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# **Yoe Borough Zoning Ordinance**

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York County, Pennsylvania

As Adopted by the Yoe Borough Council  
on October 7, 2014.

Ordinance Number 2014-02

This Ordinance is Chapter 27 of the  
Codified Ordinances of the Borough of Yoe.  
For the purposes of the Codified Ordinances,  
each Section No. shall be considered to have the number "27 -" in front of it.

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## USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district that includes your lot.
- Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
  - a) by right,
  - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 116), or
  - c) as a conditional use (the Borough Council must approve the use, as described in Section 117).
- Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
- Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 805 - "Non-Conformities."

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

If your lot may be flood-prone, see the Borough's separate Floodplain ordinance and the Federal Floodplain Maps (which can be viewed at Borough Hall or at [www.fema.gov](http://www.fema.gov)).

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

- Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

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

- An applicant may apply to the Borough **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Borough for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the **Subdivision and Land Development Ordinance** will also apply. As of 2014, Yoe is under the York County Ordinance, which is available on the York County Planning Commission website.
- If there will be disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the County Conservation District.

Any questions concerning the Zoning Ordinance should be directed to the Borough's **Zoning Officer**. The Zoning Officer also administers applications for zoning permits.

A separate Construction Official handles applications for building and other construction permits.

**YOE BOROUGH ZONING ORDINANCE**

**TITLE; ENACTMENT; SEVERABILITY**

Ordinance No. 2014-02

1. **TITLE**. A New Ordinance: a) dividing Yoe Borough, York County, Pennsylvania into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
2. **SHORT TITLE**. This Ordinance shall be known and be cited as the "Yoe Borough Zoning Ordinance" of 2014.
3. **SEVERABILITY**. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Yoe Borough Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for Yoe Borough.
4. **PROCEDURAL DEFECTS IN ENACTMENT**. Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law.
5. **REPEALER**. The pre-existing Yoe Borough Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other Borough ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.
6. **ENACTMENT**. Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Borough Council of Yoe Borough hereby enacts and ordains into an Ordinance the attached document this date of October 7, 2014. This Ordinance shall become effective in 5 calendar days.

YOE BOROUGH COUNCIL

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President, Borough Council

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Attest, Borough Secretary

## **ARTICLE 1 ADMINISTRATION**

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout Yoe Borough. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.
102. **PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.** This Ordinance is hereby adopted:
- 102.A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,
- 102.B. to carry out the following major community development objectives:
1. to make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
  2. to avoid overextending groundwater supplies, and to encourage groundwater recharge, and to protect the quality of groundwater and surface waters,
  3. to promote traditional styles of development,
  4. to promote compatibility between land uses,
  5. to seek coordinated development and roads across municipal borders,
  6. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
  7. to direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
  8. to coordinate development with future central water and sewage service areas,
  9. to direct industrial development to locations that will minimize conflicts with homes,
  10. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes,
  11. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities,
  12. to promote public health, safety and general welfare,
  13. to promote mixed use development, where appropriate,
  14. to promote compact forms of development, where appropriate,
  15. to promote connectivity of streets and pedestrian paths,
  16. to promote pedestrian-friendly and bicycle-friendly patterns of development, and
  17. to carry out the Tri-Boros Comprehensive Plan and the York County Comprehensive Plan.
103. **PERMITS AND CERTIFICATES.**
- 103.A. **Applicability.**
1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance, and shall need a zoning permit:
    - a. Erection, construction, movement, placement or extension of a structure, building or sign, including but not limited to a fence or wall that is more than 3 feet in total height,
    - b. Change of the type of use or expansion of the use of a structure or area of land,
    - c. Creation of a lot or alteration of lot lines,
    - d. Creation of a new use,
    - e. Demolition of a building, or partial demolition of the exterior of a building,

- f. Site Alterations or Mineral Extraction as defined by Section 202,
  - g. Construction or Installation of any animal waste impoundment or development of a raising of livestock or poultry use, and/or
  - h. Construction of a motor vehicle driveway, parking pad or parking lot.
2. Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable Borough Staff.
- a. A Zoning Permit is required to be issued prior to the start of any of the activities regulated by subsection 103.A.1. above.
  - b. The Borough may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate applications for the permits.
  - c. Both principal and accessory uses and structures shall need a zoning permit, except that the Borough may not require an individual zoning permit for accessory uses that are customarily incidental to a principal use that has received a zoning permit.
3. Certificate of Occupancy.
- a. Prior to occupancy of a new or expanded building, a Certificate of Occupancy may be required under the Uniform Construction Codes (UCC), which are separate requirements under State law.
  - b. The Borough Staff may require that a Certificate of Occupancy be delayed or that only a temporary Certificate of Occupancy be issued if there are outstanding zoning compliance issues.
  - c. In addition, a Certificate of Occupancy shall be required to be obtained from the Borough Staff whenever there is a change in the use of a property or a change from one business to another business within a building.
- 103.B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a Construction Permit under Construction Codes may be needed for such work.)
- 103.C. Types of Uses.
- 1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance.
  - 2. Special Exception Use. A permit under this Ordinance for a use requiring a Special Exception shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
  - 3. Conditional Use. A use requiring zoning approval by the Borough Council under Section 117.
- 103.D. Applications.
- 1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Borough. Such completed application, with required fees, shall be submitted to a designated Borough staff-person.
  - 2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new building, expansion of a building or

addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:

- a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
- b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
- c. locations of any watercourses and any 100 year floodplain,
- d. proposed lot areas, lot widths and other applicable dimensional requirements,
- e. locations and widths of existing and proposed sidewalks,
- f. a north arrow and scale.

3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:

- a. the address of the lot,
- b. name and address of the applicant, and of the owner of the property if different from the applicant,
- c. if the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease or a signed letter from the landowner, to demonstrate that the applicant has the legal right to make the application,
- d. a description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance,
- e. all other applicable information listed on the official Borough application form,
- f. if the applicant is incorporated, the legal names and day telephone numbers of primary officers of the organization/corporation,
- g. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance, and
- h. a listing of all conditional uses, special exception approvals and/or variances which the applicant is requesting and/or a description with a date of any such approvals that were previously granted for this property that relate to this application.

4. Submittals to the Board. In addition to the information listed in parts "2" and "3." above, an application requiring a site plan and action by the Zoning Hearing Board or a conditional use shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:

- a. the present zoning district and major applicable lot requirements,
- b. for a non-residential use:
  - (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
  - (2) a list of the maximum hours of operation,
- c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management, unless such matter will be addressed as part of a separate stormwater approval,
- d. a listing of any sections of this Ordinance for which a variance is being requested or another appeal being made, with the reasons for such request,

- e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),
  - f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting,
  - g. name and address of person who prepared the site plan,
  - h. signed acknowledgment of the application by the applicant, and
  - i. such additional information required under applicable sections of this Ordinance.
5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).

103.E. Issuance of Permits.

1. The zoning permit and construction permit are two separate processes under two different sets of regulations. The issuance of one permit does not relieve an applicant of the requirement to obtain the other permit.
2. At least 1 copy of each zoning permit application and any other zoning approval shall be retained in Borough files.
3. PennDOT Permit. Where necessary for access onto a State road, a Borough zoning permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.
4. The Borough may delay the final issuance of a Construction Permit until a required PennDOT Highway Occupancy Permit has been issued, any required subdivision and land development approval has been obtained, and erosion and sedimentation control approvals have been obtained.
5. Any zoning permit is issued with an automatic condition that the applicant must also meet all applicable Construction Codes.

103.F. Revocation of Permits; Appeal of Permit or Approval.

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
  - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
  - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
  - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
  - d. for any other just cause set forth in this Ordinance.
2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code. Any such appeal shall occur within the time period established in the Pennsylvania Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).

3. UCC Appeal. An appeal of a construction code requirement is under a separate process, with a separate board of appeals.

103.G. Zoning Permit for Temporary Uses and Structures.

1. Temporary Uses.
  - a. A Zoning Permit for a temporary use or structure may be issued for customary, routine and accessory short-term special events, provided that:
    - (1) only a nonprofit organization, governmental agency or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose or a Borough-sponsored festival or Borough-sponsored special event shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted,
    - (2) such total events shall each be limited to a maximum of 10 total days per calendar year, and
    - (3) the applicant shall prove to the Borough that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
  - b. A Zoning Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Borough permit.
  - c. In addition, Christmas Tree sales shall be allowed by right in commercial and industrial districts and on property owned by a fire company or the Borough.
  - d. The Borough may also approve the construction of a model home, which is used as a sales office in a development, provided the building is converted to a dwelling when the development is complete. Alternatively, a modular sales office may be allowed by the Borough provided it is removed completely when the development is complete.
  - e. Portable Storage Containers – See Section 807.
  - f. A tent shall be considered a structure for the purposes of this Ordinance, and shall need a zoning permit if it is used for more than one day.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause.
3. Temporary Retail Sales.
  - a. Except as may otherwise be allowed by subsection “1.” above, a lot shall only be used for temporary retail sales if all of the following conditions are met:
    - (1) The property shall be located within a zoning district that allows retail sales.
    - (2) No more than 5% of the off-street parking spaces shall be obstructed by tents or structures that are required to serve permanent uses on the lot.
    - (3) Any signs visible from a public street shall comply with this Ordinance.
    - (4) If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands.
    - (5) A zoning permit shall be required from the Borough, which shall be displayed while the activity is open for business.
    - (6) The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.

(7) Any fireworks sales or storage shall only occur in a building that has met Borough construction code and fire safety inspections, and the operator of any fireworks sales use shall make any area or vehicle used for fireworks sales or storage available for regular inspection by local police and fire officials.

b. This subsection "3." shall not apply to: 1) sale of agricultural produce that was grown by the operator of the sales, 2) flower and plant sales as accessory to a commercial use, and 3) garage sales that comply with the Borough's Garage Sale regulations.

103.H. Compliance with Subdivision and Land Development Ordinance. If a application under this Ordinance would also be regulated by the Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

1. For example, if an applicant applies for a single family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.
2. The Borough may also withhold issuance of a Construction Permit until after a required subdivision or land development approval has been obtained and any subdivision approval has been recorded.

104. **GENERAL PROCEDURE FOR PERMITS.**

104.A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.

104.B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Borough Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

105. **INTERPRETATION AND USES NOT REGULATED.**

105.A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Borough Ordinance.

