

ZONING ORDINANCE

ROYALTON BOROUGH

DAUPHIN COUNTY

PENNSYLVANIA

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ORDINANCE NO.

AN ORDINANCE

Permitting, prohibiting, regulating, restricting and determining the uses of land, water courses, size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land 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 repeal, and variances; for conditional uses for the administration and enforcement of the ordinance, and such other provisions as may be necessary to implement the proposes of this Ordinance.

ARTICLE 1

TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT OBJECTIVES

Section 1 SHORT This Ordinance shall be known as and
 may be cited as the "BOROUGH OF ROYALTON
 ZONING ORDINANCE."

Section 2. AUTHORITY: This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247. "The Pennsylvania Municipalities Planning Code", July 31, 196 8, as amended.

Section 3. PURPOSE: This Ordinance is enacted for the following purposes:

- A. 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, 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

- B. To prevent one or more of the following: over crowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance is made in accordance with an overall program, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, as well as

Section 4. COMMUNITY DEVELOPMENT OBJECTIVES; To promote and to foster the community development goals and objectives as contained in the Royalton Borough Comprehensive Plan, as adopted.

ARTICLE II

DEFINITIONS

DEFINITION OF TERMS; The following words are defined in order to facilitate the interpretation of the Ordinance 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 words shall, for the purpose of this ordinance, have the meaning herein indicated.

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

The word "lot" includes the words "plot" or "parcel".

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied".

ACCESS DRIVE: A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

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

AGRICULTURE: The cultivating of the soil, producing crops and raising livestock and, in varying degrees, the processing and marketing of products raised on the premises.

ALLEY: A public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS: As applied to a building or structure, any 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.

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

AMENDMENT: A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Governing Body.

AMUSEMENT PLACE; A commercially operated enterprise with various devices for entertainment and may have facilities for the sale of food, drink or merchandise.

ANIMAL HSOPITAL: A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

APARTMENT; A dwelling unit within a multiple dwelling. This classification includes apartments in Apartment Houses, Bachelor Apartments, Studio Apartments and Kitchenette Apartments. Conversion apartments are not included in this classification.

APARTMENT (CONVERSION); An existing dwelling unit that is or was converted to a dwelling for more than one family, without substantially altering the exterior of the building.

APARTMENT, GARDEN; A two (2) story multi-family dwelling, containing one (1) story dwelling units, under one ownership.

APARTMENT HOUSE: A building arranged, intended or designed to be occupied by three or more families living independently of each other.

APPLICANT: A landowner or developer who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including but not limited to, an application for a building permit for the approval of a subdivision plat or for approval of a development plan.

AREA, BUILDING: The total of areas 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.

AUTO BODY SHOP: Any structure or any building or part thereof, that is used for the repair or painting of bodies, chasses, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

AUTOMOBILE GARAGE: A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks, or similar motor vehicles.

AUTOMOBILE AND/OR MOBILE HOME SALES GARAGE: A building on a lot designed and used primarily for the display or sale of new and used cars and mobile homes where mechanical repairs and body work may be conducted as an accessory used incidental to the primary use.

AUTOMOBILE AND/OR MOBILE HOME SALES LOT; An open lot, used for the outdoor display or sales of new or used automobiles or mobile homes and where minor and incidental repair work (other than body and fender) may be done.

AUTOMOBILE SERVICE STATION; Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

AUTOMOBILE WASHING (CAR WASH); A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services set forth herein for Automobile Service Stations.

AUTOMOBILE WRECKING; The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BAFFLE; A freestanding randomly located structure, fence-like in nature and materials of construction, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one segment of one property from another for the primary purpose of assuring privacy; a baffle or screen of this nature may also be utilized for the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.

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 is used for business or dwelling purposes, other than a game or recreation room.

BLOCK; An area bounded by streets.

BOARDING HOUSE; A building arranged or used for the lodging, with or without meals, for compensation, by more than five (5) and not more than twenty (20) individuals.

BUFFER YARD; See Yard, Buffer.

BUILDING; Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.

BUILDING, DETACHED; A building surrounded by open space on the same lot.

BUILDING, FRONT LINE OF; The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

BUILDING, HEIGHT OF; 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 LINE; A line parallel to the front, side, or rear lot line set so as to provide the required yard.

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

BUILDING, NON-CONFORMING; A building so located on a lot that it does not have the minimum front, side, or rear yard required minimum distance between any enclosed structure and the adjacent property line.

BUILDING SETBACK LINE; The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way.

CARPORT: A covered space, open on three sides, for the storage of one or more vehicles and accessory to a main or accessory building.

CARTWAY: That portion of a street or alley which is improved, designed, or intended for vehicular use.

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

CLEAR-SIGHT TRIANGLE: An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets center lines.

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 a planned residential development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

CONDOMINIUM: A method of ownership which, when applied to a multi-family dwelling, provides for separate ownership for each unit; which title shall consist of ownership of the unit together with an individual interest in common elements.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls or such building.

COURT, INNER: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

COURT, OUTER: A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

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

CROSS-WALK: A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

CUL-DE-SAC: A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

CURB LEVEL: The officially established grade of the curb in front of the mid-point of the lot.

CUT: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEVELOPER: Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

DEVELOPMENT PLAN: The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. This phrase "provisions of the development plan" when used in this act shall mean written and graphic materials referred to in this definition.

DISTRICT, ZONE: A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Zoning Map.

DOG KENNEL: A structure where three (3) or more dogs that are more than six (6) months old are kept for commercial purposes.

DUMP: A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DWELLING: A building or structure designed for living quarters for one or more families, including mobile homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, rooming houses or other accommodations used for transient occupancy.

DWELLING UNIT: A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING GROUP: A group of two (2) or more single-family, two-family, or multi-family dwellings occupying a lot in one ownership.

DWELLING, MULT I -FAMILY: A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

DWELLING, SINGLE FAMILY, ATTACHED (ROW) : A building used for one (1) family and having two (2) party walls in common with other buildings (such as row house or townhouse).

DWELLING, SINGLE FAMILY, QUADROPLEX: A building used by one (1) family, having one (1) side yard, and two (2) party walls in common with another building, one party wall being a side wall and one being a rear party wall.

DWELLING, SINGLE FAMILY, SEMI-DETACHED: A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building.

DWELLING, TWO FAMILY, DETACHED: A building used by two (2) families, with one dwelling unit arranged over the other and having two (2) side yards.

DWELLING, TWO FAMILY, SEMI-DETACHED: A building used by two (2) families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

EASEMENT: A right-of-way granted for limited use of land for public or quasi-public purpose.

ELECTRIC SUBSTATION: An assemblage of equipment for purposes other than generation or utilization, through which electric

energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES: Electric public utilities transmission distribution facilities including substations.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality.

ENGINEERING SPECIFICATIONS: The engineering specifications of the municipality regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

EROSION: The removal of surface materials by the action of natural elements.

EXCAVATION: Any act by which earth, sand, gravel, rock, or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

FAMILY: One or more persons related by blood, marriage or adoption, or a group of not more than five persons, excluding servants, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

FENCE: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line, when such structure is erected on or any front, side or rear lot line; for the purpose of this ordinance a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this ordinance when the term "lot line" is used in relation to fences it shall be synonymous with "rear yard lot lines", "side yard lot lines" and "front yard lot lines". Fences are not synonymous with "garden structures" which are defined elsewhere herein.

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference is elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

FLOOD: A temporary inundation of normally dry land areas.

■FLOOD, BASE (ONE-HUNDRED YEAR FLOOD): A flood that, on the average, is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

FLOOD FRINGE: That portion of the floodplain outside the floodway.

FLOODPLAIN; (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude without increasing the water surface elevation more than one foot at any point.

FLOOR AREA OF A BUILDING: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE: The sum of the horizontal areas of all rooms used for habitation, measured between interior faces or walls, such as living room, dining room, kitchen or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one skylight, or window opening onto an outside yard or court. (Refer also to adopted BOCA Basic Building Code definitions of Habitable Space; Habitable Space, Minimum Height; and Habitable Space, Minimum Size)

FLOOR AREA RETAIL, NET: All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer but not to include office space, storage space and other general administrative areas.

GARAGE, PRIVATE: An enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC: Any garage other than a private garage, and which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

GARDEN STRUCTURES; Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than three (3) feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, lathe house, private greenhouse and freestanding screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building set back line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two (2) sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

GARDENING; The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GOVERNING BODY; Shall mean the Borough Council of Royalton, Dauphin County, Pennsylvania.

GRADE ESTABLISHED; The elevation of the center line of the streets as officially established by the municipal authorities.

GRADE, FINISHED; The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GROUND FLOOR; The floor of a building nearest the mean grade of the front of the building.

HABITABLE SPACE; Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HEIGHT OF BUILDING; The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections.

HOME OCCUPATION; Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

HOSPITAL: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

HOTEL: A building used as the more or less temporary abiding place of six (6) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands, and other accessory services primarily for serving its occupants and only incidentally the public.

INCINERATOR: An approved device in which combustible material, other than garbage, is burned to ashes.

INDUSTRY: The manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.

JUNKYARD: A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collection, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

LAND DEVELOPMENT: (i) the improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division of 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: (ii) a subdivision of land.

LAND OWNER: 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 conditions) , a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this ordinance.

LAUNDERETTE: A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LIGHTING:

- A. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.
- B. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

C. Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LIVESTOCK: Farm animals kept for use or profit.

LOADING SPACE: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LODGING HOUSE (ROOMING HOUSE): Any building or portion thereof containing not more than five (5) guest rooms which are used by not more than five (5) guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements for dwellings.

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 space as required under the provisions of this ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street.

LOT AREA: The area contained within the property lines of a lot, as shown on a subdivision plan excluding space within any street, but including the area of any easement.

LOT, CORNER: A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135 degrees and the radius of the street line is less than 100 feet.

LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two streets.

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

LOT LINES: The lines bounding a lot as defined herein.

LOT, MINIMUM WIDTH: The minimum lot width at the Building Setback Line.

LOT, NON-CONFORMING: A lot of record prior to the enactment of this Ordinance, which by reason of area or dimension does not conform to the requirements of the district in which it is located.

LOT OF RECORD: A lot which has been recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania.

LOT, REVERSE FRONTAGE: A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

LOT, THROUGH OR DOUBLE FRONTAGE: A lot with front and rear street frontage.

MANUFACTURING: The processing and/or converting of raw unfinished or finished materials, or products, or any, or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MAJOR THOROUGHFARES: A street or highway designated as an existing or planned major thoroughfare.

MASSAGE: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

MASSAGE PARLOR: Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage.

MIXED OCCUPANCY: Occupancy of a building or land for more than one use.

MOBILEHOME: Means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, 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.

MOBILEHOME LOT: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected on the lot.

MOBILEHOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobilehomes for nontransient use, consisting of two or more mobilehome lots.

MOTEL; A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

NONCONFORMING BUILDING: A building or structure which does not conform to all the height, area, yard, and court regulations of the district in which it is located.

NONCONFORMING SIGN: A sign which does not conform to the regulations of the district in which it is located.

NONCONFORMING STRUCTURE: Means a structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore, or hereafter enacted, where such structure lawfully existing 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. Such nonconforming structures includes, but are not limited to, nonconforming signs.

NONCONFORMING USE: Means a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore 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.

NURSERY, HORTICULTURE: Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOME: A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for non-profit agencies licensed for profit making operations by the Pennsylvania Department of Public Welfare for such use.

