

**BOROUGH OF EAST PROSPECT  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE**

**AN ORDINANCE AMENDING SECTIONS 104, 203, 401, 402, 614, 626 and 627 OF THE ZONING ORDINANCE OF THE BOROUGH OF EAST PROSPECT ESTABLISHING COMMUNITY DEVELOPMENT OBJECTIVES, DEFINITIONS, RESIDENTIAL ZONE USES AND LOT AREA AND WIDTH, VILLAGE ZONE USES AND LOT AREA AND WIDTH, LIVESTOCK OR SMALL ANIMAL REGULATIONS AND THE USES OF HOTELS/MOTELS AND CONTRACTOR'S OFFICE/HEAVY STORAGE FOR THE BOROUGH.**

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of East Prospect, York County, Pennsylvania, as follows:

SECTION 1. Sections \_\_\_\_\_ of the Zoning Ordinance of the Borough of East Prospect are hereby amended by the addition, deletion or modification of the following:

**SECTION 104 COMMUNITY DEVELOPMENT OBJECTIVES**

Community objectives for East Prospect Borough are grouped into four major areas of planning concern: land use, transportation, community facilities and utilities, and housing.

**A. Land Use**

1. Preserve and protect existing desirable residential areas.
2. Provide for flexibility and ingenuity in the layout and design of new residential developments in the Borough.
3. Prevent undesirable land use relationships by avoiding the mixing of incompatible uses.
4. Encourage the use of energy-saving materials and techniques in new buildings and land developments.
5. Keep up-to-date, and enforce zoning, planned residential development, and subdivision and land development ordinances to regulate future growth.

...

**SECTION 203 SPECIFIC WORDS AND PHRASES**

...

**DWELLING ...**

**TWO FAMILY DWELLING** - A building containing two (2) dwelling units, having two (2) side yards and having one (1) party wall in common between the two (2) dwelling units.

## SECTION 401 RESIDENTIAL ZONE (R)

...

B. Uses by Right: The following uses are permitted by right in the R Zone:

1. Single family detached dwelling
2. Two family dwelling
3. Crops, gardening
4. Group home

C. Uses by Special Exception: The following uses shall be permitted by special exception when authorized by the Zoning Hearing Board.

...

18. Hotels/Motels
19. Contractors's office/Heavy Storage

D. Lot Area and Width: Lot area and width not less than the following dimensions shall be provided for each principal use hereafter established in the R Zone.

Public Water & Sewer Area Width		Public Water or Sewer Area Width		Neither Public Water or Sewer Area Width	
<hr/>					
Single-family detached					
14,000 sq. ft./ unit	100 ft./ unit	17,000 sq. ft./ unit	120 ft./ unit	40,000 sq. ft./ unit	200 ft./ unit
Two-family dwelling					
12,000 sq. ft/ unit	80 ft./ unit	NOT PERMITTED		NOT PERMITTED	

## SECTION 402 VILLAGE ZONE (V)

...

C. Uses by Special Exception: The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board.

...

19. Hotel/Motel
20. Contractor's office/Heavy Storage

D. Lot Area and Width: Lot area and lot width not less than the following shall be

provided for each principal use hereafter established in the Village Zone:

Public Water & Sewer Area    Width		Public Water or Sewer Area    Width		Neither Public Water or Sewer Area    Width	
<hr/>					
Single-family detached dwelling:					
8,000 sq. ft./ unit	60 ft./ unit	15,000 sq. ft./ unit	80 ft./ unit	30,000 sq. ft./ unit	100 ft./ unit
Single family attached dwelling:					
4,000 sq. ft/ unit	25 ft./ unit	NOT PERMITTED		NOT PERMITTED	
Two-family dwellings:					
8,000 sq. ft/ unit	50 ft./ unit	NOT PERMITTED		NOT PERMITTED	
Multi-family dwelling:					
See Section 618		NOT PERMITTED		NOT PERMITTED	
All Other:					
10,000 sq. ft./ unit	80 ft./ unit	20,000 sq. ft./ unit	100 ft./ unit	37,000 sq. ft./ unit	150 ft./ unit

#### SECTION 614. KEEPING OF LIVESTOCK OR SMALL ANIMALS

...

2. ....

GROUP TWO - If the average adult weight is greater than ten (10) pounds but less than sixty-five (65) pounds, they shall be permitted at a density of one (1) per acre, with a maximum of 20 per lot.

#### SECTION 626. HOTELS/MOTELS

1. Minimum lot area shall be 1 acre or 2500 square feet per unit, whichever is more.
2. Minimum lot width shall be 150 feet.
3. Each rental unit shall be at least 250 square feet total area and shall contained no provisions for cooking in any unit.
4. Public water and sewer must be utilized.
5. Access shall be provided directly from a Collector or Arterial Street.
6. A Landscaped Buffer shall be provided from adjacent residential uses.
7. All hotels/motels shall comply with all applicable building, health, fire and safety codes.

#### SECTION 627. CONTRACTOR'S OFFICE/HEAVY STORAGE

1. The applicant must provide inside storage for all construction equipment (not including licensed and inspected trucks and trailers not exceeding four (4) in number) and building materials and must store all construction equipment and building materials inside excepting that not more than four (4) licensed and inspected trucks and/or trailers and not more than twenty-five (25) tons of stone and twenty-five (25) tons of solid may be stored outside.
2. That there be no noise audible to neighboring residents between 6:00 p.m. and 7:00 a.m. except on an emergency basis.
3. Minimum lot area shall be 20,000 square feet.
4. Minimum lot width shall be 100 feet.
5. All storage of materials and/or equipment shall be in the side or rear yards.
6. No materials and/or equipment shall be stored within 25 feet of any property line.
7. Landscape Buffers and screens shall be provided as necessary to protect neighboring properties.



Section 2. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this 5th day of January, 1999.

ATTEST:

BOROUGH COUNCIL OF EAST PROSPECT

Mervin C. Keller  
Secretary

BY Donald E. Bashyn  
President/Vice President

(Seal)

Approved this 5th day of January, 1999

Maxine Kuntz Mayor

Received 8/17/95 mlf

HARRY L. MCNEAL, JR.

ATTORNEY AT LAW

34 EAST PRINCESS STREET

YORK, PENNSYLVANIA 17403

TELEPHONE (717) 468-1308

August 15, 1995

Mr. Thomas L. Wallace, P.E.  
James R. Holley & Associates, Inc.  
18 South George Street, Fifth Floor  
York, PA 17401

Re: East Prospect Borough Zoning Ordinance  
- - Building Straddling Common Set-Back Line of Contiguous Lots

Dear Tom:

You asked my opinion whether you may properly issue a building permit to the owner of two contiguous lots for the construction of a dwelling house that would straddle their common boundary line and, thus, intrude into the side setback areas of each along the common boundary line. It is my opinion that you may do so.

Both Section 401.E.2 and Section 402.E.2 of the East Prospect Borough Zoning Ordinance contain the following requirement: "each *lot* shall provide front, side and rear set backs not less than the following:". Under this wording, the *lot* is subject to the side setback. Thus, in applying the requirement, it is necessary to determine whether each of the two properties now owned by the common owner constitutes a separate *lot*, or whether the two may be considered as one *lot*. The answer to this question turns on the definition of the word "lot", which appears on page II-8 of the Zoning Ordinance, as well as in Section 107 of the Pennsylvania Municipalities Planning Code, as follows:

"a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit."

In my own mind it is clear that, here, the two tracts together may constitute one lot.

First of all, the overall tract is, in the words of the definition, "\*\*\*to be used, developed or built upon as a unit." This is clear from the fact that the owner desires to construct the dwelling so that it sets astride the common boundary line. Second, the identity of these two lots as one unit is being "established \*\*as permitted by law\*\*", i.e., by the manifest, objective, intention of the land owner. For instance, in *Fisher Building Permit Case*, 355 Pa. 364 [1946], the Pennsylvania Supreme Court said at page 368:

\*\*\*the several lots conveyed to the Fishers, to which they had title at the time the township secretary issued the building permit on April 22, 1946, and to which they still hold title, are contiguous *and can be considered as one parcel of land*; and that this *entire tract appellees developed, used and fenced as one property.*"

And, in **Markey v. Zoning Board of Adjustment**, 409 Pa. 430 [1963], the Supreme Court, referring to the Fisher case said, at page 432:

"In the Fisher Building Permit case, at 355 Pa. 364, this Court held that a proprietor of *several units of land, each in successive juxtaposition to another, may develop into a single lot* and they will be accepted as such in matters involving zoning:\*\*\*".

Also, there are lower court cases dealing with the 'merger' or 'consolidation' of contiguous lots into one lot. These Courts have looked to the landowners intention, as indicated by objective indications of intention [the physical facts, not simply what thought might have been going through the land owners mind] to determine whether or not the contiguous had been merged, or remained separate. See, for example, **McCormack, et al vs. Buckingham Township Zoning Board of Adjustment**, 19 Bucks Co. La. Rep. 51 [1969], Ginter appeal, 15 Ches. Co. Rep. 226[1967], **Burnside, et ux vs. Willstown Township**, 12 Ches. Co. Rep. 282 [1964]. Here, the land owners intention to combine the separate tracts into one parcel is indicated by his desire to erect a structure that will extend from one lot, across the boundary line, to the other.

I realize that some municipalities in this situation take the position that the owner must have a new deed prepared. It seems to me that this is a poor approach. One cannot convey to himself something that he already owns. Also, the lower courts, in the cases I have referred to above, have looked to the physical facts, as they appear on the ground, to determine whether the land owner intended to merge adjacent lots into one. Also, other municipalities might require the approval of a subdivision plan. But those procedures deal with the division, not *merger* of land.

If the Borough Council is concerned about creating some sort of a record, I believe that they could require the property owner to execute and record in the Recorder of Deeds Office, a statement describing his lots and how he received title and stating that he intends to merge them into one. This would require an amendment of the Zoning Ordinance. As a Zoning Officer has only the powers granted to him in the Ordinance, you do not have the power to require this on your own.

Mr. Thomas L. Wallace, P.E.  
Page -3-  
August 15, 1995

If you want to discuss the matter further, please say so.

Best wishes.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the printed name.

HARRY L. McNEAL, JR.

HLM/JR:jd

cc: East Prospect Borough Council

# EAST PROSPECT BOROUGH

YORK COUNTY  
PENNSYLVANIA

## ZONING ORDINANCE

JAMES R. HOLLEY & ASSOCIATES, INC.  
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LANDSCAPE ARCHITECTS - SURVEYORS  
18 SOUTH GEORGE STREET  
YORK, PA 17401  
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ORDINANCE NO. 93-7  
EAST PROSPECT BOROUGH ZONING ORDINANCE

ORDINANCE CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Council of the Borough of East Prospect, County of York, by authority of and pursuant to to the provisions of that Act of the General Assembly of the Commonwealth of Pennsylvania, approved December 21, 1988, P.L. 1329, known as the Pennsylvania Municipalities Planning Code, and any amendments and supplements thereto, as follows:

ARTICLE I - GENERAL PROVISIONS

SECTION 101 TITLE

AN ORDINANCE OF THE BOROUGH OF EAST PROSPECT, YORK COUNTY, PENNSYLVANIA, PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATERS TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS, CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF ON A ZONING MAP INCORPORATED THEREIN BY REFERENCE; ESTABLISHING THE OFFICE OF ZONING OFFICER; ESTABLISHING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

SECTION 102 SHORT TITLE

This Ordinance shall be known and may be cited as the East Prospect Borough Zoning Ordinance.

SECTION 103 PURPOSE

This Zoning Ordinance has been prepared with consideration for the character of the municipality, and the suitability of the various parts for particular uses and structures, and is enacted to promote the health, safety, morals, and general welfare of the inhabitants of the Borough of East Prospect by lessening congestion on the roads and streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; conserving the value of buildings; and encouraging the most appropriate use of land.

## SECTION 104 COMMUNITY DEVELOPMENT OBJECTIVES

Community objectives for East Prospect Borough are grouped into four major areas of planning concern: land use, transportation, community facilities and utilities, housing, and historic preservation.

### A. Land Use

1. Preserve and protect existing desirable residential areas.
2. Provide for flexibility and ingenuity in the layout and design of new residential developments in the Borough, while limiting further ~~conventional~~ intensive residential subdividing and development.
3. Prevent undesirable land use relationships by avoiding the mixing of incompatible uses.
4. Encourage the use of energy-saving materials and techniques in new buildings and land developments.
5. Keep up-to-date, and enforce zoning, planned residential development, and subdivision and land development ordinances to regulate future growth.

### B. Community Facilities and Utilities

1. Provide adequate fire, police and ambulance facilities to serve the entire community.
2. Provide recreational facilities that will adequately serve the needs of all segments of the population.
3. Cooperate with school officials to provide adequate school facilities.
4. Provide new community facilities as the need is defined.
5. Assure provision of suitable public sewer and water systems as part of development.
6. Protect and develop the Borough's groundwater resources to provide a sufficient supply of water for existing and future development.

7. Cooperate with neighboring municipalities in seeking long-range solutions to water supply problems in southeastern York County.
8. Identify and utilize sources of financial aid in providing community facilities and utilities.

C. Transportation

1. Preserve the efficiency of arterials and collectors through proper control of roadside development and access points onto these roadways.
2. Assure good design of all new roads and road intersections.
3. Assure that sufficient off-street parking space is provided as part of the development for stores, industry, homes, etc.
4. Support mass transportation services which aid in meeting the transportation requirements of Borough residents.