105.B. Uses Not Specifically Regulated.

1. If a use clearly is not permitted by right, as a Conditional Use, or as a Special Exception Use by this Ordinance within any Zoning District, the use is prohibited, except that the Borough Council may permit such use as a Conditional Use if the applicant specifically proves to the clear satisfaction of the Borough Council that all of the following conditions would be met:
  - a. the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the District,
  - b. the proposed use would be closely similar in impacts and character to uses that are permitted in that District, considering the standards in Section 805.F.,

- c. the use would meet the standards that would apply under Section 116 to a Special Exception Use, and
  - d. the use is not specifically prohibited in that District.
2. The Borough Council may place reasonable conditions upon such approval.

105.C. Interpretation of Ordinance Text and Boundaries.

1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Borough Solicitor to aid in the Zoning Officer's determination.
2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111.
3. See Section 304.

105.D. Undefined Terms/ Interpretation of Definitions. See Section 201.

106. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

106.A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:

1. Failure to secure a zoning permit prior to any of the following: a change in accessory or principal use of land or structure, or the erection, construction or alteration of any principal or accessory structure or portion thereof, or the placement of a sign, or a change in the area of a use or the land coverage or setback of a use, or the excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof;
2. Placement of false statements on or omitting relevant information from an application for a zoning permit;
3. Undertaking any action in a manner which does not comply with a zoning permit;
4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval; or
5. Violation of any condition imposed by a decision of the Borough Council in granting a conditional use or other approval; or
6. Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.

106.B. Enforcement Notice. If the Borough has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the Pennsylvania Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.

106.C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board. The denial of a conditional use, special exception use or variance may also be appealed to the County Court.

106.D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)

1. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Magistrate. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Magistrate determining that there has been a violation further determines that there was a good faith basis for the person violating this 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 that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Borough for the general use of the Borough. Imprisonment is not authorized under this Ordinance.
2. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this Ordinance or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this Ordinance or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

106.E. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.

107. **FEES.** A Borough fee schedule for permits and applications may be established and amended by written resolution of the Borough Council. No application or appeal shall be considered filed until all fees are paid. Any fees established as part of the previous Zoning Ordinance shall continue in effect until it is replaced by a new fee schedule.

108. **AMENDMENTS TO THIS ORDINANCE.** Within the requirements of the Pennsylvania Municipalities Planning Code, the Borough Council may amend, or repeal any or all portions of this Ordinance on: 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

109. **CURATIVE AMENDMENTS.** The applicable provisions of the Pennsylvania Municipalities Planning Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)

110. **ZONING OFFICER.**

- 110.A. **Appointment.** The Zoning Officer(s) shall be appointed by the Borough Council. The Borough Council may designate other Borough Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Borough, but may hold other appointed offices.
- 110.B. **Duties and Powers.** The Zoning Officer's duties and powers shall include the following:
1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
  2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
  3. keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the Borough and being available for public inspection;
  4. review proposed subdivisions and land developments for compliance with this Ordinance;
  5. take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended;
  6. maintain available records concerning non-conformities, provided that the Borough is not required to document every non-conformity; and
  7. serve such other functions as are provided in this Ordinance.

111. **ZONING HEARING BOARD ACTIONS AND VARIANCES.**

- 111.A. **Membership of Board.** The Zoning Hearing Board shall consist of 3 residents of the Borough appointed by the Borough Council. The existing terms of office shall continue, with terms of office being 3 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Borough and shall not be employed by the Borough in another capacity.
1. **Alternate Members.** The Borough Council may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the Pennsylvania Municipalities Planning Code, and who shall serve as provided in such law. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).
  2. **Expenditures.** Within the maximum amount of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. Borough Council may by resolution authorize compensation for members and alternate members for the performance of their duties.
- 111.B. **Vacancies.** Appointments to fill vacancies shall be only for the unexpired portion of a term. Members shall be appointed by resolution of Borough Council.
- 111.C. **Organization.** The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).
- 111.D. **Zoning Hearing Board Jurisdiction and Functions.** The Zoning Hearing Board shall be responsible for the following:

1. Appeal of a Decision by the Zoning Officer.
  - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Borough Council that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
  - b. See time limitations for appeals in Section 111.F.
  
2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
  
3. Variance.
  - a. The Board shall hear requests for Variances filed with the Borough Staff in writing. The Borough Planning Commission should be provided with an opportunity to review a zoning variance application. However, action by the Zoning Hearing Board shall not be delayed by a Planning Commission review.
  - b. Standards. The Board may grant a variance only within the limitations of State law. As of the adoption date of this Ordinance, the Pennsylvania Municipalities Planning Code provided that all of the following findings must be made, where relevant:
    - i) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
    - ii) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a Variance is therefore necessary to enable the reasonable use of the property;
    - iii) Such unnecessary hardship has not been created by the appellant;
    - iv) The Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
    - v) The Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
  - c. In granting any Variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
  
4. Special Exception.
  - a. The Board shall hear and decide requests for all Special Exceptions filed with the Borough Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.
  - b. The Borough Planning Commission should be provided with an opportunity to review a special exception application. However, action by the Zoning Hearing Board shall not be delayed by a Planning Commission review.
  - c. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.

5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
    - a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
    - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
    - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
  6. The Zoning Hearing Board shall also hear any other matters as set forth in the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
- 111.E. Time Limits for Appeals. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- 111.F. Stay of Proceedings. The Stay of Proceedings provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)
- 111.G. Time Limits on Permits and Approvals.
1. After a Variance is approved or other zoning approval (such as special exception or conditional use approval) is officially authorized, then any applicable zoning and construction permits shall be secured by the applicant within 18 months after the date of such approval or authorization. The work authorized by zoning permits shall then be completed within the time period specified in construction permits. If construction permits are not required, then the work shall be completed within 18 months after issuance of a zoning permit, unless an extension is granted under subsection "2." below.
    - a. However, if a Variance is approved to address a violation of this Zoning Ordinance, then the permit shall be acquired and the work completed within 6 months after the variance is approved, with no further time extension.
  2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work under a zoning permit.
  3. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has waived, withdrawn or abandoned approvals, variances and permits under this Ordinance and all such approvals, variances and permits shall be deemed automatically rescinded by the Borough.

- 111.H Multiple Applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.
112. **ZONING HEARING BOARD HEARINGS AND DECISIONS**. The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.
- 112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:
1. Ad. Public Notice shall be published, as defined by Section 107 of the Pennsylvania Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
  2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. If the Borough Staff does not volunteer to post the property, then the applicant shall be required to post it. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
  3. Persons Given Notice. The Borough shall provide written notice to the Applicant of the time and place of the hearing. The Borough should also provide notice to the President of the Borough Council and to the primary last known owner of each lot that is abutting or immediately across a street, alley or railroad from the subject lot. Failure to provide such notice shall not be grounds for an appeal or delay. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be provided to the last known address.
- 112.B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
- 112.C. Decision/Findings.
1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
  2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
  3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the Pennsylvania Municipalities Planning Code.
- 112.D. Notice of Decision. A copy of the final decision or, where no decision is called for, of the findings, shall be provided to the applicant. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).
- 112.E. See also Section 908 of the Pennsylvania Municipalities Planning Code.
113. **APPEALS TO COURT**. The provisions for appeals to court that are stated in the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See the provisions of the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)
115. **BOROUGH AND MUNICIPAL AUTHORITY EXEMPTION.** This Zoning Ordinance shall not apply to uses or structures owned by Yoe Borough or by a municipal authority created solely by Yoe Borough for uses and structures that are intended for a municipal, water supply, sewage, stormwater, public recreation, emergency service, emergency communication or public health and safety purpose.
116. **SPECIAL EXCEPTION USE PROCESS.**
- 116.A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- 116.B. Special Exception Procedure.
1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
  2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
  3. The Zoning Hearing Board shall follow the procedures provided in Section 112.
  4. Time Limits. See Section 908 of the Pennsylvania Municipalities Planning Code.
- 116.C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:
1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
  2. Compliance with Other Laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable Borough, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Borough prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.
  3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
  4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.

5. Neighborhood. The proposed use shall not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
  6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
  7. Natural Features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.
- 116.D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. **CONDITIONAL USE PROCESS.**

- 117.A. Purpose. The conditional use approval process is designed to allow the Borough Council to review and approve certain uses that could have significant impacts upon the community and the environment.
- 117.B. Procedure. The Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
1. Submittal. A Site Plan shall be submitted, which shall contain the information listed in Section 103.D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or, an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
  2. Reviews. The Zoning Officer should provide a review to the Council regarding the compliance of the application with this Ordinance. If the Borough has an active Planning Commission, such Commission shall be provided with an opportunity to review the application.
  3. The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article 3.
  4. Time Limit. Borough Council shall render a written decision on each conditional use application within 45 days after the last hearing on the application or as may be provided otherwise in Section 913.2 of the Pennsylvania Municipalities Planning Code. For a conditional use application, the same provisions shall apply for notice of persons that apply in Section 112.A.3.
- 117.C Consideration of Conditional Use Application. The Borough Council shall determine whether the proposed conditional use would meet the applicable requirements of this Ordinance. The same standards shall apply to a conditional use as are listed in Section 116.C. for a special exception use.

117.D Conditions. In approving conditional use applications, the Borough Council may attach conditions they consider necessary to protect the public welfare and meet the standards of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

118. **LIABILITY**.

118.A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Borough shall not constitute a representation, guarantee or warranty of any kind by the Borough, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.

118.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Borough shall not be liable for any later lawful withdrawal of such permit.

## ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
  - B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
  - C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
  - D. "Sale" shall also include rental.
  - E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
  - F. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
  - G. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
  - H. If a term is not defined by this Ordinance, but is defined in the applicable Subdivision and Land Development Ordinance (SALDO), then such SALDO definition shall apply. If a term is not defined by either ordinance, the term shall have its plain and ordinary meaning, within the context of the provision. A standard reference dictionary may be consulted by the Zoning Officer.
202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

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

Accessory Apartment. One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

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

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Store. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, video and other electronic media, periodicals, coin- or token-operated video, paraphernalia or novelties which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons, based upon the total number of patrons in the entire use

and not just any one room, and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall mean Adult Store, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

Alley. A vehicle thoroughfare serving 3 or more lots and which has a cartway of less than 14 feet, and which typically provides rear or secondary access to the lots.