OBSCENE MATERIALS: Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which (1) depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and (2) taken as a whole, appeals to the prurient interest; and (3) taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION; Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.

OFFICE BUILDING; A building designed or used primarily for office purposes, no part of which is used for manufacturing, or for a dwelling.

OFFICE, PROFESSIONAL; A room or rooms used for the carrying on of a profession to include physicians, dentists, architects, engineers., accountants, attorneys, real estate brokers, insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania.

OPEN SPACE; The unoccupied space open to the sky on the same lot with the building not including parking lots.

PARKING LOT, PUBLIC; Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

PARKING SPACE; The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PERSON; Any individual or group of individuals, partnership, or corporations.

PLAT, FINAL; A complete and exact subdivision or land development plan prepared for official recording as required by statute.

PLAT, PRELIMINARY; A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layout of a premises as a basis for consideration prior to preparation of the final plat.

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.

PREMISES; Any lot, parcel, or tract of land and any building constructed thereon.

PRIVATE; Not publicly owned, operated, or controlled.

PRIVATE ROAD; A legally established right-of-way, other than a street, which provides the primary vehicular and/or pedestrian access to a lot.

PROFESSIONAL OCCUPATION: The practice of a profession by any Attorney, Physician, Surgeon, Osteopath, Chiropractor, Dentist, Optician, Optometrist, Chiropodist, Engineer, Surveyor, Architect, Landscape Architect or Planner entitled to practice under the laws of the Commonwealth of Pennsylvania.

PRURIENT INTEREST: Is to be judged with reference to average adults unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

PUBLIC: Owned, operated or controlled by a government agency (Federal, state, or local – including a corporation created by law for the performance of certain specialized governmental functions and the Board of Public Education).

PUBLIC GROUNDS: Public grounds include the following:

- a. Parks, playground, and other public areas, and
- b. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC NOTICE: Notice given not more than thirty days and not less than fourteen days in advance of the date of any public hearing required by this Ordinance. Such notice shall be 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.

PUBLIC UTILITY FACILITIES: Public utility transmission distribution facilities including substations and the like.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted or drawn by another vehicle; having a body width of no more than eight (8) feet and a body length of no more than thirty-five (35) feet when factory equipped for the road, and licensed as such by the Commonwealth to include, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motorhomes.

RECREATIONAL VEHICLE PARK OR CAMPGROUND: A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping, or travel use, on recreational vehicle or campground lots rented for such use, thereby constituting a "land development."

RIGHT OF WAY, STREET: A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

ROW HOUSE: See Dwelling, Single-Family Attached.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SADOMASOCHISTIC ABUSES: Flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SANITARIUM: A private hospital, whether or not such facility is operated for profit.

SCHOOL: Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, NURSERY: Any place designed and operated to provide regular instruction and daytime care for two or more children under the age of elementary school, including day-care centers.

SCHOOL, VOCATIONAL: Same as elementary and secondary school except that the primary activity is training in a trade or vocation.

SCREEN PLANTING: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

SEXUAL CONDUCT: Actual or simulated acts of human masturbation, sexual intercourse or any touching of the clothed or unclothed genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

SEXUAL EXCITEMENT: The condition of human male or female genitalia when in a state of sexual stimulation or arousal.

SHOPPING CENTER: A group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.

SIGHT DISTANCE: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGN; Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

SIGN, ADVERTISING; A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

SIGN, BUSINESS; A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.

SIGN, IDENTIFICATION; A sign or name plate, indicating the name of non-commercial buildings or occupants thereof, or describing the use of such buildings; or when displayed at a residence, indicating a home occupation legally existing thereat.

SIGN, OFF-PREMISE ADVERTISING (BILLBOARD); A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

SIGN, REAL ESTATE; A sign relating to the property upon which it is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings, or other similar notices concerning such property.

SIGN, ROOF; Any device or structure erected for advertising or identification purposes upon or above the roof of any building or structure or part thereof.

SIGN, SERVICE; A sign which is incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location of rest rooms; or other such pertinent facts.

SIGN, TEMPORARY; A temporary sign shall be construed to mean any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding sixty (60) days.

SIGN, WALL; A sign painted on or affixed to and paralleling the outside wall of building, and extending not more than eighteen (18") inches from such wall.

SLOPES; The face of an embankment or cut section; and ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL STABILIZATION: Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

STORAGE FACILITY; A structure intended for lease for the sole purpose of storing household goods, motor vehicles, or recreational equipment.

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

STORY, HALF; A story under a gabled, hipped, or gambreled roof, the wall plates of which on at least two opposite exterior walls are not over two (2) feet above the finished floor of such story.

STREET; A public or private right-of-way constructed to ^municipal standards which affords primary vehicular traffic or pedestrian access to abutting properties, includes avenue, boulevard, road, highway, freeway, parkway, and viaduct, but shall not include a lane or an alley for the purpose of this ordinance.

STREET GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE: The dividing line between the street and the lot, also known as the right-of-way line.

STREET, MAJOR:

- a. Arterial Street: A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
- b. Collector Street: A major street or highway which carries traffic from minor streets to arterial streets including the principle entrance streets of a residential development and streets for circulation within such a development.

STREET, MARGINAL ACCESS: A minor street which is parallel and adjacent to a limited access highway or arterial street, which provides access to abutting properties and protection from through traffic. Also known as a service road.

STREET, MINOR: A street used primarily for access to abutting properties.

STREET WIDTH: The distance between street lines measured at right angles to the center line of the street.

STRUCTURE: Anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, fences, factories, sheds, cabins, mobile homes, and other similar items.

STUDIO, DANCING OR MUSIC; The use of a premises by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with "Dancing School" and "Music School", and other similar expressions.

SUBDIVIDER: The owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided under this ordinance. Same as applicant.

SUBDIVISION (See LAND DEVELOPMENT): The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes 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 acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

SUBSTANTIAL IMPROVEMENT: Is defined as any repair, alteration, reconstruction or improvement of a structure, and/or use the cost of which equals or exceeds fifty (50%) percent of its market value either (a) before improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred.

SURFACE DRAINAGE PLAN: A plan showing all present and proposed grades and facilities for storm water management.

SWALE: A low lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING POOL: A portable or permanent structure designed to hold water for wading or swimming purposes beginning at a height of twenty-four (24) inches and an area of 25 sq. feet or greater, and located above or recessed at ground level shall for the purpose of this Ordinance be defined as a swimming pool.

THEATER: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

TOP SOIL: Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually in the uppermost soil layer called the A Horizon.

TOWNHOUSE: See Dwelling Single Family Attached.

TRANSFORMER SUB-STATION: An electric sub-station containing an assemblage of equipment for the purpose other than generation or utilization, through which electrical energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public.

UNDEVELOPED LAND: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

USE: The specific purpose for which land or a building is designated, 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 nonconforming use.

VARIANCE: The permission granted by the Zoning Hearing Board for an adjustment to some regulation which if strictly adhered to would result in an unnecessary physical hardship, where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

WADING POOL: A portable or permanent structure designed to hold water for wading purposes not to exceed 12" in height and area governed by its location and located above or recessed at ground level is for the purpose of this Ordinance a wading pool.

WATERCOURSE: A stream of water, river, brook, creek or a channel or ditch for water whether natural or man-made.

WIND ENERGY CONVERSION SYSTEM (WECS): A device which converts wind energy to mechanical or electrical energy.

WIND ROTOR: The blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion. The wind rotor is used generally on a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

YARD: An unoccupied space, other than a court, open to the sky, on the same lot with a building or structure.

YARD, BUFFER: A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this ordinance, and on which is placed (planted) year-round shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a permissible wall.

ARTICLE III

GENERAL PROVISIONS

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this Ordinance:

A. USE REGULATIONS

1. Apartment: (Conversion) Any building existing in the R-V District may be converted to a dwelling for more than one family providing that:
 - a. The minimum habitable floor area is provided as required in Article III Section I.
 - b. The lot area per dwelling unit shall conform to the regulations for the district in which located.
 - c. There is no exterior evidence of change in the building except as required by the state or local building or housing codes or regulations.
 - d. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
 - e. Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF STREET PARKING".
2. Clubs, lodges, and fraternal organizations: In districts where permitted or permitted as a conditional use, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members; provided that no permanent sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located.
3. Dwelling Groups: A dwelling group may be erected, altered, changed, and used in any district permitting residential uses provided that:
 - a. As a land development, a plat is prepared and submitted in accordance with the requirements of the Borough's Subdivision and Land Development Ordinance.
 - b. Each dwelling in the group shall comply with the use, height, area, width, yard, and coverage regulations of the district in which it is located.
 - c. All buildings will be served by a public sanitary sewage system and public water supply.

d. Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF STREET" PARKING".

4. Gardening: Shall be permitted in any district.

5. Garden Apartments

Where permitted all garden apartments shall comply with the following:

a. There shall be not more than twelve (12) dwelling¹ units per building.

b. No garden apartment building shall be in excess of two (2) stories in height.

c. Lot area per dwelling unit shall not be less .than the area required by the district regulations when served by both public water and sanitary sewers.

d. All applicable provisions of this Ordinance.

6. Commercial and Industrial Uses

In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed commercial or industrial operation for conformity to the requirements of this Ordinance, the following data shall be submitted with an application for a permit:

a. Plot plan

b. Architectural plan

c. Description of operation

d. Engineering and architectural plans for water supply and sewage disposal

e. Plans for prevention or control of noise, vibration, glare, fire hazards, air pollution, water pollution, and traffic

f. Proposed fuel

g. Number of shifts and maximum employment per shift

h. Additional pertinent data as may be required by the Zoning Officer

i. Where two or more buildings are proposed, as a land development, plats shall be prepared and submitted in accordance with the requirements of the Borough's Subdivision and Land Development Ordinance for action by the governing body.

7. Home Occupation: Home occupations are permitted as a conditional use subject to the following conditions:
 - a. The home occupation shall be carried on completely within the dwelling unit or accessory building.
 - b. Not more than one (1) person other than the occupants of the dwelling unit shall be employed.
 - c. Not more than one-half (%) the floor area of a main building shall be devoted to home occupation.
 - d. Articles sold or offered for sale shall be limited to those produced on the premises.
 - e. There shall be no exterior display or sign (except as permitted in the regulation on signs in this ordinance), no exterior storage of materials,..and no other exterior indication of the home occupation or variation of the residentia-1 character of the main building.
 - f. No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
 - g. A home occupation may include, but is not limited to a professional, medical or osteopathic physician, dentist, podiatrist, chiropract, lawyer, optomotrist, engineer, architect, artist, teacher, dressmaker, barbershop, beauty parlor, real estate, or insurance office.
8. Medical or Dental Clinical Buildings: Where permitted as a conditional use a building for use as a medical or dental clinic may be erected and used subject to the following conditions:
 - a. The building shall be occupied and used only by persons licensed to practice the healing arts in the Commonwealth of Pennsylvania and their staffs.
 - b. The lot area shall not be less than fifteen thousand (15,000) square feet.
 - c. The front yard depth shall be in accordance with Article VIII, Sec. E.2; the side yard width shall be a total of thirty-five (35) feet with a minimum of fifteen (15) feet on one side; the rear yard depth shall be thirty-five (35) feet.
 - d. The amount, size, and location of parking spaces shall be in accordance with the provisions of Article XIV entitled "OFF STREET PARKING".