D. Housing

1. Maintain and conserve existing and future housing stock.
2. Eliminate blighting influences on housing in the community.
3. Assure that new housing is of safe and sound construction.
4. Control housing growth in accordance with the capabilities of the public water and sewer systems.
5. Keep up-to-date, and enforce building and property maintenance codes to regulate building construction and maintenance.

SECTION 105 INTERPRETATION

Interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comforts, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this ordinance

shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

Any use not specifically provided for herein shall be permitted by Special Exception in the zone or zones where, and to the extent that, similar uses are permitted by Special Exception, provided that the use meets the requirements for a Special Exception and does not constitute a public or private nuisance.

## ARTICLE II

### DEFINITIONS

#### SECTION 201 INTENT

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this Section.

#### SECTION 202 GENERAL INTERPRETATION

Unless otherwise expressly stated the following shall, for the purposes of this Ordinance, be interpreted in the following manner:

- a) Words used in the present tense imply the future tense.
- B) Words used in the singular imply the plural.
- c) The word "person" includes a partnership or corporation as well as an individual.
- d) The word "shall" or "must" is to be interpreted as mandatory, the word "may" as directory and complied with unless waived.

#### SECTION 203 SPECIFIC WORDS AND PHRASES

For the purposes of this Ordinance, the following words and phrases have the meaning given herein:

ACCESS DRIVE - A private drive, other than a driveway, which provides for vehicular access between a street and a parking area, loading area, drive-in service window or other facility within a land development. (See Driveway).

ACCESSORY BUILDING - A building subordinate to and detached from the principal building on the same lot and used for purposes incidental to the use of the principal building.

ADULT FACILITY - An establishment open to the general public or private club open to members except persons under the age of eighteen (18) years, which is used and occupied for one (1) or more of the following activities:

ADULT BOOK STORE - An establishment in which twenty percent (20%) or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by an emphasis

on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.

ADULT CABARET- An establishment, club, tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

ADULT MASSAGE PARLOR - An establishment whose business is the administration of massage to the anatomy of patrons regardless whether or not the same includes sexual contact.

ADULT THEATER - A building, or a room within a building, used for presenting motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

AGRICULTURE - The use of land for farming, dairying, pasturage, silviculture, horticulture, floriculture, viticulture or animal or poultry husbandry including the necessary accessory uses for packing, treating or storing produce and equipment or housing and feeding the animals as well as incidental slaughtering and butchering for consumption by a resident of a dwelling on the parcel on which such animals are raised. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program. It excludes riding academies, boarding stables and kennels.

ALTERATIONS - As applied to a building or structure, any change or rearrangement in the layout of rooms, halls, stairs, etc. or an enlargement, whether by extending on a side or by increasing in height.

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

AMENDMENT - A change which includes revisions to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the Borough Council.

APPLICANT - Any landowner, lessee or his authorized agent who submits plans, data and/or application to the Zoning Officer or other designated Borough official for the purpose of obtaining approval thereof.

**AUTOMOBILE** - A self-propelled motor vehicle designed for the conveyance of persons or property requiring a registration plate by the Commonwealth of Pennsylvania for operation upon public highways; including trucks, motor homes and motor-cycles.

**BASEMENT** - A story having part but not more than one-half (1/2) of its height below the average level of the adjoining ground. A basement shall be considered as a story in determining compliance with building height restrictions. (See Cellar).

**BED AND BREAKFAST INN** - A single family residence or portion thereof containing not more than four (4) guest rooms which are used by not more than eight (8) guests where rent is paid in money, goods, labor or otherwise. (See Boarding House, Rooming House).

**BUILDING** - Any structure on a lot, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels. (See Structure).

**ATTACHED BUILDING** - A building which has two (2) or more party walls in common.

**DETACHED BUILDING** - A building which has no party wall.

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

**SEMI-DETACHED BUILDING** - A building which has only one (1) party wall in common.

**BUILDING AREA** - The total area taken on horizontal plane at the mean level of the ground surrounding the principal building and all accessory buildings.

**BUILDING HEIGHT** - The total overall height in feet of a building measured from the lowest grade level to the highest point of the roof.

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

**CAMPSITE** - A plot of ground within a campground intended for occupancy by a recreational vehicle or tent.



CARE FACILITIES - Establishments which provide food, shelter, personal assistance, supervision and/or medical or other health related services for individuals not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

ADULT DAY CARE CENTER - Any premise in which care is provided to four (4) or more elderly or disabled adults for part of a twenty-four (24) hour day excluding care provided by relatives. Care includes personal assistance, the development of skills for daily living and the provision of social contact.

CHILD DAY CARE CENTER - A facility licensed by the State that provides a wide range of formal day care services for remuneration to seven (7) or more children who are supervised by a qualified staff. The child care areas in a day care center shall not be used as a family residence.

CONVALESCENT OR NURSING HOME - A licensed establishment which provides full-time residential, intermediate or skilled nursing care for three (3) or more individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home.

DOMICILIARY CARE HOME - An existing building or structure designed as a dwelling unit for one (1) family which provides 24-hour supervised protective living arrangements by the family residing therein for not more than three (3) unrelated persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or who are aged persons.

GROUP DAY CARE HOME - A facility, located in a single family residence, which provides supervised care for remuneration to more than six (6) children who are not relatives of the care giver.

GROUP HOME - A single-family dwelling, specifically, as a dwelling designed for a group of mentally and/or physically disabled persons living and cooking together in a single dwelling unit.



PERSONAL CARE BOARDING HOME - A type of group quarters, specifically a premises in which food, shelter, and personal assistance or supervision are provided, on a State or Federal licensed basis, for a period exceeding twenty-four (24) consecutive hours for at least four (4) persons who are over the age of eighteen (18), are not relatives of the operator and who are aged, blind, disabled, infirm or dependent but do not require skilled or intermediate nursing care.

CARPORT - An accessory structure not totally enclosed which is primarily designed or used for parking automobiles.

CELLAR - A story having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the number of stories or building height. (See Basement).

CERTIFICATE OF USE AND/OR OCCUPANCY - A certificate, issued by the Zoning Officer, which permits the use of a building in accordance with the approved plans and specifications and certifies compliance with the provisions of law for the use and occupancy of the land structure in its several parts, together with any special stipulations or conditions of the building permit.

CLUSTER DEVELOPMENT - An area of land in single ownership, to be developed as a residential community, in which the dimensions of individual lots may be reduced, but in which common areas are provided so that the overall density required in the respective zoning district is maintained.

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 designed and intended for the use or enjoyment of residents of the 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 appropriate for the recreation of residents.

CONDOMINIUM - A type of ownership arrangement, not a land use, wherein parts of a building typically are owned separately by persons and other parts such as halls, stairs and recreation areas are owned jointly by such persons. A condominium may be residential, commercial or industrial in nature.

DENSITY - The number of dwelling units per acre.

DOUBLE FRONTAGE LOT - A lot fronting on two (2) streets other than a corner lot.

DRIVEWAY - A private minor vehicular right-of-way providing access between a street and garage, carport or other parking space. (See Access Drive).

DWELLING - A building or structure designed for living quarters for one (1) or more families, including mobile homes; but not including hotels, rooming houses, convalescent home or other accommodations used for transient occupancy.

MULTI-FAMILY DWELLING - A building containing three (3) or more dwelling units including apartment houses, garden apartments or townhouses. All dwelling units are located on the same lot and share with other units a common yard area.

SINGLE FAMILY ATTACHED DWELLING - A portion of a building containing one (1) dwelling unit, and having two (2) party walls in common with other dwelling units except in the case of end units which have only one (1) common party wall (such as row houses or townhouses). Each dwelling unit is located on a separate lot.

SINGLE FAMILY DETACHED DWELLING - A building containing only one (1) dwelling unit and having two (2) side yards.

TWO-FAMILY DWELLING - A building containing two (2) dwelling units, having two (2) side yards and having one (1) party wall in common between the two (2) dwelling units. Both dwelling units are located on the same lot.

DWELLING UNIT - One (1) or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.

EATING ESTABLISHMENT - A public eating place involving the sale of custom prepared foods for either on-premises or off-premises consumption.

FAMILY - One (1) or more persons who live in a dwelling unit and maintain a common household. May consist of single person or two (2) or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging or boarding house.

FLOOD-PRONE AREA - A relatively flat or low land area adjoining a stream, river or watercourse which is subject to partial or complete inundation; or any 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 properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar, basement and attic floor areas not devoted to residential use. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, GROSS LEASABLE - The sum of the floor areas designed for the tenants' occupancy and use. It is all that area on which tenants pay rent, including sales area and integral stock areas.

FLOOR AREA, HABITABLE - The sum of the horizontal areas of all rooms used for habitation such as living room, dining room, kitchen, bathroom, or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. Earth-sheltered dwellings, designed as such shall include the aggregate of area used for habitation as defined above whether or not all or a portion is below ground level.

GARAGE, PRIVATE - An accessory building for the storage only of one (1) or more automobiles and/or vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein.

GROUP QUARTERS - Any dwelling or portion thereof which is designed or used for at least three (3) persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, fraternity and sorority houses, dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

GUEST ROOM - A room which is intended, arranged or designed to be occupied by one (1) or more guests but in which no provision is made for cooking. Residential non-commercial guest rooms shall be within or attached to the principal residence and shall be a part of the residential utility (sewer, electric, etc.) service line.

HOME OCCUPATION OR PROFESSION - A special type of accessory use. It is an occupation, which --

- 1) Is carried on only in a dwelling unit or accessory structure, and
- 2) Is conducted by a member of the family residing in the dwelling unit, and
- 3) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and

HOSPITAL - A place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care including such establishments as sanitarium, sanatorium, or preventorium.

IMPERVIOUS SURFACE - Those paved surfaces that do not absorb precipitation. Areas including, but not limited to, parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick or asphalt shall be considered impervious surface. In addition, all buildings and structures shall be considered as impervious surfaces for computation of lot coverage.

INDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT - Any use of a structure operated for profit within which the public can participate in or observe a performance, game or similar activity.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under lease to exercise the rights of the land owner, or other person having a proprietary interest in land.

LIVESTOCK - Any domestic farm animal such as cattle, donkeys, horses, mules, burros, sheep, swine or goats kept for agricultural use, commercial purposes or pleasure.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA - The area contained within the property lines of the individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT COVERAGE MAXIMUM - A percentage which when multiplied by the lot area will determine the permitted area that can be covered with an impervious surface (ex.: buildings, driveways, parking areas and sidewalks).

LOT LINES - The lines bounding a lot as described in the recorded title. Also referred to as "property lines".

LOT WIDTH - For lots having radial side property lines and at least fifty (50) feet of public road frontage (as measured along the street line) the distance between the side property lines as measured along a uniform building setback line; for corner lots, the distance between a side or rear property line and a front property line as measured along a continuous minimum required front building setback line; for all other lots, the distance between the side property lines as measured along a continuous minimum building setback line.

MEDICAL CLINIC - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to persons on an outpatient basis.

MOBILEHOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILEHOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

MOBILEHOME PARK (TRAILER PARK) - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

MOBILEHOME SALES LOT - An open lot for the outdoor display of new or used mobilehomes.



MULTI-FAMILY OR TWO FAMILY CONVERSION - A multi-family or two family dwelling constructed by converting an existing building into apartments for more than one (1) family without substantially altering the exterior of the building.

NONCONFORMITY - A nonconforming lot, non conforming structure, or nonconforming use.

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or any amendment theretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

NONCONFORMING USE - 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 Ordinance or amendment to its location by reason of annexation.

NONPROFIT - An educational, religious or charitable use which qualifies as "nonprofit" under the Internal Revenue Service Code.

OWNER - The owner of record of a parcel of land.

PARCEL - Any tract or contiguous tracts of land in the same ownership and contained in the same deed. Land separated by an existing State or Borough road shall be considered contiguous.

PARKING GARAGE - A building where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

PARKING LOT - An open lot where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

**PARKING SPACE** - An off-street space available for the parking of one (1) motor vehicle and having direct useable access to a street or roadway.

**PERSONAL SERVICE BUSINESS** - Personal service businesses shall include barber and beauty shops; self-service laundry and dry cleaning establishments; laundromats; radio and television repair; repair shops for some appliances, tools, bicycles, guns, locks, shoes, and watches; tailor and dressmaking shops, pet grooming shop or any other establishment of similar nature providing personalized service to customers.

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

**PLOT** - A map, plan or layout showing the subdivision of land or land development and indicating the location and boundaries of individual properties.

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

**PRIVATE** - Not publicly owned, operated or controlled.

**PROFESSIONAL OR BUSINESS OFFICES** - An office which generally operates on an appointment basis. Business offices shall include advertising agencies, opticians' offices, personnel agencies, and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers, and miscellaneous consulting services. Also included are offices of a governmental agency, social service organization, district justice or justice of the peace, notary, public or private utility or political organization; or an office of a bank, savings and loan association, credit or loan company, collection agency, or stock and bond broker.

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

PUBLIC SEWER - A municipal sanitary sewer system, or a comparable common or package sanitary facility, approved and permitted by the Pennsylvania Department of Environmental Resources.

PUBLIC WATER - A municipal water supply system, or a comparable public water facility, approved and permitted by the Pennsylvania Department of Environmental Resources.

RADIAL SIDE PROPERTY LINE - A line that both: (1) defines the side edge of a lot having a curvilinear street line; and (2) would, if extended through that street line, intersect that street line's radius center point.

RECREATION VEHICLE - Any portable or mobile vehicle used or designed to be used for travel, recreation and/or temporary living purposes. A recreational vehicle shall include trailer, travel trailer, camper, snowmobile, golf cart, three (3) or four (4) wheel all terrain vehicle, trail/dirt bike, boat, airplane or other similar vehicle.