Amusement Arcade. A use involving 15 or more token or coin operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an Adult Use.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. A landowner or developer, as defined in the Pennsylvania Municipalities Planning Code, who has filed an application for development, including his heirs, successors and assigns.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as such by the Commonwealth of Pennsylvania.

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 402.

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

service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 402.

Basement. An enclosed level of a building that is not a "story" and that is partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Billboard. See Section 702.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Borough. Yoe Borough, York County, Pennsylvania.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

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

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

Building Height. The vertical distance from the average of the finished ground level along the front of the building to the maximum height of the highest roof surface. If there is any question about which side is the front of the building, it shall be the side that is closest to a public street. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

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

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

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

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Campground.

Campground. A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Certificate of Occupancy. A form signed by an authorized Borough official that certifies that the use of the property is in compliance with Borough Ordinances, to the best knowledge of such Borough official.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Clear Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402. This term shall not include a "standard antenna."

Commercial District. The TC and C Districts.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may

include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Conditional Use. A use listed as a conditional use under Section 306, which is only allowed after review by the Borough Planning Commission and approval by Borough Council, under Section 117.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 8,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See "Livestock and Poultry, Keeping Of."

Curative Amendment. A process provided in the Pennsylvania Municipalities Planning Code that authorizes certain types of challenges to a Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.
- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.\*
- D. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable State agency.\* See Section 402.

\* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Public Welfare.

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

DEP. Shall mean the Pennsylvania Department of Environmental Protection.

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

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Driveway. An improved privately-owned vehicle travel-way from a street to provide motor vehicle access to a parking area or building on a lot.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory.

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.
- B. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, single family semi-detached dwelling or single family attached dwelling (townhouse), or one or more dwelling units above a commercial use. The individual dwelling units may be leased or sold for condominium ownership.
- D. "Modular" Home. A type of dwelling that meets a definition of any dwelling type and which was manufactured off-site and then assembled and completed on the site, and that was constructed under the State Construction Codes and not the Federal requirements for Manufactured Housing.
- E. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open yard areas on all sides.
  - 1. Mobile/Manufactured Home. For a dwelling constructed after 1977, this term shall mean a dwelling that was constructed under the Federal construction requirements for "Manufactured Housing" under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before 1977, this term shall mean a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it can be used without a permanent perimeter foundation.

This term is different from a "Modular home," which is defined above. See standards for "Mobile/manufactured home" in Section 402.

- F. Single Family Semi-Detached. A one family dwelling unit accommodating one family that is attached to a second one family dwelling unit by a common vertical wall, with each dwelling unit on a separate lot or held in condominium ownership.
- G. Single Family Attached Dwelling (or Townhouse). One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and

b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, unless approved as "Unit for Care of Relative."

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call. See provisions for this use in Section 402.

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

Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or 4 or fewer unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the Borough's intent is to comply with the Federal Fair Housing Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, masonry block or similar materials shall be considered a "wall." See Section 403.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floodplain. See definitions of this term and related terms in Section 504.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches, and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development.

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

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

Government Facility, Other than Borough-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Yoe Borough or an authority created solely by Yoe Borough. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
- B. It is the express intent of the Borough to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 402.

\* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes materials which are included on the latest edition of the following list:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 40 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article 7 entitled "Signs."

Historic Overlay District. A set of provisions provided in Section 309 that require conditional use approval before certain designated buildings are allowed to be demolished, and that also offers some incentives to reuse these buildings.

Home-Based Business. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a Home-Based Business provided in Section 403.

- A. General Home-Based Business. A Home-Based Business that does not meet the additional standards for a No Impact Home-Based Business.
- B. No Impact Home-Based Business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
  - 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - 2. The business shall employ no employees, other than family members residing in the dwelling.

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

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

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable district regulations.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot.

- A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way where not exist), as opposed to regulating each individual townhouse lot.

Impervious Surfaces. Areas covered by buildings, paving, concrete, vehicle parking areas, or driveways, as well as any other man-made surfaces that have a runoff coefficient of 0.85 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the zoning ordinance.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by State environmental regulations.

Junk Vehicle. See any regulations that may exist in any Borough Property Maintenance Code.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:

1. "Junk." (see definition) covering more than one percent of the lot area.
  2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of Section 402.
  3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Pets, Keeping of" provisions of this Ordinance, and which may also include temporary keeping of other household pets. In addition, on a non-residential lot, if 7 or more dogs age 6 months or older are kept, it shall be considered a Kennel.

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 the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of Section 403 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

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, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot, Flag. A lot that does not meet the required minimum lot width at the minimum front yard building setback line and which typically includes a narrow stretch of land connecting the bulk of the lot area to a street.

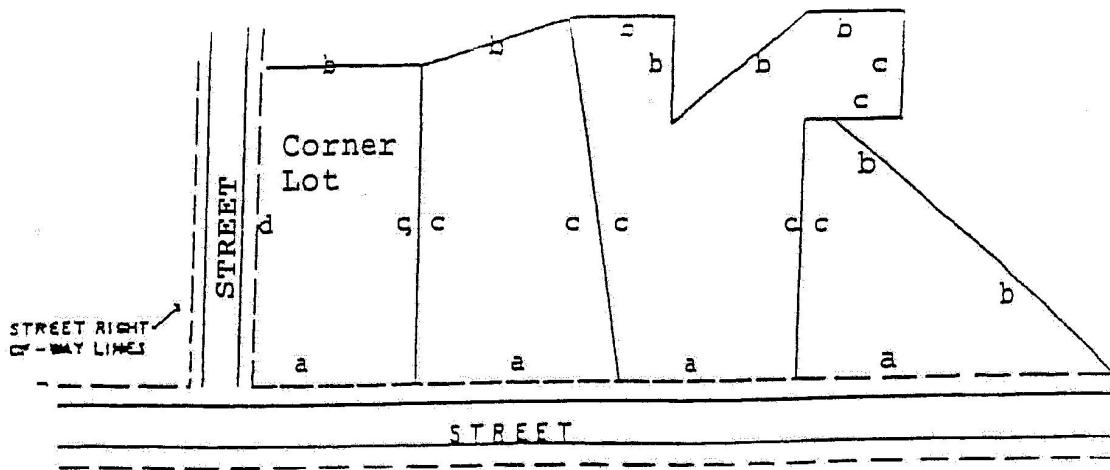
Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note: Other sections of this Ordinance, such as for townhouses, may specifically permit proposed common open spaces to be included in determining density for a specific use.)

C. Features required to be excluded from "Lot Area" under Article 3 of this Ordinance.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. In the event that a pre-existing lot is not adjacent to a street, the front lot line shall be the lot line that is closest to and approximately parallel to the nearest street. For a corner lot, see Section 803.B.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. Side Lot Line. Any lot line other than a front or rear lot line.
- D. Second Front Yard Required for a Corner Lot. See Section 803.B.1.



Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Massage Parlor. A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by the State or by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also "Hunting and Fishing Club," which is distinct uses.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral Extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

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

Mobile/Manufactured Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile / manufactured home lots for the placement thereon of mobile / manufactured homes.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Multi-Family Conversion. The conversion of an existing building to result in one or more new multi-family dwelling units, such as the conversion of a single family detached dwelling into a building with 3 dwelling units.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

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 such ordinance or amendment to its location by reason of annexation. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 402.

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

Open Space, Common. A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. See additional standards in Section 311.

Ordinance, This. The Yoe Borough Zoning Ordinance, including the Official Zoning Map, as amended.

Outdoor Furnace. A boiler, furnace or similar device that meets all of the following: a) is an accessory use, b) is located outside of a principal building, and c) is designed to burn wood, corn, coal or other manufacturer-approved fuel products for the purposes of heating a building or providing hot water for heat or domestic use in a building.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

Parking Area. A land area designed and used for the parking of 3 or more motor vehicles.

PennDOT. The Pennsylvania Department of Transportation, or its successor.

Pennsylvania Municipalities Planning Code. The Pennsylvania Municipalities Planning Code ("PA. MPC"), as re-enacted and amended.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. A Personal Care Home should be defined as "A facility which provides 24-hour supervised living arrangements for 4 or more unrelated persons 18 years of age and above which does not provide medical services, hospice services or skilled nursing services, and is licensed by the Commonwealth. See also "Assisted Living Facility."

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

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 403.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than 10 persons at a time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Principal Building. A "Principal Structure" which is also a "building."

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

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

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the PA Municipalities Planning Code. (Note – As of the enactment date of this Ordinance, such definition was: "Notice published once each week for 2 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 7 days from the date of the hearing.")

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Borough-owned use, or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "Dwelling Unit."

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

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home-based business.

Residential District(s). The LDR and MDR Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than 2 acres, or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages, but shall not include a use that allows the sale or consumption of alcohol between 2 AM and 6 AM.
- C. See "Drive-Through Service" in this section.

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

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Borough or the State presently own or hold another interest in the land, or will own after the

completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

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

Setback Line. "The line within a property defining the required minimum distance between any structure and the right-of-way or property line."

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Public Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service involving collection from multiple lots for conveyance to treatment by a system owned and/or operated by a municipality or a municipal authority.

Shopping Center. A lot that includes 5 or more retail sales and/or personal service establishments, and which may also include offices and restaurants.

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

- A. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
- B. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
- C. Sign Area. See Article 7.
- D. Sign, Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
- E. Sign Height. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Ordinance when attached to a tower or spire of a place of worship.
- F. Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.
- G. Sign, Temporary. See "Temporary Sign" in this section.
- H. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.

- I. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Site Alterations. This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Solar Panels. Mechanisms used to capture the energy of the sun for use on Earth.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, or septage or sludge application.

Special Exception. A use allowed in a particular zoning district pursuant to Articles VI and IX of the MPC. A special exception use shall need approval from the Zoning Hearing Board, following a public hearing, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Sexual Activities. One or more of the following:

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

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6 feet 8 inches or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6 feet 8 inches shall be considered a "half-story."

Street. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct and any other ways used or intended to be used by vehicular traffic and pedestrians, whether public or private.

- A. The term street does not include an alley or a driveway. The terms "street" and "road" have the same meaning.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, wells, U.S. mailboxes, paving, and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

Subdivision. The definition in the State Municipalities Planning Code shall apply.