- e. An architectural sketch of the building and a plot plan showing the size and location of the building, parking areas, and driveways shall be submitted to the Borough Council and Planning Commission for review and approval.
 - f. Where two or more buildings are proposed as a land development, plats shall be prepared and submitted in accordance with the requirements of the Borough's Subdivision and Land Development Ordinance.
9. Mobile Home: A mobile home shall be a permitted use in the R-MP District subject to the following regulations:
- a. A mobile home and the site it occupies shall conform to the residential requirements for dwellings in the R-MP District.
 - b. Such use shall comply with all other rules, regulations or ordinances of the municipality.
10. Mobile Home Parks: Where permitted, as a land development, plats shall be prepared and submitted in accordance with the requirements of the Borough's Subdivision and Land Development Ordinance.
11. Municipal Uses: In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended, or designed for municipal uses, including municipal recreation use.
12. Swimming Pools, Private: Private swimming pools shall be a permitted accessory use in any district and shall comply with the following conditions and requirements:
- a. The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 - b. It may not be located, including any walks, or paved areas or accessory structures adjacent thereto closer than twenty (20) feet to any property line of the property on which located.
 - c. Every outdoor swimming pool of permanent construction whether above or below ground shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension; and if a picket fence is erected or maintained, the horizontal dimension of space between pickets shall not exceed four (4) inches.
 - d. A dwelling or an accessory building may be used as part of such enclosure.

- e. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed at all times when not in actual use, except that the door of the dwelling which forms a part of the enclosure need not be so equipped.
13. Townhouses: In districts where permitted all townhouses shall comply with the following:
- a. There shall be not more than ten (10) units in a row.
 - b. Lot area per dwelling unit shall not be less than the area required by the district regulations when served by both public water and sanitary sewer.
 - c. All applicable provisions of this Ordinance.
14. Automobile Service Stations: In districts where permitted, service stations shall be subject to the following safeguards and regulations:
- a. Hereafter, no service station shall be located nearer than one thousand (1000) feet to the lot line of any school, hospital, or nursing or convalescent home.
 - b. Driveways shall be located as provided in the Article for Parking, Loading Areas and Access Drives.
 - c. All driveways and service areas shall be paved with a surfacing material as approved by the municipality.
 - d. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.
 - e. Minimum frontage on an interior lot shall be not less than 125 feet and on a corner lot on a side street not less than 100 feet and the front street not less than 125 feet.
 - f. Gasoline pumps shall be set not less than twenty-five (25) feet from any street line and not less than thirty (30) feet from any residential zone boundary line.
15. Prohibited Uses:
- a. The primary living and sleeping quarters of dwelling units shall not be permitted in cellars.
 - b. The following uses are prohibited in all districts throughout the municipality:
 - (1) The incineration, reduction, or storage of garbage, offal, animals, fish, or refuse, unless by the authority of or under the supervision of the municipality.

- (2) Dumps and dumping of any kind unless by the authority of or under the supervision of the municipality.
- (3) Junk yards , except as allowed in I-L District.
- (4) Dog Kennels .
- (5) Race tracks for stock cars, midget cars, and other motorized vehicle racing.
- (6) Raising of livestock.
- (7) The operation of any business which has as a substantial or a significant portion of its stock-in-trade obscene materials, or offers live entertainment appealing to the pruient interest.
- (8) Massage Parlor: The operation of any massage parlor in which any of the following activiti are carried on: es
 - a. The treatment of any person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath, or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.
 - b. The massage of, or physical contact with, the sexual or genital parts of one person by any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.
 - c. The failure to conceal with a fully opaque covering, the sexual or genital parts of the body of any person.

Public Utility Facilities

- a. General: Public utility facilities, including electric transformer sub-stations and distribution facilities, shall be permitted in any district.

- b. Buildings: Buildings or extensions thereof not used as electric transformer sub-stations and distribution facilities shall be subject to all applicable provisions of this Ordinance. However, these requirements shall not apply to any existing or proposed building or extension thereof where, as provided by Section 619 of Act 247, the Municipalities Planning Code, 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.
- c. Structures and Equipment: In the location and design of structures and equipment, not located in buildings, public utility corporations shall give consideration to:
 - (1) Complying with the applicable district front, side and rear yard regulations.
 - (2) Complying with the applicable district height requirements except as provided for in Section "B" of this Article.
 - (3) Enclosing unhoued equipment with a chain link fence of at least six (6) feet in height topped with barbed wire, or a masonry wall of at least eight (8¹) feet in height.
 - (4) Providing screen planting around fences consisting of evergreen planting materials as approved by the Planning Commission.

17. Churches, Hospitals, Schools, and Other Public and Semi-Public Buildings.

- a. In districts where permitted, these uses shall meet the following requirements:
 - (1) The lot area shall be determined on the basis of building size, yard requirements listed below, and parking requirements but in no case shall the lot area be less than twenty thousand (20,000) square feet.
 - (2) Lot Coverage
Lot area covered by all buildings including accessory buildings shall not be greater than thirty (30) percent of the area of the lot.
 - (3) Width Regulations
The lot width at the required building line shall be based on the building size, and yard requirements, but in no case shall the lot width be less than one hundred (100) feet in width.

(4) Yard Regulations

Each lot shall have yards not less than the following depths or widths:

- a. Front yard depth, thirty (30) feet.
- b. Side yard - two (2) in number, width, not less than twenty (20) feet on an interior lot. On a corner lot the side yard abutting the street shall be not less than thirty (30) feet in width.
- c. Rear yard depth, thirty (30) feet.

(5) Heights

The height of a building shall be not more than thirty-five (35) feet, except as provided in Section B of this Article.

b. Off-Street Parking

Parking shall be provided in accordance with the provisions of Article XIV hereof.

- c. Existing schools, hospitals, churches or other public buildings cannot be remodeled or converted to other uses until such plans are presented to Borough Council together with approvals as may be necessitated by State and Local law and rules and regulations of the Department of Labor and Industry, the State Department of Environmental Resources and others.

Windmills, Windwheels, and Wind Energy Conversion Systems

Windmills, Windwheels or Wind Energy Conversion Systems (W.E.C.S.) shall be permitted as a conditional use in all districts subject to the following conditions:

- a. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus ten feet from any occupied dwelling, and shall not be more than seventy-five (75) feet in height.
- b. The minimum distance between the tower and any property line shall be not less than twice the height of the tower.
- c. The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20) feet.
- d. All electric lines/utility wires shall be buried underground.

- e. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed with a six (6) foot fence. The supporting structure shall also be enclosed with a six (6) foot fence, unless the base of the tower is not climable for a distance of twelve (12) feet.
- f. When- a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 140 square feet in area nor eight (8) feet in height and must be located at the base of the supporting structure.
- g. One windmill/windwheel/W.E.C.S. shall be permitted per property.
- h. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met.
- i. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within sixty (60) days.
- j . The applicant shall demonstrate that any noise from the wind generating unit shall not exceed 45 dB(A), measured at the property line.
 - (1) A "decibel" shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two amounts of acoustic signal power equal to 10 (ten) times the common logarithm of this ratio.
 - (2) "A" Weighted Sound Level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of 20 micro-pascals using the "A" weighted network (scale) at slow response. The unit of measurement shall be defined as dB(A).

Keeping of Horses

Horses may be kept for domestic purposes in any district. Notwithstanding applicable provisions contained in Subsection 5-2003 of the Code of Ordinances of the Borough of Royalton, corrals or fenced-in areas for the containment of horses shall be located no closer than fifty (50') feet from any dwelling unit nor less than twenty-five (25') feet from any property line.

Use Not Provided For:

Whenever in any district established under this Ordinance, a use is neither specifically permitted or denied and an application is made by a property owner the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance.

HEIGHT REGULATIONS

1. The height of a building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulation for the district in which the building is located.
2. Height regulations shall not apply to spires, belfries, cupolas, domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental or necessary mechanical appurtenances.
3. For all residential uses accessory buildings shall not exceed fourteen (14) feet in height.
4. No dwelling shall be hereafter erected less than, .one (1) story in height.

AREA REGULATIONS

1. On a lot held in single and separate ownership which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is located, a building may be erected, altered, and used thereon providing the yard space is not less than the minimum specified herein; (See Article III, Section D, 2, b.).
2. The area, width, and depth of lots shall provide adequate open space for off-street loading, unloading, and/or parking space.

YARD REGULATIONS

1. Front Yards
 - a. When a vacant lot is situated between two (2) lots, each occupied by a principal building which extends into the front yard, the front yard of such vacant lot may be the average depth of the front yards of such two (2) adjacent occupied lots.
 - b. An accessory building shall not be erected or substantially altered within any front yard.
2. Side Yards
 - a. On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this Ordinance.
 - b. On a lot, in a district where residential structures are permitted, held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required for the zone district,

only one (1) single family dwelling may be erected, and side yards shall be provided according to the following requirements:

- (1) On interior lots with a width of fifty (50) feet or more, two (2) side yards shall be provided as required by the district regulations.
- (2) On corner lots with a width of fifty (50) feet or more, two (2) side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than the required interior side yard. The interior side yard shall be provided as required by the district regulations.
- (3) On lots less than fifty (50) feet but not less than twenty-seven (.27) feet in width, two (2) side yards shall be provided, each equalling twenty (20) percent of the lot width.
- (4) On lots less than twenty-seven (27) feet but not less than twenty (20) feet in width, the building shall be sixteen (16) feet in width and only one (1) side yard shall be provided, equalling in width the difference between the lot width and sixteen (16) feet. One (1) side wall of the building shall be constructed abutting the lot line without openings but shall not be constructed as a party wall.

On a lot, in a commercial or industrial district, held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required for the zone district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as listed under item b. above for residential structures

Any accessory building may be erected within one of the side yards or within the rear yard provided:

- (1) Such accessory building shall be not less than ten (10) feet farther back (from the front lot line) than the rear-most portion of the main building.
- (2) Where such side or rear yard is along an alley the accessory building shall be located not less than five (5) feet from the alley.
- (3) Where such side or rear yard is adjacent to another lot, the accessory building shall be not less than three (3) feet from any lot line.

- (4) When an accessory building is erected within the side or rear yard adjacent to a side street on a corner lot, the accessory building shall be not less than the required front yard depth from the exterior side lot line.
- (5) On a corner lot in any Residential District, an accessory building shall not be erected within thirty (30) feet of the exterior side lot line (street line), provided, however, that when the main buildings exists on both the corner lot and the lot abutting the rear of the corner lot, an accessory building may be erected at the average distance from the street line, established by the existing main buildings.

e. A carport, open on three (3) sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this Ordinance, provided the carport shall be not less than five (5) feet from the side lot line.

BUFFER YARDS

1. Where a commercial or manufacturing use adjoins a residential district, and where a residential use adjoins a limited access highway, a buffer yard of not less than fifteen (15) feet in width shall be provided along the lot lines, in addition to the yards required for the district in which it is located.
2. All buffer yard areas shall be planted and maintained with a plant material and, in "C" and "I-L" districts, a screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.
3. In "R" districts, screen planting shall be planted and maintained in the required buffer yards.
4. Buffer yards shall not be used for parking.
5. Buffer yards other than interior side buffer yards may be crossed by access roads, service drives, and utility easements not more than thirty-five (35) feet in width, provided that the angle of the centerline of the road, drive, or easement crosses the lot line and buffer yard at not less than sixty (60) degrees.
6. If a front yard is provided, the buffer yard may coincide with the front yard.