RETAIL STORE OR SHOP - Any shop or store whose primary activities involve the sale or lease of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture, gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio, television and sound equipment, sporting and camping goods, stationery, tobacco, toys and wearing apparel. The wholesale distribution or manufacture of the foregoing products are not included herein and are permitted only as provided in other appropriate sections of this Ordinance. Among the uses not to be interpreted

as retail stores or businesses are uses specifically provided for elsewhere in this Ordinance, including, but



not limited to, service stations, vehicular sales and rental, eating establishments, taverns, adult facilities, hotels and motels, business services, contractor's offices and heavy storage sales.

REVERSE FRONTAGE LOT - A lot extending between and having frontage on a minor street and either an arterial or collector street with vehicular access solely from the minor street.

RIGHT-OF-WAY - A right of passage across land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

SATELLITE DISH ANTENNA - Any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

SCREEN PLANTING - Evergreen and/or deciduous trees and bushes of sufficient height and density to conceal from the view of property owners in adjoining premises the structures and uses on the premises on which the screen planting is located.

SERVICE STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sales of motor vehicle accessories at retail only, but not including major repairing, body and fender work, painting, vehicular sales or rental or automatic car washes.

SETBACK - The horizontal distance between a structure and a property or street line.

FRONT SETBACK - The required distance between the street right-of-way line and the front setback line projected the full width of the lot.

REAR SETBACK - The required distance between the rear lot line and the rear setback line projected the full width of the lot.

SIDE SETBACK - The required distance between the side lot line and the side setback line projected from the front setback line to the rear setback line.

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance that must be provided between a structure or building an adjacent street line and/or property line.

SEXUAL CONDUCT - Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, anilingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum anal region, or, if such person be female, a breast.

SEXUALLY EXPLICIT NUDITY - A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the human genitals, pubic area, perineum, buttocks for anal region, with less than a fully opaque covering; the covered human male genitals in a discernible turgid state; the post pubertal, full or partially developed human female breast with less than opaque covering of a portion thereof below the top of the areola or nipple.

SHARED PARKING - Where day/night or weekday/holiday schedules allow for the use of off-street parking spaces by more than one (1) user. Where persons using the spaces are unlikely to need the spaces at the same time such as with meeting halls and houses of worship.

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

SIGN - Any surface, fabric, device or structure (including billboards or poster panel) bearing lettered, pictorial or sculptured matter designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public, but not including lettering or symbols that are an integral part of another structure; or any flag, badge, or other insignia of any government, government agency or of any civic, charitable, religious, fraternal or similar organization.

ADVERTISING SIGN - A sign whose major purpose is for directing attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.

ATTACHED SIGN - A sign attached, painted or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed.

BUSINESS SIGN - A sign directing attention to a business or profession conducted on the same lot, or, as incidental to a business, to products sold upon the same lot.

DIRECTIONAL SIGN - A sign which directs people to: a community; an event of public interest; public uses and buildings; uses and buildings of service and charitable organizations; and uses and buildings of commercial nature provided that no advertising matter other than identifying name or symbol shall be contained on signs of this type.

FREESTANDING SIGN- A sign supported by uprights or braces placed upon or in the ground and not attached to a building.

PORTABLE SIGN - A temporary sign, of any material, with or without changeable type lettering, illuminated or non-illuminated, mounted or transported on a vehicle, trailer or similar structure, with or without wheels, and not permanently attached to the ground, often referred to as a "mobile sign."

PROJECTING SIGN - A sign which is attached to a building or other structure and extends beyond the line of a building structure or beyond the surface of that portion of the building or structure to which it is attached.

SIDEWALK SIGN - Any "A" frame, inverted "V" shaped or similar structure resting on the ground with no permanent attachment and used for display as a temporary business sign.

SMALL ANIMALS - Domestic animals generally not to be considered as livestock and also excluding those animals normally referred to as household pets. Small animals include, but are not limited to, chinchillas, ferrets and rabbits.

SPECIAL EXCEPTION - The granting of the right-to-use land as authorized by the Zoning Hearing Board under the terms, procedures and conditions prescribed herein.

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

HALF STORY - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

**STREET** - A public or private way, excluding driveways, which affords the principal means of access to abutting properties, intended to be used by vehicular traffic or pedestrians. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other dedicated and accepted public right-of-way or private right-of-way.

**STREET GRADE** - The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts at the midway 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** - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line".

**STRUCTURE** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, but excluding driveways, walkways and parking areas. All structures must meet setback requirements. (See Building)

**ACCESSORY STRUCTURE** - A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure.

**SWIMMING POOL** - Any pool or open tank containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1-1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

**TAVERN** - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

**TRACT** - An area of land which may comprise the entire area or subpart of a parcel. Individual "tracts" within a parcel of land shall not be constituted separate lots for the purpose of construction, permitting, or for the purposes of this Ordinance. Such tracts contained within parcels shall be considered descriptive only.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

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

PRINCIPAL USE - The main or primary use of property or structures.

VARIANCE - Relief granted by the Zoning Hearing Board pursuant to Section 701, C., and Section 703.

VEHICLE SALES LOT - An open lot for the outdoor display of new or used automobile, trucks, recreation vehicles and similar vehicles when accessory to a vehicle sales or display building.

VEHICLE SERVICE AND REPAIR FACILITY - 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, recreational vehicles and similar vehicles.

VEHICLE WASHING FACILITY - A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services related to washing and polishing.

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

YARD - A space open to the sky and unoccupied by any building or structure, or merchandise for display or sale, located on the same lot with a building or structure.

YARD, BUFFER - A space open to the sky and unoccupied by any building, structure, or merchandise for display or sale, located on the same lot with a building or structure, with landscaping as an integral component.

YARD, EXTERIOR - An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.

YARD, FRONT - A yard on the same lot with a main building extending the full width of the lot and situated between the street line and the required front building line projected to the side lines of the lot.

YARD, INTERIOR - An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.

YARD, REAR - A yard on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the required rear building line projected to the side lines of the lot.

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



## ARTICLE III - DESIGNATION OF ZONING DISTRICTS

### SECTION 301 DISTRICTS

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

- R - Residential Zone
- V - Village Zone

### SECTION 302 ZONING MAP

The boundaries of said Districts shall be shown upon an official Zoning Map made a part of this Ordinance. The map and all notations, references and other data shown thereon, are hereby incorporated by reference into this Ordinance as if they were fully described herein.

### SECTION 303 DISTRICT BOUNDARIES

Where uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

1. District boundary lines are intended to follow or be parallel to the center line of streets, streams, and railroads; and lot or property lines as they exist on plans of record at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
3. Where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.

### SECTION 304 INTERPRETATION OF BOUNDARIES

The Zoning Hearing Board shall interpret the intent of the map as to location of district boundaries whenever the resolution of a question of the location of a district boundary is relevant to the disposition of a matter over which the Board has jurisdiction under Section 909.1(a) of the Pennsylvania Municipalities Planning Code.

## ARTICLE IV - ZONING DISTRICT REGULATIONS

### SECTION 401 RESIDENTIAL ZONE (R)

- A. Purpose: The Residential Zone provides spaces for day-to-day living activities. The purpose of the Residential Zone is to provide for the orderly expansion of residential development, to provide for the public health, and to prevent the overcrowding of land through the application of maximum housing densities and the preservation of open space; and to exclude any activities not compatible with residential development.
- B. Uses by Right: The following uses are permitted by right in the R Zone:
1. Single family detached dwelling
  2. Two family dwelling
  3. Single family attached dwelling (maximum of ten (10) units per row)
  4. Crops, gardening
  5. Group home
- C. Uses by Special Exception: The following uses shall be permitted by special exception when authorized by the Zoning Hearing Board.
1. Multi-family dwelling
  2. House of worship
  3. Cemetery
  4. Park or other non-profit recreation area
  5. Home occupation
  6. Public utility building or service structure
  7. Public buildings and facilities
  8. Group day care home
  9. Bed and breakfast inn
  10. Domiciliary care home
  11. Mobilehome park
  12. Communication transmitting and receiving facility
  13. Cluster housing development
  14. Multi-family or two family conversion
  15. Keeping of livestock or small animals
  16. Group quarters
  17. Personal care boarding home
- D. Lot Area and Width: Lot area and width not less than the following dimensions shall be provided for each principal use hereafter established in the R Zone.



	Public Water & Sewer		Public Water or Sewer		Neither Public Water or Sewer	
	Area	Width	Area	Width	Area	Width
Single-family detached & two-family dwelling	14,000 sq. ft./unit	100 ft./unit	17,000 sq. ft./unit	120 ft./unit	40,000 sq. ft./unit	200 ft./unit
Single-family attached dwelling	2,000 sq. ft./unit	25 ft./unit	NOT PERMITTED		NOT PERMITTED	

E. Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:

1. Front setback - 25 feet
2. Each side setback - 10 feet, 20 feet for each end of row of single-family attached dwelling
3. Rear setback - 25 feet

F. Building Height: The maximum principal building height shall be 35 feet, with the exception of farm buildings. The height limit for accessory buildings shall be 25 feet.

G. Lot Coverage: Not more than 35 percent of the lot area may be covered with an impervious surface. Not less than 65 percent of the lot area shall be open space.

#### SECTION 402 VILLAGE ZONE (V)

A. Purpose: The purpose of the Village Zone is to provide reasonable standards for the orderly development and the preservation of residential, public and convenience commercial uses in areas where a nucleus of such uses already exists. The standards of this zone are designed to prevent the overcrowding of land by restricting maximum housing densities, to exclude any activities not compatible with the Village environment; to provide for the public convenience; to minimize traffic congestion and to otherwise fulfill the purposes and objectives of this Ordinance.

B. Uses by Right: The following uses are permitted by right in the Village Zone:

1. Single family detached dwelling
2. Single family attached dwelling maximum of ten (10) units per row)
3. Two family dwelling
4. Multi-family dwelling if served by both public water and sewer
5. Retail store or shop
6. Personal service business
7. Photography studio
8. Professional or business office
9. Eating establishment
10. Public buildings and facilities
11. Parking lot or garage
12. Indoor commercial recreational establishment
13. Crops, gardening
14. Medical clinic
15. Funeral home
16. Family day care home
17. Group home
18. House of Worship
19. Library/Museum

C. Uses by Special Exception: The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board.

1. Multi-family or two family conversions
2. Group day care home
3. Convalescent home, nursing facility, hospital
4. Service station or convenience store dispensing fuel
5. Home occupation
6. Adult or child day care center, or nursery school
7. Vehicle sales, service and/or repair including washing
8. Domiciliary care home
9. Group quarters
10. Park or other recreation area
11. Personal care boarding home
12. Bed and Breakfast Inn
13. Cemetery
14. Communication transmitting and receiving facility
15. Tavern
16. Shopping center or mall
17. Laundry/drycleaning facility
18. Adult facility

- D. Lot Area and Width: Lot area and lot width not less than the following shall be provided for each principal use hereafter established in the Village Zone:

	Public Sewer & Water		Public Sewer or Water		Neither Public Water or Sewer	
	Area	Width	Area	Width	Area	Width
Single family detached dwelling	8,000 sq.ft./	60 ft./ unit	15,000 sq.ft./unit	80 ft.	30,000 sq.ft./	100 ft./ unit
Single family attached dwellings & multi-family dwellings	See Section 618		NOT PERMITTED		NOT PERMITTED	
Two-family dwellings	4,000 sq.ft./	25 ft./ unit	NOT PERMITTED		NOT PERMITTED	
All Other	10,000	80 ft./	20,000	100 ft./	37,000	150

- |  |              |              |              |      |      |
|--|--------------|--------------|--------------|------|------|
|  | sq.ft./ unit | sq.ft./ unit | sq.ft./ unit | ft./ | Uses |
|--|--------------|--------------|--------------|------|------|
- E. Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:
1. Front setback - 25 feet.
  2. Each side 10 feet. Single family attached dwellings shall be considered as one building for this purpose.
  3. Rear setback - 25 feet.
- F. Building Height: The maximum a principal building height shall be 35 feet. The height limit for accessory buildings shall be 25 feet.
- G. Lot Coverage: Not more than 60 percent of the lot area may be covered with an impervious surface. Not less than 40 percent of the lot shall be open space.
- H. Open Area: Not less than 40 percent of the lot area shall be devoted to open area.
- I. Paved Area: Not more than 25 percent of the lot area may be paved with an impervious surface.

## ARTICLE V

### GENERAL PROVISIONS

#### SECTION 501 ACCESSORY USES AND STRUCTURES

- A. Attached Accessory Structures: An accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- B. Non-attached Accessory Structures: Any accessory structure standing apart from the principal structure, is permitted in any yard, except the front yard area, provided that such structure is a minimum of ten (10) feet from the side and rear property lines. Apartments or other living quarters shall not be permitted in an accessory structure.
- C. Fences and Walls: In all zones no fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than four (4) feet in a front yard area and more than six (6) feet in a side or rear yard area unless authorized by special exception.

In all zones:

- 1. Fences may be located up to but not on the lot line.
- 2. A clear sight triangle must be maintained at all street intersections. (See Section 503.F)
- D. Solar and Wind Energy Facilities: Solar or wind energy systems either as part of a structure or as an independent structure providing a significant fraction of the electricity, space heating, space cooling or domestic hot water heating for a permitted use in any zone shall be permitted as accessory uses subject to the following constraints:
  - 1. Solar Energy Systems
    - a. Solar energy systems shall be permitted in any yard area except the front yard area. Flush-mounted units however may be mounted on any portion of the structure.