Subdivision Ordinance or Subdivision and Land Development Ordinance (SALDO). The Subdivision and Land Development Ordinance, as amended, that is effect for Yoe Borough. As of the date of adoption of this Ordinance, this is the York County Subdivision and Land Development Ordinance.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See Section 403.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Temporary Sign. A sign that meets the requirements of Article 7 and that is intended to be kept in view of the public for less than 60 total days in any 365 day period, unless a more restrictive time period is provided for that type of sign in Article 7.

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

Tire Storage, Bulk. The storage of more than 20 used tires on a lot, except that a tire retail store may include the temporary storage of up to 100 used tires awaiting disposal on a lot without being regulated by this term. See "Outdoor Storage" in Section 403.

Townhouse. See "Dwelling Types."

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Treatment Center. A use involving any one or a combination of the following:

- A. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:
  1. criminal rehabilitation, such as a criminal halfway house;
  2. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
  3. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- B. A Methadone Treatment Facility, which shall be defined as an out-patient facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.
- C. A lot upon which resides 2 or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.

See standards in Section 402. Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

Unlicensed Vehicle. See any regulations that may exist in any Borough Property Maintenance Code.

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

Variance. The granting of specific permission under the provisions of Articles VI and IX of the MPC by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. See Section 111.

Wall. See "Fence."

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

Watercourse. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

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

Yard. An area unobstructed from the ground to the sky between a structure and a property line and that is on the same lot as the subject structure or use. Each yard shall be measured inward from the abutting "lot line" or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

A. See yard/setback exceptions in Section 803.B.

B. Private Streets. For a yard measured from a private street, the distance shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front. A "yard" measured from the closest front wall of a principal structure to the street right-of-way line (as exists after the completion of any subdivision or land development). In the event that the front lot line is not a street right-of-way line, the front yard shall be measured from such front lot line. Such yard shall extend the full width of the lot from side lot line to side lot line.

A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.

B. See Section 803 concerning yards along corner lots.

C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.

D. Every lot shall include at least one front lot line.

Yard, Rear.

A. A "yard" which is the space extending the full width of the lot and which is measured from along the rear line and which is located between a subject structure and the rear lot line, and which stretches between the side lot lines parallel to the rear lot line.

- B. A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear yard.

Yard, Side.

- A. A "yard" which is the space between a subject structure and each side lot line, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.B.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Yard Sale. Shall have the same meaning as “Garage Sales”, which is defined in this Section.

Zoning Map. The Official Zoning Map of Yoe Borough, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Yoe Borough Zoning Ordinance, as amended.

## **ARTICLE 3 DISTRICTS**

### **301. DESIGNATION OF DISTRICTS AND PURPOSES.**

301.A. For the purpose of this Ordinance, Yoe Borough is hereby divided into the following zoning districts, with the following abbreviations:

LDR	Low Density Residential
MDR	Medium Density Residential
TC	Town Center
C	Commercial
CN	Conservation

301.B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the “Official Zoning Map.”

301.C. Overlay Districts. The Floodplain Area, as defined by the Flood Hazard Ordinance, shall serve as an overlay district to the applicable underlying districts. In addition, the HO Historic Overlay District applies as provided in Section 309.

301.D. Purposes of Each District. In addition to serving the overall purposes and objectives of this Ordinance and the Tri-Boros Comprehensive Plan and the applicable York County Policies and the County Subdivision and Land Development Ordinance, each zoning district is intended to serve the following purposes:

1. LDR Low Density Residential District – To provide for low density residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses.
2. MDR Medium Density Residential District – To provide for moderate density residential neighborhoods that allow a mix of housing types. To protect these areas from incompatible uses.
3. TC Town Center District – To provide for a mix of housing, institutional uses and light business uses in a manner that encourages reuse of older buildings and avoids conflicts between homes and intensive commercial uses. To promote walking and seek to maintain an historic character.
4. C Commercial District – To provide for a wide range of commercial uses. To carefully locate and design commercial development to provide compatibility with nearby homes and to also allow for some light industrial uses, while recognizing that heavier industrial uses are not suitable in Yoe because of the proximity of existing homes and because of the protection available against exclusionary challenges under the Tri-Boroughs Comprehensive Plan. To promote traffic safety and avoid congestion problems.
5. CN Conservation District - To recognize public parks and playgrounds, as well as cemeteries. To allow uses that are compatible on these properties.
6. HO Historic Overlay District. To encourage the preservation and appropriate reuse of historic and other architecturally important building in Yoe, include buildings that add to the historic character and streetscape of key blocks. See Section 309. Principal buildings on properties within this area require conditional use approval before they can be demolished. Section 309 also offers certain incentives to reuse these buildings. All of the provisions of the underlying regular zoning district also applies to land in the HO District, except for provisions that are specifically modified in Section 309.

**302. APPLICATION OF DISTRICT REGULATIONS.**

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

**303. ZONING MAP.**

- 303.A. A map entitled “Yoe Borough Zoning Map” accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which should bear the adoption date of this Ordinance and the words “Official Zoning Map,” shall be retained in the Borough Office.
- 303.B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the PA Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.
- 303.C. Replacement Map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Borough Council may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

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

- 304.A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds’ office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- 304.B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- 304.C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- 304.D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.
- 304.E. Uncertain Municipal Border. Where there has been uncertainty about the actual location of the Borough’s municipal border, the nearest zoning district shall be considered to extend up to the actual municipal border.

**305. SETBACKS ACROSS MUNICIPAL BOUNDARIES.**

- 305.A. Intent. To continue the objective of compatible land uses across municipal boundaries.

305.B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within Yoe Borough regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in Yoe Borough.

**306. ALLOWED USES IN EACH ZONING DISTRICT.**

306.A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:

- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

306.B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as allowed in the zoning district where the land or structure is located. Such uses shall only be allowed if the use complies with all other requirements of this Ordinance.

**See Section 105.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section 105.B., any other principal use that is not specifically listed as permitted by right or special exception in the applicable district in this table is prohibited in that district.**

For temporary uses, see Section 103.

1. Allowed uses in the LDR Low Density Residential District.

a. The following uses are allowed as permitted by right uses in the LDR District, other than conversions that are prohibited by subsection c. below:

- (1) Single family detached dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 402)
- (2) Group Home within a lawful existing dwelling unit (S. 402), not including a Treatment Center
- (3) Communications Antennae, Commercial – Meeting Section 402.A.15.a. pertaining to antenna placed on certain existing structures (S. 402)
- (4) Borough Government Uses, other than uses listed separately in this Section 306
- (5) Publicly Owned or Operated Recreation Park
- (6) Swimming Pool, Non-household (S. 402)
- (7) Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
- (8) Day Care (S. 403) as accessory to a dwelling – Day care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver
- (9) Home-Based Business, No Impact (S. 403)
- (10) Furnace, Outdoor (S. 403)
- (11) Temporary Retail Sales – See Section 103.G.
- (12) Unit for Care of Relatives (S. 403)
- (13) Crop Farming
- (14) Forestry
- (15) Solar energy collectors (S. 403) – covering roofs of allowed buildings, and/or 5% or less of other lot area

b. The following uses are allowed as special exception uses in the LDR District:

- (1) Place of Worship (S. 402) (includes Church)
- (2) Government Facility, other than uses listed separately in this Section 306
- (3) Public Utility Facility (see also Section 114) other than uses listed separately in this Section 306

- (4) Family Day Care Home (4 to 6 children)
  - (5) Home-Based Business, General (S. 403)
  - (6) Wind Turbines – maximum of 1 wind turbine per lot, as an accessory use that meets Section 403, including setback requirements
- c. If a use is not listed as permitted by right or special exception, it shall be prohibited in that zoning district, unless specifically provided otherwise by this Ordinance. The following use is specifically prohibited in the LDR district:
- (1) The conversion of one or more existing dwelling units or a building that is accessory to a dwelling into additional numbers of dwelling units.
2. Allowed Uses in the MDR Medium Density Residential District:
- a. The following uses are allowed as permitted by right uses in the MDR District, other than conversions that are prohibited by subsection c. below:
- (1) Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 402)
  - (2) Single Family Semi-Detached Dwelling (side-by-side)
  - (3) Single Family Attached Dwelling (townhouse) (S. 402)
  - (4) Apartments, including two or more units in a building that are not single family attached dwellings
  - (5) Forestry (S. 402)
  - (6) Group Home within a lawful existing dwelling unit (S. 402), not including a Treatment Center
  - (7) Communications Tower/Antennae, Commercial (S. 402) – meeting Section 402.A.15.a. pertaining to antenna placed on certain existing structures
  - (8) Borough Government Uses, other than uses listed separately in this Section 306
  - (9) Publicly Owned or Operated Recreation Park
  - (10) Swimming Pool, Non-household (S. 402)
  - (11) Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
  - (12) Day Care (S. 403) as accessory to a dwelling – day care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver
  - (13) Home-Based Business, No Impact (S. 403)
  - (14) Furnace, Outdoor (S. 403)
  - (15) Temporary Retail Sales – See Section 103.G.
  - (16) Unit for Care of Relatives (S. 403)
  - (17) Crop Farming
  - (18) Solar energy collectors (S. 403) – covering roofs of allowed buildings, and/or 5% or less of other lot area
- b. The following uses are allowed as special exception uses in the MDR District:
- (1) Place of Worship (S. 402) (includes Church)
  - (2) Government Facility, other than uses listed separately in this Section 306
  - (3) Public Utility Facility (see also Section 114) other than uses listed separately in this Section 306
  - (4) Family Day Care Home (4 to 6 children)
  - (5) Home-Based Business, General (S. 403)
  - (6) Parking Lot or Structure – other parking to serve a use that is not allowed in the zoning district
- c. If a use is not listed as permitted by right or special exception, it shall be prohibited in that zoning district, unless specifically provided otherwise by this Ordinance. The following use is specifically prohibited in the MDR district:
- (1) The conversion of one or more existing dwelling units or a building that is accessory to a dwelling into additional numbers of dwelling units.
3. Allowed Uses in the TC Town Center District:

- a. The following uses are allowed as permitted by right uses in the TC District:
- (1) Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 402)
  - (2) Single Family Semi-Detached Dwelling (side-by-side)
  - (3) Single Family Attached Dwelling (townhouse) (S. 402)
  - (4) Apartments – one apartment above a Lawful Commercial Use
  - (5) Apartments – only 2 dwelling units in a building and which may include a conversion from one dwelling or a non-residential use
  - (6) Group Home within a lawful existing dwelling unit (S. 402), not including a Treatment Center
  - (7) Bakery, Retail
  - (8) Bed and Breakfast Inn (S. 402)
  - (9) Catering, Custom, for off-site consumption
  - (10) Communications Tower/Antennae, Commercial (S. 402) – meeting Section 402.A.15.a. pertaining to antenna placed on certain existing structures
  - (11) Construction Company or Tradesperson’s Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home-Based Business. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 803.
  - (12) Conference Center
  - (13) Crafts or Artisan’s Studio (see also as Home-Based Business)
  - (14) Custom Printing, Copying, Faxing, Mailing or Courier Service
  - (15) Exercise Club
  - (16) Financial Institution (S. 402; includes banks), with any “Drive-through” facilities meeting Section 403
  - (17) Flea Market / Auction House
  - (18) Funeral Home (S. 402)
  - (19) Garden Center, Retail or Plant Nursery
  - (20) Laundromat
  - (21) Office (may include medical labs)(see also Home-Based Business)
  - (22) Personal Services (includes tailoring, custom dressmaking, haircutting / styling, dry-cleaning, shoe repair, “massage therapy, certified” and closely similar uses) (see also Home-Based Business)
  - (23) Recording Studio, Music
  - (24) Recreation, Commercial Indoor (S. 402), other than uses listed separately in this Section 306
  - (25) Repair Service, Household Appliance
  - (26) Restaurant (S. 402) – without drive-through service
  - (27) Retail Store (not including uses listed individually in this Section 306) or Shopping Center
  - (28) Target Range, Firearms – completely indoor, enclosed and sound-proofed
  - (29) Trade / Hobby School
  - (30) Veterinarian Office (S. 402)
  - (31) College or University – Educational and Support Buildings, Not Including Residence Halls
  - (32) Community Recreation Center (limited to a government sponsored or non-profit facility) or Library
  - (33) Cultural Center or Museum
  - (34) Day Care Center, Adult
  - (35) Day Care Center, Child (S. 402) – see also as an accessory use
  - (36) Membership Club meeting and non-commercial recreational facilities, not including a use that is not permitted to operate after 2 AM under State law, and provided that any “Tavern” or uses listed separately in this Section 306 shall only be allowed if the requirements for that use are also met
  - (37) Nursing Home, Personal Care Home or Assisted Living (S. 402)
  - (38) Place of Worship (S. 402) (includes Church)
  - (39) Borough Government Uses, other than uses listed separately in this Section 306

- (40) Publicly Owned or Operated Recreation Park
  - (41) Swimming Pool, Non-household (S. 402)
  - (42) U.S. Postal Service Facility, which may include a leased facility
  - (43) Warehousing or Storage as an on-site accessory use
  - (44) Wholesale Sales (other than Motor Vehicles)
  - (45) Day Care (S. 403) as accessory to a dwelling – day care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver
  - (46) Day Care as an accessory to a place of worship
  - (47) Day Care (S. 403) as accessory to a dwelling – Group Day Care Home (7 to 12 children)
  - (48) Day Care (S. 403) as accessory to a dwelling – Family Day Care Home (4 to 6 children)
  - (49) Home-Based Business, General or No Impact (S. 403)
  - (50) Outdoor Storage and Display as accessory to a business use, which shall also comply with Sections 403, 803 and 804
  - (51) Temporary Retail Sales – See Section 103.G.
  - (52) Unit for Care of Relatives (S. 403)
  - (53) Crop Farming or Forestry
  - (54) Parking Lot or Structure – parking to serve a use that is allowed in the zoning district
  - (55) Solar energy collectors (S. 403) – covering roofs of allowed buildings, and/or 5% or less of other lot area
  - (56) Wind Turbines – maximum of 1 wind turbine per lot, as an accessory use that meets Section 403, including setback requirements
  - (57) Furnace, Outdoor (S. 403)
  - (58) Emergency Services Station (S. 402)
- b. The following uses are allowed as special exception uses in the TC District:
- (1) Auto / Vehicle Repair Garage or Auto Service Station (S. 402)
  - (2) Recreation, Commercial Outdoor, other than uses listed separately in this Section 306
  - (3) School, Public or Private, Primary or Secondary (S. 402)
  - (4) Government Facility, other than uses listed separately in this Section 306
  - (5) Public Utility Facility (see also Section 114) other than uses listed separately in this Section 306
  - (6) Building Supplies and Building Materials, Wholesale Sales of
  - (7) Manufacture of Furniture and other Products from Wood (not including raw paper pulp)
- c. The following uses are allowed as conditional uses in the TC District:
- (1) Apartments (S. 402) – two or more apartments above a Lawful Commercial Use
4. Allowed Uses in the C Commercial District:
- a. The following uses are allowed as permitted by right uses in the C District:
- (1) Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 402)
  - (2) Apartments – one apartment above a Lawful Commercial Use
  - (3) Group Home within a lawful existing dwelling unit (S. 402), not including a Treatment Center
  - (4) Amusement Arcade
  - (5) Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center
  - (6) Auto / Vehicle Repair Garage or Auto Service Station (S. 402)
  - (7) Auto / Vehicle, Boat or Mobile / Manufactured Home Sales (S. 402)
  - (8) Bakery, Retail
  - (9) Bed and Breakfast Inn (S. 402)
  - (10) Bus Maintenance or Storage Yard
  - (11) Car Wash (S. 402)
  - (12) Catering, Custom, for off-site consumption
  - (13) Communications Tower/Antennae, Commercial (S. 402) – meeting Section 402.A.15.a. pertaining to antenna placed on certain existing structures
  - (14) Conference Center

- (15) Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home-Based Business. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 803.
- (16) Crafts or Artisan's Studio (see also as Home-Based Business)
- (17) Custom Printing, Copying, Faxing, Mailing or Courier Service
- (18) Exercise Club
- (19) Farm Equipment Sales
- (20) Financial Institution (S. 402; includes banks), with any "Drive-through" facilities meeting Section 403
- (21) Flea Market / Auction House
- (22) Funeral Home (S. 402)
- (23) Garden Center, Retail (see also "Wholesale Greenhouses")
- (24) Hotel or Motel (S. 402)
- (25) Laundromat
- (26) Laundry, Commercial or Industrial
- (27) Lumber Yard
- (28) Office (may include medical labs (see also Home-Based Business))
- (29) Pawn Shop
- (30) Personal Services (includes tailoring, custom dressmaking, haircutting / styling, dry-cleaning, shoe repair, "massage therapy, certified" and closely similar uses) (see also Home-Based Business)
- (31) Plant Nursery (other than a Retail Garden Center)
- (32) Recording Studio, Music
- (33) Recreation, Commercial Indoor (S. 402), other than uses listed separately in this Section 306
- (34) Recreation, Commercial Outdoor, other than uses listed separately in this Section 306
- (35) Repair Service, Household Appliance
- (36) Restaurant (S. 402) – without drive-through service
- (37) Retail Store (not including uses listed individually in this Section 306) or Shopping Center
- (38) Self-Storage Development (S. 402)
- (39) Target Range, Firearms – completely indoor, enclosed and sound-proofed
- (40) Theater, Indoor Movie, other than an Adult Use
- (41) Trade / Hobby School
- (42) Veterinarian Office (S. 402)
- (43) College or University – Educational and Support Buildings
- (44) Community Recreation Center (limited to a government sponsored or non-profit facility) or Library
- (45) Cultural Center or Museum
- (46) Day Care Center, Adult
- (47) Day Care Center, Child (S. 402) – see also as an accessory use)
- (48) Hospital or Surgery Center
- (49) Membership Club meeting and non-commercial recreational facilities, provided that a "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met. See State law that limits operations after 2 AM.
- (50) Nursing Home or Personal Care Home / Assisted Living (S. 402)
- (51) Place of Worship (S. 402) (includes Church)
- (52) School, Public or Private, Primary or Secondary (S. 402)
- (53) Borough Government Uses, other than uses listed separately in this Section 306
- (54) Publicly Owned or Operated Recreation Park
- (55) Swimming Pool, Non-household (S. 402)
- (56) U.S. Postal Service Facility, which may include a leased facility
- (57) Building Supplies and Building Materials, Wholesale Sales of
- (58) Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets
- (59) Packaging

- (60) Printing
- (61) Bookbinding
- (62) Warehousing or Storage as an on-site accessory use
- (63) Welding
- (64) Wholesale Sales
- (65) Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
- (66) Day Care (S. 403) as accessory to a dwelling – day care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver
- (67) Day Care (S. 403) as accessory to a dwelling – Group Day Care Home (7 to 12 children)
- (68) Day Care (S. 403) as accessory to a dwelling – Family Day Care Home (4 to 6 children)
- (69) Home-Based Business, General or No Impact (S. 403)
- (70) Outdoor Storage and Display as accessory to a business use, which shall also comply with Sections 403, 803 and 804
- (71) Temporary Retail Sales – See Section 103.G.
- (72) Unit for Care of Relatives (S. 403)
- (73) Crop Farming or Forestry (S. 402)
- (74) Solar Energy Collectors (S. 403)
- (75) Stable, Non-Household (S. 402) – includes horse-riding academy
- (76) Wind Turbines – maximum of 1 wind turbine per lot, as an accessory use that meets Section 403, including setback requirements
- (77) Furnace, Outdoor (S. 403)

b. The following uses are allowed as special exception uses in the C District:

- (1) Crematorium (S. 402), provided the applicant proves the use will not cause any nuisances
- (2) Beverage Distributor (wholesale and/or retail)
- (3) Campground (S. 402)
- (4) Communications Tower / Antennae, Commercial (S. 402) – that does not meet Section 402.A.15.a. (such as freestanding towers)
- (5) Heliport (S. 402)
- (6) Kennel (S. 402)
- (7) Manufacture or Industrial Processing of the following:
  - (a) Apparel, Shoes and Apparel Accessories
  - (b) Food and Beverage products, at an industrial scale as opposed to a clearly retail scale
  - (c) Finished Products from Materials Manufactured Off-site, such as glass, textiles, leather, plastics, polymers, cellophane, leather, paper, fiberglass, textiles, rubber or synthetic rubber
  - (d) Wood Products and Furniture (not including raw paper pulp)
- (8) Warehousing or Storage as a principal use
- (9) Picnic Grove, Private (S. 402)
- (10) Drive-through Facilities for a Restaurant (S. 403)
- (11) Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)
- (12) Tavern which may include a State-licensed micro-brewery. See State law that limits operations after 2 AM.
- (13) Emergency Services Station (S. 402)
- (14) Government Facility, other than uses listed separately in this Section 306
- (15) Public Utility Facility (see also Section 114) other than uses listed separately in this Section 306
- (16) Assembly or Finishing of Products using materials produced elsewhere (such as products from plastics manufactured off-site)
- (17) Package Delivery Services Distribution Center
- (18) Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building
- (19) Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use)
- (20) Sawmill / Planing Mill
- (21) Gas or Oil Wells