PROJECTIONS IN YARDS

1. Cornices, eaves, gutters, bay windows, or chimneys may

project into the front, side, or rear yard of a lot, not more than twenty-four (24) inches.

2. Covered enclosed porches, shall be considered as part of the main building and shall not project into any required yard.

OBSTRUCTION TO VISION

1. Walls, fences, signs, or other structures shall not be erected or altered, and hedges, trees, or other plant material shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
2. On corner lots, no walls, fence, sign, or other structures in excess of three (3) feet in height shall be erected or altered, and no hedge or other plant material in excess of three (3) feet in height shall be permitted at a street intersection in a triangular area formed by a line joining two points which points shall be measured fifty (50) feet in either direction from the point of intersection of the streets and the curb lines of the intersecting streets.

FENCES AND WALLS

1. Fences and walls may be erected, altered, and maintained within the yards, provided that any such fence or wall in the front yard shall not exceed three and one-half (3¹/₂) feet in height, and any fence or wall in the side or rear yard may be four (4) feet or more in height, provided that any fence or wall exceeding four (4) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding four (4) feet.
2. All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, or screen planting, at least six (6) feet in height on all sides which face upon a lot in a more restricted zone.

HABITABLE SPACE

The minimum habitable floor area of a dwelling unit hereafter erected shall be six hundred (600) square feet. In the case of apartment houses, the minimum habitable floor area shall be not less than three hundred (300) square feet per apartment, except those apartments designed for and occupied exclusively by one person, which apartments shall each contain not less than one hundred fifty (150) square feet of habitable floor area.

ILLUMINATION

1. The illumination of any sign shall be arranged in such a manner that the light shall be shielded from any residential building or fall within the right-of-way of any street or highway.
2. The illumination of the exterior grounds of commercial or industrial establishments shall be arranged in such a manner that the light source shall not enter any residential building or fall within the right-of-way of any street or highway.

PERFORMANCE STANDARDS

Hereafter, all uses of land, buildings and structures or industrial processes shall be prohibited that may be noxious or injurious by reason of the production of emission..of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or condition, provided, however, that any uses may be permitted except those specifically prohibited in the district regulations or general provisions, and safeguards to protect the health, safety, morals, and the general welfare of the community are established by a written agreement, between Borough Council and the property owner, subject to the securing of a permit therefore and subject to the carrying out of such provisions, restrictions, and safeguards.

DRAINAGE REGULATIONS

1. Prior to obtaining a permit for any construction or earthmoving activities the applicant must submit an erosion and sedimentation control plan and surface water management plan for approval by Borough Council and the Borough Engineer.
2. Such plans shall be in conformance with those standards set forth in the Borough Subdivision and Land Development Ordinance, and any other applicable State, County and Borough Regulations.

CONTROL OF TRAFFIC AND PROTECTION OF PUBLIC SAFETY

The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a driveway or access road gives access to State road or highway, approval by the Pennsylvania Department of Transportation shall be required.

REDUCTION OF LOT DIMENSIONS

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller, or so that the coverage is greater, than prescribed herein.

ARTICLE IV

DESIGNATION OF DISTRICTS

ZONE DISTRICTS

For the purpose of this Ordinance, the Borough is hereby divided into districts which shall be designated as follows:

FW"	FLOODWAY DISTRICT
FF"	FLOOD-FRINGE DISTRICT
R-ST"	RESIDENTIAL DISTRICT: Single Family-Town
R-MT"	RESIDENTIAL DISTRICT: Multi-Family-Town
R-V"	RESIDENTIAL DISTRICT: Village
R-MP"	RESIDENTIAL DISTRICT: Mobile Home Park
C-G"	COMMERCIAL DISTRICT: General
I-L"	INDUSTRIAL DISTRICT: Limited

ZONING MAP

1. The boundaries of the R-ST, R-MT, R-V, R-MP, C-G/ and I-L Districts shall be as shown upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map". The said map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.
2. The boundaries of the FW and FF Districts shall serve as overlays to the underlying Districts as shown on the Official Zoning Map, and as specifically described in the Floodway Data Table and 100 year flood delineation in the Flood Insurance Study prepared for the Borough by the Flood Insurance Administration dated October, 1976. The said study and accompanying maps and all notations, reference and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

BOUNDARIES BETWEEN THE R-ST, R-MT, R-V, R-MP, C-G, and I-L DISTRICTS

The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, right-of-way, lot lines, or such lines extended, or lines parallel thereto.

Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.

Where district boundaries are not clearly fixed by the above methods they shall be determined by the use of the scale of the Zoning Map.

INTERPRETATION OF BOUNDARIES

When a R-ST, R-MT, R-V, R-MP, C-G and I-L District boundary line divides a lot held in single and separate ownership at the effective date of this ordinance, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than fifty (50) feet beyond the district boundary line.

ARTICLE V NONCONFORMING

BUILDINGS AND USES

All lawful uses of land or of a building, sign, or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

A. CONTINUATION

The Zoning Officer shall identify and register all of the premises occupied by a lawful nonconforming use or building existing at the effective date of this Ordinance and "issue a Certificate of Nonconformance which shall be for the purpose of insuring to the owner the right to continue a nonconforming building or use.

B. ALTERATIONS

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use; providing such alterations and repairs are in conformance with the regulations set forth in this Ordinance and other applicable codes and ordinances adopted by the Borough.

C. EXTENSIONS OR ENLARGEMENTS

1. The types of extension and enlargement listed below are permitted for nonconforming uses and buildings existing on the effective date of this Ordinance:
 - a. The extension of a nonconforming use of land upon a lot occupied by such use.
 - b. The extension or enlargement of a conforming building occupied by a nonconforming use.
 - c. The extension or enlargement of a nonconforming building occupied by a nonconforming use.
 - d. The extension or enlargement of a nonconforming building occupied by a conforming use.
2. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:
 - a. The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the

district in which it is located. Extension or enlargement shall not exceed thirty-three and one-third percent (33 1/3%).

- b. The entire building or use shall be provided with off-street parking and loading spaces as required by Article XIV, entitled "OFF-STREET PARKING".
- c. The extension or enlargement does not replace a conforming use.
- d. The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this ordinance; iwhere such vacant parcels have been recorded separately or acquired following the effective date of tliis ordinance.
- e. A nonconforming use may |be changed to another non conforming use of the same or more-restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

RECONSTRUCTION

A nonconforming building which is damaged by fire, explosion or an act of God, may be rebuilt and used for the same purposes, provided that:

- a. The reconstruction of the building is commenced within one (1) year from the date of the destroying of the building and is carried to completion without undue delay, and
- b. The reconstructed building does not exceed in height, area, and volume the building destroyed.

DISCONTINUANCE

If a nonconforming use of land or building ceases operations for a continuous period of more |than two (2) years, then such use and any subsequent use of land or building shall conform to the regulations of this Ordinance.

NONCONFORMING SIGNS

Signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the regulations contained in Section E above and in Article XII entitled "SIGNS".

ARTICLE VI "R-ST"

RESIDENTIAL DISTRICT Single

Family-Town

In the "R-ST" Residential District, the following regulations shall apply:

A. USES PERMITTED

1. Single-family detached and semi-detached dwellings
2. Churches or similar places of worship, parish houses, convents
3. Municipal buildings, public libraries, museums, and firehouses
4. Public and private schools including colleges and institutions of higher education
5. Public parks, playgrounds, and municipal recreation areas
6. Public utility and communications buildings and structures where operation requirements necessitate locating within the district
7. The tilling of the soil, the raising of crops, fruits and vegetables, greenhouses and nurseries
8. Signs when erected and maintained in accordance with the provisions of Article XII appearing herein entitled "SIGNS"
9. Uses and buildings customarily accessory and incidental to any of the above permitted uses
10. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the District

B. CONDITIONAL USES

Conditional uses may be allowed or denied by the Governing Body after recommendation by the Planning Commission, pursuant to standards and criteria set forth in Article III of this Ordinance.

1. Home Occupations (Section A. 7)
2. Medical and Dental Clinic Buildings (Section A.3)
3. Windmills and Wind Energy Conversion Systems (Section A.18)

C. HEIGHT REGULATIONS

The height of a building shall not be greater than thirty-five (35) feet.

The height of a dwelling shall not be less than one (1) story.

AREA REGULATIONS

For each type of dwelling, the lot area per dwelling unit shall be not less than indicated below:

1. Single-family detached dwelling, five thousand (5,000) square feet
2. Single-family semi-detached dwelling, four thousand (4,000) square feet per dwelling unit.

WIDTH REGULATIONS

For each type of dwelling, the lot width at the required front building line shall be not less than indicated below:

1. Single-family detached dwelling, fifty (50) feet on an interior lot and sixty-five (65) feet on a corner lot
2. Single-family semi-detached dwelling, forty (40) feet on an interior lot and sixty (60) feet on a corner lot.

YARD REGULATIONS

Each residential lot shall have front, side, and rear yards of not less than the depth or width indicated below:

1. Front yard depth - There shall be a front setback line determined as follows: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be at least the average of buildings constructed within the same block. In measuring to determine said building line, open porches shall not be construed as part of the building. In blocks where no buildings exist on either side of the street, the building line shall be twenty-five (25) feet. In case of a corner lot there shall be two (2) front yards.
2. Side yards - On an interior lot, the combined width of both side yards shall total at least fifteen (15) feet with no one side less than seven (7) feet in width. On a corner lot, the side yard abutting the street shall be not less than twenty-five (25) feet in width.
3. Rear yards - the rear yard depth shall be no less than twenty (20) feet, measured from the rear lot line to the outside face of the main building.

For permitted yard reductions refer to Article III.D.

COVERAGE REGULATIONS

The coverage shall be no more than thirty (30) percent.

OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING".

ARTICLE VII "R-MT"
RESIDENTIAL DISTRICT
Multi-Family-Town

In the "R-MT" Residential District, the following regulations shall apply:

A. USES PERMITTED

1. Single family detached dwellings
2. Single family serai-detached dwellings
3. Single family attached dwellings (rowhouses, townhouses and quadruplex dwellings)
4. Two family detached dwellings (duplex dwellings)
5. Two family semi-detached dwellings (double duplex dwellings)
6. Garden apartments
7. Apartment dwellings
8. Churches or similar places of worship, parish houses, convents
9. Municipal buildings, public libraries, museums, and firehouses
10. Public parks, playgrounds, and municipal recreation areas
11. Planned Residential Development (PRD) in accordance with an adopted PRD Ordinance.
12. Public and private schools
13. Public utility and communications buildings and structures where operation requirements necessitate locating within the District
14. Signs when erected and maintained in accordance with the provisions of Article XII appearing herein entitled "SIGNS"
15. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the district.
16. Uses and buildings customarily accessory and incidental to any of the above permitted uses.

B. CONDITIONAL USES

Conditional Uses may be allowed or denied by the Governing Body after recommendation by the Planning Commission, pursuant to the standards and criteria set forth in Article III of this Ordinance.

1. Clubs, lodges and fraternal organizations (Section A.2)
2. Home Occupations (Section A. 7)
3. Medical and Dental Clinical Buildings (Section A.8)
4. Windmills and Wind Energy Conversion Systems (Section A.18)

C. HEIGHT REGULATIONS

The height of a building shall not be greater than forty (40) feet. The height of a dwelling shall not be less than one (1) story.

D. AREA, WIDTH, AND COVERAGE REGULATIONS

The lot area per dwelling unit and lot width at the required front building line shall be not less, and the coverage shall be no greater than indicated below:

<u>Dwelling Type</u>	Lot Area Per Dwelling Unit (square feet)	Lot Width Interior (feet)	Lot Width Corner (feet)	Coverage
Single family detached	5,000	50	65	30%
Single family semi-detached	3,000	30	45	30%
Single family attached	1,800	18	43	40%
Two family detached	2,500	50	65	30%
Two family semi-detached	1,500	30	45	30%
Garden Apartments	1,500	-	-	40%
Apartments	1,500	-	-	40%

Lot area for corner lots abutting a street shall be increased accordingly to provide for the twenty-five (25) foot side yard requirement.

At least twenty (20) percent of the area of the lot shall be maintained with a vegetative material.

E. YARD REGULATIONS

Each residential lot shall have front, side, and rear yards of not less than the depth or width indicated below:

1. Front yard - Twenty-five (25) feet for all categories except apartment dwellings
2. Side yard or yards - ten (10) feet each, for all categories except for apartment dwellings or attached dwellings, on interior lots.

On a corner lot the side yard abutting the street shall be not less than twenty-five (25) feet.
3. Rear yard - Twenty (20) feet for all categories except apartment dwellings.
4. For apartment dwellings of one or two stories, there shall be a front yard, two (2) side yards, and a rear yard each of not less than twenty-five (25) feet. For each story over two (2) , five (5) feet of width or depth shall be added to each yard.

OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV, entitled "OFF-STREET PARKING".

ARTICLE VIII "R-V"
RESIDENTIAL DISTRICT
Village

In the "R-V" Residential District, the following regulations shall apply:

A. USES PERMITTED

1. Residential uses, single and two-family, apartments conversion apartments, and residential in combination with certain commercial uses
2. Stores and shops for retail businesses such as restaurants, food, drug, clothing, hardware, variety, antique shops; personal service shops such as barber, beauty, shoe, and similar retail services; provided such businesses are conducted entirely within a building and do not provide
'drive-in and in-car service
3. Business and professional offices
4. Municipal buildings and uses
5. Churches and similar places of worship, including parish houses and convents
6. Public utility and communications buildings and structures where operation requirements necessitate locating within this district
7. Funeral Homes
8. Signs when erected and maintained in accordance with the provisions of Article XII , appearing herein entitled "SIGNS".
9. Public parks, playgrounds, and municipal recreation uses
10. Public libraries and museums
11. Gardening
12. Uses and buildings customarily accessory and clearly incidental to any of the above permitted uses
13. Home occupations, clubs, lodges and fraternal organizations
14. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the district.

In mixed use situations, non-residential uses are permitted only on the first floor.

B. CONDITIONAL USES

Conditional Uses may be allowed or denied by the Governing Body after recommendation by the Planning Commission, pursuant to the standards and criteria set forth in Article III of this Ordinance.

1. Windmills and Wind Energy Conversion Systems (Section A.18)
2. Medical and Dental Clinic Buildings (Section A.8)

C. HEIGHT REGULATIONS

The height of any building shall be not greater than thirty-five (35*) feet, except for apartments which shall be not greater than forty (40') feet. The height of a dwelling shall be not less than one (1) story.

D. AREA, WIDTH, AND COVERAGE REGULATIONS

1. The lot area per dwelling unit and lot width at the required front building setback line shall be not less, and the coverage shall be not greater, than indicated below:

Dwelling Type	Lot Area Per Dwelling Unit (square feet)	Lot Width		Cover.
		Interior (feet)	Corner (feet)	
Single family detached	5,000	50	65	30%
Single family semi-detached	3,000	30	45	30%
Single family attached	1,800	18'	43	40%
Two family detached	2,500	50	65	30%
Two family semi-detached	1,500	30	45	30%
Apartments	1,500	-	-	40%
Conversion apartments	1,500	-	-	40%

Lot area for corner lots abutting a street shall be increased accordingly to provide for the twenty-five (25¹) foot side yard requirement.

2. The lot area for non-residential uses shall be determined on the basis of yard, parking, and coverage requirements contained in this Article and Ordinance.
3. Coverage for non-residential uses shall not exceed forty (40') percent.

E. YARD REGULATIONS

1. Each residential lot shall have front, side, and rear yards of not less than the depth and width indicated below:

- a. Front yard depth - there shall be a front setback line determined as follows: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be at least the average of buildings constructed within the same block. In measuring to determine said building line, open porches shall not be construed as part of the building. In blocks where no buildings exist on either side of the street, the building line shall be twenty-five (25¹) feet. In case of a corner lot there shall be two (2) front yards.
 - b. Side yard or yards - for all categories, except apartments, on an interior lot the combined width of both side yards shall total at least fifteen (15') feet with no one side yard less than seven (7) feet in width. On a corner lot, the side yard abutting the street shall be not less than twenty-five (25') feet in width.
 - c. Rear yard - for all categories the rear yard shall be not less than twenty (20') feet, measured from the rear lot line to the outside face of the main building.
 - d. For apartment dwellings of one or two stories, there shall be two (2) side yards of not less than twenty-five (25') feet each. For each story over two, five (5') feet of width or depth shall be added to each yard.
2. Each commercial lot shall have front, side, and rear yards of not less than the depth and width indicated below:
- a. Front yard depth - there shall be a front setback line determined as follows: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be at least the average of buildings constructed within the same block. In measuring to determine said building line, open porches shall not be construed as part of the building. In blocks where no buildings exist on either side of the street, the building line shall be twenty-five (25¹) feet. In case of a corner lot there shall be two (2) front yards.
 - b. Side yards (2) - width, ten (10') feet each side of a principal building, provided that when a written agreement is provided by adjoining property owners, no side yard shall be required where two (2) or more commercial uses abut side to side. However, in no case shall party walls be permitted between properties/

lots of separate ownership. In the case of a series of abutting structures paralleling a public right-of-way, an open and unobstructed passage for vehicles and pedestrians of at least twenty (20⁺) feet in width shall be provided at grade level at intervals of not more than four hundred (400') feet.

c. Rear yard - the rear yard depth shall be no less than 20 feet, measured from the rear lot line to the outside face of the main building.

3. Buffer yards shall be provided in accordance with the provisions of Article II I appearing herein entitled "GENERAL PROVISIONS, Yard Regulations".

OFF-STREET PARKING/LOADING AND UNLOADING

Parking, loading, and unloading shall be provided in accordance with the provisions of Article XIV , appearing herein entitled "OFF-STREET PARKING".

ARTICLE IX

"R-MP" RESIDENTIAL DISTRICT

Mobile Home Park

In the "R-MP" Residential District, the following regulations shall apply:

A. USES PERMITTED

1. Single-family detached dwellings
2. Mobile home as a single-family detached dwelling
3. Churches or similar places of worship, parish houses, convents
4. Municipal buildings, public libraries, museums, and firehouses
5. Public parks, playgrounds, and municipal recreation areas
6. Public utility and communications buildings and structures where operation requirements necessitate locating within the District
7. Mobile Home Parks
8. The tilling of soil, raising of crops, fruits and vegetables, greenhouses and nurseries
9. Signs when erected and maintained in accordance with the provisions of Article Xli appearing herein entitled "SIGNS"
10. Uses and buildings customarily accessory and incidental to any of the above permitted uses
11. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the District.

B. CONDITIONAL USES

Conditional uses may be allowed or denied by the Governing Body after recommendation by the Planning Commission, pursuant to standards and criteria set forth in Article m of this Ordinance.

1. Home Occupations (Section A. 7)
2. Medical and Dental Clinic Buildings (Section A.8)
3. Windmills and Wind Energy Conversion Systems (Section A.18)

C. HEIGHT REGULATIONS

The height of a building shall not be greater than thirty-five (35') feet.

The height of a dwelling shall not be less than one (1) story.

AREA REGULATIONS

The lot area shall be not less than indicated below:

1. Single-family detached dwelling, five thousand (5,000) square feet
2. Lot area for non-residential uses shall be determined on the basis of parking, coverage, and yard requirements as contained in this Article and Ordinance.

WIDTH REGULATIONS

The lot width at the required front building line shall be not less than fifty (50') feet on an interior lot and sixty-five (65^f) feet on a corner lot.

YARD REGULATIONS

Each lot shall have front, side, and rear yards of not less than the depth or width indicated below:

1. Front yard depth - There shall be a front setback line determined as follows: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be at least the average of buildings constructed within the same block. In measuring to determine said building line, open porches shall not be construed as part of the building. In blocks where no buildings exist on either side of the street, the building line shall be twenty-five (25') feet. In case of a corner lot there shall be two (2) front yards.
2. Side yards - On an interior lot, the combined width of both side yards shall total at least fifteen (15') feet with no one side less than seven (7') feet in width. On a corner lot, the side yard abutting the street shall be not less than twenty-five (25') feet in width.
3. Rear yards - the rear yard depth shall be no less than twenty (20') feet measured from the rear lot line to the outside face of the main building.

COVERAGE REGULATIONS

The coverage shall be no more than thirty (30%) percent.

OFF-STREET PARKING

Parking shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING".

ARTICLE X C-G" COMMERCIAL

DISTRICT General

In the "C-G", Commercial District, the following regulations shall apply:

A. USES PERMITTED

1. All uses permitted in the R-ST District, provided a residential use shall be permitted only when accessory and incidental to one or more of the following permitted uses
2. Banks, business, and professional offices
3. Restaurants, tea rooms, cafes, and other places"erving food and beverages
4. Stores for the retailing of food, drugs, confectionary, hardware, bakery products, clothing, household appliances, furniture
5. Personal service shops, including barbers, beauty parlors, tailors, shoe repair, and dry cleaning
6. Automobile sales, repair, and service stations
7. Medical and dental clinics and laboratories
8. Railway or bus passenger stations, telegraph or express offices
9. Business identification signs when erected and maintained in accordance with the provisions of Article XII appearing herein entitled "SIGNS"
10. Municipal buildings or uses
11. Electric and telephone public utility transmission and distribution facilities, where operation requirements necessitate locating within the District
12. Newspaper printing
13. Accessory buildings and uses customarily incidental to the above uses
14. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the District.

The above specified stores, shops, and businesses shall be retail establishments exclusively and shall be permitted only under

the following conditions:

- a. Such stores, - shops and businesses, except those permitted in paragraphs 6, 9, and 10, above, shall be conducted within an enclosed building
- b. Such uses, operations, or products are permitted only on the condition that they are not obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, vibration, illumination, refuse matter, or other causes
- c. There shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business, and when all such products are sold at retail on the premises.

B. HEIGHT REGULATIONS

The height of a building may not exceed thirty-five (35) feet.

The height of a dwelling shall be not less than one (1) story.

C. AREA REGULATIONS

The lot area shall be determined on the basis of yard requirements, coverage, parking, and buffer yard requirements contained in this Article and Ordinance.

D. YARD REGULATIONS

Each lot shall have front, side, and rear yards of not less than the depth or width indicated below:

1. Front yard - depth of at least twenty-five (25) feet
2. Side yards (2) - width ten (10) feet each side of a principal building, provided that when a written agreement is provided by adjoining owners, no side yard shall be required where two (2) or more commercial uses abut side to side. However, in no case shall common party walls be permitted between properties/lots of separate ownership. In the case of a series of abutting structures paralleling a public right-of-way, an open and unobstructed passage for vehicles and pedestrians of at least twenty (20) feet in width shall be provided at grade level at intervals of not more than four hundred (400) feet.
3. Rear yard - depth, twenty (20) feet

4. No portion of automobile service station equipment shall be located closer than twenty-five (25*) feet from the street right-of-way
5. Buffer yards shall be provided in accordance with the provisions of Article in appearing herein entitled "GENERAL PROVISIONS, Yard Regulations".

COVERAGE REGULATIONS

1. Coverage shall be no more than forty (40) percent
2. At least fifteen (15) percent of the total lot area shall be maintained with vegetative material

OFF-STREET PARKING/LOADING AND UNLOADING

Parking, loading, and unloading shall be provided in accordance with the provisions of Article xiV appearing herein entitled "OFF-STREET PARKING".

ARTICLE XI I-L" INDUSTRIAL
DISTRICT Limited

In the "I-L" Industrial District, the following regulations shall apply:

A. USES PERMITTED

1. Auto salvage yards, body shops, painting, tire retreading or recapping, welding shops, junkyards, and the like
2. Bottling works and bookbinding
3. Building materials storage and lumber yards
4. Blacksmith and machine shops
5. Contractor's equipment, sales, service, and storage
6. Metal fabrication and forging
7. The manufacture of metal dies and taps
8. Electric and telephone public utility transmission and distribution facilities, including substations
9. Distribution plants, -parcel delivery, and service industries
10. Railway or bus passenger stations, telegraph or express offices
11. Municipal buildings and uses
12. Wholesale business, warehousing, and cold storage plants
13. Accessory buildings and uses customarily incidental to the above uses. However, no building, structure, or portion thereof shall be hereafter erected, structurally altered, or converted for any residential use
14. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the District.

The above uses are permitted only on condition that they are not obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, vibration, refuse matter, or other causes.

B. HEIGHT REGULATIONS

The height of a building shall be not greater than forty (40) feet.

AREA REGULATIONS

The lot area shall be not less than one (1) acre, and lot width shall be not less than one hundred fifty (150) feet at the building line.

YARD REGULATIONS

Each lot shall have front, side, and rear yards of not less than the depth or width indicated below:

1. Front yard-depth of at least forty (40) feet
2. Side yards (2) - width twenty (20) feet each side of a principal building, provided that when a written agreement is provided by adjoining owners, no side yard shall be required where two or more uses abut side to side. However, in no case shall party walls be -permitted between properties/lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least twenty (20) feet in width shall be provided at grade level at intervals of not more than four hundred (400) feet.
3. Rear yard - depth of at least forty (40) feet. Buffer yards shall be provided in accordance with the provisions of Article III appearing herein entitled "GENERAL PROVISIONS, Yard Regulations".

COVERAGE REGULATIONS

1. Coverage shall be no more than fifty (50) percent.
2. At least fifteen (15) percent of the total lot area shall be maintained with vegetative material.

OFF-STREET PARKING/LOADING AND UNLOADING

Parking, loading, and unloading shall be provided in accordance with the provisions of Article XIV entitled "OFF-STREET PARKING".

ARTICLE XII

SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this Article and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

A. SIGNS IN RESIDENTIAL DISTRICTS

The following types of signs, and no other, shall be permitted in Residential Districts:

1. Signs advertising the sale or rental of the premises upon which they are 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:
 - a. The size of any such sign is not in excess of six (6) square feet, and
 - b. Not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage.
 - c. Signs shall be removed within fifteen (15) days of final sale or rental.
2. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other person interested in such sale or development, may be erected and maintained, provided:
 - a. The size of any sign is not in excess of twenty (20) square feet, and
 - b. Not more than two (2) signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage.
3. Signs indicating the location and direction of premises available for or in process of development, 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:
 - a. The size of any such sign is not in excess of six (6) square feet.
 - b. Not more than one such sign is erected on each five hundred (500) feet of street frontage, with a maximum of five (5) such signs.

4. Signs bearing the word "sold" or the word "rented," with the name of the person effecting the sale or rental, provided the conditions in subsection 1. hereof, are complied with.
5. Signs of mechanics, painters, and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided:
 - a. The size thereof is not in excess of eight (8) square feet.
 - b. Such signs are removed promptly upon completion of the work.
6. Signs indicating the private nature of a driveway, or trespassing signs, provided that the size of any such sign shall not exceed two (2) square feet.
7. Signs of schools, churches, sanitariums, or other institutions of a similar nature provided:
 - a. The size of any such sign is not in excess of twenty (20) square feet, and
 - b. Not more than two (2) signs are placed on property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage.
8. Signs advertising home occupations, which shall be not larger than six (6) inches by eighteen (18) inches, bearing the name and occupation of the practitioner.
9. Signs directing persons unfamiliar with the location of businesses to the business location, in conformance with Subsection B.5 below.

BUSINESS IDENTIFICATION SIGNS

Signs bearing the name of the occupant and products manufactured, processed, sold, or displayed may be erected and maintained on the premises in the Residential-Village, Commercial-General, and Industrial-Limited Districts subject to the following regulations:

1. Signs within the Commercial-General and Industrial-Limited Districts shall not exceed one-hundred (100) square feet in sign surface area.
2. Signs within the Residential-Village District shall not exceed forty (40) square feet of sign surface area.

3. Signs shall be either free-standing or attached to the building front.
4. Existing Business Identification Signs on existing non-conforming uses may be continued and maintained provided that such signs shall conform to the General Regulations in paragraph D. below.
5. Business directional signs indicating location and directions to said business not erected upon premises and inscribed with business name, distance, direction and/or arrows may be erected and maintained in any district provided:
 - a. The size of any such sign is not in excess of six (6) square feet.
 - b. Not more than one (1) sign is placed upon any .property in single and separate ownership.

BILLBOARDS (OFF-PREMISE ADVERTISING SIGNS)

1. Billboards or off-premise advertising sign structures, including poster panels, bulletins, and the like, may be erected and maintained in the Commercial-General and Industrial-Limited Districts subject to the following regulations:
 - a. Advertising sign structures shall be spaced at intervals of not less than five hundred (500) feet along the same side of any street or highway. No such structure shall contain more than two (2) advertising sign facings.
 - b. Advertising sign structures shall not exceed a total of three-hundred square feet in surface area.
 - c. No advertising sign shall be permitted to be erected within fifty (50) feet of an adjoining Residential District if visible from and designed to face into such District.

GENERAL REGULATIONS

The following regulations shall apply to all permitted sign uses:

1. Signs shall not be placed in such a position that they will cause danger to traffic on a street by obscuring the view.
2. Signs must be constructed of durable materials, maintained in good condition, not allowed to become delapidated, and in conformance with applicable building and maintenance code standards.

Signs, other than an official traffic sign, shall not be erected within the lines of any street.

Signs shall not project beyond property lines nor over public sidewalk areas.

Signs shall not project above the height limit permitted in any district in which they are located.

No sign shall be permitted which rotates and/or causes interruption or flashing of light or is mounted on wheeled vehicles.

All signs shall be removed by the property owner when the circumstances leading to their erection no longer applies.

Signs may be illuminated if such lighting is shielded or indirect but shall not include neon signs.

No signs are permitted to be placed on rooftops.

All non-conforming signs, billboards or advertising sign boards, including poster panels, bulletins and the like, shall be made to conform to all pertinent regulations, or be removed within five (5) years after the effective date of this Ordinance, except that business identification signs on legal non-conforming uses, may be continued and maintained as a part of the legal non-conforming use.

ARTICLE XIII MOTOR

VEHICLE ACCESS

Wherever motor vehicle access is provided from the street or private road onto the lot, the following regulations shall apply:

A. DRIVEWAYS AND CURBS

Access to the lot shall comply with the following regulations:

1. Access shall be by not more than two (2) driveways for each one hundred (100) feet frontage on any street.
2. No two (2) of said driveways serving single family dwellings shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet, and no flare shall cross an extended side property line.
3. Each driveway shall be stabilized and shall be not more than thirty-five (35) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
4. Driveways shall not cross the street right-of-way line within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve. Notwithstanding the above and when deemed necessary for safety by the Planning Commission and/or the Governing Body this dimension shall be increased for driveways into shopping centers, other commercial, industrial, public or institutional uses.
5. Driveways shall not cross the street right-of-way within five (5) feet of a fire hydrant, catch basin or drain inlet.
6. Driveways shall not cross the street right-of-way within forty (40) feet of another driveway on the same lot, excepting in the case where dual access drives are deemed necessary to permit safe ingress and egress, these dimensions may be reduced to not less than twelve (12) feet between two access drives.
7. Driveways shall not cross the street right-of-way in all multi-family, commercial and industrial districts within twenty (20) feet of a property line unless two adjoining property owners mutually agree in a legally recorded instrument to a common driveway.

8. For non-dwelling uses, where there is an existing curb and gutter or sidewalk on the street or private road, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two ends and street or private road side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the municipal engineer. Maximum and minimum curb return radii permitted and minimum driveway approach angles to the center line of the street or private road are required as shown on Sketch No. attached to this Ordinance and made by this reference as much a part of this Ordinance as is fully described and detailed herein.
9. For non-dwelling uses, where there is no existing curb and gutter or sidewalk, a curb, fence, or landscaping not exceeding two (2) feet or less than eight (8.) inches in height as shown on Sketch No. attached to this Ordinance shall be constructed along the entire length of the property line, except in front of the permitted driveways.
10. General Safety Requirements - Sight Distance: Driveways shall be located in safe relationship to sight distance and barriers to vision, and shall not exceed a slope of ten (10) percent within twelve (12) feet of the street line. Where drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than one-half (%) foot vertical to one (1) foot horizontal within ten (10) feet of the point the drive intersects with the right-of-way line.
11. Submission of Plan: A scale drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a State Highway shall be approved by the Pennsylvania Department of Transportation in addition to Borough Council approval.

LOCATION OF GASOLINE PUMPS

Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any street line and shall be so located that vehicles stopped for service will not extend over the property line.

ARTICLE XIV

OFF-STREET PARKING

GENERAL PARKING REGULATIONS

1. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way,
2. Outdoor parking space shall be deemed to be part of the open space of the lot on which it is located.
3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory or building requirements. The garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
4. All commercial, public and semi-public uses shall provide a minimum of one handicapped parking space or 5% of the parking spaces required, whichever is greater. The design to be approved by the Borough Engineer.

FACILITIES REQUIRED

Any of the following buildings hereafter erected or enlarged and any building hereafter converted into one of the following buildings and any open area hereafter used shall be provided with not less than the minimum parking spaces as set forth below, together with adequate access ways, driveways or other means of circulation and access to and from a street.

OFF-STREET PARKING SPACE REQUIREMENTS

<u>Uses</u>	<u>Required Parking Spaces</u>
1» Automobile Wash	5 for each washing machine.
2. Automotive Sales and Service Garages	1 parking space for each 300 sq. ft. of gross floor area devoted to service facilities or 2 spaces for each service bay whichever is larger, plus 1 space for each 200 sq. ft. of gross floor area devoted to sales facilities or usage plus 1 space for each full-time employee.
3. Banks or Professional Offices	1 space for each 20.0 sq. ft. of floor area.
4. Bowling Alleys	5 spaces for each alley.
5. Schools	1 space for each faculty member and employee plus 1 space for each 17 classroom seats.
6. Places of public or private assembly (churches, community centers, theaters, or similar meeting and assembly uses)	1 space for every 4 seats or 1 space for each 100 square feet of floor area where no seats are provided.
7. Dance Halls, Swimming Pools, Roller Rinks, Clubs, Lodges, and other similar places	1 space for each 100 sq. ft. of floor area or of water area in swimming pool.
8. Food Markets and Convenience Stores	1 space for each 200 sq. ft. of floor area.
9. Funeral Homes, Mortuaries	5 spaces for each parlor.
10. Furniture or Appliance Stores	1 space for each 200 sq. ft. of floor area
11. Hospitals, Nursing and Convalescing Homes	1 space for every 3 beds, plus 1 space for each 2 employees in the maximum working shift plus 1 space for each staff doctor.
12. Hotels, Motels, Tourist Houses, Boarding and Lodging Houses	1 space for each guest room plus 1 space for each 2 employees in the maximum working shift.

Uses	<u>Required Parking Spaces</u>
13. Industrial Uses (mills, manufacturing or assembly plants, ware housing, laboratories, salvage yards, etc.)	1 space for each 1,000 sq. ft. of floor area, plus 1 space for each 2 employees in the maximum working shift. The total parking area shall not be less than 25% of the building floor area.
14. Medical and Dental Clinics Offices	5 spaces for each practitioner
15. Multiple Dwellings	1.5 spaces per dwelling unit
16. Restaurants, Beer Parlors and Nightclubs	space for each 2 seats.
17. Retail Stores and Shops	1 space for each 120 sq. ft. of floor area.
18. Single and Two-Family Dwellings	2 spaces per dwelling unit.
19. Utility or Communication Station	1 space per vehicle normally required to service such facility.

LOCATION OF PARKING SPACE

1. Parking spaces for multiple dwelling buildings, commercial, and industrial uses shall be readily accessible to, and within a reasonable distance from the buildings served thereby. Such spaces shall be in the same zoning district as the principal building, or open area, and conform to the following regulations:
 - a. The required parking spaces shall be located within six hundred (600) feet of the principal building or open space in question.
 - b. Such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the Borough Council, binding the owner and his heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

D. DESIGN STANDARDS

1. The minimum dimensions of parking facilities to be provided shall be as follows:
 - a. In all districts parking space per vehicle shall be not less than ten (10) feet wide and twenty (20) feet long.
 - b. In all districts except for single family dwellings, there shall be no less than ten (10) feet of open space between the curb line or edge of any parking area and the outside wall of any building. No parking area shall be located within a public right-of-way.
 - c. Parking lot dimensions shall be no less than those listed in the following table.

<u>Angle of Parking</u>	<u>Parking Bay Width</u>	<u>Depth from Curb (1)</u>	<u>Aisle Width</u>	
			<u>One-Way</u>	<u>Two-Way</u>
90 degrees	10'	20'	24'	24'
60 degrees	10'	22*	18'	20'
45 degrees	10'	21'	15'	20'
30 degrees	10'	19'	12'	20'

(1) Depth from curb is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parked vehicles and not including any part of the drive.

- d. All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- e. Parking areas shall be designed so that each motor vehicle may proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
- f. The width of entrance and exit drives shall be a minimum of twelve (12) feet for one-way use only, a minimum of twenty (20) feet for two-way use; except where 90 degree parking is used in which case the minimum shall be not less than twenty-four (24) feet; and a maximum of twenty-four (24) feet at the edge of the paved cartway.
- g. Setback for parking areas shall be provided as follows:

1. All parking spaces and access drives shall be at least ten (10) feet from any multiple dwelling building industrial, or commercial building on the lot;
 2. All parking spaces and access drives shall be at least five (5) feet from any exterior lot line, except where buffer yards are required in which case such parking spaces and access drives may not encroach on the buffer yard area;
 3. Except at entrance and exit drives parking areas shall be physically separated from any public and/or private streets by a minimum five (5) foot planting strip. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking areas.
 4. All off-street parking spaces shall be marked so as to indicate their location.
- h. Separate parking areas on a parcel or development shall be physically separated from one another by eight (8) foot planting strips.
 - i. A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from the public streets view and from the ground level of adjoining residential districts.

CHANGES IN REQUIREMENTS

Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.

CONTINUING OBLIGATION

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. They

shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

DRAINAGE, SURFACING AND MAINTENANCE STANDARDS

1. The area of the parking lots, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of Borough Council and the Municipal Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets of adjoining property.
2. Parking areas shall be kept clean and free from rubbish and debris.
3. In all cases, such drainage, surfacing, and maintenance activities and plans shall conform to other applicable codes and ordinances enacted by the Borough of Royalton.

LIGHTING

Any lighting used to illuminate off-street parking or loading areas shall be shielded from any residential district beyond the property line.

LOADING AND UNLOADING SPACE

1. In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals or sanitariums and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicles.
2. At least one loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed ten thousand (10,000) square feet, one additional loading berth shall be provided for each ten thousand (10,000) square feet of gross floor area. The off-street loading berth shall be not less than ten (10) feet wide, and thirty-five (35) feet in length, and fourteen (14) feet in height.
3. Hotels shall have at least one loading berth, with an additional loading berth when the gross floor area exceeds fifty thousand (50,000) square feet.

ARTICLE XV

FLOODPLAIN MANAGEMENT

GENERAL PROVISIONS

1. The purpose of these provisions is to set forth, by separate Article, zoning related floodplain management regulations deemed necessary to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
 - a. regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies,
 - b. restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding,
 - c. requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage,
 - d. protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
2. These provisions shall apply to all lands within the jurisdiction of Royalton Borough and shown on the official Zoning Map as being located within the boundaries of any identified floodplain district.
3. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
4. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the identified floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damages. Further, these provisions shall not create liability on the part of Royalton

Borough or any officer or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made thereunder.

ESTABLISHMENT OF FLOOD DISTRICTS

1. Basis of Flood Districts

For the purposes of this Ordinance, the various flood-plain districts shall include those areas identified as being subject to the one-hundred (100) year flood in the Flood Insurance Study (FIS) prepared for Royalton Borough by the Federal Insurance Administration (FIA) dated October, 1976.

2. Delineation of Flood Districts

- a. The Floodway District (FW) is delineated for purposes of this Ordinance using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The Floodway District is shown on the Royalton Borough Official Zoning Map. The areas included in the District are specifically defined in the Floodway Data Table contained in the above-referenced FIS and shown on the accompanying Flood Boundary and Floodway Map.
- b. The Flood-Fringe District (FF) shall be that area of the 100-year floodplain not included in the Floodway District (FW). The basis for the outermost boundary of this District shall be the one-hundred (100) year flood elevations contained in the flood profiles of the above-referenced FIS and as shown on the accompanying Flood Boundary and Floodway Maps.

3. Overlay Concept

- a. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the Floodplain Districts shall serve as a supplement to the underlying district provisions.
- b. Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts and those of any underlying district the more restrictive provisions shall apply.

4. Zoning Map

The boundaries of the Floodplain Districts are established as shown on the Royalton Borough Zoning Map. Refer to Article IV, DESIGNATION OF DISTRICTS, provisions A. and B.2, as contained in this Ordinance.

5. Flood District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Royalton Borough Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, Susquehanna River Basin Commission, or other qualified agency or individual documents the need or possibility for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

FLOOD DISTRICT PROVISIONS

1. Introduction

- a. All uses, activities, and development occurring within any floodplain district shall be undertaken, only, in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Royalton Borough Building Code, and Royalton Borough Subdivision and Land Development Ordinance.
- b. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- c. Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the municipality, a permit shall be obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

2. Floodway District (FW)

In the Floodway District (FW) any new construction and/or development that would cause any increase in flood heights shall be prohibited.

a. Permitted Uses

In the Floodway District (FW) the following uses and activities are permitted provided they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

- (1) agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting,

- (2) public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boatlaunching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas,
- (3) accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas,
- (4) accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

b. Uses Permitted by Special Exception

The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other Ordinance:

- (1) structures, except for mobile homes, accessory to the uses and activities in Section 2. a above.
- (2) utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses,
- (3) water-related uses and activities such as marinas, docks, wharves, piers, etc.,
- (4) temporary uses such as circuses, carnivals, and similar activities,
- (5) storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning,
- (6) other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities and structural development, shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.

c. Uses Specifically Prohibited

Refer to Subsections D.1.b., D.2.a. and D.3.a. for the kinds of development which are specifically prohibited within the Floodway District (FW) .

3. Flood-Fringe District (FF)

a. Permitted Uses

In the Flood-Fringe District (FF) the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in all other applicable codes and ordinances.

b. Special Provisions for Certain Uses and Development

Refer to Subsections D.1, D.2, and D.3 for special requirements and procedures for certain kinds of development within the Flood-Fringe District (FF).

SPECIAL PROVISIONS FOR CERTAIN KINDS OF DEVELOPMENT WITHIN FLOODPLAIN DISTRICTS

1. Development and Other Matters Which May Endanger Human Life

- a. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring or maintaining a supply of more than 550 gallons or other comparable volume or any amount of radioactive substances of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

- (1) acetone
- (2) ammonia
- (3) benzene
- (4) calcium carbide
- (5) carbon disulfide
- (6) celluloid
- (7) chlorine
- (8) hydrochloric acid
- (9) hydrocyanic acid
- (10) magnesium
- (11) nitric acid and oxides of nitrogen
- (12) petroleum products (gasoline, fuel oil, etc.)
- (13) phosphorus
- (14) potassium
- (15) sodium
- (16) sulphur and sulphur products
- (17) pesticides (including insecticides, fungicides and rodenticides)
- (18) radioactive substances, insofar as such substances are not otherwise regulated.

- b. Within any Floodway District (FW) any structure of the kind described in Subsection 1.a. above, shall be prohibited.
- c. Where permitted in any Flood-Fringe District, any structure of the kind described in Subsection 1.a., above, shall be in compliance with the Royalton Borough Building Code.

2. Development and Other Matters Requiring Special Permits

- a. In accordance with the Pennsylvania Flood Plain Management Act (Act 166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are prohibited within any Floodway District, and are permitted only by Special Permit if located partially or entirely within any identified Flood-Fringe District and in compliance with provisions of the underlying Zoning District:

- (1) hospitals - public or private
- (2) nursing homes - public or private
- (3) jails
- (4) new mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.

- b. Special Permit Application Requirements and Procedures

Refer to the Royalton Borough Building Code for application requirements and review procedures for development requiring a Special Permit.

- c. Technical Requirements for a Special Permit

Technical requirements shall comply with provisions of the Royalton Borough Building Code.

3. Special Requirements for Mobile Homes

- a. Within any Floodway District (FW), mobile homes shall be prohibited.

- b. Where permitted within any Flood-Fringe District, all placements and substantial improvements of mobile homes and any additions thereto shall be:

- (1) Anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974& ANSI A119.3-1975)

as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following:

- (a) over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length,
 - (b) frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than (50) feet in length.
 - (c) all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (48 00) pounds.
- (2) Elevated in accordance with the following requirements:
- (a) the stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be one and one-half (1[^]) feet or more above the elevation of the one-hundred (100) year flood.
 - (b) adequate surface drainage is provided.
 - (c) adequate access for a hauler is provided.
 - (d) where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
 - (e) an evacuation plan indicating alternate vehicular access and escape routes for mobile home parks shall be filed with the appropriate Borough officials.

EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS

1. A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:
 - a. no expansion or enlargement of an existing structure and/or use shall be allowed within any floodway district that would cause any increase in flood heights.
 - b. any modification, alteration, reconstruction, or improvement of any kind to an existing structure and/or use to an extent or amount of fifty (50) percent or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
 - c. any modification, alteration, reconstruction/ or improvement of any kind to an existing structure and/or use to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

SPECIAL EXCEPTIONS IN FLOODPLAIN DISTRICTS

1. Review Factors

In passing upon applications for Special Exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures specific in other sections of the Zoning Ordinance and:

- a. the danger to life and property due to increased flood heights or velocities caused by encroachments.
- b. the danger that materials may be swept on to other lands or downstream to the injury of others.
- c. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- d. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- e. the importance of the services provided by the proposed facility to the community.
- f. the requirements of the facility for a waterfront location
- g. the availability of alternative locations not subject to flooding for the proposed use.

- h. the compatibility of the proposed use with existing development and development anticipated in the for-seeable future.
- i. the relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. the safety of access to the property in times of flood of ordinary and emergency vehicles.
- k. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- l. such other factors which are relevant to the purposes of this Ordinance.

2. Supplemental Technical Review

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

3. Conditions For Approving Special Exceptions

- a. Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) the creation of nuisances, (e) any fraud or victimization of the public, or (f) any conflict with local laws or ordinances.
- b. No special exception shall be granted for any proposed use, development, or activity within any floodway district (FW) that will cause any increase in flood heights.

VARIANCES WITHIN FLOODPLAIN DISTRICTS

1. General

If compliance with any of the requirements of this Article would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

2. Variance Procedures and Requirements

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

- a. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred (100) year flood elevation.
- b. Except for a possible modification of the free board requirements as may be granted by the Borough of Royalton Code Hearing Board, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Development and Other Matters Which May Endanger Human Life (Section D.1) or to Development and Other Matters Requiring Special Permits (Section D.2).
- c. If granted, a variance shall involve only the least modification necessary to provide relief,
- d. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- e. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - (1) the granting of the variance may result in increased premium rates for flood insurance.
 - (2) such variances may increase the risks to life and property.
- f. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:
 - (1) that there is good and sufficient cause.
 - (2) that failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) that the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public or conflict with any other applicable local or State ordinance and regulations.
 - (4) refer to criteria presented in Section F.
 - (5) notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.

- g. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

PERMIT

A building permit shall be required for all construction and development within any floodplain district, which shall include, but not be limited to, buildings or other structures, paving, grading, filling, excavation, mining, dredging, or drilling activities.

ARTICLE XVI

AMENDMENTS

PROCEDURE

The Borough Council may, from time to time, on its own motion or on petition or recommendation of the Planning Commission, amend supplement or repeal any of the regulations and provisions of this Ordinance after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Borough Planning Commission, must be referred to the Borough Planning Commission for its recommendations at least thirty (30) days prior to the hearing on such amendment. If, after any public hearing held upon an 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, pursuant to public notice, before proceeding to vote on the amendment. At least thirty (30) days prior to the hearing on the ordinance or amendments by the local governing body, the Borough Planning Commission shall submit the proposed ordinance or amendments to the Dauphin County Planning Commission for recommendations.

PROCEDURE UPON CURATIVE AMENDMENTS

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 609.1. and Section 609.2.

CONTENT OF PUBLIC NOTICE

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 municipality where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.

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 may consist solely of a reference to the place or places within the municipality 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. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

ARTICLE XVII

ADMINISTRATION AND ENFORCEMENT

APPOINTMENT AND POWERS OF ZONING OFFICER

For the administration of this zoning ordinance, a zoning officer, who may not hold any elective office in the municipality, shall be appointed. The Zoning Officer shall administer the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the zoning ordinance.

ENFORCEMENT

It shall be the duty of the Zoning Officer, and he is hereby given the power and authority to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issued permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the Borough Council may require. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board. Permits for construction and uses which are a conditional use shall be issued only upon approval of such conditional use by Borough Council.

ZONING APPEALS

All appeals from decisions of the zoning officer shall be taken in the manner set forth in Article X, Pennsylvania Municipalities Planning Code (Act 247) as amended.

ZONING HEARING BOARD

The Borough Council shall appoint a Zoning Hearing Board, which shall have three members and such powers and authority as set forth in Article IX of Act 247 of the Commonwealth of Pennsylvania, as enacted or hereafter amended. The duly established Zoning Hearing Board shall have the following functions:

1. Hearings

The Board shall conduct hearings and make decisions in accordance with Section 908, Pennsylvania Municipalities Planning Code (Act 247) as amended. Notice shall be given to the public, the applicant, the County planning agency, the Zoning Officer, such other persons as the Borough Council shall designate and any person who has made timely request for the same. Notices shall be given

at such time and in such manner prescribed by adopted Rules of the Board. The Borough Council may establish reasonable fees, based on cost, to be paid by the applicant and persons requesting any notice not required by ordinance.

Appeals

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. The Board shall prescribe the form of application to be used. Nothing contained herein shall be construed to deny the appellant the right to proceed directly in court where appropriate.

Challenge to Validity

Except as provided in Item 4, below, relating to variances, the Board shall have no power to pass upon the validity of any provision of an ordinance or map adopted by the Borough Council. Recognizing that challenges to the validity of an ordinance or map may present issues of fact and interpretation which may lie within the special competence of the Board and to facilitate speedy disposition of such challenges by a court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issued of fact or interpretation not hitherto properly determined at a hearing before another competent agency or body and shall take evidence and make a record thereon as provided in Item 1, above. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and make findings on all relevant issues of fact, which shall become part of the record on appeal to court.

Variances

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board shall prescribe the form of application and require preliminary application to the Zoning Officer. The Board may grant a variance, provided 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 the Zoning Ordinance 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 the Zoning Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- c. That such unnecessary hardship had not been created by the appellant;
- 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; and
- e. That the variance, if authorized, will represent the minimum variance which will afford relief and 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 Zoning Ordinance.

Special Exceptions

In this Ordinance, special exceptions may be granted or denied by the Board pursuant to expressed standards and criteria. The Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria and prescribe the application form to be used. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The Board shall pursue the following procedure:

- a. The Board's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception.
- b. No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Borough of Royalton, where appropriate, with reference to the adequacy of the site area and the arrangement

of buildings, driveways, parking areas, off-street truck loading spaces and other pertinent features of the proposal.

- c. The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. In the event that the Commission shall fail to file its report within thirty (30) days, such application shall be deemed to have been approved by the Planning Commission. The Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of the Zoning Ordinance. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue a permit if, in its judgement, any one of such cases will not be detrimental to the health, safety and general welfare of the Borough of Royalton.
- d. A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this section shall be construed to be a conforming use.

Parties Appellant Before the Board

Appeals under Item 2, above, and proceedings to challenge an ordinance under Item 3, above, may be filed with the Board, in writing, by any officer or agency of the Borough of Royalton or any person aggrieved. Requests for variance under Item 4, above, and special exception under Item 5, above, may be filed with the Board by any landowner or any tenant with the permission of such landowner.

- a. Time Limitations - The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:
 - (1) No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Board later than thirty (30) days from the time such ordinance, map or amendment takes effect, unless the person raising such issues alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

(2) No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or limit the approval in any manner, unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

- b. Stay of Proceedings - Upon filing of any proceeding referred to in this item and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or 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 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. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

PERMITS

1. Requirements of Permits

A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefor. No such building permit or zoning permit shall be required in case of normal maintenance activities, minor repairs and alterations which do not structurally change a building or structure.

Application for Permits

All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

Issuance of Permits

No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance, as well as the provisions of all other applicable ordinances. A permit issued hereunder shall become void twelve (12) months after issuance date.

Temporary Permits

A temporary permit may be authorized by the Zoning Hearing Board for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Municipality. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding three (3) years.

Certificate of Non-conformance: A certificate of non-conformance shall be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this Ordinance, is identified as a non-conforming use. The owner's property and the issuance of such certificates shall be registered in the records of the municipality as follows:

- a. Such certificates of non-conformance shall be issued within one hundred eighty (180) days after the effective date of this Ordinance.
- b. The Certificate of Non-conformance shall set forth in detail all of the non-conforming conditions of said property.

- c. A copy of the Certificate of Non-conformance shall be retained by the Zoning Officer for the municipal registration.
- d. The certificate shall be for the purposes of insuring the owner the right to continue a non-conforming use in accordance with the regulations of this ordinance.

SPECIAL EXCEPTIONS

Applications for any special exception permitted by this Ordinance shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Hearing Board shall refer the matter to the Planning Commission for report thereon as to its effect on the Comprehensive Plan of the Borough of Royalton, pursuant to Section D.5. of this Article.

FEES

The Borough Council shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, amendments, bonds and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended only by the Borough Council.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

INSPECTION

1. Inspection by the Zoning Officer

It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections of property for which a permit has been issued:

a. At the Beginning of Construction

A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building.

- (1) If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Office, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

b. At the Completion of Construction

A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Ordinance, and the opinion of the Zoning Officer in regard to the issuance of a Certificate of Use Permit.

CERTIFICATE OF USE

1. A certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance, or both.
2. No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, substantial improvement or change in use shall be occupied or used, until a Certificate of Use shall have been issued by the Zoning Officer.
3. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building permit, and shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.
4. A Certificate of Use for changing or extending a nonconforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.
5. A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

VIOLATIONS

Failure to comply with any provision of this Ordinance, failure to secure a permit, or Zoning Hearing Board Certificate, when required, previous to the erection, construction, extension, or addition to a building; or failure to secure a Certificate of Use, shall be violations of this Ordinance.

1. Notice of Violation: When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, agent or occupant, contractor, or building, such violation shall be discontinued immediately.

2. Penalties: It shall be unlawful to erect, construct, reconstruct, alter and maintain or use any building or structure or to use any land in violation of any provisions of this Ordinance or amendment thereto. Any person, partnership or corporation who or which shall violate the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon conviction thereof in a summary proceedings, be sentenced to pay a fine of not more than five hundred dollars (\$500.00). In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of zoning ordinances shall be paid to the Borough of Royalton.
3. Remedies: In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act of prior enabling laws, the Borough Council or, with the approval of the Borough Council, an officer of the municipality, in addition to other remedies, may institute in the name of the municipality any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land, or to prevent in or about such premises, and act, conduct, business or use constituting a violation.

APPEALS

1. An appeal, or application for a special exception, conditional use, or variance from the terms of this Ordinance, shall be filed with the Zoning Officer, and shall state:
 - a. The name and address of the applicant.
 - b. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
 - c. A brief description and location of the real estate to be affected by such proposed change.
 - d. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
 - e. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted; or a statement of the section of this ordinance governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.

f. A reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, materials, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.

L. VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof.

M. INTERPRETATION, PURPOSE, AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this Ordinance shall control.

N. REPEALER

All ordinances or part of ordinances inconsistent herewith are hereby repealed.

O. CODIFICATION STATEMENT

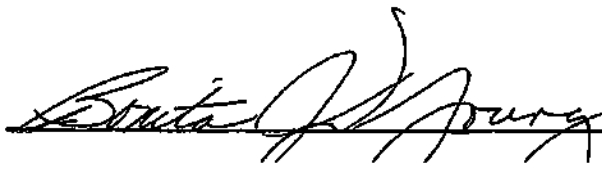
It is the intention of council and it is ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Borough of Royalton, Pennsylvania and the sections of this Ordinance may be renumbered to accomplish that intention.

P. ENACTMENT

Enacted and ordained into an Ordinance this ^ST⁷*^ day of

ATTEST:

Secretary
" ^



e J

Read and
approved by
me this

^7TM _____ day

McufoA