- b. No solar energy system located on the ground shall exceed a height of fifteen (15) feet. No solar energy system mounted on a roof shall project more than five (5) feet above the peak of the roof.
- c. The maximum ground coverage of a structure supporting a solar collector shall not exceed twenty-five percent (25%) of the area of the ground floor of the principal building. Solar collectors and/or solar energy systems however shall not be included in the lot coverage calculations provided their installation will not create adverse storm water problems and will not significantly detract from the ground-water recharge potential of the immediate vicinity.
- d. Solar energy systems can be located within ten (10) feet of a side or rear property line provided that no portion of the structure or architectural features needed for operation of the system projects over the property line; its location does not interfere with sight distance at street intersections; and that existing solar energy systems will not be substantially impaired by shadowing more than ten percent (10%) of the collector area between 9:00 a.m. and 3:00 p.m. on a clear winter solstice (December 21) day.

2. Wind Energy Systems

- a. Wind energy systems shall be permitted in any yard area except the front yard area.
- b. The setback from any lot line must be equal to the height of the tower, plus the length of the longest extension of the rotor.
- c. Climbing access to the tower shall be secured from use by unauthorized persons.

E. Outdoor Swimming Pools:

The following regulations apply to any pool or open tank capable of containing water to a depth greater than one and one-half (1-1/2) feet:

1. Every outdoor swimming pool shall conform to all applicable requirements of State law.
2. An outdoor swimming pool is permitted in the side and rear yard area provided that it is at least ten (10) feet from the side and rear property lines.
3. Every outdoor swimming pool must 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 six (6) inches in any dimension. This does not apply to above-ground pools having a wall measuring four (4) feet in height and having a retractable ladder. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
4. Water shall not be discharged from any swimming pool onto any public street or alley or adjoining property.
5. Agricultural use ponds shall be excluded from the requirements of this Subsection.

F. Farm Produce Stands:

The sale at retail of agricultural products is permitted in any zone on the property where they were produced subject to the following regulations:

1. A farm produce stand may be located in any yard area provided that it is at least ten (10) feet from any property line.
2. When located in a Residential Zone, such stands must be removed each year when the products sold are no longer grown on the property.

#### SECTION 502 UNENCLOSED STORAGE

- A. Recreational Vehicles, Boats, Campers, Trailers and Trucks: In all zones, recreational vehicles, boats campers, trailers and/or trucks with a vehicle rating over three-quarters (3/4) ton shall not be stored or parked for a period in excess of two (2) days in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot.
- B. Outdoor Stockpiling: In all zones, no outdoor stockpiling of any material, except firewood to be used by the current resident, is permitted in any front yard area. In all zones, tire stockpiles, pipes, vehicle parts, appliances, appliance parts, pieces of iron or steel and similar objects and materials must be stored in an enclosed building or structure.
- C. Trash, Garbage, Refuse or Junk: Except as provided in other Borough Ordinances, the outdoor accumulation of trash, garbage, refuse or junk for a period exceeding fifteen (15) days is prohibited in all zones.

#### SECTION 503 SETBACK MODIFICATIONS

- A. Front Setback of Buildings on Built-up Streets: Where at least two buildings are:
  1. Fronting on the same side of the street as the lot in question.
  2. Within the same block as the lot in question,
  3. Setback a lesser distance than required, and
  4. Not more than one hundred (100) feet from the lot in question the average of the lesser setbacks becomes the required minimum front setback for the lot.
- B. Setback on Corner Lots: In the case of corner lots, two (2) front setbacks shall be provided (the second of which will exist in lieu of one (1) side setback).



C. Setback on Reverse Frontage or Double Frontage Lots:  
In the case of reverse frontage or double frontage lots, two (2) front setbacks and two (2) side setbacks shall be provided.

D. Accessory or Appurtenant Structures:

The setback regulations do not apply to the following provided that they are not located within the clear sight triangle:

1. Shelters at bus stops; telephone booths; minor utility structures.
2. Cornices, eaves, chimneys, steps, canopies and similar extensions. Setback regulations however do apply to patios, porches, decks and stoops.
3. Open fire escapes.
4. Articles of ornamentation or decoration.
5. Retaining walls.

E. Sight Distance: Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides of 75 feet.

No building or construction is permitted in this area except as follows:

1. Obstructions or plantings less than three (3) feet in height.
2. If not obstructing view of traffic, post columns and trees not exceeding one (1) foot in diameter.

#### SECTION 504 HEIGHT MODIFICATIONS

The height regulations do not apply to the following projections.

- A. Structures such as chimneys, standpipes, flagpoles, television antennas or radio towers.
- B. Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five percent (25%) of the roof on which they are located.

C. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet in height above the roof line.

D. Farm buildings.

#### SECTION 505 MINIMUM HABITABLE FLOOR AREA

All dwelling units must conform to the minimum habitable floor area as follows:

- A. Single Family Detached and Two Family Dwellings: six hundred fifty (650) square feet per dwelling unit.
- B. Multi-family Dwellings and Single Family Attached or Two-Family Conversions: Five hundred (500) square feet per dwelling unit.

#### SECTION 506 OUTDOOR SIGNS

##### A. General Regulations for All Signs

- 1. Determination of Size: The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs the space between such letters, figures and designs shall be included. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal size.
- 2. Location/Projection of Signs:
  - a. Signs must be located so that they do not interfere with any clear sight triangle as defined by this Ordinance.
  - b. For all uses, an advertising sign and a business sign must be at least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a Residential Zone.

## SECTION 506 OUTDOOR SIGNS

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1. **Determination of Size:** The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs the space between such letters, figures and designs shall be included. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal size.
2. **Location/Projection of Signs:**
  - a. Signs must be located so that they do not interfere with any clear sight triangle as defined by this Ordinance.
  - b. For all uses, an advertising sign and a business sign must be at least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a Residential Zone.
  - c. No sign may project over a public sidewalk area or over a public highway or street unless specifically authorized by other Borough or State regulations.
3. **Illumination of Signs:**
  - a. Signs permitted in the Residential Zone shall be illuminated only by indirect lighting and shall not be illuminated between the hours of eleven (11) p.m. and six (6) a.m.

7. Termination of Enterprise: Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

B. Permitted Permanent Signs

Only the types of permanent signs listed on Chart A, shall be permitted throughout the Borough. Permanent signs must conform to the standards set forth in Chart A as well as satisfy the general regulations of Subsection A). Building permits shall be required for all permanent signs.

C. Permitted temporary Signs

Only the types of temporary signs listed on Chart B, are permitted throughout the Borough. Temporary signs must conform to the standards set forth in Chart B as well as satisfy the general regulations of subsection A).

D. Advertising Sign

Advertising signs shall be permitted in the Village Zone subject to the provisions of Subsection a) and the following criteria:

1. Only one (1) advertising sign per lot shall be permitted.
2. No advertising sign shall exceed an overall size of one hundred fifty (150) square feet, nor exceed thirty-five (35) feet in height.
3. Advertising signs shall be set back a minimum of thirty-five (35) feet from any street right-of-way line.
4. No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses which depend upon visibility for identification.

SECTION 507 PARKING

- A. Size of Parking Space: Each parking space must have a size of not less than 9 feet wide by 18 feet deep exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five (5) or more parking spaces are required, the total parking

- c. No sign may project over a public sidewalk area or over a public highway or street unless specifically authorized by other Borough or State regulations.
- 3. Illumination of Signs:
  - a. Signs permitted in the Residential Zone shall be illuminated only by indirect lighting and shall not be illuminated between the hours of eleven (11) p.m. and six (6) a.m.
  - b. A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any residence within one hundred (100) feet or so it does not obstruct the vision of motorists.
  - c. A sign illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of one hundred (100) feet of a highway traffic light or similar safety device or from the center of any street intersection.
- 4. Signs Painted on Buildings: Advertising painted upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.
- 5. Signs Within a Building: Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than thirty-three and one-third percent (33-1/3%) of the total display window area for a period not to exceed ten (10) days. Such signs shall be permitted in addition to any of the specific sign types designated on Charts A and B.
- 6. Construction and Maintenance: Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

CHART A  
PERMITTED PERMANENT SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. signs)	Zones Permitted
P-1: All signs & signals owned & operated by the Borough or State	-	-	-	-	-	-	All
P-2: Identification and information for public & semi-public facilities; such as schools, churches, public utilities, clubs, hospitals, libraries, historical, etc.	1 free- standing and/or 1 attached	32 sq.ft. per sign	10 ft.	Height of building	10 ft.	12 in.	Where use is permitted
P-3a: Nameplates identifying owner of resident of private property (excluding mail box).	1 per dwelling unit	2 sq.ft. per sign	3 ft.	-	6 ft.	12 in.	All
P-3b: Driveway arch sign.	1 per	20 sq.ft.	5 ft.	-	10 ft.	12 in.	All

# PERMITTED PERMANENT SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. signs)	Zones Permitted
P-4: Signs indicating the private nature of a road, driveway, or other premises and signs controlling the use of private property, such as prohibition of hunting, fishing, or trespassing.	-	2 sq.ft. per sign	5 ft.	-	6 ft.	12 in.	All
P-5: On site directional signs.	2 per street frontage used as access	2 sq.ft. per sign	2 ft.	Height of building	6 ft.	12 in.	All
P-6: Off site directional signs	-	2 sq.ft. per sign	3 ft.	Height of building	3 ft.	12 in.	All, with permission of land- owner on sign is placed. Not on traffic or utility poles.



## PERMITTED PERMANENT SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. signs)	Zones Permitted
P-7: Signs identifying the name of a Residential Sub-division or Multi-family Development.	1	20 sq.ft.	10 ft.	-	10 ft.	-	All

P-8: Business signs for the purpose of identification of a permitted use on the property on which the use exists (excludes complexes such as shopping centers, malls, multi-use buildings, industrial parks and individual stores or businesses within such complexes).

P-8a: Freestanding business sign.	1	1 sq.ft. per 2 lineal ft. of lot frontage; not to exceed 20 sq. ft.	10 ft.	-	35 ft.	-	All
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P-8b: Attached business sign.	1 per street	4 percent of the total wall area to which the sign is attached; not to exceed 20 sq.ft. per sign.	-	Height of Building	-	12 in.	All
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P-9: Business signs for complexes such as multi-use buildings.

# PERMITTED PERMANENT SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. signs)	Zones Permitted
P-9a: Freestand- ing business sign for complex Note: Individual stores or businesses are prohibited from having individual freestanding signs.	1 per street frontage	1 sq.ft. per lineal ft. of lot frontage; not to exceed 50 sq.ft. per sign	10 ft.	-	35 ft.	-	V
P-9b: Attached business sign for complex.	1 per street frontage	1/2 sq.ft. per lineal ft. of wall onto which the sign is to be attached; not to exceed 300 sq. ft.	-	Height of Building	-	12 in.	V
P-9c: Attached business sign for individual stores or businesses within a complex.	1 per store or business	1 sq.ft. per lineal ft. of building frontage, not to exceed 32 sq.ft.	-	Height of Building	-	12 in.	V
P-10: Advertising sign			-- see subsection d) --				I

CHART B  
PERMITTED TEMPORARY SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. signs)	Zones Permitted
T-1: Signs identifying architects, engineers, contractors, or others engaged in construction work on the premises where their work is proceeding. <u>SIGN TO BE REMOVED UPON COMPLETION OF WORK.</u>	1 per each separate firm involved in work on the site.	6 sq.ft. per sign	10 ft.	Height of Building	10 ft.	12 in.	All
T-2: Real estate signs on individual properties of <u>less than 2 acres</u> that are for sale, rent or lease, or which have been sold, rented or leased. <u>SIGNS TO BE REMOVED WITHOUT ONE WEEK OF SETTLEMENT, RENT OR LEASE AGREEMENT.</u>	1 per street frontage	6 sq.ft. per sign	10 ft. or building face	Height of Building	10 ft.	12 in.	All

CHART B  
PERMITTED TEMPORARY SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. signs)	Zones Permitted
T-3: Real estate signs on properties of 2 acres or more, offering for sale, rent, lease of subdivision for commercial, residential development, or industrial use. <u>SIGNS TO BE REMOVED WITHIN ONE WEEK OF DATE OF SETTLEMENT, RENT OR LEASE AGREEMENT.</u>	1 per street frontage	32 sq.ft. per each sign	10 ft. or bldg. face	Height of Building	10ft.	12 in.	All
T-4: Signs announcing proposed housing developments. <u>SIGNS TO BE REMOVED UPON 90% COMPLETION OF DEVELOPMENT OR WITHIN ONE YEAR OF ERECTION OF SIGN, WHICHEVER OCCURS FIRST.</u>	1 per street frontage	32 sq.ft. per sign	25.ft. or bldg. face	Height of Building	10 ft.	12 in.	Where use is permitted and development approved.

## PERMITTED TEMPORARY SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. signs)	Zones Permitted
T-5: Signs advertising the TEMPORARY sale of agricultural products. <u>TO BE DISPLAYED ONLY WHEN PRODUCTS ARE ON SALE.</u>	1 per lot	6 sq.ft. per sign	3 ft. or bldg. face	Height of Building	6 ft.	12 in.	All
T-6: Temporary Directional signs. <u>NOT TO EXCEED 30 DAYS OF PLACEMENT.</u>	-	2 sq.ft. per sign	3 ft.	Height of Building	3 ft.	12 in.	All, with permission of land-owner on which sign is placed. Not on traffic or utility poles.
T-7: Signs announcing grand openings, new ownership, <u>SIGNS SHALL BE REMOVED AFTER 30 DAYS.</u>	1 per lot (attached or free-standing)	32 sq.ft. per sign	30 ft. or bldg. face	Height of Building	10 ft.	12 in.	All, where use is permitted.
T-8: Temporary signs announcing a special event not normally associated with a location or a location's use (does not include yard/garage sales or special business promotion sales)							

# PERMITTED TEMPORARY SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. signs)	Zones Permitted
T-8a: On the site of the event. <u>NOT TO EXCEED 30 DAYS AND SIGN SHALL BE REMOVED WITHIN 7 DAYS FOLLOWING THE CONCLUSION OF THE EVENT.</u>	1 per street frontage	32 sq.ft. per sign	10 ft. or bldg. face	Height of Building	10 ft.	12 in.	All
T-8b: On a location away from the site of the event. <u>NOT TO EXCEED 30 DAYS PLACEMENT AND MUST BE REMOVED WITHIN 7 DAYS FOLLOWING THE EVENT.</u>	-	16 sq.ft. per sign	10 ft. or bldg. face	Height of Building	10 ft.	12 in.	All, with the permission of the land-owner on which the sign is placed.
T-9: Signs for a political election. <u>SIGNS SHALL BE REMOVED BY THE POLITICAL PARTY OR CANDIDATE WITHIN 10 DAYS FOLLOWING THE PRIMARY OR GENERAL ELECTION TO WHICH THEY REFER.</u>	-	4 sq.ft.	3 ft. or bldg. face	Height of Building	10 ft.	12 in.	All, with the permission of the land-owner on which the sign is placed. Not on traffic or utility poles.

PERMITTED TEMPORARY SIGNS

Sign Type	Maximum Number Permitted	Maximum Area Permitted	Minimum Setback From Right of Way	Maximum Height Attached	Maximum Height Freestand	Maximum Projection From Bldg. (att. signs)	Zones Permitted
T-10: Portable Signs. <u>SUCH SIGN SHALL NOT BE LOCATED ON THE LOT FOR MORE THAN 30 DAYS WITHIN A 90-DAY PERIOD UNLESS PERMISSION OTHERWISE STATED.</u>	1 per lot	32 sq.ft.	5 ft.	-	10 ft.	-	V
T-11: Sidewalk Sign. <u>SUCH SIGN SHALL ONLY BE DISPLAYED DURING BUSINESS HOURS AND MUST BE ASSOCIATED WITH A COMMERCIAL ESTABLISH- MENT.</u>	1 per	6 sq.ft.	3 ft.	-	4 ft.	-	V



area including passageways and driveways must average two hundred seventy (270) square feet per required parking space.

- B. Spaces Required: Off-street parking spaces must be provided for each building erected, altered, enlarged or converted in accordance with the following schedule:

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Residential Dwelling	1/2 Dwelling Unit (i.e. 2 spaces per dwelling unit)
Bed & Breakfast Inn, Hotel, Motel	Guest sleeping room
Office Building	300 sq. ft. of gross floor area
Retail Store or Shop	200 sq. ft. of gross floor area
Eating Establishments	4 seats, plus one for each employee on largest shift
Tavern	2 seats, plus one for each employee on largest shift
Bowling Alley, Billiard Room	1/4 lane (i.e., 4 spaces per lane/table)
Other Recreational Establishments	100 sq. ft. of gross floor area
Vehicle Repair, Service Station	400 sq. ft. of gross floor area devoted to repair and service facilities
Vehicle Sales	500 sq. ft. of gross floor area or 20% of lot area devoted to the use, whichever is greater
Other Commercial Buildings	400 sq. ft. of gross floor area
Hospital, Sanitarium	1/2 bed (i.e., 2 spaces per bed)
Auditorium, House of Worship, Theater & Other such places of Public Assembly	200 sq.ft.of gross floor area but not less than 1 space per each 4 seats

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Schools	Staff member plus one (1) space per classroom in an elementary or junior high school and one (1) space per five (5) students of projected building capacity in a senior high school or college
Shopping Center or Mall	180 sq. ft. of gross leasable floor area
Outdoor Sales	20% of lot area devoted to the use to be reserved for customer parking
Clubs, Lodges and Other similar places	100 sq. ft. of gross floor area
Riding Academy/ Boarding Stables	2 stalls plus one (1) per each four (4) seats of spectator seating

C. Parking Facilities for the Physically Handicapped: Parking facilities shall be provided in accordance with applicable Federal and State laws.

D. Location: Except as restricted elsewhere in this Ordinance, a ground-level parking area/lot is permitted in any yard area provided that it is at least ten (10) feet from any property line. The parking area must be on the same or nearby premises. If on nearby premises --

1. The nearest point of parking lot shall be not further than fifty (50) feet from the nearest point of the property served.
2. The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.

E. Layout: Every parking lot shall be connected to a street by means of an access drive. Parking areas must be arranged so there will be no need for motorists to back into the flow of traffic on adjacent streets.

- F. Separation from Streets and Sidewalks: For multi-family and nonresidential uses where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, sidewalk or walkway, a pipe railing, post and chain barricade, raised curbs or equally effective devices found by the Zoning Officer, with the advice of the Borough Engineer, to have the capacity and to be so placed as to prevent parked vehicles from protruding into the street, right-of-way, sidewalk or walkway except at access points shall be provided by the property owner.
- G. Paving: For commercial, industrial and multi-family residential uses, all required parking areas shall be paved with a durable, dust and mud-free paving material.
- H. Drainage: All parking lots shall be drained so as to prevent damage to other properties or public streets.

All parking lots shall be designed to prevent the collection of standing water on any portion of the parking lot surface. A parking lot for more than five (5) vehicles must be approved by the Zoning Officer, with the advice of the Borough Engineer to assure proper drainage.
- I. Marking of Parking Spaces: Each parking space in a parking area or lot shall be clearly marked by a permanent, durable, contrasting material.
- J. Lighting: Lighting with a minimum average of one-half (.5) candle power shall be provided if the parking lot is to be used at night. Lighting shall not be cast on adjoining property.

#### SECTION 508 LOADING

- A. Size and Surfacing: The loading space must be not less than ten (10) feet wide and twenty-five (25) feet deep. It must be surfaced with an impervious paving material.
- B. Spaces Required: Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>Type of Use</u>	<u>Number of Loading Spaces</u>
Storage display or sale of goods, hospitals and sanitaria	1 space for a gross floor area of 5,000 to 25,000 sq.ft. and 1 additional space for each 10,000 sq. ft. of gross floor area in excess of 25,000 sq. ft.
Offices theaters or similar uses	1 space for a gross floor area of from 20,000 to 100,000 sq. ft. and 1 additional space for each 40,000 sq. ft. of gross floor area in excess of 100,000 sq. ft.

- C. Layout: The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard area. Off-street loading spaces shall not interfere with off-street parking spaces.

#### SECTION 509 DRIVEWAYS/ACCESS DRIVES

- A. Width: Within ten (10) feet of the street right-of-way, driveways may not exceed twenty (20) feet in width or be less than ten (10) feet in width. The minimum pavement width for access drives shall be twenty-four (24) feet (two (2) twelve (12) foot traffic lanes).
- B. Number: The number of driveways/access drives may not exceed two (2) per lot on any one (1) street frontage, however on a lot of less than two hundred (200) feet of frontage, the number of driveways/access drives may not exceed one (1) per lot. The Zoning Hearing Board may grant permission by special exception for additional driveways/access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
- C. Location: Driveway/access drives may not enter a public street:
1. Within forty (40) feet of the street right-of-way line of an intersecting street.
  2. Within five (5) feet of a fire hydrant.
  3. Within forty (40) feet of another driveway on the same property.

4. Within three (3) feet of a property line.

- D. Angle of Intersection: The minimum angle between the centerline of the driveway/access drive and the street shall be not less than sixty-five (65) degrees.
- E. Sight Distances: A driveway/access drive must be located in safe relationship to sight distance and barriers to vision. A clear sight triangle of seventy-five (75) feet as measured along the street centerline and five (5) feet along the driveway/access drive centerline commencing at the street right-of-way line must be maintained for all driveways. Permanent obstructions or planting shall not exceed a height of three (3) feet in the clear sight area.
- F. Slope, Cuts: A driveway/access drive may not exceed a slope of eight percent (8%) within twenty-five (25) feet of the street right-of-way line. Where a driveway/access drive enters a bank through a cut, the shoulders of the cut may not exceed fifty percent (50%) in slope within twenty-five (25) feet of the point at which the driveway/access drive intersects the street right-of-way.
- G. Paving: A driveway/access drive shall be improved to a mud-free, dust-free condition to prevent gravel or other loose material from being carried onto the street.

#### SECTION 510 SCREENS AND BUFFERS

Where a non-residential use is proposed in the V Zone and it abuts a Residential zone or use, except for street or alley frontage:

- a. A fence or screen planting a minimum of six (6) feet high is required to be erected by the non-residential use owner to screen from view the non-residential use.

#### SECTION 511 DRAINAGE

- A. Lot Drainage: Lots shall be laid out and graded to provide positive drainage away from new and existing buildings and on-site sewage disposal facilities and to prevent the collection of storm water in pools.

- B. Nearby Existing Facilities: Where adequate existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing storm sewers.
- C. Open Drainageways: Open drainageways used for the disposal of storm water, shall be designed and constructed according to plans meeting the following requirements:
  - 1. Safety: Banks over 10% slope and pools over three (3) feet deep are prohibited.
  - 2. Erosion: Adequate measures, approved by the Soil Conservation District shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel.
  - 3. Stagnation: Design of open drainageways shall not create stagnant pools or swampy areas.

If natural surface drainage is inadequate, the developer shall install a storm water sewer system designed by a Registered Engineer. It must be approved by the Borough.

- D. Drainage Upon Adjacent Properties: In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent properties. When the characteristics of runoff to an adjoining property are changed (such as concentration of runoff or increase in rate of flow) from pre-development conditions, the developer must secure the approval in writing of adjoining affected owners. In no case may a change be made in the existing topography which would --
  - 1. Within a distance of twenty (20) feet from a property line to the beginning of the slope result in increasing any portion of the slope to more than seventy percent (70%).
  - 2. Result in a slope which exceeds the normal angle of slippage of the material involved.

All slopes must be stabilized to prevent erosion.

- E. Drainage Onto Streets: In order to minimize surface water drainage onto streets, all grading must be designed to accomplish the following:



1. Gutters Adjacent to Shoulders: When gutters are provided in cut areas, the water shall not encroach upon the shoulder during a ten (10) year frequency storm of five (5) minute duration. Frequent and/or sustained flooding of the sub-base shall be avoided.
2. Curbed Sections: The maximum encroachment of water on the roadway pavement shall not exceed half of a through traffic lane or one (1) inch less than the depth of curb during a ten (10) year frequency storm of five (5) minute duration.

Inlets shall be provided to prevent encroachment of water on the pavement.

- F. Obstruction to Drainage Prohibited: The damming, filling or otherwise interfering with the natural flow of a surface water course is not permitted without approval of the Pennsylvania Department of Environmental Resource.

#### SECTION 512 ILLUMINATION

Where a use involves exterior lighting, the lighting must be so located and shielded that no illumination or glare is cast upon adjoining properties or so it does not obstruct the vision of motorists.

#### SECTION 513 DEMOLITION

Demolition of any structure must be completed within six (6) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed within six (6) months of the issuance of a permit. All evidence of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

#### SECTION 514 BUILDINGS UNDER CONSTRUCTION

A building, the foundation of which was completed before the effective date of this Ordinance, may be constructed without being bound by the requirements of this Ordinance provided that the construction is completed within one (1) year after the effective date of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

#### SECTION 515 DIVISION OF BUILT ON LOTS

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance.

#### SECTION 516 LOTS OF RECORD

On a lot held in single and separate ownership on the effective date of this Ordinance or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use providing the setback requirements are not less than the minimum specified herein for the zone in which the lot is located.

#### SECTION 517 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN

From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment or amendment to the Zoning Ordinance shall affect the decision on such applications adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application as been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

When a preliminary or final subdivision or land development plan has been approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment to the Zoning Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval.

## SECTION 518 NONCONFORMITIES

### A. Continuance:

1. Except as otherwise provided in this Section, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued, although such use of land or building does not conform to the use regulations specified by this Ordinance for the zone in which such land or building is located.
2. Except as otherwise provided in this Section, any nonconforming lot or structure existing at the date of the adoption of this Ordinance may be continued.

### B. Expansion:

1. An existing nonconforming use may be expanded as a matter of right provided that such expansion:
  - a. Does not exceed the maximum lot coverage permitted in the zone in which the non-conformity is located.
  - b. Does not exceed an additional twenty-five percent (25%) of the building area devoted to the non-conforming use.
  - c. Is confined to the lot on which the non-conforming use was located on the effective date of this Ordinance or any amendment heretofore or hereafter enacted creating the nonconformity.
  - d. Meets all other applicable requirements of this Ordinance.
2. An existing principal building or structure which does not conform to building setback requirements may be expanded within the nonconforming setback area provided that:
  - a. Such expansion does not extend further into the required setback area than that part of the building or structure which is in non-conformance with the existing building setback requirements.
  - b. Such expansion does not create any other new nonconformities.

C. Replacement:

1. Upon application for a Special Exception, the Zoning Hearing Board may approve the replacement of a use of land or building which is not in conformance with the provisions of this Ordinance with another nonconforming use.
2. A non-conforming structure may be replaced only in conformance with the provisions of this Ordinance.

D. Restoration: If any nonconformity is destroyed in part or in whole by reason of windstorm, fire, explosion, or other act of God or a public enemy, the nonconformity may be rebuilt, restored or repaired to the extent of the nonconformity prior to destruction; providing that restoration is begun within one (1) year following said destruction. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.

E. Abandonment: A nonconforming use shall be presumed as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to reinstate such use within a period of six (6) months from the date of cessation or of discontinuance. Such use shall thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance.

F. Reversion: No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.

G. Zone Changes: Whenever the boundaries of a zone shall be changed so as to transfer an area from one (1) zone to another zone of a different classification, the foregoing provisions shall also apply to any non conforming use or dimensional nonconformities existing therein or created thereby.

H. Identification and Registration: Nonconforming uses and nonconforming structures shall be identified and registered by the Zoning Officer. The Zoning Officer shall indicate the reasons why the use was identified as non-conformities.

## ARTICLE VI

### STANDARDS FOR SPECIAL EXCEPTION USES

#### SECTION 601 REQUIREMENT OF SPECIFIC STANDARDS

In addition to the general standards for all special exceptions as contained in Section 704, the specific standards for the particular uses allowed by special exception are set forth in this Article. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones.

#### SECTION 602 ADULT OR CHILD DAY CARE CENTER, NURSERY SCHOOL

1. The facility shall obtain a certificate of licensure from the Pa. Dept. of Welfare and shall provide a copy to the Borough prior to occupancy approval by the Borough.
2. Outdoor play areas for children must be located in a side or rear yard and shall be totally enclosed with a minimum four (4) foot high chain link fence to protect the health and safety of the children.
3. At least one parking space for each employee plus one space for each four persons to be served by the facility shall be provided.

#### SECTION 603 ADULT FACILITIES

1. An adult regulated facility shall not be located within 200 feet of the R zone.
2. Any adult regulated facility shall not be located within 1,000 feet of any church, school, library, park, playground, day care center, or any other adult regulated facility.
3. Any building or structure used and occupied as an adult regulated facility shall be windowless or have opaque covering over all windows or doors of any area in which materials, merchandise, film, or services are exhibited or displayed; and no sale merchandise, film or other items of service shall be visible from outside the building or structure.
4. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film or service offered therein.

5. Each and every entrance to the structure shall be posted with a notice that the use is a regulated facility that persons under the age of 18 are not permitted to enter and warning all others that they may be offended upon entry.

#### SECTION 604 BED AND BREAKFAST INN

1. Maximum guest stays shall be limited to seven (7) days.
2. Maximum of four (4) guest rooms.
3. Minimum of one (1) off-street parking space per guest room shall be provided in addition to the required parking for the dwelling unit. Such parking shall be located no more than fifty (50) feet from the lot on which the bed and breakfast establishment is located.
4. Breakfast shall be the only meal served to overnight lodgers.
5. One (1) sign may be erected on the property. The maximum size shall be two (2) square feet and may be illuminated only by indirect lighting.

#### SECTION 605 CEMETERY

1. All burial plots or facilities shall be located within the building setback lines for the zoning district in which they are located.
2. Buffers and screens shall be provided to screen the cemetery from neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
3. Pet cemeteries must meet all of the above applicable requirements.



## SECTION 606 CLUSTER HOUSING DEVELOPMENT

1. Minimum lot area, lot width and lot coverage requirements may be waived for individual lots. These standards shall be applied to the total parcel area, exclusive of highway and utility rights-of-way, to determine the total number of permitted dwelling units.
2. Lot depth shall not be less than one nor more than two and one-half times the average lot width.
3. Setbacks and building height shall remain as required in the R zone.
4. Public water and sewer must be utilized.
5. Provisions for the future maintenance of all common areas including, but not limited to parking and recreation shall be explicitly provided with the proposed project. The provisions and any agreements such as by-laws for a property owners association, shall be subject to Zoning Hearing Board approval. These documents must include provisions which in the judgement of the Zoning Hearing Board assure:
  - a. the continued availability for use of such facilities and improvements for the intended purpose,
  - b. continuity of proper operation, maintenance and replacement,
  - c. the availability of funds required for such operation, maintenance and replacement,
  - d. adequate insurance protection,
  - e. provisions for payment of applicable taxes,
  - f. recovery for loss sustained by casualty, condemnation or otherwise,
  - g. such other provisions as Council deems desirable to fulfill the purpose of this ordinance.
6. These provisions shall not apply to mobilehome parks.
7. All other provisions of this ordinance and any other applicable ordinance of the Borough shall apply to cluster developments.













#### SECTION 617 MULTI-FAMILY OR TWO FAMILY CONVERSIONS

1. There shall be a minimum of four thousand (4,000) square feet of lot area per unit.
2. Where an existing dwelling is converted to a multi-family or two family dwelling, the character of the existing structure shall be maintained except for the addition of a fire escape if necessary.
3. Parking, minimum habitable floor area and all other applicable requirements of this ordinance shall be met.
4. The structure shall comply with all applicable rules and regulations including, but not limited to fire, health, safety and building codes.
5. Public water and sewer must be utilized.

#### SECTION 618 MULTI-FAMILY DWELLINGS

- A. In the case of a multi-family dwelling, the following requirements shall apply:
  1. Minimum lot area shall be forty thousand (40,000) square feet.
  2. Minimum lot width shall be one hundred fifty (150) feet.
  3. Minimum side setbacks of twenty (20) feet each.
  4. Maximum density shall be six (6) dwelling units per acre of lot area.
  5. Public water and sewer must be utilized.
  6. Distance between buildings - where two (2) or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be forty (40) feet.
  7. A minimum of one (1) off-street parking space per unit must be provided within fifty (50) feet of the dwelling.
  8. All parking areas shall be located at least ten (10) feet from any property line or street line.

9. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.

SECTION 619 PARK OR OTHER RECREATION AREA OF A PROFIT  
OR NONPROFIT NATURE

1. Consideration shall be given to traffic problems. The applicant shall provide a Traffic Study, prepared by a qualified consultant, indicating that all vehicular access points provide safe ingress and egress.
2. The Zoning Hearing Board shall decide the appropriateness of the design of parking, lighting, and similar features of the proposed use to minimize adverse impacts on adjacent properties.
3. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.

SECTION 620 PERSONAL CARE BOARDING HOME

1. The applicant must secure a license from the Pa. Dept. of Welfare and submit a copy to the Borough prior to occupancy.
2. No kitchen or dining facilities shall be provided in individual rooms or suites.
3. The facility must meet all applicable fire, health safety and building codes.
4. Public water and sewer are required.
5. At least one parking space for each employee plus one parking space for each bedroom shall be provided within fifty (50) feet of the home.

SECTION 621 PUBLIC UTILITY BUILDING OR SERVICE STRUCTURE

1. Permitted buildings shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing noise, vibration, smoke, odor or hazardous effect shall be installed.
2. Unhoused equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension. Such fence must be surrounded by evergreen plantings.



3. When equipment is totally enclosed within a building, no fence or screen planting shall be required.

#### SECTION 622 SERVICE STATION OR CONVENIENCE STORE DISPENSING FUEL

1. Buildings must be set back at least forty (40) feet from the street right-of-way line.
2. Pumps must be set back at least fifteen (15) feet from the street right-of-way line.
3. Access drives must be located as follows:
  - a. minimum offset from intersection of street right-of-way lines - forty (40) feet
  - b. side lot line offset - ten (10) feet
  - c. minimum width - twelve (12) feet
  - d. maximum width - thirty-five (35) feet
  - e. maximum separation of drives on same lot - twenty-five (25) feet
4. Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
5. All lights must be diverted toward the service station or downward on the lot.
6. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence or vegetative material and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
7. At least ten percent (10%) of the lot on which the facility is situated must be devoted to natural landscaping.

#### SECTION 623 SHOPPING CENTER OR MALL

1. Minimum lot area - two (2) acres.
2. Minimum lot width - two hundred (200) feet.
3. All buildings must be set back at least fifty (50) feet from any property line and fifty (50) feet from a street right-of-way line.
4. Access must be via an arterial or collector street.

5. A buffer yard at least twenty-five (25) feet wide must be provided on the site in all instances where the site adjoins a R zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

#### SECTION 624 TAVERN

1. Access shall be via an arterial or collector street.
2. Buffers and screens a minimum of six (6) feet high shall be provided as necessary to adequately protect neighboring properties from any adverse effects of the use or vehicular traffic. This includes, but is not limited to, fences, walls, and plantings.
3. This use shall not constitute a public or private nuisance.
4. The use must be more than five hundred (500) feet from any church, hospital, charitable organization, school or public playground.
5. The use must be more than two hundred (200) feet from any other facility licensed by the Pa. Liquor Control Board.
6. The use must be more than five hundred (500) feet from any R zone.
7. The use shall meet all applicable state regulations.

#### SECTION 625 VEHICLE SALES, SERVICE AND/OR REPAIR INCLUDING WASHING

In the V-zone and subject to the requirements of that zone except as herein modified and provided:

1. All service, repair and/or washing activities shall be conducted within a wholly-enclosed building.
2. All exterior vehicle storage areas shall be screened from view of any adjoining residential zone or use.
3. The storage of unlicensed vehicles on the premises is prohibited, except for new or used vehicles that are "for sale".
4. All merchandise, except vending machines, shall be stored within a building.

5. If gasoline pumps are installed, all special exceptions requirements for a service station shall be satisfied.
6. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
7. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration and smoke.
8. All vehicles "for sale" shall be parked upon an impervious surface no less than ten (10) feet from the street right-of-way line. In addition, no vehicle shall be stored or parked within ten (10) feet of an adjoining property line.

## ARTICLE VII

### ADMINISTRATION AND ENFORCEMENT

#### SECTION 701 THE ZONING OFFICER

- A. The Zoning Officer: The provisions of the Zoning Ordinance shall be enforced by an agent to be appointed by Borough Council who shall be known as the Zoning Officer. The Zoning Officer shall not hold any elective office in the Borough.
- B. Compensation: The compensation for the Zoning Officer shall be determined by the Borough Council.
- C. Duties and Responsibilities: The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonable implied for that purpose. He or she shall not issue a permit or certificate in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms with the requirements of this Zoning Ordinance, all other Ordinances of the Borough, and with the laws of the Commonwealth of Pennsylvania. He or she shall:
1. Receive applications, process the same, and issue permits for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign, and/or land in the Borough.
  2. At his or her discretion, examine or cause to be examined, all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing any permit. Thereafter, he or she may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign and/or change, a final inspection shall be made and all violations of approved plans or permit shall be noted and the holder of the permit shall be notified of the discrepancies.
  3. Keep a record of all applications received, all permits and certificates issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved. He or she shall file and safely keep copies

of all plans permitted, and the same shall form a part of the records of his office and shall be available for the use of the Borough Council and other officials of the Borough.

- D. Enforcement Proceedings: The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

#### SECTION 702 PERMITS

- A. Requirements: It shall be unlawful to commence the excavation for or the construction or erection of any building, or structure including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a building permit for such work.
- B. Form of Application: The application for a permit shall be submitted in such form as shall be prescribed by Borough Council and shall be accompanied by the required fee as hereinafter prescribed. Application for a permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.
- C. Description of Work: The application shall contain a general description of the proposed work, use, and occupancy of all parts of the building, structure, or sign and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a plot plan of the proposed building, structure, or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction, and the distances of the same from the existing lot lines.
- D. Time Limit for Application: An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted

or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.

- E. Issuance of Permits: Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefor. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefor as soon as practical.
- F. Expiration of Permit: The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be executed every six (6) months for a period not to exceed an additional one (1) year.
- G. Revocation of Permits: The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
- H. Posting of Permit: A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work or use and until the completion of the same as defined on the application.
- I. Temporary Permit: A temporary permit may be authorized by the Zoning Hearing Board for a non-conforming structure or use which it deems necessary to promote the proper development of the community, provided that such non-conforming 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.



- J. Payment of Fees: No permit to begin work for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign, and/or land for construction or use purposes shall be issued until the fees prescribed by the Borough Council pursuant to Resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance, or any other Ordinance or law.
- K. Compliance with Ordinance: The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
- L. Compliance with Permit and Plot Plan: All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.

#### SECTION 703 CERTIFICATE OF USE AND OCCUPANCY

- A. It shall be unlawful to use and/or occupy any residential dwelling, any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer as required herein.
- B. The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application as is required for a permit.
- C. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required herein.
- D. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application.

- E. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
- F. Upon request of a holder of a permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.

#### SECTION 704 ENFORCEMENT, PENALTY AND REMEDY

- A. The construction, erection, replacement, alteration, repair, extension, replacement, and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a permit or the use of any building, structure, sign and/or land without receipt of a certificate of use and occupancy or the failure to comply with any other provisions of this Ordinance, are hereby declared to be violations of this Zoning Ordinance.
- B. The Zoning Officer shall serve a written enforcement notice of violation or order on the person, firm or corporation, or the owner, lessee or agent of the land upon which the violation has occurred who has committed the violation, and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. However, in no case shall the person so served abandon the premises in such a condition so as to create a hazard or menace to the public safety, health, morals or welfare. Said premises shall be placed in such condition as the Zoning Officer shall direct.

An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Borough intends to take action.
2. The location of the property in violation.



3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
4. The date before which the steps for a compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within the prescribed period of time in accordance with procedures set forth in this ordinance.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

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

- C. If the notice of violation is not complied with within a period of five (5) days, the Zoning Officer or other Borough officer may take, in the name of the Borough, any appropriate action or proceeding at law or in equity to prevent, restrain correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building sign, and/or land in violation of the provisions of the Zoning Ordinance or of the order or direction made pursuant thereto.

- D. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this zoning ordinance enacted under the Municipalities Planning Code or prior enabling laws shall, upon being found liable therefor in civil enforcement proceeding commenced by the Borough, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation, unless the district justice determining that there has been a violation further determine that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day a violation continues shall constitute a separate violation. All judgements, costs, and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough whose ordinance has been violated.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.

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

#### SECTION 705 ZONING HEARING BOARD

- A. Membership of Board: The membership of the Board shall, upon the determination of the Borough Council, consist of either three (3) or five (5) residents of the Borough appointed by resolution of the Borough Council. The terms of office of a three (3) member board shall be three years (3) and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall

continue in office until their term of office would expire under prior law. The Borough Council shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this sub-section. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the board. The term of office of an alternate member shall be three (3) years. When seated pursuant to law, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties as provided by law. Alternates shall hold no other office in the Borough, including membership on the planning commission and zoning officer. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to law unless designated as a voting alternate member pursuant to law.

- B. Organization of Board: The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 706.

The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council Supervisors as requested by the Borough Council.

- C. Powers: The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:

1. Substantive challenges to the validity of any land use ordinance except those brought before the Borough Council pursuant to Sections 609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code, as amended.
2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Borough and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.
4. Applications for variances from the terms of the Zoning Ordinance or such provisions within a land use ordinance, pursuant to Section 707.
5. Applications for special exceptions under the Zoning Ordinance or such provision within a land use ordinance, pursuant to Section 708.
6. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provision of the Zoning Ordinance.
7. Appeals from the Zoning Officer's determination under Section 916.2, of the Pennsylvania Municipalities Planning Code, as amended.
8. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same related to development not involving Subdivision and Land Development or Planned Residential Development applications.

- D. Board Calendar: Each application or appeal filed in the proper form with the required data, must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. A hearing must be held within sixty (60) days from the date of the applicants request, unless the applicant has agreed, in writing, to an extension of time.

#### SECTION 706 PUBLIC HEARINGS

- A. Notice; Conduct of Meeting: Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, all adjoining property owners and to any person who, at least fifteen (15) days prior to the scheduled hearing date, has made timely request for the same. Written notices shall be given by certified mail ten (10) days prior to the scheduled hearing date. In addition to the written notice provided herein, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

The Borough Council may prescribe, by resolution, reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation of the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or , where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be in addition to the Borough may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision of the hearing officer as final.

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



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

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

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues. Statements will be made in the order specified by the Chairman.

The applicant or appellant must be given an opportunity for rebuttal.

- C. Witnesses: The Chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- D. Decision Procedure: The Board or the hearing officer, as the case may be, shall render a written decision, or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons

why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision of findings is final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein-above provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection (a) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the conditions or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

- E. Records: The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall

be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

#### SECTION 707 VARIANCES

- A. Filing of Variance: An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form obtained from the Zoning Officer. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board of the variance, whether such information is called for by the official form or not.

Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within six (6) months from the date of the authorization of the variance.

- B. Standards for Variance: Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made where relevant in a given case:
1. There are unique physical circumstances or conditions, including (a) irregularity, narrowness, or shallowness of lot size or shape, or (b) 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 zone in which the property is located.
  2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.



3. The unnecessary hardship has not been created by the appellant.
  4. The variance, if authorized, will not alter the essential character of the neighborhood or zone 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.
  5. The variance, if authorized, will represent the the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- C. Conditions: 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 and the Pennsylvania Municipalities Planning Code.

#### SECTION 708 SPECIAL EXCEPTIONS

- A. Filing of Special Exceptions: For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show --

1. Ground floor plans and elevations of proposed structures.
2. Names and addresses of adjoining property owners.

Unless otherwise specified or extended by the Zoning Hearing Board a special exception authorized by the Board expires if the application fails to obtain, where required to do so, a building permit or use certificate within six (6) months of the date of the authorization of the special exception.

- B. Temporary Special Exceptions: A temporary special exception may be granted for the following uses:
1. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which --
    - a. Is beneficial to the public health or general welfare, or

- b. Is necessary to promote the proper development of the community, or
  - c. Is seasonal in nature.
2. A temporary special exception may be granted by the Zoning Hearing Board to the owner(s) of a lot to place one (1) mobilehome on the lot where the same would not otherwise be permitted by the provisions of this Ordinance provided that --
- a. The owner(s) reside on the lot on which the mobilehome is to be placed.
  - b. The sole purpose of the mobilehome is to house the great-grandparents, grandparents, parents children, grandchildren or great-grandchildren of the owner(s) and for one (1) such family member's spouse and children.
  - c. Placement of the mobilehome on the lot must be in conformance with the minimum building setback requirements for the zone in which located.
  - d. Public sewer and water service to the mobilehome shall be provided without the installation of any new sewage or water systems.
  - e. No permanent foundation for the mobilehome shall be constructed on the lot.

A temporary special exception may be issued for a period not exceeding one (1) year, and may be renewed for an aggregate period not exceeding three (3) years. All applications for renewal shall be submitted at least thirty (30) days prior to the expiration of the permit.

The nonconforming structure or use must be completely removed within thirty (30) days of the expiration of the special exception, or failure of the use to conform with the special exception conditions, without cost to the Borough.

- C. Conditions: The Zoning Hearing Board in passing upon special exception applications, may attach conditions considered necessary to carry out the purposes of the Pennsylvania Municipalities Planning Code and to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.

- D. Application of Extent of Use Regulations: The extent-of-use regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.
- E. General Standards: A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
1. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone; and
  2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and
  3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and
  4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
  5. That the specific standards set forth for each particular use for which a special exception may be granted have been met.

The application for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

- F. Special Standards: In addition to the general standards for all special exceptions as contained in Section 708.E the specific standards for particular uses as listed in ARTICLE VI must be met prior to the granting of a special exception.

## SECTION 709 AMENDMENTS

The Borough Council may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change, or repeal this Ordinance including the Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Borough Planning Commission, the Borough Council or by a petition to the Borough Council. Such amendment, supplement, change or repeal shall be submitted to the Borough Planning Commission for its recommendations and shall be specifically found by the Borough Council to be in accordance with the spirit and intent of the Zoning Ordinance. The enactment of Zoning Ordinance amendments shall be in accordance with Sections 609 and 609.1 of the Pennsylvania Municipal Planning Code, as amended.

1. Referral to County Planning Commission: At least thirty (30) days prior to the public hearing on the amendment by the Borough Council, the Council shall submit the proposed amendment to the York County Planning Commission for recommendations.
2. Public Hearing: The Borough Council shall fix a time and place for a public hearing at which parties of intent and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in one newspaper of general circulation in the Borough once each week for two (2) successive weeks, with the first publication not more than thirty (30) days and not less than fourteen (14) days prior to the date of said hearing.
3. Action by the Borough Council: At the time and place specified, the Borough Council shall conduct a hearing on said petition to amend, supplement change or repeal the Zoning Ordinance or Zoning Map of the Borough and shall thereafter within a period of thirty (30) days either reject the proposed change or adopt an ordinance implementing the proposed change. The Borough Council may adjourn said hearing at its discretion to a certain time and place.
4. Authentication of Official Zoning Map: Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the official map shall be made, and shall be duly certified by the by the Borough Secretary and shall thereafter be refiled as part of the permanent records of the Borough. Whenever a proposed amendment involves a zoning map, notice of a public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to be rezoned. The notice shall be posted at least one week prior to the date of the hearing.

#### SECTION 710 FEES

The Borough Council may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Borough Council may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this chapter and may be adopted at any public meeting of the Borough Council.

#### SECTION 711 VALIDITY

Severance: If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

#### SECTION 712 REPEALER

Inconsistent Ordinances: Any resolution, ordinance, or part of any ordinance or resolution inconsistent herewith and any amendments thereof are hereby expressly repealed.

SECTION 713 ADOPTION

Ordinance 93-7 adopted by the Borough Council of the Borough of East Prospect, York County, Pennsylvania into an Ordinance the 2nd day of November , 1993.

BOROUGH COUNCIL  
BOROUGH OF EAST PROSPECT  
YORK COUNTY, PENNSYLVANIA

BY: Donald E. Borshing  
President

\_\_\_\_\_

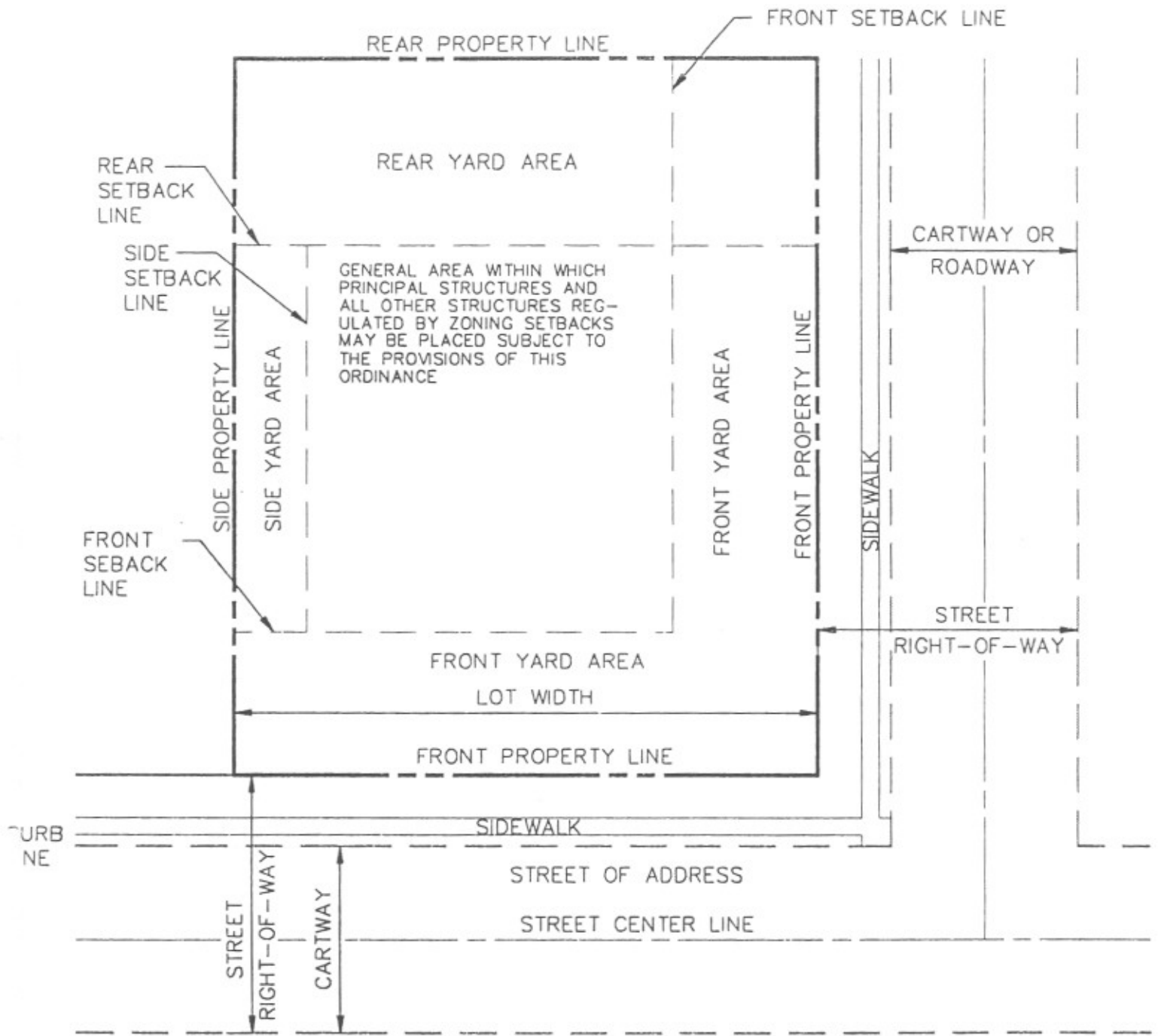
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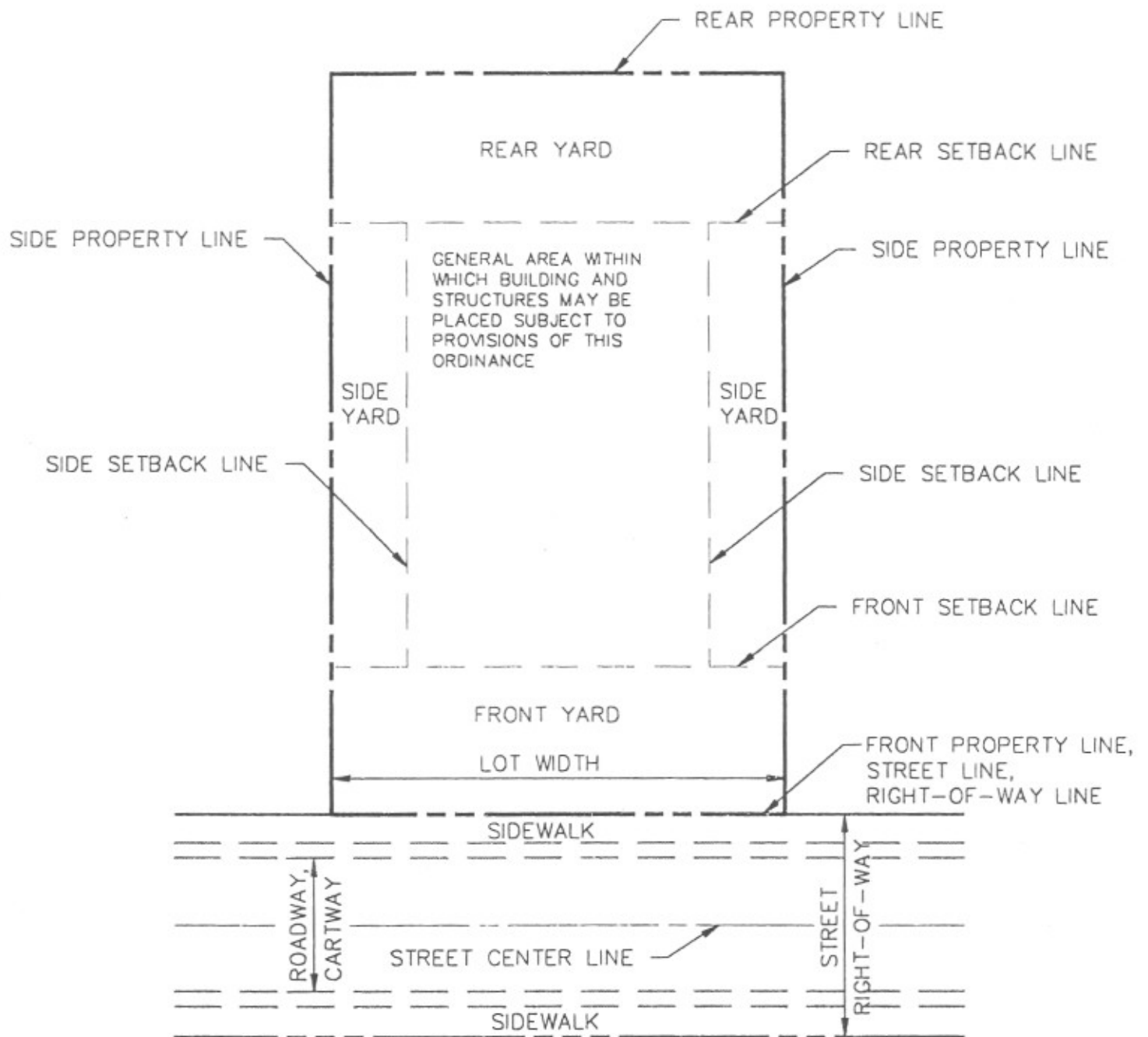
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Attest:

Wm. C. Keller  
Secretary



PLAN DEPICTING ZONING TERMS  
FOR CORNER LOTS



PLAN DEPICTING ZONING TERMS  
FOR INTERIOR LOTS



**NOTICE OF PROPOSAL TO ENACT  
ZONING ORDINANCE FOR  
EAST PROSPECT BOROUGH**

The East Prospect Borough Council will consider the passage of the proposed East Prospect Borough Zoning Ordinance [Ordinance No. 1993-7] at its regular monthly meeting, to be held Tuesday, November 2, in the Borough Council meeting room, at 28 West Maple Street, East Prospect, PA, beginning at 7:30 P.M., prevailing time.

The title of the proposed Zoning Ordinance and a brief summary of its provisions is as follows:

AN ORDINANCE OF THE BOROUGH OF EAST PROSPECT, YORK COUNTY, PENNSYLVANIA, PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATERS TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF ON A ZONING MAP INCORPORATED THEREIN BY REFERENCE; ESTABLISHING THE OFFICE OF ZONING OFFICER; ESTABLISHING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

Copies of the proposed Zoning Ordinance may be examined without charge, or obtained at the cost of copying, in the East Prospect Borough Office, 28 West Maple Street, East Prospect, PA, weekdays from 9:00 A.M. to 4:00 P.M., as well as at the office of the East Prospect Borough Engineer, James R. Holley and Associates, Inc., 18 South George Street, Fifth Floor, York, PA.

Harry L. McNeal, Jr.  
East Prospect Borough Solicitor

# Proof of Publication

in the \_\_\_\_\_ Court \_\_\_\_\_ of York County

Copy of Advertisement Attached Here

## NOTICE OF PROPOSAL TO ENACT ZONING ORDINANCE FOR EAST PROSPECT BOROUGH

The East Prospect Borough Council will consider the passage of the proposed East Prospect Borough Zoning Ordinance [Ordinance No. 1993-7] at its regular monthly meeting, to be held Tuesday, November 2, in the Borough Council Meeting Room, at 28 West Maple Street, East Prospect, PA, beginning at 7:30 PM, prevailing time.

The title of the proposed Zoning Ordinance and a brief summary of its provisions is as follows:

AN ORDINANCE OF THE BOROUGH OF EAST PROSPECT, YORK COUNTY, PENNSYLVANIA, PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATER, COURSES AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATERS TO BE OCCUPIED BY USES AND STRUCTURES AS WELL AS COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF ON A ZONING MAP INCORPORATED THEREIN BY REFERENCE; ESTABLISHING THE OFFICE OF ZONING OFFICER; ESTABLISHING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

Copies of the proposed Zoning Ordinance may be examined without charge, or obtained at the cost of copying, in the East Prospect Borough Office, 28 West Maple Street, East Prospect, PA weekdays from 9:00 AM to 4:00 PM, as well as at the office of the East Prospect Borough Engineer, James R. Holley and Associates, Inc., 18 South George Street, Fifth Floor, York, PA, Harry L. McNeal, Jr., East Prospect

Of \_\_\_\_\_ Term, 19  
No. \_\_\_\_\_

THE YORK DISPATCH/YORK SUNDAY NEWS and YORK DAILY RECORD are the names of the daily newspapers of general circulation published continuously for more than the last six months by York Newspaper Company, at its principal place of business, which is at 1891 Loucks Road, York, PA 17404.

The printed copy of the advertisement hereto attached is a true copy, exactly as printed and published, of an advertisement printed in the regular issues of the said **The York Dispatch/York Sunday News and York Daily Record** published on the following dates, viz:

October 22, 1993

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF YORK

SS

Before me, a Notary Public, personally came Nancy L. Nelson who being duly sworn deposes and says that he/she is the legal clerk of York Newspaper Company, and has personal knowledge of the publication of the advertisement mentioned in the foregoing statement; that the facts set forth in said statement and all the allegations of said statement as to the time, place and character of publication are true, and that the affiant is not interested in the subject matter of the above mentioned advertisement.

Sworn and subscribed to before me this

22nd day of October 19 93

Jean Marie Porter

Notary Public

Notarial Seal  
Jean Marie Porter, Notary Public  
York Twp., York County  
My Commission Expires March 20, 1997  
Member, Pennsylvania Association of Notaries

Received of \_\_\_\_\_

\_\_\_\_\_ Dollars  
100

in payment of the charge for the publication of above mentioned advertisement and the expense of above affidavit.

Advertisement \$ \_\_\_\_\_

Affidavit \$ \_\_\_\_\_

Flat Rate Fee \$ \_\_\_\_\_

\$ \_\_\_\_\_

# Proof of Publication

in the \_\_\_\_\_ Court \_\_\_\_\_ of York County

Copy of Advertisement Attached Here

Of \_\_\_\_\_ Term, 19  
No. \_\_\_\_\_

THE YORK DISPATCH/YORK SUNDAY NEWS and YORK DAILY RECORD are the names of the daily newspapers of general circulation published continuously for more than the last six months by York Newspaper Company, at its principal place of business, which is at 1891 Loucks Road, York, PA 17404.

The printed copy of the advertisement hereto attached is a true copy, exactly as printed and published, of an advertisement printed in the regular issues of the said **The York Dispatch/York Sunday News** and **York Daily Record** published on the following dates, viz:

October 27, 1993

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF YORK

SS

Before me, a Notary Public, personally came Nancy L Nelson who being duly sworn deposes and says that he/she is the legal clerk of York Newspaper Company, and has personal knowledge of the publication of the advertisement mentioned in the foregoing statement; that the facts set forth in said statement and all the allegations of said statement as to the time, place and character of publication are true, and that the affiant is not interested in the subject matter of the above mentioned advertisement.

Sworn and subscribed to before me this

27th day of October 19 93

Jean Marie Porter

Notary Public

Nancy L Nelson

## NOTICE OF PROPOSAL TO ENACT ORDINANCE FOR EAST PROSPECT BOROUGH

The East Prospect Borough Council will consider the passage of the proposed Ordinance No. 1993- at its regular monthly meeting, to be held Tuesday, November 2, in the Borough Council Meeting Room, at 28 West Maple Street, East Prospect, PA, beginning at 7:30 PM, prevailing time.

The title of the proposed Ordinance and a brief summary of its provisions is as follows:

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF EAST PROSPECT, YORK COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1993-1, SO AS TO SHORTEN THE PERIOD WITHIN WHICH THE OWNER OF AN IMPROVED PROPERTY SHALL CONNECT HIS PROPERTY TO A SEWER AFTER NOTICE TO DO SO; INCREASING THE AMOUNT OF THE FINE FOR A VIOLATION; AN AUTHORIZING THE MAYOR TO PROSECUTE VIOLATIONS.

Copies of the proposed Ordinance may be examined without charge, or obtained at the cost of copying, in the East Prospect Borough Office, 28 West Maple Street, East Prospect, PA weekdays from 9:00 AM to 4:00 PM, as well as at the office of the Borough Solicitor, Harry L. McNeal, Jr., 34 East Princess Street, York, PA 17403.

Harry L. McNeal, Jr.  
East Prospect  
Borough Solicitor

Notarial Seal  
Jean Marie Porter, Notary Public  
York Twp., York County  
My Commission Expires March 20, 1997

Member, Pennsylvania Association of Notaries

Received of \_\_\_\_\_

\_\_\_\_\_ Dollars  
100

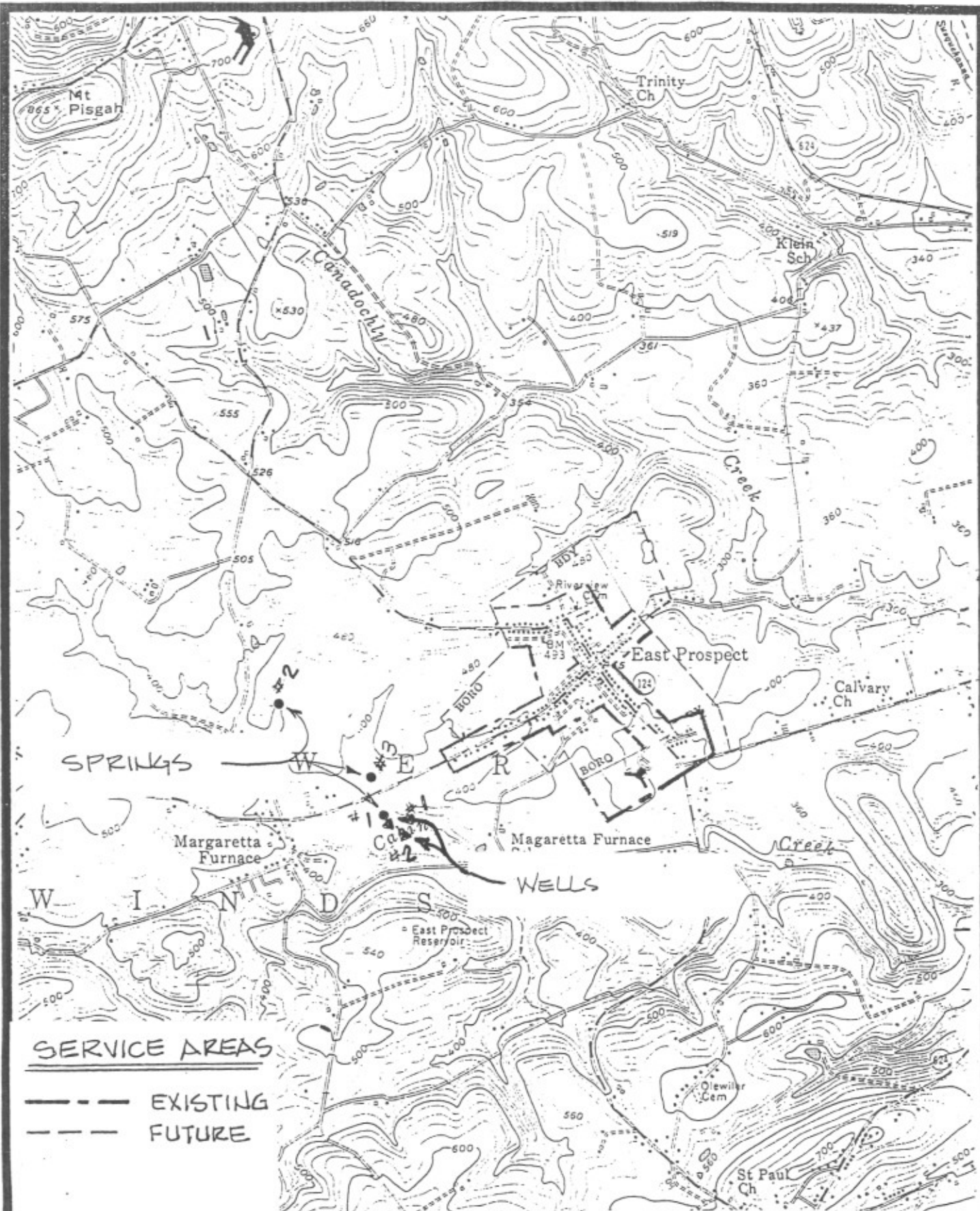
in payment of the charge for the publication of above mentioned advertisement and the expense of above affidavit.

Advertisement \$ \_\_\_\_\_

Affidavit \$ \_\_\_\_\_

Flat Rate Fee \$ \_\_\_\_\_

\$ \_\_\_\_\_



# SERVICE AREAS

--- EXISTING  
 --- FUTURE

## VICINITY MAP

EAST PROSPECT, YORK CO.

JAMES R. HOLLEY & ASSOCIATES, INC.

ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS • PLANNERS

18 SOUTH GEORGE STREET

YORK, PA. 17401

OWN BY  
 TW

CK'D BY

DATE  
 5-28-91

SCALE  
 1" = 2000'

DRAWING NO.  
 10F1