- (22) Livestock or Poultry, Raising of (S. 402)
- (23) Parking Lot or Structure – not including parking as a principal use that primarily serves tractor-trailer trucks or trailers
- (24) Wind Turbines – other as is listed as a by right use, such as 2 or more wind turbines on a lot (S. 402)

c. The following uses are allowed as conditional uses in the C District:

- (1) Boarding House (includes Rooming House) (S. 402)
- (2) Adult Use (S. 402)
- (3) Betting Use, in compliance with State law
- (4) Treatment Center (S. 402)
- (5) Mineral Extraction (S. 402) and related processing, stockpiling and storage of materials removed from the site

5. Allowed uses in the CN Conservation District.

a. The following uses are allowed as permitted by right uses in the CN District:

- (1) Single family detached dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 402)
- (2) Group Home within a lawful existing dwelling unit (S. 402), not including a Treatment Center
- (3) Communications Antennae, Commercial (S. 402) – Meeting Section 402.A.15.a. pertaining to antenna placed on certain existing structures
- (4) Cemetery (not including a Crematorium)
- (5) Borough Government Uses, other than uses listed separately in this Section 306
- (6) Publicly Owned or Operated Recreation Park
- (7) Swimming Pool, Non-household (S. 402)
- (8) Day Care Center accessory to and on the same lot as an existing lawful Place of Worship
- (9) Day Care (S. 403) as accessory to a dwelling – Day care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver
- (10) Home-Based Business, No Impact (S. 403)
- (11) Outdoor Storage and Display as accessory to a business use, which shall also comply with Sections 403, 803 and 804
- (12) Temporary Retail Sales – See Section 103.G.
- (13) Unit for Care of Relatives (S. 403)
- (14) Crop Farming
- (15) Forestry
- (16) Solar energy collectors (S. 403) – covering roofs of allowed buildings, and/or 5% or less of other lot area

b. The following uses are allowed as special exception uses in the CN District:

- (1) Place of Worship (S. 402) (includes Church)
- (2) Government Facility, other than uses listed separately in this Section 306
- (3) Public Utility Facility (see also Section 114) other than uses listed separately in this Section 306
- (4) Family Day Care Home (4 to 6 kids)
- (5) Home-Based Business, General (S. 403)
- (6) Wind Turbines – maximum of 1 wind turbine per lot, as an accessory use that meets Section 403, including setback requirements
- (7) Animal Cemetery (S. 402)

306.C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles\*
2. Fence\* or Wall\*
3. Garage, Household
4. Garage Sale\*
5. Pets, Keeping of\*
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
7. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
8. Residential accessory structure (see definition in Article 2) \*
9. Signs, as permitted by Article 7
10. Swimming Pool, Household \*
11. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

\* See standard for each in Section 403.

306.D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
  - a. Internal cafeteria without drive-through service,
  - b. Day care center or
  - c. Recreational facilities.
3. Bus Shelters meeting Section 403.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 307.A.

**307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.**

307.A. The following area, setback and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202. Each dwelling unit and each principal building shall be served by Borough-approved central sewage service.

<b>Zoning District: Type of Use</b>	<b>Min. Lot Area (sq.ft.)</b>	<b>Min. Lot Width Measured at Min. Building Setback Line (ft.)</b>	<b>Min. Front Setback (ft.) (Notes C and D)</b>	<b>Min. Rear Setback (ft.) **</b>	<b>Min. Side Setback ** (each) (ft.)</b>	<b>Maximum Percent Building Coverage</b>	<b>Maximum Percent ImperVIOUS Coverage</b>
<b>1. LDR Low Density Residential District:</b>	10,000	60	25	25	8 each	30%	50%
<b>2. MDR Medium Density Residential District:</b>							
a) Single family detached dwelling	a) 4,000	a) 25	All uses: 20	All uses: 25	a) 4	All uses: 60%	All uses: 70%
b) single family semi-detached dwelling unit (side-by-side)	b) 3,500 per dwelling unit	b) 25 per dwelling unit (Note B)			b) 4		
c) Single family attached dwelling (townhouse)	c) 2,000 per dwelling unit	c) 20 per interior dwelling unit & 35 for unit on a corner lot (Note B)			c) 15, except 0 at the shared lot line of lawfully attached dwellings		
d) Apartment Dwellings	d) Minimum avg. lot area of 4,000 per dwelling unit	d) 100 (Note B)			d) 15		
e) Other allowed principal use	e) 10,000	e) 60			e) 15		

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Setback (ft.) (Notes C and D)	Min. Rear Setback (ft.) **	Min. Side Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent ImperVIOUS Coverage
<p><b>3. TC Town Center District:</b></p> <p>a) Allowed residential uses other than accessory dwellings: The requirements of the MDR District shall apply instead of the requirements of the TC District.</p> <p>b) Other Allowed Uses</p>	b) 5,000	b) 50	b) 15	b) 25	b) 8	All uses: 60%	All uses: 90%
<p><b>4. C Commercial District:</b></p> <p>In addition, single family detached dwellings may be built under the regulations of the LDR District, instead of the C District.</p>	12,000	80	25	25 (Note A)	20 (Note A)	50%	90%
<p><b>5. CN Conservation District</b></p>	20,000	100	25	25	8 each	20%	30%

Section 307.A. Continued: Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

\*\* = The following exceptions shall apply:

- For accessory structures and uses, see Section 307.C. below.
- Structures shall not obstruct minimum sight clearance at intersections.
- See Section 803.B. pertaining to Corner Lots.
- See Section 806 regarding extension of nonconforming setbacks.
- See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(Note A) = The side or rear setback for a principal business from a lot in a residential district shall be increased to 50 feet for any building area or land area used for manufacturing or an industrial tractor-trailer truck loading space from a lot in a residential district or for any use that is open to the public between 10 pm and 6 am.

(Note B) = If 2 or more side-by-side off-street parking spaces are located in the front setback area of a single family attached dwelling or if garage door(s) for 2 or more vehicles face onto the street in the front of the single family attached dwelling, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each single family attached dwelling or a single family semi-attached dwelling and the street right-of-way line shall be used for vehicle parking and driveways.

(Note C) = Setbacks shall be measured from the street right-of-way that will exist after the development is completed. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front setback area. This porch or deck may be covered by a roof. Steps and stoops may also intrude into this setback.

(Note D) = Where lots on both sides of a lot are occupied by existing principal buildings that have a front setback area that is smaller than is required by the zoning district regulations, then the Zoning Officer may allow the minimum front setback area to be reduced to the average of those two existing buildings.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. Except as provided in Section 802, or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. An accessory building shall have a maximum height of 25 feet, and include a maximum of one story (plus any unhabitable attic storage area), unless the building meets the minimum setbacks for a principal building. If the setbacks are met for a principal building, then the maximum height for a principal building in that district shall apply.
2. The maximum height for any other structure shall be 40 feet.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum setbacks provided for in Section 307.A., except as follows or specifically provided otherwise:
2. For a permitted detached structure that is accessory to a dwelling(s), the minimum rear setback shall be 5 feet and the minimum side setback shall be 5 feet, except a minimum setback of 10 feet shall apply from a street right-of-way along the side of a corner lot. The following exceptions apply:

- a. A side setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings). However, such structure shall still meet the minimum side setback on a lot line where the dwellings are not attached.
  - b. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D above considering front setbacks.
  - c. See Section 403 for swimming pools.
3. No accessory building and no swimming pool shall be allowed in the minimum front setback.
  4. In any case, an existing lawful accessory building may be replaced with a new accessory building provided it is built on the same location covering the same footprint.
  5. If an accessory use is attached to a principal building (such as a garage built onto the side of a home), the principal setbacks shall apply.
- 307.D. **Rear Setback Abutting a Street.** If a new principal building is constructed with its rear lot line abutting a public street (not including an alley), a row of landscaping shall be placed between such street and the principal building, and any fencing shall be placed on the inside of such landscaping. This requirement shall not apply where the landscaping would interfere with required sight distances or a vehicle driveway or garage.

**308. WETLANDS AND WATERWAY CONSERVATION.**

- 308.A. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Borough. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.
- 308.B. Wetland and Lake Setbacks. A minimum setback of 25 feet shall be required between any new principal building for which a construction permit is issued after the effective date of this Ordinance and any contiguous "wetland" area of more than one-half acre or any natural lake or pond.
- 308.C. Setback from Waterways. No new principal building, no new off-street parking spaces and no new commercial or industrial outdoor storage shall be allowed within 50 feet from the centerline of Mill Creek. Where trees and other natural vegetation are removed within this setback, they shall be replaced with new trees and vegetation that serve the same environmental purposes.

**309. HO HISTORIC OVERLAY DISTRICT.**

- 309.A. Purposes. This Section 309 addresses control of demolition of older buildings, and offers re-use incentives. In addition to serving the overall purposes of this Ordinance, this section is intended to:
1. Promote the retention of community character and preservation of the local heritage by the protection of historic and architectural resources;
  2. Establish a clear process to review and approve demolition of key older buildings, including buildings that add to the historic character and streetscape of Yoe;
  3. Encourage continued use, appropriate rehabilitation and adaptive reuse of key older buildings;
  4. Implement Sections 603(b), 603(g), 604(1) and 605(2) of the Municipalities Planning Code, which address protecting and facilitating the preservation of historic values through zoning and

using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value;

5. Strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings;
6. Utilize the traditional neighborhood development provisions of the Municipalities Planning Code; and
7. Carry out recommendations of the Comprehensive Plan, including recommendations to preserve historic buildings and community character.

309.B. Applicability.

1. This section shall apply to any principal building within the HO Historic Overlay District, other than buildings where there is evidence the building was built after January 1, 1940.
2. Within the HO Historic Overlay District, all of the provisions of the applicable underlying zoning district shall also continue to apply, except for specific provisions that are allowed to be more permissive by this Section 309. In addition, the demolition approval provisions of this Section 309 shall also apply.

309.C. Definitions. In addition to the definitions provided in Section 202, the following terms shall have the following meanings for the purposes of this section:

1. Demolition - The dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not alter the structural integrity of the building. The removal of exterior architectural details or porches that are visible from a street shall also be considered to be partial demolitions.
2. Demolition by Neglect - The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building to a point that causes a need for major repair or may cause a need for demolition.
3. Maintenance and Repair - Work that is intended to only correct existing deficiencies or to extend the life of building materials, and which does not harm the stability of exterior features of a building, and which is not a partial or complete demolition. An example of a repair is to replace one type of roofing material with a different type of roofing material.
4. Streetscape - The overall appearance of a block along a public street, including yards visible from a public street, the relationship of building setbacks, the consistency of architectural styles or features, the spacing and shapes of windows and doors and rooflines and similar features that give the block its distinctive visual character.

309.D. Approval of demolition of buildings regulated by this section.

1. Any partial or complete demolition of a building regulated by this section shall only occur in compliance with this section. Before a building regulated by this section is allowed to be partially or completely demolished, the applicant must prove by credible evidence to the satisfaction of the Borough Council as a conditional use that one or more of the following conditions exist:
  - a. The existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect or demolition by neglect by the owner;
  - b. The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created;
  - c. The demolition is necessary to allow a project to occur that will have substantial, special and unusual public benefit that would greatly outweigh the loss of the building regulated by this section, and the project needs to occur at this location (for example, a demolition

- may be needed for a necessary expansion of an existing public building or to allow a street improvement that is necessary to alleviate a public safety hazard);
- d. The existing building has no historical or architectural significance and the demolition will not adversely impact upon the streetscape;
  - e. The proposed design of a replacement building, porch or similar feature will result in a net improvement to the streetscape; or
  - f. The building will be replaced with a new building that will have essentially the same appearance as viewed from a public street.
2. For approval of a demolition, the standards of this section shall apply in place of the conditional use approval standards of Section 117. In reviewing the application, the Borough Council shall consider the following:
    - a. The effect of the demolition on the historical significance, streetscape and architectural integrity of neighboring historic buildings and on the historic character of the surrounding neighborhood.
    - b. The feasibility of other alternatives to demolition.
  3. An application for partial or complete demolition of a building regulated by this section shall not be approved unless all of the requirements of this section have been met. A partial demolition shall include, but not be limited to, removal of an attached front porch roof, removal of front porch columns, and removal of historic architectural features on a building side that faces a public street. See definition of "demolition" above.
    - a. After receiving a complete application, the Zoning Officer may approve the removal of features regulated by this Section if the applicant proves they will be replaced with new features that will have the same appearance as viewed from a public street. For example, a older front porch may be replaced with a new front porch with the same appearance, even if the materials are different.
  4. A complete application for the demolition shall be submitted by the applicant in writing. This application shall include the following:
    - a. The name, address and daytime telephone number of the owner of record and the applicant for the demolition.
    - b. Recent exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
    - c. A site plan drawn to scale showing existing buildings and the proposed demolition.
    - d. A written statement of the reasons for the demolition.
    - e. The proposed use of the site, and a proposed timeline for development of that proposed use.
  5. Procedures. The demolition application shall be submitted to the Borough for consideration as a conditional use. The applicant shall be informed of meeting dates where the application is intended to be discussed and encouraged to be present to discuss the proposed demolition.
  6. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused. The following types of expert testimony and documentation are examples of types of information that may be accepted to be credible evidence: (i) a property appraisal and/or income and expense statements for the property, (ii) a written estimate of the costs of rehabilitation by a qualified contractor, (iii) a written report from a professional engineer regarding the structural soundness of the building, (iv) testimony concerning efforts to market the property over time, (v) information regarding the applicant's purchase price of the building, and (vi) similar relevant information.

7. Self-created conditions. The conditions that justify the proposed demolition of a building regulated by this section shall not have been self-created by the applicant. These conditions include, but are not limited to:
    - a. Lack of proper maintenance of the building, including but not limited to structural elements, the roof, windows or architectural elements; or
    - b. Leaving parts of a building open to the elements or accessible to vandalism.
  8. The Zoning Officer may require any unoccupied building to be properly sealed and secured to prevent decay from the elements and vandalism.
  9. Emergency. The Construction Official may issue a permit for demolition without compliance with this section if the Construction Official certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.
  10. Exceptions. Conditional use approval shall not be needed for the following:
    - a. Demolition of accessory buildings or structures.
    - b. Interior renovations or removal of features (such as a rear porch) that do not harm the structural stability of the building and that are not visible from a public street. Features that are only visible from an alley and not a street are not regulated by this Section.
    - c. Removal of features that were added after 1940, such as a modern porch, aluminum siding or carport.
    - d. Relocation of a building within the Borough, provided that the relocation does not result in a partial or complete demolition that is regulated by this section.
- 309.E. Demolition by neglect (see definition above).
1. Every property owner of a building regulated by this section shall repair and maintain the building to avoid demolition by neglect.
  2. Every property owner of a building regulated by this section shall properly repair and maintain the building to maintain the structural integrity of the building and to protect the building and attached features from damage from the elements. The attached features that shall be protected, repaired and maintained include the roof, cornice, columns, beams, posts and lintels.
  3. If a property owner fails to comply with an order from the Construction Official to repair a building regulated by this section to correct a code violation that threatens the structural integrity of a building, such matter shall also be considered a violation of this Ordinance.
- 309.F. Additional Uses Allowed.
1. The following additional uses shall be allowed within a building regulated by this section in any zoning district:
    - a. The conversion into a bed-and-breakfast inn, meeting the additional requirements in Section 402.
    - b. The conversion into an office.
    - c. The conversion into a studio for the creation of custom arts and crafts, which may include occasional accessory retail sales.
  3. To be eligible for these uses, the applicant shall prove the following to the satisfaction of the Borough Council that a registered architect with substantial experience in the rehabilitation of historic buildings provides a written certification that the exterior of the building as visible from public streets will be historically rehabilitated in conformance with the Secretary of the

Interior's Standards for Historic Rehabilitation, as viewed from public streets (not including an alley).

4. Plans shall be submitted showing the design and materials of any exterior changes to the building that are visible from a public street.

310. **ADVISORY DESIGN GUIDELINES.** The following advisory guidelines should be considered in the design of new construction, additions and exterior alterations, particularly in the TC district.

- 310.A. Vehicle parking and any garage doors should be placed to the rear of buildings as opposed to between buildings and the street. Where rear parking is not practical, then parking should be provided to the side of a building. Where a driveway needs to enter from the front, the garage should be setback further from the street than the house, and the driveway should be as narrow as practical through the front yard.
- 310.B. New construction should have a front setback that is similar to adjacent older buildings.
- 310.C. On historic buildings, modern additions and features should be placed towards the rear of the property.
- 310.D. New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice is used. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
- 310.E. On sides visible from a street, new construction should use building materials that are similar to appearance of older buildings, such as decorative masonry.
- 310.F. Blank walls without door and window openings should be avoided along a street.
- 310.G. Parking. See Sections 601.B. and 602.F. which allow some flexibility in parking requirements. Shared parking among property owners and businesses is encouraged where adequate parking spaces exist for shared usage. Landscaping should be used to buffer parking lots from streets.
- 310.H. Pedestrians. Pedestrian traffic should be separated from major vehicle routes. Developments should be designed in such a way as to be inviting for pedestrian traffic. The development should not be surrounded by parking lots and driveways, but should be placed on the site in such a way that it relates to adjacent properties and streets.
- 310.I. Porches. Existing older porches should be maintained and new porches should be considered on the front of new buildings.
- 310.J. Site Features. Parking areas, garages or storage buildings (particularly the prefabricated metal type) should not be built near the front or in areas visible from the street.
- 310.K. Fences. Chain-link metal fences should be avoided in the front yard. Picket or ornamental fences are encouraged. Solid wooden or vinyl plank fences should be placed in rear and side yards only. Highway-style metal guide rails should not be used.
- 310.L. Utilities. New utilities should be placed underground. Where that is not practical, they should be placed in less visible parts of the site. For example, new utility lines should be extended from the rear of the property instead of the front.

310.M. HVAC. Commercial HVAC systems should be screened from view from the front of a lot using walls, fencing, roof elements or landscaping. Noise or odor producing ventilation equipment should be placed as far away from dwellings as is feasible.

310.N. Fire Escapes. New exterior fire escapes should not be constructed on the front facade of a building.

311. **COMMON OPEN SPACE STANDARDS.**

A. Where common open space is used to meet a Borough requirement, it shall meet the following additional requirements.

1. The land shall be designed, intended and suitable for active or passive recreation by residents of a development or the general public or for another Borough-authorized open space use.
2. The land shall be covered by a system that ensures perpetual maintenance, if the land is not intended to be publicly owned.
3. The land shall be deeded to the Borough and/or preserved by a deed restriction or conservation easement to permanently prevent non-authorized uses and subdivision of the land.
4. The following areas shall not be used meet minimum common open space requirements:
  - a. existing street rights-of-way,
  - b. vehicle streets or driveways providing access to other lots,
  - c. land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation),
  - d. off-street parking (other than that clearly intended for noncommercial recreation),
  - e. area(s) needed to meet a requirement for an individual lot,
  - f. for land intended to be open to the public, that does not have provisions for entry with a 15 foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street,
  - g. land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of Borough Council would: a) be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions or b) serve as a scenic asset resembling a natural pond,
  - h. portions of land that have a width of less than 50 feet, except for segments of a regional trail system,
  - i. areas that are under water during normal weather conditions,
  - j. areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.
5. Each square foot of preserved open space that is of 25 percent or greater slopes and each square foot within the 100 year floodplain shall only count as one-half square foot for the purposes of determining the amount of preserved open space.

## **ARTICLE 4**

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

401. **APPLICABILITY.**

401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict regarding the same matter, the stricter requirement upon use or development shall apply.

1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116. For conditional uses, see also Section 117.

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

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

1. **Adult Use.** (This is limited to the following: Adult Store, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)
  - a. **Purposes.** The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
    - (1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Borough. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
    - (2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
    - (3) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
  - b. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
    - (1) 150 lineal feet from an existing dwelling on another lot,
    - (2) 200 lineal feet from the lot line of any lot in a residential zoning district, and
    - (3) 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park or playground, recreation trail, day care center or nursery school.
  - c. No Adult Use shall be located within 1,000 lineal feet from any existing "adult use."
  - d. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.

- e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
  - f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
  - g. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
  - h. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
  - i. An Adult Use shall be prohibited in all Districts except where specifically allowed under Section 306. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
  - j. A minimum lot area of 1 acre is required.
  - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
  - l. No use may include live actual or simulated sex acts nor any sexual contact between employees and entertainers nor or between employees or entertainers and customers.
  - m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
  - n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
  - o. Any application for such use shall state the legal name(s) of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during the hours of the business. Such information shall be updated whenever it changes in writing to the Zoning Officer.
  - p. The use shall not operate between the hours of 12 midnight and 7 a.m. If State liquor laws require that the Borough allow the sale of alcohol during later hours, the adult uses shall still cease at midnight.
  - q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters)."
  - r. If a use will involve alcohol sales, evidence must be provided that such alcohol sales are legal within the Borough of Yoe.
2. **Adult Day Care Center.**
    - a. The use shall be fully licensed by the State, if required by the State.
    - b. The use shall include constant supervision during all hours of operation.
    - c. The use shall not meet the definition of a "treatment center."
  3. **Reserved for future use**
  4. **Animal Cemetery.**

- a. All the regulations for a "cemetery" in this Section shall apply.
  - b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
5. **Apartments** - See "Townhouses and Apartments" and "Conversions" in this Section 402.
6. **Assisted Living Facility/ Personal Care Center.** - The standards for nursing homes in this section shall apply.
7. **Auto, Boat or Mobile/ Manufactured Home Sales.**
- a. No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
  - b. See light and glare standards in Section 507. See paved area setback provisions in Section 603.H.
  - c. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
  - d. This use shall encompass sales and rental of all types of motor vehicles and trailers, including recreational vehicles.
8. **Auto Repair Garage.**
- a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 100 feet of a "residential lot line."
  - b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
  - c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
  - d. Overnight outdoor storage of "junk" other than permitted vehicles shall be prohibited within view of a public street or a dwelling.
  - e. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 60 days within view of a public street or a dwelling, unless it is actively under repair. A maximum of 10 junk vehicles may be parked on a lot outside of an enclosed building at any one time, unless they are actively under repair.
  - f. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exits.
9. **Auto Service Station.**
- a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
  - b. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
  - c. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
  - d. The regulations for "Auto Repair Garage" in the above subsection shall also apply to an "Auto Service Station."

- e. The use may include a "convenience store" if the requirements for such use are also met.
- f. A canopy shall be permitted over the gasoline pumps with a minimum front setback of 20 feet from each street right-of-way line.
  - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign, b) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front setback line, and c) necessary warning signs.
- g. Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line and from any lot line of a lot occupied by a residential use.

**10. Bed and Breakfast Inn.**

- a. Within a residential district (if permitted under Article 3), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.
- b. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
- c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. Such sign shall only be illuminated externally and shall use incandescent light or light of similar effect.
- d. The use shall have a residential, historical or agricultural appearance and character.
- e. The use shall be operated and/or managed by permanent residents of the lot.
- f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.

**11. Boarding House (includes Rooming House).**

- a. Minimum lot area - 20,000 square feet.
- b. Minimum side yard building setback - 15 feet each side
- c. Minimum lot width- 100 feet
- d. Maximum density- 6 bedrooms per acre; but in no case shall the lot serve a total of more than 20 persons.
- e. Each bedroom shall be limited to 2 adults each.
- f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
- g. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
- h. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
- i. Rooms shall be rented for a minimum period of 5 consecutive days.

**12. Campground.**

- a. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of 50 feet from any contiguous lot line of an existing dwelling that is not part of the Campground or Camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where

healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.

- (1) The screening of evergreens provided in Section 803 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
  - (2) Removal of trees within this buffer shall be allowed for necessary approximately perpendicular street, stormwater channel, driveway and utility crossings and to provide safe sight distance.
- b. Buildings used for sleeping quarters shall not be within the 100-year floodplain.
  - c. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.
  - d. Minimum lot area - 1 acre.

**13. Car Wash.**

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- e. Wash water shall be properly collected and shall not flow into a waterway. To the maximum extent feasible, water should be recycled.

**14. Cemetery or Crematorium.**

- a. Minimum lot area- 2 acres, which may on the same lot as an allowed place of worship.
- b. A crematorium, where allowed by Article 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 20 feet from the right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
- d. No grave sites and no buildings shall be located within the 100-year floodplain.
- e. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

**15. Commercial Communications Antennae/Tower as principal or accessory use.**

- a. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:

- 1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
    - a) a principal agricultural building or silo,
    - b) an electric high voltage transmission tower,
    - c) an existing lawful commercial communications tower,
    - d) a fire station or steeple or bell tower of a place of worship, or
    - e) a water tower.
  - 2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- b. Any commercial communications antenna/tower that does not meet Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
- 1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The Borough may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
  - 2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 300 feet plus the total height of the tower above the surrounding ground level.
  - 3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
  - 4) See structural and wind resistance requirements of the Construction Code.
  - 5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Borough.
  - 6) An applicant for a new commercial communications tower shall provide evidence to the Board or Council as applicable that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
  - 7) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
  - 8) The application shall describe any proposed lighting. The Board may restrict the type of lighting used, provided it does not conflict with FAA requirements.
  - 9) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs.

- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
  - 1) To protect property values.
  - 2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
  - 3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- d. A tower/antenna that is intended to primarily serve emergency communications by a Borough-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve accessory commercial purposes.
- e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
- f. Accessory utility buildings or cabinets shall have a maximum height of 10 feet and meet principal building setbacks.
- g. Antennae and towers shall comply with any Airport Approach zoning regulations.

**16. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.**

- a. Section 306 provides that an existing dwelling shall not be converted into 2 or more dwelling units in the LDR and MDR districts. In other districts, a conversion of an existing building into dwelling units shall be allowed if the requirements (including in Sections 306 and 307) 3 are also met for apartments. Applicable State fire safety requirements shall be met.
- b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
  - 1) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
  - 2) The conversion shall not be permitted if it would require the development of an exterior stairway on the front of the building, or would require the placement of more than 2 off-street parking spaces in the required front yard.
- c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
- d. A maximum total of 4 dwelling units may be developed per lot, unless a more restrictive provision is established by another section of this Ordinance, unless the building included more than 3,000 square feet of building floor area at the time of adoption of this Ordinance.
- e. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.

**17. Day Care Center, Child.**

- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.

- b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
- c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
- d. The use shall include secure fencing around outdoor play areas.
- e. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- f. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
- g. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an accessory use.

18. **Emergency Services Station.**

- a. The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games and similar lawful small games of chance, and periodic special events.
- b. Any new or expanded building area used for a banquet hall shall be setback a minimum of 20 feet from the lot line of an existing dwelling and be separated from such residential lot line by a buffer yard meeting Section 803.

19. **Forestry.**

- a. A soil and erosion conservation plan shall be prepared, submitted and carried out if the forestry involves more than one-half acre.
- b. A maximum of 50 percent of the total tree canopy cover shall be removed from areas within 50 feet from the centerline of a perennial creek.
- c. Clearcutting shall not be allowed on contiguous areas of more than 1 acre.

20. **Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

- a. The use shall meet the definition in Section 202.
- b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
- c. A Group Home shall include the housing of a maximum of 4 unrelated persons, by right and up to 6 unrelated persons by special exception, except:
  - 1) if a more restrictive requirement is established by another Borough requirement;
  - 2) the number of bona fide paid professional staff shall not count towards such maximum; and
  - 3) as may be approved by the Zoning Hearing Board under Section 111.D.
- d. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a State or County human service agency, then this requirement shall have been deemed to be met.
- e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
- f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 4 persons at one time.

- h. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- i. The persons living on-site shall function as a common household unit.
- j. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- k. An off-street parking space shall be provided for the largest vehicle that serves the use.
- l. The building shall have lighted exit lights, emergency lighting and inter-connected smoke alarms.

21. **Heliport.**

- a. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
- b. Borough Council may place conditions on the size of helicopters, frequency of use, fueling facilities, setbacks and non-emergency hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, Borough Council may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.
- c. Helicopter landings and take-offs for emergency medical purposes are not regulated by this Ordinance.

22. **Hotel or Motel.**

- a. See definitions in Section 202, which distinguish a hotel/motel from a boarding house.
- b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."

23. **Kennel.**

- a. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all "residential lot lines." This 150 feet setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- c. The applicant shall describe how outdoor runs will or will not be used during late night hours.
- d. See State law regulating kennels.
- e. Minimum lot area - 3 acres, unless a larger lot area is required by another section of this Ordinance.

24. **Livestock and Poultry, Raising of.**

- a. Minimum lot area - 3 acres. See also Pets, Keeping of in Section 403, which allows limiting accessory keeping of chickens and similar animals.
- b. Any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 200 feet from a lot in a residential district, 2) 100 feet from an existing dwelling that is not within a residential district, 3) 50 feet from all other exterior lot lines.
- c. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.

- d. If applicable, evidence shall be provided by the operator/applicant to the Borough to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations.
- e. Buildings used for the keeping of livestock or poultry shall not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir.
- f. For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines.
- g. The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
- h. The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances.

25. **Manufactured Homes.** See "Mobile/Manufactured Home" in this Section.

26. **Membership Club.**

- a. See definition in Article 2.
- b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
- c. This use shall not be open to customers, members, patrons or guests between the hours of 2 AM and 6 AM.

27. **Mineral Extraction.**

- a. The following additional requirements shall be met:
  - 1) A detailed land reclamation and reuse plan of the area to be excavated shall be submitted with the zoning application for any new or expanded mineral extraction use.
  - 2) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
  - 3) A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. Borough Council may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
    - (a) New trees shall not be required where preserved trees will serve the same purpose.
  - 4) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
    - (a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
    - (b) 150 feet from a non-residential principal building, unless released by the owner thereof,
    - (c) 200 feet from the lot line of a dwelling,
  - 5) The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.

- 6) Fencing. Borough Council may require secure fencing in locations where needed to protect public safety. As an alternative, Borough Council may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
  - 8) Hours of Operation. Borough Council, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
  - 9) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
28. **Mobile/Manufactured Home.** Installed after the adoption of this ordinance.
- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
  - b. Each site shall be graded to provide a stable and well-drained area.
  - c. