirements for Improvements, Reservations, and Design: All improvements for streets, parks, sidewalks, etc., shall be designed and constructed in conformance with the standards and requirements of the Subdivision and Land Development Chapter of the Borough. All such improvements shall be guaranteed under the provisions of that same Chapter.

(10) Environmental Performance Standards: All development shall be preceded by the identification of any environmental or natural feature described below and shall meet the following standards of environmental protection. No site alterations, regrading, filling, and clearing or planting vegetation shall begin prior to submission of development plans.

(a) Flood Plains (See Borough Flood Plain Chapter 8.)

(b) Forest: No more than forty percent (40%) of the trees which are six (6) inches or more in caliper measured twelve (12) inches above the ground may be cleared.

(c) Ponds, Wetlands, and Watercourses: All such areas shall remain as permanent open space. No development, filling, piping or diverting shall be permitted except for necessary roads. Open space shall include all land measured fifty (50) feet from the water's edge as well as all water or wetland areas themselves.

Table 2

Distances Between Buildings by Type of Building

	Single-family houses	Two-family houses	Garden apartments	Multi-family low-rise	Multi-family mid-rise	Town- houses	Mobile homes
Single-family houses	20 ft.	20 ft.	40 ft.	40 ft.	300 ft.	40 ft.	20 ft.
Two-family houses	20 ft.	20 ft.	40 ft.	40 ft.	300 ft.	40 ft.	20 ft.
Garden apartments	40 ft.	40 ft.	40 ft.	40 ft.	150 ft.	40 ft.	40 ft.
Multi-family low-rise	40 ft.	40 ft.	40 ft.	40 ft.	150 ft.	40 ft.	40 ft.
Multi-family mid-rise	300 ft.	300 ft.	150 ft.	150 ft.	50 ft.	150 ft.	300 ft.
Townhouses	40 ft.	40 ft.	40 ft.	40 ft.	150 ft.	40 ft.	40 ft.
Mobile Homes	20 ft.	20 ft.	40 ft.	40 ft.	300 ft.	40 ft.	20 ft.

(d) Soil Erosion and Sedimentation: All developments shall protect ponds, wetlands and watercourses from sedimentation and shall control erosion in accordance with the Clean Streams Law, PL 1987, Chapter 102, and the Borough Subdivision and Land Development Chapter, except that in addition, all developments shall submit an erosion control plan as part of the tentative land development plan, even if they are less than twenty-five (25) acres in extent.

(e) Sewer and Water Utilities: Public sewer and water systems shall be required. On-site sewage disposal shall be prohibited.

(f) Steep Slopes: In areas of steep slopes, the following standards shall apply: On slopes of 8 - 15%, no more than forty percent (40%) of such areas shall be regraded or stripped of vegetation. On slopes of 15 - 25%, no more than thirty percent (30%) of such areas shall be developed and/or regraded or stripped of vegetation. On slopes of 25% or more, no more than fifteen percent (15%) of such areas shall be developed and/or regraded or stripped of vegetation.

(g) Storm Water Run-Off: All developments shall limit the rate of storm water run-off so that no greater rate of run-off is permitted than that of the site in its natural condition. All run-off calculations shall be that contained in the United States Department of Agriculture, Soil Conservation Service, "Engineering Field Manual - 4," latest edition.

G. Site Capacity Calculations: In order to determine the appropriate intensity of use to which the tract proposed for a planned residential development may be put, the following calculations shall be submitted by the developer with the tentative plan:

(1) Base Site Area: Certain portions of the tract may not be useable for the activities proposed for the site. These areas shall therefore be subtracted from the site area to determine base site area.

- (a) Site area of total tract _____ acres
- (b) Subtract - land within right-of-way of existing roads, or utility right-of-way or easements. _____ acres
- (c) Subtract - land which is not contiguous: _____ acres
 - (i) a separate parcel which does not abut or adjoin, nor share common boundaries with the rest of the development, or;
 - (ii) land which is cut off from the main parcel by a road, existing land uses, or major stream so as to serve as a major barrier to common use, or so that it is isolated and unavailable for building purposes.

(d) Subtract - land which in a previously approved subdivision was reserved for resource reasons such as flooding or recreation. _____ acres

(e) Subtract - land used or zoned for another use (commercial or industrial uses) _____ acres

(f) Equals BASE SITE AREA _____ acres

(2) Resource Protection Land: All land within the base site area shall be mapped and measured for the purpose of determining the amount of open space needed to protect it. The calculations shall be made as follows:

Resource	Open Space Ratio	Acres of Resource	Resource Protection Land (Acres in resource x open space ratio)
Flood Plains		1.00	
Ponds or wetlands		1.00	
Very steep slopes (25% or more)		.85	
Steep slopes (15 - 24%)		.70	
Total Land in Resource			_____ acres
Total RESOURCE PROTECTION LAND -			_____ acres
(3) <u>Recreation Land:</u> Recreation land, in addition to resource protection land, shall be provided according to the following calculations:			
(a) BASE SITE AREA			_____ acres
(b) Subtract - Total RESOURCE PROTECTION LAND			_____ acres
(c) Equals - Total unrestricted land			_____ acres
(d) Multiply - by .10			x _____ .10
(e) Equals - Total RECREATION LAND			_____ acres
(4) <u>Determination of Site Capacity:</u> Individual site capacity is determined by calculating the net buildable site area, and the number of dwelling units is determined by multiplying net density by the buildable site area as follows:			
(a) RESOURCE PROTECTION LAND			_____ acres
(b) Add - Total RECREATION LAND			_____ acres
(c) Equals - Total OPEN SPACE			_____ acres
(d) BASE SITE AREA			_____ acres
(e) Multiply by COMMON OPEN SPACE ratio (See Section 703(3)(f)(4) above.)			x _____ .30
(f) Equals - MINIMUM REQUIRED OPEN SPACE			_____ acres
(g) BASE SITE AREA			_____ acres

(h) Subtract - Total OPEN SPACE or MINIMUM REQUIRED OPEN SPACE, Whichever is greater	- _____ acres
(i) Equals - NET BUILDABLE AREA	_____ acres
(j) Multiply by - Net Density	x 8.0
(k) Equals - NUMBER OF DWELLING UNITS	_____ units

H. Standards for Location and Management of Open Space: The open space shall be located so as to be consistent with the objectives set forth in the application for the planned residential development. Where possible, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.

There shall be provisions which insure that the open space land shall continue as such and be properly maintained. The developer shall either:

- dedicate such land to public use if the Borough indicates that it will accept such dedication;
- retain ownership and responsibility for maintenance of such open space land; or
- provide for and establish one or more organizations for the ownership and maintenance of all common open space.

In the case of the establishment of an organization, each such organization shall be a non-profit homeowners' corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

If a homeowners' association or open space trust is formed, it shall be governed according to the regulations of Article VII of the Pennsylvania Municipalities Planning Code of 1968, Act 247 as amended.

I. Staging of Development: A planned residential development may be constructed in phases if the following criteria are met:

- (1) The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required herein;
- (2) At least fifteen percent (15%) of the dwelling units in the tentatively approved plan are included in the first phase; and
- (3) The second and subsequent stages are completed consistent with the tentatively approved plan and in no stage contain less than fifteen percent (15%) of the dwelling units receiving tentative approval.

J. Enforcement and Modification of Provisions of the Plan: To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the

development plan, nor result in changes that would adversely affect the public interest, the enforcement and modifications of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

(1) The provisions of the development plan relating to:
(a) the use, bulk and location of buildings and structures, (b) the quantity and location of common open space, except as otherwise provided herein, and (c) the intensity of use or the density of residential units, shall run in favor of the Borough and shall be enforceable in law or in equity by the Borough without limitation on any powers of regulation otherwise granted the Borough by law.

(2) All provisions of the development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.

(3) 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 of easements relating to the service or equipment of a public utility, subject to the following conditions: a) no such modification, removal or release of the provisions of the development plan by the Borough shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this Section; b) no modification, removal or release of the provisions of the development plan by the Borough shall be permitted except upon a finding by the Borough Council after review by the Planning Commission, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this Section, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.

(4) Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Borough to enforce the provisions of the development plan in accordance with the provisions of this Section.

K. Application for Tentative Approval: The application for, and tentative and final approval of, a planned residential development prescribed in this Section shall be in lieu of all other procedures or approvals otherwise required by the Zoning Ordinance and Subdivision and Land Development Ordinance of the Borough, except where specifically indicated. The procedures herein described for the approval or disapproval of a development plan for a planned residential development and the continuing administration thereof are established in the public interest in order to provide an expeditious method for processing a development plan for a planned residential development and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property.

An application for tentative approval shall be consistent with the following provisions:

(1) Informal Consultation: The landowner, the Shamokin Dam Borough Council, and the Borough Planning Commission may consult informally concerning the proposed planned residential development prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the Borough Council or of the Planning Commission shall be binding on the Council or Planning Commission as a whole.

(2) Application: An application for tentative approval shall be filed by or on behalf of the landowner with the Zoning Officer upon payment of an application fee.

(3) Relationship to Planning, Zoning, and Subdivision: All planning, zoning and subdivision matters relating to the platting, use and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Borough, shall be determined and established by the Borough Council after review by the Planning Commission.

(4) Required Documentation: The application for tentative approval shall include documentation illustrating compliance with all of the standards for planned residential development, and where necessary the Planning Commission shall order such documentation to aid them in their review. Two (2) copies of the application and twelve (12) copies of the plan shall be required. Required documentation shall include, but not be limited to, documents illustrating the following:

(a) The location and size of the area involved and its adjoining areas, the nature of the landowner's interest in the planned residential development;

(b) The proposed use areas and the residential density to be allocated to parts of the site to be developed;

(c) The location, function, size, ownership, and manner of maintenance of the common open space;

(d) The use and the approximate height, bulk, and location of buildings and other structures;

(e) Information showing the feasibility of proposals for sanitary sewerage, water supply, and storm water disposition;

(f) The substance of covenants, grants of easements, or other restrictions existing or proposed to be imposed upon the use of land, buildings, and structures, including proposed grants and/or easements for public utilities;

(g) The provision for parking of vehicles and the location, right-of-way and cartway widths of proposed streets and public ways;

(h) The required modifications in the Borough land use regulations otherwise applicable to the property;

(i) In the case of plans which call for development in stages, a schedule showing the time within which applications for final approval of all parts of the planned residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final approval;

(j) The application shall, insofar as possible, indicate compliance with the provisions set forth herein, governing the requirements for final approval.

(k) Plan maps at a scale of one (1) inch equals one hundred (100) feet, with contours for each five (5) foot change in elevation, showing: natural features of the land including topography, vegetation, drainage, and soil types; approximate locations of buildings, streets according to type, parking areas, and walkways; locations of common open space and recreation facilities; the public utility system; and development phasing; and

(l) A location map showing the relationship of the total development plan to the Comprehensive Plan of the Borough.

(5) Statement by Landowner: The application shall also include a written statement by the landowner setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and would be consistent with the Comprehensive Plan of the Borough.

(6) Planning Commission Referrals and Review: The application for tentative approval shall be filed with the Zoning Officer, who is authorized to accept such application under the Zoning Chapter. He shall submit the application to the Planning Commission, who shall refer copies of the tentative plan to the agencies and officials identified in the Subdivision and Land Development Chapter as having an interest in the plan for their review and comment. After preparing a report thereon the Planning Commission shall submit the report to the Borough Council for the public hearing as required below.

L. Public Hearings: Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Section, a public hearing pursuant to public notice on said application shall be held by the Borough Council in the manner prescribed in the Chapter for the enactment of an amendment to the Zoning Chapter.

The President or Vice President of the Borough Council may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

A verbatim record of the hearing shall be caused to be made by the Borough Council whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

The Borough Council may continue the hearing from time to time, and may refer the matter back to the Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

M. The Findings

(1) The Borough Council, within sixty (60) days following the conclusion of the public hearing provided for by this Section, shall, by official written communication to the landowner, either:

-Grant tentative approval to the development plan as submitted;

-Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

-Deny tentative approval to the development plan.

Failure to act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Borough Council, notify such Council of his refusal to accept all said conditions, in which case the Council shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

(2) The grant or denial of tentative approval by official 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 denial, and said 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;

-Those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Borough;

-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 or are not deemed to be in the public interest;

-The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;

-The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

-The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and

-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 residents of the planned residential development in the integrity of the development plan.

(3) In the event a development plan is granted tentative approval, with or without conditions, the Borough Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of 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 and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of the plan shall not be less than twelve (12) months.

N. Status of Plan After Tentative Approval

(1) The official written communication provided for in this Section shall be certified by the Borough Manager and shall be filed in his or her office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the Zoning Map.

(2) Tentative approval of a development plan shall not qualify a plan of the planned residential development for recording nor authorize development or the issuance of any zoning permit. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Borough pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed, or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

(3) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Borough Council in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked, and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Borough Manager.

O. Application for Final Approval

(1) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made through the Zoning Officer to the Borough Planning Commission or the Borough Council and within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.

(2) The application shall include all drawings, specifications, covenants, easements, performance bond and such other requirements as specified in the Subdivision and Land Development Chapter, as well as any conditions set forth in the official written communication at the time of tentative approval.

(3) In the event that the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the Borough Council shall, within forty-five (45) days of such filing, grant such development plan final approval.

(4) In the event the development plan as submitted contains variations from the development plan given tentative approval, the Borough Council may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

-Refile his application for final approval without the variations objected, or

-File a written request with the Borough Council that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance.

In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.

Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made in writing by the landowner, and the hearing shall be conducted in the manner prescribed in this Chapter for public hearings on applications for tentative approval. Within thirty (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 set forth in this Section.

(5) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Borough Council and shall be filed of record forthwith in the Office of the Recorder of Deeds of the County before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development

plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

(6) In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Borough Council in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development within such reasonable period of time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is re-subdivided and is reclassified by enactment of an amendment to the Borough Zoning Chapter in the manner prescribed for such amendments in Part 12.

4. Billboards (C-1 District).

A. Definition. A "billboard" is a freestanding sign which directs attention to an object, product, service, place, activity, person, institution, organization or business that is offered or located primarily at a location other than the lot upon which the sign is located. A billboard is the only permitted class of off-premises sign.

B. Purpose and Intent. The purpose of these regulations is to provide an area for the placement of billboards in the Borough. The goals of these regulations are to:

- (1) Provide clear guidelines and regulations for the placement of billboards.
- (2) Provide standards for construction of billboards.
- (3) Provide for the location of billboards so that such signs are not adverse to the health, safety and welfare of the public.

C. General Regulations.

(1) Signs Permitted. Billboards may be permitted by conditional use in that portion of the C-1, Commercial, Highway District, beginning at the property boundary of the Orchard Hill Cemetery (land owned by C. Gee, Inc., tax parcel 16-06030) and Kulp's Transmissions (land owned by Michael A. H. Bordner, Tax Parcel 16-01-016A) on Routes 11 & 15 North to the Borough line on Route 15 North, subject to the requirements contained in this Section.

(2) Size of Sign Face. A billboard face may not exceed two hundred fifty (250) square feet per side in area, with a maximum face length of twenty-five (25) feet and a maximum face width of fifteen (15) feet. Each face of a two (2) faced sign shall be the same size.

(3) Height. Billboards shall not exceed thirty (30) feet in height. The height shall be measured from the grade of the immediately adjoining street, road, highway or alley to which the sign is oriented to the highest part of the sign. Each face of a two (2) faced sign shall be of the same height.

(4) Construction. Billboards shall be of unipole construction. No portable billboards are permitted.

(5) Location of Sign. The applicable District Dimensional Regulations as to yards shall apply with respect to the placement of billboards within the district. In addition, a ten (10) foot minimum setback from any utility lines or easements and from any building or buildings on the lot must be maintained. Additionally, billboards may not be closer than one thousand (1,000) feet from another billboard measured radially. No billboard shall be located within five hundred (500) feet of any right-of-way of any interchange, measured along the interstate or limited-access primary highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way. No billboard or portion thereof shall be permitted within the clear sight triangle at any intersection of a driveway with a street. No billboards shall be located within five hundred (500) feet of an R-1, Residential Medium Density District, R-2, Residential High Density District, or R-3, Residential Multi-Family District measured on the same side of the highway. No billboards shall be permitted on the roof or side of any building.

(6) Number of Signs per Lot. There shall be no more than one (1) billboard per lot.

(7) Content. No billboard shall advertise any adult or sexually oriented businesses or materials, contain any obscene or profane language, emit any verbal announcement or noises of any kind, or otherwise display any content prohibited by 18 Pa.C.S.A. §5903. In addition, such signs shall not display any moving, flashing, scrolling, fading, brightening or animated text or video. No use of the colors red or green shall be made within two hundred fifty (250) feet of a signalized intersection. The use of "stop," "go," "warning," "emergency," or any other words that could be construed as traffic or warning information is prohibited.

(8) Lighting. Illumination of billboards shall follow the standards and requirements of the Illuminating Engineering Society of North America (IESNA) and shall be subject to review and approval of the Borough. To the extent that there is a conflict between a standard and/or requirements of the IESNA and the provisions of this Section, the provisions of this Section shall control. Illumination of all billboards shall be by external illumination or light-emitting diode (LED) only. Animated, flashing, revolving, scrolling, rotating and oscillating style signs shall be prohibited. The copy or image on an LED sign shall not change more than once per eight (8) seconds. All copy or image changes shall be instantaneous and shall not fade in or out of the digital active area. Any external illumination shall be shielded as necessary to direct light onto the sign without spillover on any side of the sign. Any resulting glare generated by an off-premises advertising sign shall not exceed one eighth (1/8) foot-candle, as measured on the ground at the curb-line or shoulder, so as not to impair the vision of any motor vehicle driver or otherwise interfere with a driver's operation of his or her motor vehicle.

(9) Luminance. At no point shall the luminance of any or billboard exceed the following:

(a) Billboards using external illumination shall not exceed one and seventy-five hundredths (1.75) watts per square foot of board face.

(b) LED signs shall not exceed three-tenths (0.3) foot-candle over surrounding ambient light levels during daylight hours. They shall be dimmed between dusk and dawn to a maximum illumination of one-fifth (1/5) the permitted daylight luminance.

(10) Lot Size. The minimum lot size for a property on which an off-premises advertising sign may be located is ten thousand (10,000) square feet.

(11) Maintenance of Sign. All billboards shall be structurally sound and maintained in good condition. If the signs are not structurally sound or maintained in good condition, the signs shall be immediately repaired or removed at the sole cost and expense of the owner of the sign. If a billboard is not structurally sound or remains in poor condition, the Borough shall notify the owner of the property on which the sign is located and provide the owner thirty (30) days written notice certified mail, sent to the owner's last known address, to repair or remove the sign. If the sign is not repaired or removed within thirty (30) days of the date of the notice, the Borough may remove the sign, and the cost thereof shall be paid by the owner of the property on which the sign is erected. The Borough may file a municipal lien against the property or take any action permitted by law to collect the cost of removal if it is not paid by the owner of the property.

(12) Sign Arrangement. When two (2) sign faces are used in a back-to-back arrangement on an outdoor advertisement sign or billboard, they shall be parallel, directly aligned with each other and not more than five (5) feet apart. When a V-type sign arrangement is used for two (2) sign faces of any billboard, the sign faces shall not be located more than fifteen (15) feet apart at the furthest point, nor shall the interior angle be greater than forty-five (45) degrees. The rear side of any single-face, billboard shall be of one (1) neutral color, which shall be specified in the order of the Borough Council.

(13) Agreement of Property Owner. No part or foundation or support of billboard shall be placed on, in or over any private property without the written agreement of the property owner. The agreement shall be presented as part of the application for said sign permit but the consideration or price figures bargained between the private parties may be redacted.

(14) Owner Identification. All billboards shall be identified on the structure with the name of the owner of each sign. The signs within an area regulated by 67 Pa.Code, Chapter 445, shall further be identified with a permit number or tag issued by the Pennsylvania Department of Transportation.

(15) Discontinued Sign. A billboard shall be considered a discontinued sign where it has carried no message for a period of one hundred eighty (180) consecutive days or where such sign no longer identifies a bona fide business, commodity, service, entertainment or facility or where the majority of the message on such sign has deteriorated to the condition that it is not clearly discernible. A billboard which has been discontinued shall be presumed to be abandoned and shall constitute an illegal billboard. Any period of time for which the discontinued use of a billboard is proved to be caused by government actions, labor strikes, material shortages or acts of god, and without any contributing fault of the owner of the sign or user of the sign, shall not be calculated toward the number of days of discontinued use. Any discontinued billboard shall be removed at the expense of the owner of the sign. In the event that the owner of the sign cannot be ascertained after the Borough's reasonable inquiry, the discontinued sign and structure shall be removed at the expense of the owner of the property on which the sign is erected.

(16) Annual Fee for Billboards.

(a) In order for a billboard sign permitted by this Chapter, or one that is already built, to continue to be a lawful use the owner or lessee of such sign shall pay annually to Shamokin Dam Borough the required fee on or before February 1st of each calendar year, and default of such payment shall be considered a violation of this Section, and such sign may be removed as provided for in subparagraph (14) above.

(b) On the effective date of this subsection (4) the fee shall be five hundred (\$500.00) dollars per face per year and may be modified by resolution of the Borough Council at any time, and shall be kept on file at the Borough office.

(17) Additional Regulations. In addition to the requirements contained in this Section, all billboards shall comply with any and all applicable zoning regulations not specifically established herein and any and all Borough, State and/or Federal regulations, including, but not limited to, the Shamokin Dam Building Code [Chapter 5, Part 1], Uniform Construction Code [Chapter 5, Part 5], and all applicable Pennsylvania Department of Transportation regulations.

[Ord. 2014-4]

(Ord. 87-8, 12/10/1987; as amended by Ord. 2014-4, 4/7/2014, §2)

Part 8
Supplementary Regulations

§801. Supplementary Use Regulations

1. Excavation and Removal of Top Soil: Excavation of top soil for the purpose of grading a site or preparing for the construction of a building foundation shall be allowed in all districts. Removal of top soil shall be allowed in all but the residential districts, where it shall remain on the site. Excavation and removal activities shall comply with the following:

A. Drainage: Any excavations for the removal of top soil or other earth products must be adequately drained to prevent the formation of pools of water and shall not create drainage problems for adjacent properties or public streets.

B. Storage Piles: Unless specifically permitted, open excavations shall not be maintained, except for those excavations made for the erection of a building or structure for which a permit has been issued. All soil so stripped or otherwise excavated shall not be stored on a property for more than one (1) year before being redistributed and graded on the property or removed from the property.

C. Dust: Dust problems shall be minimized during the excavation, storage, removal, and hauling of excavated materials.

2. Flood Plains: (See the Shamokin Dam Borough Flood Plain Chapter.)

3. Home Gardening, Nurseries and Greenhouses: Home gardening and accessory structures used for nurseries or greenhouses are permitted in residential areas provided that they shall not be located in any front yard and shall not include the outdoor storage of equipment and supplies.

4. Home Occupations: A single home occupation shall be permitted as an incidental use of a dwelling unit or of a building or other structure accessory to a dwelling unit, provided that such home occupation is conducted by a person or persons residing in the dwelling unit who may employ not more than one (1) non-resident person working on the premises. Not more than twenty-five percent (25%) of the building floor area (including the floor areas of both the principal and accessory structures) shall be used for the home occupation.

The exterior appearance of the structure or premises shall be maintained in its residential character with the home occupation conducted entirely within the enclosed structure and with no goods publicly displayed on the premises other than a sign indicating the presence of the home occupation. The home occupation shall not involve display windows, frequent truck deliveries, or the production of offensive noise, smoke, vibration, dust, odors, heat, or glare. Off-street parking requirements for both dwelling and home occupation uses shall be fulfilled in accordance with the regulations of Part 8.

Home occupations may include beauty and barber shops, dressmaking and tailoring shops, small appliance and lawnmower repair, tutoring and music instruction for not more than two (2) students at a time, and catalogue

order and mail order sales limited to cosmetics, kitchen wares, household cleaning products, clothing, and clothing accessories and gift items wherein the storage of items for sale is limited to fifteen percent (15%) of the building floor area (including the floor areas of both the principal and accessory structures). This list is not all inclusive, but is intended to serve as a guideline.

Home occupations may also include an office or studio of a physician, dentist, artist, photographer, architect, engineer, accountant, surveyor, lawyer, realtor, insurance salesperson, or a member of some other similar recognized profession. This list is not all inclusive, but is intended to serve as a guideline.

5. Non-Conforming Structures and Uses.

A. Continuation: Any lawful use of any dwelling, building, structure, or land existing at the effective date of this Chapter may be continued even though such use does not conform to the provisions of this Chapter, except as otherwise provided.

A "certificate of non-conformance" shall be issued by the Zoning Officer for all structures and uses which do not conform to the provisions of this Chapter. The Zoning Officer shall maintain a map and register showing the registration, identity, and location of non-conforming uses for which "certificates of nonconformance" have been issued. The Zoning Officer shall also examine such non-conforming uses periodically to determine that they do not expand beyond the limitations prescribed in this Chapter.

B. Change of Use: The Zoning Hearing Board may grant a special exception for a change from one non-conforming use to another non-conforming use if it finds that the following are met:

- 1) the proposed change will be less objectionable in external effects than the previous non-conforming use and will be more consistent physically with its surroundings; ii) no increases in traffic generation or congestion, including both vehicular and pedestrian traffic, will result from the change; iii) no increase in noise, smoke, dust, fumes, vapor, gases, heat, odor, glare, vibration, or electrical disturbances will result from the change; and iv) no increased threat to health by reason of rodent infestation or otherwise will result from the change.

C. Extension of Use: The Zoning Hearing Board may grant a special exception for an extension of a non-conforming use if it finds that all of the following standards are met: 1) the yard and coverage requirements for the District in which it is located are not violated; ii) all off-street parking and loading requirements applicable to the use are retained; iii) no more than one enlargement of a non-conforming use or structure is made; and iv) the extension is no more than thirty-three percent (33%) of the floor or land area as it existed at the time the structure or use first became non-conforming.

D. Abandonment of Use: If a non-conforming structure or use is abandoned or discontinued for a continuous period of one (1) year, it shall not again be used except in conformity with the regulations of the District in which it is located.

E. Structures Condemned: A non-conforming structure which has been legally condemned shall not be rebuilt or used in accordance with the provisions of this Chapter.

F. Restoration of Structure or Use: A non-conforming building or other structure which has been damaged or destroyed by fire, explosion, windstorm, flood or other similar active cause may be rebuilt.

G. Non-Conforming Use of Open Land: All non-conforming signs, billboards, junk storage areas, storage areas, and similar non-conforming use of open land, when discontinued for a period of ninety (90) days or damaged to an extent of sixty percent (60%) or more of replacement costs, shall not be continued, repaired or reconstructed.

6. Off-Street Parking and Loading.

A. Size of Off-Street Parking Spaces: Each off-street parking space shall have an area of not less than one hundred seventy-one (171) square feet and have dimensions of nine (9) feet in width and nineteen (19) feet in depth, exclusive of access drives or aisles. All such spaces shall be kept in usable shape and condition. Except in the case of dwellings, no parking area shall contain fewer than three (3) spaces. Open parking areas shall be calculated as yard area.

B. Garages and Carports: A garage or carport may be located wholly or partly inside the walls of the principal building, attached to the outer walls of the principal building, or completely separated from the principal building. If connected to the principal building, it shall be considered part of the principal building in calculating yard requirements. If separated from the principal building, it shall be considered an accessory building. The garage may be constructed under a yard or court, in which case the space above the underground garage shall be deemed to be part of the open space of the lot on which it is located.

C. Location of Parking Spaces: Required parking spaces shall be located either:

- on the same lot as the use to which they are accessory, or
- on another lot zoned the same, under the same ownership, and within four hundred (400) feet of the boundary of the property of the principal use.

If the spaces are on another lot, such spaces shall be subject to deed restrictions filed in the County Office of the Recorder of Deeds binding the owner of such lot and his heirs or assigns to maintain the required number of spaces throughout the life of such use.

D. Size of Off-Street Loading Spaces: Each off-street loading space shall be a minimum of seventy (70) feet in length, twelve (12) feet in width, and have an overhead clearance of at least fourteen (14) feet.

E. Access to Off-Street Parking and Loading Areas: There shall be adequate ingress and egress to all parking and loading areas. There shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be not less than ten (10) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases. Access to off-street parking areas shall be limited to several well-defined, separate or common access points which shall comply with the following:

(1) Access drives for dwellings shall not open upon any public right-of-way within sixty (60) feet of the nearest right-of-way line of any intersecting public street or highway; in all other cases it shall be ninety (90) feet.

(2) Access drives shall not open upon any public right-of-way where the sight distance in either direction along the public thoroughfare would be less than five hundred (500) feet when the posted speed limit is greater than 35 miles per hour; however, when the posted speed limit is 35 miles per hour or less, the sight distance requirement may be reduced to two hundred fifty (250) feet.

(3) In no case shall there be unrestricted access along the length of a street or alley.

F. Parking Lot Screening and Landscaping: The purposes for providing such landscaping are: to protect the public safety, to allow precipitation to return to the underground aquifers, to provide for natural drainage and, hence, for flood protection, to reduce the level of carbon dioxide and to return oxygen to the air, to provide shade and reduce blighting effects of parking lots, and to preserve property values of adjacent properties, and to improve the appearance of the community.

(1) Off-street parking areas for more than five (5) vehicles and all off-street loading areas shall abide by the following:

(a) Such areas shall be effectively screened by a planting strip at least five (5) feet in depth along all abutting property lines. The planting strip shall include a solid wall or a substantial, attractive, tight fence or evergreen hedges a minimum of four (4) feet in height, and other shrubbery, vines, flowers, grass, and other foliage.

(b) A planting strip at least ten (10) feet in depth shall be located between the parking lot and abutting right-of-way except for accessways crossing the strip. Such a strip shall contain one (1) shade tree for each forty (40) linear feet of the strip, and no tree shall be less than eight (8) feet in height at the time of planting. The planting strip shall also contain shrubbery, vines, flowers, grass and other foliage.

(c) All screening and landscaping areas shall be maintained in good condition, free of paper and rubbish, and free from all advertising signs. All trees, shrubbery and other landscaping materials shall be maintained in a healthy

and growing condition, with dead materials replaced as necessary.

(d) Any parking lot or loading area which qualifies as a non-conforming use upon enactment of this Chapter shall comply with the requirements for screening and landscaping upon any enlargement, extension, reconstruction or structural alteration.

(2) Off-street parking areas for twelve (12) or more vehicles shall abide by the following;

(a) All regulations in (F) (1) above; and

(b) The interior of a parking lot, in addition to all border planting strips, shall contain planting areas dispersed throughout with not less than five percent (5%) of such interior area in landscaping. Such planting areas shall contain shade trees, with no tree less than eight (8) feet in height at the time of planting, shrubbery, vines, flowers, grass and other foliage. No interior area of a parking lot shall be without at least one shade tree.

G. Parking Lot Surfacing: Surfacing for commercial, industrial, and multi-family residential lots shall consist of asphaltic binder pavement graded and drained to dispose of all surface water and designed to provide for orderly and safe loading and parking. Such pavement shall consist of a six-inch 2-A sub-base, a two-inch ID2 binder course, and a one-inch ID2 wearing course.

Residential parking spaces for single- and two-family dwellings shall be of either stone, asphalt, or concrete.

H. Parking Lot Lighting: Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from adjoining premises and public rights-of-way.

I. Parking Spaces Required: Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial or industrial purposes, shall be provided with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

(1) Parking for Residential Uses

(a) Single-family houses and mobile homes shall be provided with two (2) parking spaces per dwelling unit. An attached or unattached garage or carport on the premises, or that portion of the driveway not included in the public right-of-way, may be considered as parking space.

(b) Two-family houses (duplexes and flats) shall be provided with two (2) parking spaces per dwelling unit. An attached or unattached garage or carport on the premises, or that portion of the driveway not included in the public right-of-way, may be considered as parking space.

(c) Townhouses and garden apartments and multi-family low-rise apartments shall be provided with a minimum of two (2) parking spaces per dwelling unit.

(d) Multi-family mid-rise apartments shall be provided with a minimum of one and a half ($1\frac{1}{2}$) parking spaces per dwelling unit.

(e) Residential conversion units shall be provided with a minimum of two (2) spaces per dwelling unit.

(f) Dwellings related directly to certain businesses and those over or attached to business establishments shall be provided with a minimum of one (1) parking space per dwelling unit in addition to all spaces required for the business.

(g) Rooming or boarding houses and tourist homes shall be provided with a minimum of one (1) parking space for each guest room and two (2) for the resident manager.

(2) Parking for Public and Semi-Public Uses

(a) Places of worship and cemetery chapels, school auditoriums, other public auditoriums, stadiums, assembly or meeting rooms, or other similar places of public or private assembly shall be provided with one (1) parking space for every three (3) seats provided for assembly.

(b) Elementary and secondary public and parochial schools shall be provided with one (1) parking space for each fifteen (15) classroom seats. Where a school also has an auditorium, the total number of parking spaces required shall be provided according to the highest requirements in (1) above.

(c) Nursing and convalescent homes shall be provided with one (1) parking space for every three (3) beds plus one (1) space for each employee on the largest shift.

(d) Clinic and medical, osteopathic, chiropractic, or dental offices shall be provided with five (5) patient spaces per doctor and one (1) space for each staff member.

(e) Commercial schools such as art, music, dancing, photography, business, and technical trade schools shall be provided with one (1) parking space for every five (5) classroom seats.

(f) Nursery and day-care centers for children shall be provided with one (1) space for each employee and an off-street loading and unloading area to accommodate one (1) space for each six (6) children cared for in the center.

(g) Community centers, municipal administration buildings, libraries, and similar places shall be provided with one (1) space for every one hundred (100) square feet of floor area in public use.

(h) Public utility buildings and structures which are unmanned, such as telephone exchanges, electric stations and substations, and gas, water and sewage pumping stations, water tanks and reservoirs, sewage treatment plants, and radio and television transmission or receiving towers, shall be provided with at least two (2) parking spaces per facility.

(i) Public and public utility maintenance garages and storage yards shall be provided with one (1) parking space per employee assigned to work at such facility.

(j) Parks and playgrounds which include spectator seating for baseball fields, tennis courts and similar facilities shall be provided with parking spaces relative to spectator seating accommodations for stadiums, as described in (1) above. Where no spectator seating accommodations are involved, the facility shall be provided with two (2) parking spaces per swimming lane when a pool is present, two (2) parking spaces per playing court when such facilities are provided, and one (1) parking space for each two thousand (2,000) square feet of area or fraction thereof in the recreation site.

(3) Parking for Commercial Uses

(a) Retail stores or shops shall be provided with one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes and one (1) space for each employee.

(b) Supermarkets, grocery stores, and dairy stores shall be provided with one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes and one (1) space for each employee.

(c) Eating and drinking establishments, social halls, clubs, and lodges and other places serving food and beverages shall be provided with one (1) parking space for every two and one-half (2 1/2) seats for patron use and one (1) space for each employee.

(d) Drive-in and fast-food restaurants shall be provided with one (1) space for every fifty (50) square feet of floor area and one (1) space for each employee.

(e) Bowling alleys shall be provided with five (5) parking spaces for each pair of lanes and one (1) space for each employee.

(f) Skating rinks shall be provided with one (1) space for every one hundred (100) square feet of skating area and one (1) space for each employee.

(g) Billiard and pool rooms shall be provided with two (2) spaces per billiard or pool table and one (1) space for each employee.

(h) Golf driving ranges shall be provided with one (1) parking space per tee and one (1) space for each employee.

(i) Miniature golf ranges shall be provided with one (1) space per hole and one (1) space for each employee.

(j) Golf courses shall be provided with six (6) spaces per hole and one (1) space for each employee.

(k) Other open space areas for commercial purposes shall be provided with one (1) parking space for each two thousand (2,000) square feet of area or fraction thereof.

(l) Animal hospitals shall be provided with five (5) client/ patron spaces per veterinarian and one (1) space for each employee.

(m) Animal kennels shall be provided with one (1) parking space for every three (3) kennel runs and one (1) space for every employee.

(n) Office buildings shall be provided with one (1) parking space for each two hundred (200) square feet of floor area or fraction thereof.

(o) Professional offices and banks shall be provided with one (1) space for each two hundred (200) square feet of floor area or fraction thereof.

(p) Funeral homes and crematories shall be provided with fifteen (15) parking spaces for each viewing parlor plus one (1) space for each employee.

(q) Motels and hotels shall be provided with one (1) parking space for each unit for overnight accommodations and one (1) space for each employee on the largest shift plus all spaces required for restaurants or other uses accommodated. [See (c) above.]

(r) Barber and beauty shops and hair styling shops shall be provided with two (2) parking spaces per shop plus one and one-half (1½) per chair and one (1) for each employee.

(s) Self-service dry cleaning establishments and laundromats shall be provided with one (1) parking space for each two (2) washing, drying, and cleaning machines.

(t) Home occupations shall be provided with two (2) parking spaces for each dwelling unit, one (1) space for each nonresident employee, and one (1) space per patron.

(u) Appliance repair, shoe repair, and tailoring and dressmaking shops shall be provided with one (1) parking space for each two hundred (200) square feet of floor area or fraction thereof.

(v) Vehicular sales and body repair and service garages shall be provided with one (1) exterior parking space for each two hundred (200) square feet of interior floor area plus one (1) space for each employee on the largest shift.

(w) Gasoline service stations and car washes shall be provided with one (1) parking space for each employee on the largest shift.

(x) Other commercial buildings shall be provided with one (1) parking space for every three hundred (300) square feet of floor area, or fraction thereof.

(4) Parking for Industrial Uses

(a) Industrial, wholesale and warehouse establishments, truck terminals, manufacturing plants, public utility generating stations, and research and testing laboratories, etc., shall be provided with one (1) parking space for each two (2) employees on the maximum shift, plus one (1) parking space for each one thousand (1,000) square feet of floor area. But in any case, the total parking area shall not be less than twenty-five percent (25%) of the building floor area. Space shall also be provided for company vehicles and for visitors and sales representatives in addition to the above parking requirements according to specific needs.

J. Parking Prohibitions: Required parking spaces shall not be met by spaces on any street right-of-way.

K. Loading Facilities Required: Any structure used for public and semi-public uses and for commercial and industrial uses shall be provided with loading and unloading spaces for the transfer of goods and products and with commercial vehicle storage space adequate for their needs. In no case shall public rights-of-way be used for these purposes, and such loading areas shall be in addition to required off-street parking areas for employees and patrons.

7. Signs: Signs may be erected and maintained only when in compliance with the provisions of this Part and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices. Signs shall comply with both the regulations for the district in which they are located and the regulations generally pertaining to signs.

A. General Regulations

(1) Signs must be constructed of durable material, maintained in good condition, and not be allowed to become dilapidated.

(2) No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the sight distance or by causing confusion with traffic signs or signals.

(3) No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by municipal officials for a special purpose.

(4) No sign shall project over a public sidewalk area more than eighteen (18) inches.

(5) Overhead signs shall be at least nine (9) feet high, measured from the ground or pavement to the bottom-most part of the sign.

(6) No sign shall exceed the maximum height of a building permitted in the district in which the sign is located.

(7) No permit shall be required for the erection, alteration, or maintenance of any signs permitted in residential districts, except for temporary signs as provided for in (15) below.

(8) A permit shall be required for the erection or alteration of commercial and industrial identification signs and temporary signs [See (15) below] in commercial and industrial districts.

(9) Advertising painted upon, or displayed upon a building, structure, wall or rock surface shall be regarded as a sign, and the regulations pertaining thereto shall apply.

(10) Each sign shall be removed when the circumstances leading to its erection no longer apply.

(11) In all districts, only those residential signs and commercial and industrial identification signs referring directly to services provided or materials or products made, sold, or displayed on the premises shall be permitted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.

(12) No animated, sequential, flashing, or oscillating signs shall be permitted in any district. Any sign by reason of its intensity, color, location, or movement that may interfere with traffic lights, signals or other controls, or abrogate public safety shall not be permitted in any district.

(13) Signs for which illumination is permitted shall have the light confined to the surface of the sign and directed so as to avoid glare or reflection which could endanger highway or street traffic and which could create a nuisance for adjacent residences.

(14) Signs which emit objectionable or excessive noise created by electric current or air movement shall not be permitted.

(15) A temporary sign made of paper, cardboard, or similar material and intended to attract public attention shall not be attached to any lamp post, utility pole, shade tree, or public structure or building except as authorized by permit from the Zoning Officer. Such signs shall include political posters and notices of bazaars, picnics, and other such functions conducted by charitable and non-profit groups. When such signs are permitted, they shall not be posted sooner than forty-five (45) days before the date of the event advertised, and they shall not remain posted for more than thirty (30) days after the date of the event is advertised. The permit fee of thirty dollars (\$30) shall be required, which fee shall be returned if and when the signs are taken down in the time period allowed.

(16) Sign surfaces shall include the entire face or faces and, if composed of individual letters, figures, or designs, the space between and around such letters, figures, or designs, but should not include the supports.

(17) There shall be no signs on the roof of any structure, except as otherwise provided herein. [Ord. 94-3]

B. Signs in Residential and Open Reserve Districts

(1) Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:

i) the size of any such sign is not in excess of six (6) square feet; and ii) not more than one (1) such sign is placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which case one (1) such sign may be erected on each frontage. The signs shall be set back at least ten (10) feet from any public right-of-way line. The signs shall be removed from the premises within thirty (30) days after the sale or rental of the property.

(2) Signs indicating the location and direction of land available for or in the process of development and of model homes available for inspection, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided: i) the size of any such sign shall not be in excess of six (6) square feet, and not in excess of four (4) feet in length; and ii) not more than one (1) such sign shall be erected on each five hundred (500) feet of street frontage. The signs shall be set back at least ten (10) feet from any public right-of-way line. The signs shall be removed from the premises within thirty (30) days after the last lot or home is sold.

(3) Signs advertising the sale of lots in a subdivision in which the sign is to be located may be erected and maintained, provided: i) the size of the sign shall not be in excess of sixty (60) square feet in area; and ii) not more than one (1) such sign shall be erected in any subdivision. The signs shall be set back at least thirty-five (35) feet from any public right-of-way line. The signs shall be removed from the premises within thirty (30) days after the last lot is sold.

(4) Signs bearing the word "sold" or the word "rented" with the name of the persons effecting the sale or rental may be erected and maintained provided the conditions in subsection (1) above are complied with.

(5) Signs of contractors, mechanics, painters, and artisans may be erected and maintained on the premises where the work is being performed during the period in which such work is being performed, provided: i) the size thereof shall not be in excess of twelve (12) square feet; and ii) not more than one (1) such sign shall be allowed on any property. Such a sign shall be removed upon completion of the work.

(6) Trespassing signs and signs indicating private ownership of a driveway or property may be erected on the premises to which they refer, provided: i) the size of any sign shall not exceed two (2) square feet; and ii) signs shall be spaced at intervals of not less than one hundred (100) feet of street frontage.

(7) Signs of schools, places of worship, clinics, day-care centers, or other institutions of a similar nature may be erected or maintained provided: i) the size of any such sign shall not be in excess of forty (40) square feet; and ii) not more than one (1) such sign shall be placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which case one (1) such sign may be erected on each frontage. Such sign shall be set back at least ten (10) feet from any public right-of-way line.

(8) Signs indicating professional offices or home occupations of the occupants of dwellings shall not exceed one and a half (1½) square feet and shall be limited to one (1) sign per dwelling. Such sign may include the name, occupation, address, logotype and trade mark.

(9) Official traffic or street name signs may be erected only by, or with the written approval of, municipal officials.

(10) Signs necessary for the identification, operation or protection of public utility facilities and municipal uses shall be permitted provided; i) the size of the sign shall not be in excess of eight (8) square feet; and ii) the sign shall be located on the same premises as the use to which it refers. Such signs shall be set back at least ten (10) feet from any public right-of-way line.

(11) Signs indicating the name of the owner or number of the premises, or the name of the premises itself, shall be permitted provided: i) such sign shall not exceed one and a half (1½) square feet; and ii) not more than one (1) such sign shall be erected on any premises. Such sign shall be set back at least ten (10) feet from any public right-of-way line.

(12) Temporary signs shall be permitted as provided in Sub-section (A) (15) above.

C. Signs in Commercial and Industrial Districts

(1) Any sign permitted in any Residential and Open Reserve District shall also be permitted in any Commercial and Industrial District.

(2) Signs in Commercial, Neighborhood District (C-2) may be erected and maintained provided: (a) the sign shall be on the same premises to which it refers; (b) it shall not exceed twelve (12) square feet; and (c) not more than one (1) such sign shall be allowed on any property. The sign shall be set back at least ten (10) feet from any public right-of-way line.

(3) Signs in the Highway Commercial (C-1) and Industrial (I) Districts may be erected and maintained provided: (a) the sign shall be on the same premises as the activity to which it refers; (b) free standing signs totaling one hundred (100) square feet per face for the first two hundred (200) linear of major street frontage and additional fifty (50) square feet per face for each additional one hundred (100) linear feet of major street frontage shall be allowed per lot; (c) one (1) free standing sign shall be allowed per lot unless major street frontage of the lot is more than six hundred (600) linear feet, in which case not more than two (2) free standing signs shall be allowed per lot; (d) in addition, building signs having a total square footage of no more than one (1) square foot per linear foot of building face on which building face such business signs are attached shall be allowed; provided, such signs are on or attached to the building face and flush therewith; (e) in lieu of, or as part of, the building signs, no more than one (1) sign attached to the roof of the principal structure shall be allowed; provided, the sign does not extend above the top of the roof and the sign contains only the name of the business, the business logo or other appropriate identification of the business conducted on the premises.

(4) In shopping centers, in addition to signs permitted for individual establishments, one (1) sign shall be permitted in each such center indicating the name of the shopping center and establishments located therein. Such sign shall not exceed three hundred (300) square feet and shall not be located within one hundred (100) feet of any existing principal building on an adjoining residential lot. In addition, each establishment located in the shopping center may have its own identification sign; provided, such sign is attached to the building in which the activity is located and is no larger than seventy (70) square feet or/square foot per linear foot of building face for larger buildings attached to the building face and flush therewith.

(5) Signs within display windows shall not be considered a part of the permitted sign area unless such signs are illuminated, in which case the area shall be considered part of the permitted sign area.

(6) Temporary signs shall be permitted as provided in subsection (A)(15) above.

[Ord. 94-3]

8. Swimming Pools (Private): Private swimming pools in districts where permitted shall comply with the following conditions and requirements:

A. The pool shall be intended and shall be used solely for the enjoyment of the occupants and their guests of the principal use of the property on which it is located.

B. The pool shall be located in either the rear or side yard of the property on which it is an accessory use.

C. The pool, not including any walks or paved areas or accessory structures adjacent thereto, shall not be located closer than ten (10) feet to any property line of the property on which it is located. [Ord. 99-3]

D. For all pools, the pool area or entire property on which the pool is located shall be so walled or fenced or otherwise protected so as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall not be less than six (6) feet in height, and it shall be maintained in good condition.

E. Repair or replacement of fencing on existing pools shall conform to these requirements.

9. Construction Dumpsters Prohibited Without Permit in R-1 Zones. Large size construction dumpsters in R-1 Zones are prohibited except for use in conjunction with a permit for construction or demolition and shall be removed when the permit has expired and in no case shall the use of such construction size dumpsters exceed (6) months. Under no circumstances shall such dumpster be used to collect any organic waste and shall be limited to use for the collection of construction and demolition debris. For purposes of this Part a large size construction dumpster shall be defined as any dumpster holding five (5) cubic yards or more of debris. [Ord. 04-10]

(Ord. 87-8, 12/10/1987; as amended by Ord. 94-3, 4/4/1994, §§1, 2; by Ord. 99-3, 1/4/1999, §1; and by Ord. 04-10, 11/1/2004, §1)

§802. Supplementary Area Regulations.

1. Non-Conforming Lots of Record: In any district in which single-family residences are permitted, a single-family house and customary accessory buildings and uses may be erected on any lot of record in existence at the effective date of this Chapter even though the lot area and width are less than the minimum requirements set forth herein.

However, the front, side, and rear yards shall conform as nearly as possible to the requirements of the district in which the lot is located, as determined by the Zoning Hearing Board in granting a variance.

Where two (2) or more adjacent lots with less than the required area and width are held by one (1) owner, the request for a zoning permit shall be referred to the Zoning Hearing Board, which may require the owner of said lots to resubdivide or realign the existing lots or lot lines of said nonconforming lots in such a manner so as to create a lot or lots that conform, or conform as nearly as possible (where total conformance is impossible), with the minimum applicable requirements for lot dimensions and area as set forth in this Chapter; provided, however, that the Zoning Hearing Board shall not require any such action on the part of the owner until the Board has reviewed and considered the advisability and feasibility of compelling such action by the owner.

2. Reduced Lot Area: No lot shall be so reduced in area so that any yard or area requirements will be smaller than that prescribed in the regulations for the district in which the lot is located.

3. Residential Habitable Floor Area: All dwelling units hereafter created shall have the following minimum floor areas: efficiency unit, five hundred (500) square feet; one-bedroom unit, six hundred fifty-five (655) square feet; two-bedroom unit, nine hundred (900) square feet; three-bedroom unit, one thousand one hundred twenty-five (1,125) square feet; four-bedroom unit, one thousand three hundred thirty (1,330) square feet; and for every additional bedroom, an additional two hundred (200) square feet.

(Ord. 87-8, 12/10/1987)

§803. Supplementary Yard Regulations.

1. Fences and Walls: A fence or wall a maximum of six (6) feet in height --or higher if a retaining wall-- may be erected within the limits of any yard not extending beyond the front setback line. Within the front yard a fence or wall a maximum of thirty-six (36) inches in height shall be permitted, except as provided in Section 803(9) below.

2. Fire Escapes: Open fire escapes shall not extend into any required yard more than four and one-half (4½) feet.

3. Front Yards and "Through" Lots: In any district a lot which runs through a block from street to street shall have the required front yard for the district in which it is located for the frontage on both streets.

4. Patios: A paved patio shall not be considered in the determination of yard sizes or lot coverage if such patio is unroofed and without walls, parapets, or other form of enclosure and does not encroach within ten (10) feet of any property line.

5. Porches and Decks: Any porch or deck of more than four and one-half (4½) feet in depth shall not encroach within ten (10) feet of any side yard and within twenty (20) feet of any rear yard.

6. Projecting Architectural Features: Chimneys, cornices, eaves, gutters, and bay windows and similar architectural features may extend not more than three (3) feet into any required yard.

7. Structures, Attached Accessory: Accessory structures, such as garages or carports, which are attached to the principal building shall be considered a part of the building in the determination of the size of the yards or lot coverage.

8. Structures, Unattached Accessory: Unattached accessory structures on residential lots in any district may be erected within the rear or side yards provided that the maximum height of such structures be limited to one and one-half (1½) stories or fifteen (15) feet. However, in no case shall an unattached accessory structure be permitted closer than three (3) feet to a property line. [Ord. 99-3]

9. Visibility at Intersections: On any corner lot in any district no fence, wall, hedge, or other structure or planting more than thirty (30) inches higher than the road surface shall be erected or maintained within fifty (50) feet of the "corner" so as not to interfere with traffic visibility across the corner.

(Ord. 87-8, 12/10/1987; as amended by Ord. 99-3, 1/4/1999, §1)

§804. Supplementary Height Regulations.

1. Height Exceptions: The height limitations of this Chapter shall not apply to church spires, belfries, cupolas, and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, fire towers, bulk heads, and similar features; nor to silos, barns and other

farm buildings and structures; nor to any accessory mechanical appurtenances usually carried above the roof level.

2. Ornamental Features: The provisions of this Chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.

(Ord. 87-8, 12/10/1987)

Part 9
Administration and Enforcement

§901. The Zoning Officer.

1. The Zoning Officer. The provisions of the Zoning Chapter shall be enforced by an agent to be appointed by the Borough Council who shall be known as the Zoning Officer. The Zoning Officer shall not hold any elective office in the Borough.

2. Compensation. The compensation for the Zoning Officer shall be determined by the Borough Council.

3. Duties and Responsibilities. The Zoning Officer shall have all the duties and powers conferred by the Zoning Chapter in addition to those reasonably implied for that purpose. He shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign, and/or land unless it first conforms to the literal requirements of this Zoning Chapter, all other Chapters of the Borough, and with the laws of the Commonwealth of Pennsylvania. He shall:

A. Receive and check all applications for zoning permits and certificates of zoning compliance and make notations as to special conditions attached thereto.

B. Issue zoning permits and certificates of compliance only for construction and uses which are in accordance with the regulations of the Zoning Chapter and subsequent amendments; or through the Borough Council for conditional uses; or through the Zoning Hearing Board; or through Court approval. Zoning permits and certificates of compliance shall not be issued where the request concerns a lot, parcel or tract in a subdivision required to be approved under applicable Subdivision and Land Development regulations, which subdivision or development has not had the required approval.

C. Record and file all applications for zoning permits and certificates of zoning compliance together with accompanying plans and documents. All records shall be open to public inspection.

D. Be responsible for maintaining the Zoning Map showing the current zoning classifications of all land and the Zoning Text including all amendments thereto.

E. Maintain a map and register showing the registration, identity, and location of non-conforming uses and structures for which certificates of non-conformance have been issued by him. The Zoning Officer shall also examine such non-conforming uses and structures periodically to determine that they do not expand beyond the limitations prescribed herein.

F. When the Zoning Hearing Board, or the Borough Council in the case of a conditional use, schedules a public hearing on any application over which it has Jurisdiction, the Zoning Officer shall conspicuously post a notice of said hearing on the affected tract of land.

G. Participate in all proceedings before the Zoning Hearing Board and the Planning Commission and at their request furnish such facts, records, and similar information which will assist such bodies in reaching their decisions.

H. If it appears that a violation of this Chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as set forth in the municipal planning act and this Chapter. [Ord. 97-3A]

I. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment. [Ord. 97-3A]

J. Submit a monthly report to the Borough Council of all permits and certificates of zoning compliance issued and violations and stop work orders recommended or promulgated.

(Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§902. Permits

1. Requirements. It shall be unlawful to commence the excavation for or the construction or erection of any building, including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a zoning permit for such work. No permit shall be required for the repair, maintenance, or interior remodeling of any building, structure, or grounds provided such repairs, maintenance, or remodeling do not change the use or otherwise violate the provisions of this Chapter.

2. Form of Application. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as hereinafter prescribed. Application shall be made by the Owner or Lessee of any land, building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.

3. Description of Work. The application shall contain a general description of the proposed work, use, and occupancy of all parts of the building, structure, land, or sign and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a plot plan of the proposed building, structure, use or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space, if required, the location of new and existing construction, and the distances of the same from the existing lot lines.

4. Issuance of Zoning Permit. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefor. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Chapter and all laws and ordinances applicable thereto, he shall issue a permit therefor as soon as practical.

5. Notice of Starting Work. The Zoning Officer shall be given at least twenty-four (24) hours notice by owner or applicant prior to commencement of work at the site, having a zoning permit properly posted.

6. Expiration of Permit. The permit shall expire after one (1) year from the date of issuance unless work at the site has commenced within such period, but in any case, all work must be completed within two (2) years. If the work for which the permit has been granted has not been started within one (1) year from the granting of such permit or if the work has not been completed within two (2) years, the Zoning Officer shall cancel the permit and shall give written notice thereof to the applicant stating that further work shall not proceed unless and until a new zoning permit has been obtained.

7. Completion of Work. Upon completion of the construction, erection, or alteration of any building, structure or portion thereof authorized by any zoning permit obtained in compliance with this Chapter, and prior to use or occupancy, the holder of such permit shall notify the Zoning Officer of such completion. Use and occupancy shall not be authorized until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances, and has issued a certificate of zoning compliance as provided below.

8. Revocation of Permits. The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Chapter.

9. Posting of Permit. A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work or use and until the completion of the same as defined on the application.

(Ord. 87-8, 12/10/1987)

§903. Certificate of Zoning Compliance

1. Requirements. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of zoning compliance for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer.

2. Time of Application. When the use of premises involves a new building or structure or additions to an existing building or structure, the application for zoning compliance shall be made at the same time application is made for a zoning permit. When no construction or alteration is involved, application to occupy and use land may be made at any time.

3. Form of Application. The application for a certificate of zoning compliance shall be in such form as the Zoning Officer may prescribe. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required herein.

4. Issuance of Certificate of Zoning Compliance. The Zoning Officer shall inspect any structure, building, sign and/or use of land within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of zoning compliance for the intended use listed in the original application. The certificate of zoning compliance or a true copy thereof shall be kept available for official inspection at all times.

(Ord. 87-8, 12/10/1987)

§904. Complaints; Causes of Action; Enforcement Notice; Enforcement Remedies.

1. Complaints. Whenever a violation of this Chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer. He shall record properly such complaint, immediately investigate and take actions thereon as provided by this Chapter.

2. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, executed, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is beginning by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

3. Enforcement Notice.

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

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

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

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

(2) The location of the property in violation.

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

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

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

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

4. Enforcement Remedies.

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

B. The Court of Common Pleas, upon petition, may grant an order of stay, upon case shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

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

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

(Ord. 87-8, 12/10/1987; as added by Ord. 97-3A, 3/3/1997)

§905. Payment of Fees. No permit to begin work for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign, and/or land for construction or use purposes shall be issued until the fees, as established by resolution of Borough Council, shall be paid to the Zoning Officer. The payment of such fees shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Chapter, or any other Chapter or law. (Ord. 87-8, 12/10/1987; as amended by Ord. 88-3, 10/17/1988)

Part 10
Zoning Hearing Board

§1001. Zoning Hearing Board

1. Creation and Membership. There is hereby continued, to be appointed by the Borough Council, a Zoning Hearing Board, consisting of three (3) residents. Of the initial appointees to this Board, one (1) shall be designated until the first day of January following the date of this Chapter, one (1) until the first day of the second January thereafter, and one (1) until the first day of the third January thereafter. Their successors in office shall be appointed on the expiration of their respective terms to serve three (3) years. The Board shall promptly notify the Borough Council of any vacancies which occur. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members of the Board shall hold no other office in the Borough. [Ord. 97-3A]

2. Removal of Members. Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (15) days' advance notice of the charges and 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.

3. Organization. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided for in Section 1002, below. The Board may make, alter, and rescind rules and forms for its procedure, consistent with the provisions of its charter and with the provisions of this Chapter. The Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council once a year.

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

5. Meetings. Meetings shall be held at the call of the Board Chairman and at such other times as appeals are brought before the Board.

(Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§1002. Hearings. The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Time for Hearing and Notice of Hearings. A hearing shall be held within sixty (60) days from the date of the applicant's request unless the applicant has agreed in writing to an extension of time. Notice of hearings shall be given to the public, the applicant, the Zoning Officer, and such other persons who may have made timely request for the same, at such time and in such manner as may be specified by rules of the Board. In the absence of such Rules, such notice shall state the time and place of the hearing, and the particular nature of the matter to be considered, as follows: [Ord. 97-3A]

A. To the public: by publication at least ONCE in a newspaper of general circulation within the Borough, such publication to be not more than sixty (60) days, nor less than three (3) days prior to the date of the hearing.

B. To the applicant, Zoning Officer, and to such other persons who have made timely request for such notice, by direct individual notice mailed, handed or delivered at least three (3) days prior to the hearing.

In addition to the notice above provided, the Zoning Officer shall conspicuously post notice of the hearing on the affected property and also prominently in the Borough Building no less than three (3) days prior to the date of the hearing.

2. Hearing Officer. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decisions or findings by the Board and accept the decision or findings of the hearing officer as final.

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

4. Oaths and Subpoenas. The chairman or acting chairman of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

5. Representation by Counsel. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

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

7. Stenographic Record. The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made and,

in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof. [Ord. 97-3A]

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

9. Written Decision or Findings. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended) or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decisions or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall have been deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as here-in-above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in subsection 1 of this section. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. [Ord. 97-3A]

10. Copy of Final Decision or Findings. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

11. Fees. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board. [Ord. 97-3A]

(Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§1003. Jurisdiction and Functions. The jurisdiction of the Board and the jurisdiction of the Borough Council, as well as the functions of the Board shall be as follows:

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

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

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

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

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

E. Applications for variance from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10610.2.

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

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

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

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

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

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

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

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

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

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

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

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

A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

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

C. That such unnecessary hardship has not been created by the applicant.

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

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

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

4. Standards for Grant of Variance.

A. Under no circumstances shall the Zoning Hearing Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved or any use expressly or by implication prohibited by the terms of this Chapter in said District.

B. A variance from the terms of this Chapter shall not be granted by the Zoning Hearing Board unless and until:

(1) A written application for a variance is submitted demonstrating that:

(a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same district.

(b) Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter.

(c) The special conditions and circumstances do not result from the action of the applicant.

(d) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, structures or buildings in the same district.

No conforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) Notice of public hearing shall be given as in §1002, above.

(3) The public hearing shall be held. Any party may appear in person or by agent or by attorney.

(4) The Zoning Hearing Board shall make findings that the requirements of subsection (3) have been met by the applicant for a variance.

(5) The Zoning Hearing Board shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

5. Special Exceptions.

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

B. A special exception shall not be granted by the Zoning Hearing Board unless and until:

(1) A written application for a special exception is submitted indicating the Section of this Chapter under which the special exception is sought and stating the grounds on which it is requested.

(2) The Zoning Hearing Board shall make a finding that it is empowered under the Section of this Chapter described in the application to grant the special exception and that the grant of the special exception will not adversely affect the public interest.

(3) Before any special exception shall be issued, the Zoning Hearing Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangement has been made concerning the following, where applicable:

(a) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and conveniences, traffic flow and control and access in case of fire or catastrophe.

(b) Off-street parking and loading areas where required, with particular attention to the items in subsection (5)(B)(3)(a), above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

(c) Refuse and service areas, with particular reference to the items in subsections (5)(B)(3)(a) and (5)(B)(3)(b) above.

(d) Utilities, with reference to locations, availability and compatibility.

(e) Screening and buffering, with reference to type, dimensions and character.

(f) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety compatibility and harmony with properties in the district.

(g) Required yards and other open space.

(h) General compatibility with adjacent properties and other property in the district.

(4) In granting any special exception, the Zoning Hearing Board may prescribe additional conditions and safeguards in conformity with this Chapter. Violation of such conditions and safe guards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Chapter and punishable under Part 9, "Administration and Enforcement." The Zoning Hearing Board shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

6. Borough Council's Function; Conditional Uses. Where this Chapter has stated conditional uses to be granted by Borough Council pursuant to express standards and criteria, the Borough Council shall hold hearings on and decide requests for such conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Municipal Planning Act and this Chapter.

(Ord. 87-8, 12/10/1987; as added by Ord. 97-3A, 3/3/1997)

§1004. Unified Appeals. Where the Board has jurisdiction over a zoning matter pursuant to §1003, above, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Borough ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon as provided in §1002. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court. (Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§1005. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code), procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Chapter, from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough or any person aggrieved. Request for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. (Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§1006. Time Limitations.

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

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

(Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§1007. Stay of Proceedings.

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

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

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

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

(Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

Part 11
Appeals

§1101. Zoning Appeals. All zoning appeals are statutory and shall be pursuant to Article X-A of the Pennsylvania Municipal Planning Code. That Code is the exclusive mode of appeal. (Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§1102. Validity of Chapter; Substantive Questions.

1. A landowner who, on substantive grounds, desires to challenge the validity of the ordinance or map or any provision thereof which prohibit or restricts the use or development of land in which he has an interest shall submit a challenge either:

A. To the Zoning Hearing Board under §909.1(a) of the Municipal Planning Act.

B. To the Borough Council under §909.1(b)(4) of the Municipal Planning Act, together with a request for a curative amendment under §609.1 of the Municipal Planning Act.

2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon un §909.1(a)(1) of the Municipal Planning Act.

3. The submissions referred to in subsections (1) and (2), above, shall be governed by the following:

A. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment un §609.1 of the Municipal Planning Act, his application to the Borough Council shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

B. If the submission is made by the landowner to the Borough Council under §909.1(a)(2), the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.

C. If the submission is made to the Borough Council, the Borough Solicitor shall represent and advise it at the hearing or hearings referred to in §909.1(b)(4) of the Municipal Planning Act.

D. The Borough Council may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witness on its behalf.

E. Based on the testimony presented at the hearing or hearings, the Borough Council or the Zoning Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Borough Council is found to have merit, the Borough Council shall proceed as provide in §609.1 of the Municipal Planning Act. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

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

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

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

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

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

F. The Borough Council or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after conclusion of the last hearing.

G. If the Borough Council or the Zoning Board, as the case may be, fails to act on the landowner's request within the time limits referred to in subsection (3)(F), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

4. The Zoning Hearing Board or Borough Council, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.

5. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and when the times when copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

6. The challenge shall be deemed denied when:

A. The Zoning Hearing Board or Borough Council, as the case may be, fails to commence the hearing within the time limits set forth in subsection (4).

B. The Borough Council notifies the landowner that it will not adopt the curative amendment.

C. The Borough Council adopts another curative amendment which is acceptable to the landowner.

D. The Zoning Hearing Board or Borough Council, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and the Borough.

7. Where, after the effective date of this act, a curative amendment proposal is approved by the grant of a curative amendment application by the Borough Council pursuant to §909.1(b)(4) of the Municipal Planning Act or a validity challenge sustained by the Zoning Hearing Board pursuant to §909.1(a)(1) of the Municipal Planning Act or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval pursuant to Article V or VII of the Municipal Planning Act. Within the two (2) year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon filing of the preliminary or tentative plan, the provisions of §508(4) of the Municipal Planning Act shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved, but does not require further application under any subdivision or land development ordinance, the developer shall have one (1) year within which to file for a building permit. Within the one (1) year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

(Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§1103. Procedure to Obtain Preliminary Opinion. In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge and, recognizing that the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under §914.1 of the Municipal Planning Act by the following procedure:

1. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use

or development and a sufficient basis for a preliminary opinion as to its compliance.

2. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall include a general description of the proposed use or development and its location by some readily identifiable directive and the place and time where the plans and other materials may be examined by the public. The favorable preliminary approval under §914.1 of the Municipal Planning Act and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

(Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

Part 12
Amendments

§1201. Enactment of Zoning Ordinance Amendments.

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

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

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

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

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

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

(Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§1202. Citizen Request for Amendment to Text or Map. Requests for changes in the Zoning Chapter may be made by owners of land in the Borough or by their authorized agents.

1. Applications. All applications for amendments shall be made in writing by the owner or authorized agent, and shall be filed with the Zoning Officer on forms prescribed by him.

Applications shall contain all information necessary to assure the fullest practicable presentation of facts for the record, and shall contain the following:

A. The applicant's name and address and that of his representative, and the interest of every person represented in the application;

B. The verification by at least one of the owners of property to be reclassified, if this be the nature of the request, attesting to the truth and correctness of facts and information presented with the application;

C. A plan showing the extent of the area to be rezoned, if this be the nature of the request, and showing the streets bounding and intersecting the area, the use and zone classification of abutting districts, and the names and addresses of property owners of land within two hundred (200) feet of the area;

D. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.

The Zoning Officer shall check the application to determine whether it conforms with the requirements listed above, and, if satisfactory, shall immediately submit it to the Planning Commission who shall follow the procedures enumerated in §1205.

(Ord. 87-8, 12/10/1987)

§1203. Planning Commission Requests for Amendment to Text or Map. Amendments to the Zoning Chapter text or map may be initiated by the Planning Commission by motion recommending adoption according to procedures enumerated in §1205, below, and be submitted to the Borough Council, who shall follow the procedures enumerated in §1204, below. (Ord. 87-8, 12/10/1987)

§1204. Procedures of the Borough Council. The Borough Council shall follow the procedures below for amending the Zoning Chapter:

1. Preparation of Amendments. The Borough Council may request the Planning Commission to prepare amendments to the Zoning Chapter using the same procedure as set forth in the Pennsylvania Municipalities Planning Code (Act 247 as amended) for the preparation of the Zoning Chapter itself, as described in §1205, below.

2. Referral to the Planning Commission. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. However, the Borough Council shall not be bound by the recommendations of the Planning Commission.

3. Public Hearing. After receiving requests for amending the Zoning Chapter and after receiving the recommendations of the Planning Commission, the Borough Council shall hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in §1208, below.

4. Revision of Amendment. If, after the public hearing held upon the amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Borough Council shall hold another public hearing in the manner prescribed in §1208, below, before proceeding to vote on the amendment.

5. Voting on Amendment. The Borough Council shall consider the recommendations of the Planning Commission and testimony presented at the public hearing and then vote on the proposed amendment to the text or map of the Zoning Chapter.

6. Notice of Decision. The applicant and others so requesting shall receive notice of the decision of the Borough Council through the Zoning Officer.

(Ord. 87-8, 12/10/1987)

§1205. Procedures of the Planning Commission. The Planning Commission shall follow the procedures set forth below for amending the Zoning Chapter:

1. Preparation of Amendments. At the request of the Borough Council or on its own initiative the Planning Commission:

A. Shall prepare the text and map of the proposed zoning amendments as well as make all necessary studies and surveys preliminary thereto;

B. May hold a public hearing pursuant to public notice and hold additional public hearings upon such notice as it shall determine to be advisable; and

C. Shall present to the Borough Council the proposed zoning amendment, together with recommendations and explanatory materials, upon the completion of its work.

2. Review Amendments. In the case of an amendment other than that prepared by the Planning Commission, the Commission shall review each such amendment submitted to it by the Borough Council. It shall consider whether or not such proposed amendment would be, in the view of the Commission, consistent with and desirable in the furtherance of the Comprehensive Plan upon which the Zoning Chapter is based. The Commission shall submit its recommendations on the amendment to the Borough Council prior to the public hearing scheduled by the Borough Council.

3. Referral to the County Planning Commission. The Borough Planning Commission shall also be responsible for submitting the proposed amendment to the Snyder County Planning Commission for their review and recommendations thirty (30) days prior to the public hearing on the amendment by the Borough Council.

(Ord. 87-8, 12/10/1987)

§1206. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the zoning map or any provision thereof, which prohibits the use or development of land in which he has an interest, may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the County planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610 and 10916.1.

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

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

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

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

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

D. The impact of the proposed use on the site's soils, slopes, woodland, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

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

(Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§1207. Procedure for Borough Curative Amendments.

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

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

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

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

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

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

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

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

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

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

(Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

§1208. Public Hearings. Before voting on the enactment of an amendment the Borough Council shall hold a public hearing thereon pursuant to public notice as follows:

1. Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing; and

2. A public notice of a proposed zoning ordinance or amendment shall be published once each week for two (2) successive weeks, the first notice to appear not less than fourteen (14) days nor more than thirty (30) days before the date fixed for the hearing, in a newspaper of general circulation in the Borough.

(Ord. 87-8, 12/10/1987)

§1209. Publication After Enactment. After enactment, if the advertisement of a zoning ordinance or amendment is required by other laws respecting the advertisement of ordinances, such advertisement shall consist solely of a reference to the place or places within the Borough where copies of such ordinance or amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge. The Zoning Chapter and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein. (Ord. 87-8, 12/10/1987)

§1210. Provisions to be Minimum Requirements. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or imposing the highest standards shall govern. (Ord. 87-8, 12/10/1987; as amended by Ord. 97-3A, 3/3/1997)

Part 13

District Reclassifications

1. Area northeast of intersection of Main Street and Pa. L.R. 25, containing approximately 12,000 sq. ft., rezoned from R-1 residential zone to a C-1 Highway Commercial zone. (Ord. 88-2, 6/6/1988)
2. Area north of the commercial property owned by George J. and Patricia S. Gilbert and west of U.S. Route 15 rezoned from R-S residential zone to a C-1 Commercial Highway zone. (Ord. 92-3, 6/1/1992)
3. Property north of the westbound lane of the Veterans Memorial Bridge rezoned from R-1 Residential to R-2 Residential. (Ord. 93-2, 3/15/1993)
4. Property northwest of the railroad line from Seventh Avenue to Fifth Avenue rezoned from R-3 Residential to R-2 Residential. (Ord. 93-2, 3/15/1993)
5. Property from Stetler Avenue North between Routes 11 and 15 and the Old Trail, being Legislative Route 54067, rezoned from R-2 Residential to C-1 Commercial. (Ord. 99-4, 6/7/1999, §1)
6. Property from Stetler Avenue North between Routes 11 & 15 and the West side of the Old Trail being Legislative Route 54067 a distance of six hundred seventy (670) feet more or less, rezoned from R-2 Residential to C-1 Commercial.

Property from the Southeast corner of the C-1 zone on the Old Trail North between Routes 11 & 15 and the West side of the Old Trail being Legislative Route 54067 a distance of seventy-eight (78) feet more or less, being the lands of University Park Plaza Corporation, rezoned from R-2 Residential to C-1 Commercial.

Property fronting on the East side of the Old Trail being Legislative Route 54067 a distance of three hundred fifty-nine and one tenth (359.1) feet with the rear of the land bordering on the land of Sunbury Generation LLC a distance of four hundred ten and four tenths (410.4) feet with a depth on the North end of three hundred fourteen and fifteen hundredths (314.15) feet and a depth on the South end of two hundred three and four tenths (203.4) feet, rezoned M-1 General Industrial to C-1 Commercial.

(Ord. 03-3, 5/5/2003, §1)

7. Property beginning at the southeastern corner of the intersection of Baldwin Boulevard and Smokehouse Lane and continuing east along the southern side of Smokehouse Lane one hundred seventy-four and sixty-three hundredths feet (174.63), having a depth on the west end along Baldwin Boulevard of one hundred ten feet (110.00), and a depth on the east end bordering Stayman Park Apartments of one hundred two and ninety-eight hundredths feet (102.98) being the lands of Broscious Construction Co. and called Lot G8B1, rezoned from R-3 Residential to R-2 Residential. (Ord. 03-4, 12/1/2003, §1)

8. Property beginning at a found stone, said stone being a northwest corner of lands now or formerly of Broscious Construction Company, the northeast corner of lands now or formerly of Burt Johns and along the southern line of the hereinafter described tract and running; thence South forty-six degrees ten seconds thirteen minutes West ($S. 46^{\circ} 10' 13'' W.$) a distance of one thousand one hundred fifteen and fifteen hundredths (1,115.15) feet along lands of said Johns, Wilson, Delta Community Supports, Inc., Schraeder, Hooks, Lockcuff, Wendt, Rothemel, and Bohner to a point in the centerline of SR 1019 (Eleventh Avenue); thence South forty-five degrees fifty-one minutes twenty-three seconds West ($S. 45^{\circ} 51' 23'' W.$) a distance of two hundred sixteen and nineteen hundredths (216.19) feet along land now or formerly of Beck, to a found iron pin; thence North thirteen degrees twenty-eight minutes nine seconds West ($N. 13^{\circ} 28' 09'' W.$) a distance of three hundred twenty-seven and seven hundredths (327.07) feet along land now or formerly of Russell Hummel Sr., to a point; thence North seventeen degrees thirty-nine minutes two seconds West ($N. 17^{\circ} 39' 02'' W.$) a distance of two hundred seventy-four and forty-one hundredths (274.41) feet along said Hummel to a point; thence North thirty degrees forty-two minutes fifty-four seconds East ($N. 30^{\circ} 42' 54'' E.$) a distance of three hundred thirty-seven and thirty-one hundredths (337.31) feet crossing SR 1019 and along other lands of PPL Generation LLC, of which this was a part to a set iron pin; thence North fifteen degrees fifty-seven minutes four seconds East ($N. 15^{\circ} 57' 04'' E.$) a distance of one hundred eighty-nine and thirteen hundredths (189.13) feet along other lands of PPL Generation LLC, of which this was a part to a set iron pin; thence North thirteen degrees fifty-six minutes four seconds East ($N. 13^{\circ} 56' 04'' E.$) a distance of two hundred seventy-eight and ninety-eight hundredths (278.98) feet along other lands of PPL Generation LLC, of which this was a part to a set iron pin; thence North forty-four degrees fifty-eight minutes five seconds East ($N. 44^{\circ} 58' 05'' E.$) a distance of one thousand one hundred fifty-two and thirty-four hundredths (1,152.34) feet along other lands of PPL Generation LLC, of which this was a part to a set iron pin; thence South twelve degrees eighteen minutes fifty seconds East ($S. 12^{\circ} 18' 50'' E.$) a distance of three hundred ninety-three and fifty-eight hundredths (393.58) feet along other lands of PPL Generation LLC of which this was a part to a set iron pin; thence South twenty-three degrees twenty-nine minutes fifty-two seconds East ($S. 23^{\circ} 29' 52'' E.$) a distance of five hundred ninety-one and eighty-four hundredths (591.84) feet along other lands of PPL Generation LLC, of which this was a part to a set iron pin; thence South forty-six degrees fifty-two minutes thirteen seconds West ($S. 46^{\circ} 52' 13'' W.$) a distance of four hundred twenty and thirty hundredths (420.30) feet along said Broscious Construction Company to a found stone, the point of beginning. (Tax Parcel Nos. SD-6-17 & 47). Being a partially wooded and open tract of land containing thirty-one and one hundred thirty thousandths (31.130) of an acre, more or less, and subject to the right of way for SR 1019 (Eleventh Avenue), rezoned from S-1 Open Reserve District to R-I Residential Medium Density District. (Ord. 04-6, 9/13/2004, §1)
9. Property beginning at a point at the intersection of a 33 foot road leading from the Old Trail and the northwest corner of land now or formerly of Michael J. and Heidi T. Dunigan; thence along the southern line of said 33 foot road and the northern line of said Dunigan land,

in an eastwardly direction, a distance of 320 feet, more or less, to the Western line of land of Sunbury Generation, LLC.; thence along the western line of Sunbury Generation, LLC, in a northerly direction, a distance of 220 feet, more or less, to a point South $31^{\circ} 23' 21''$ East, 10 feet from the Northeast corner of lands of Scott R. Billings; thence North $31^{\circ} 23' 21''$ West, along said Billings northern line and southern line of land of Volunteer Fire Company No. 1 of Shamokin Dam, a distance of 147.5 feet, more or less, to the center line of a 15 foot wide unnamed alley; thence South $58^{\circ} 36' 39''$ West, along the center line of said alley, a distance of 217 feet, more or less, to a point; thence in a westerly direction, crossing said alley and perpendicular thereto, a distance of 7.5 feet to the Northeast corner of lot 10 of Bassler's Second Addition, now of Scott R. and Michelle A. Billings; thence in a westerly direction, along the dividing line between Lot 10 and Lot 11 of said Bassler's Second Addition, a distance of 140 feet, more or less, to a point in the eastern line of State Road leading from Selinsgrove to Sunbury, commonly known as South Old Trail; thence along the eastern line of the Old Trail, in a southerly direction, a distance of 120 feet, more or less to the Northeast corner of lands of Michael J. and Heidi T. Dunigan. (Ord. 07-3, 2/5/2007, §2)

10. Property beginning at a point on the Northern right-of-way line of Eighth Avenue, said point being North $89^{\circ} 54' 29''$ West, a distance of 499.36 feet from the point of intersection of the Northern right-of-way line of Eighth Avenue and the Western right-of-way line of US Routes 11 & 15; thence along the Northern right-of-way line of Eighth Avenue, North $89^{\circ} 54' 29''$ West, a distance of 154.96 feet to a point on the line of lands now or formerly of Serojo, Inc.; thence along the line of lands now or formerly of Serojo, Inc., North $07^{\circ} 19' 29''$ West, a distance of 352.83 feet to a point; thence along lands now or formerly of Serojo, Inc., North $08^{\circ} 11' 29''$ West, a distance of 341.58 feet to a point on line of lands now or formerly of Serojo, Inc.; thence along the line of lands now or formerly of Serojo, Inc., North $80^{\circ} 36' 31''$ East a distance of 598.84 feet to a point on the legal right-of-way line now or formerly of L.R. 25 Westbound; thence along the legal right-of-way line now or formerly of L.R. 25 Westbound, South $31^{\circ} 42' 14''$ East, a distance of 260.99 feet to a point on line of lands now or formerly of Shamokin Dam Motor Inn, Inc.; thence along line of lands now or formerly of Shamokin Dam Motor Inn, Inc., North $89^{\circ} 41' 53''$ West a distance of 165.64 feet to a point; thence along same, South $00^{\circ} 26' 31''$ West, a distance of 215.47 feet to a point on line of lands now or formerly of Shamokin Dam Motor In, Inc.; thence along line of lands now or formerly of Shamokin Dam Motor Inn, Inc., North $89^{\circ} 54' 29''$ West, a distance of 311.50 feet to a point; thence along same, South $00^{\circ} 05' 31''$ West a distance of 349.88 feet to a point on the Northern right-of-way line of Eighth Avenue. (Ord. 08-3, 3/3/2008, §2)
11. Property beginning at a 16" Walnut Tree with an iron pin witness at the South base, being the northeastern corner of lands now or formerly of William R. and Angela M. Steimling; thence North $61^{\circ} 25' 01''$ West, a distance of 148.43 feet to an iron pin, the northwestern corner of Steimling lot and northeastern corner of lot of Judi L. Jessick; thence North $61^{\circ} 57' 53''$ West, a distance of 143.01 feet to an iron pin, the northeastern corner of lot of Broscious Construction Co.; thence North

62° 20' 55" West, a distance of 120.60 feet to an iron pin, southeastern corner of other lands of Broscious Construction Co.; thence North 28° 02' 49" East a distance of 180.53 feet to a railroad spike set in the South base of a 12 inch Wild Cherry Tree, corner of land now of the Commonwealth of Pennsylvania, Department of Transportation; thence on a curve to the left, said curve having a radius of 2,180.00 feet, a chord direction of South 67° 38' 48" East and chord distance of 303.67 feet, an arc distance of 303.91 feet to a 3/4 inch steel pin; thence South 56° 26' 46" East a distance of 133.50 feet to a 3/4 inch steel pin; thence South 65° 14' 23" East a distance of 340.29 feet to a 3/4 inch steel pin; thence South 54° 36' 50" East a distance of 186.70 feet to a 3/4 inch steel pin; thence South 36° 14' 05" East a distance of 122.05 feet to an iron pipe; thence North 62° 06' 256" West through a concrete monument at 278.2 feet, a total distance of 290.60 feet to an iron pipe; thence South 28° 58' 5" West, a distance of 183.72 feet to a 1 inch steel pin, the northeastern corner of lands of Eugene E. and Margaret C Kardohely; thence North 74° 37' 23" West, a distance of 135.55 feet to a point in the line now dividing the R-1 District from the R-S district; thence North 28° 58' 57" East, a distance of 70.92 feet to a point, current corner of the R-1 District; thence along current line dividing the R-1 District from the R-S District, North 61° 25' 01" West, a distance of 232.42 feet to a 16 inch Walnut Tree. (Ord. 2013-3, 4/1/2013)

12. Property beginning at an iron pin in the easterly line of North Old Trail at the southwesterly corner of the lot herein described; thence North Forty-one Degrees five minutes forty-one seconds West (N. 41° 05' 41" W.) along the easterly line of North Old Trail, a distance of two hundred fifty and sixty-four hundredths (250.64) feet to an iron pin; thence South fifty-two degrees thirty minutes zero seconds East (S. 52° 30' 00" E.), along lot nor or formerly of Michael Ferarri, a distance of one hundred seventy-five and seventeen hundredths (175.17) feet to an iron pin in line of land now or formerly of Sunbury Generation, LP; thence South firth-one degrees fifteen minutes twenty-six seconds West (S. 41° 15' 26" W.), along lands now or formerly of Sunbury Generation, LP, a distance of two hundred sixty-one and eighty-six hundredths (261.86) feet to an iron pin at corner of land now or formerly of PPL Generation LLP; thence North forty-eight degrees forty-nine minutes twenty-nine seconds West (N. 48° 49' 29" W.) along lands now or formerly of PPL Generation, LLP, a distance of one hundred seventy-four and eight hundredths (174.08) feet to an iron pin, the place of beginning. (Ord. 2014-7, 11/3/2014)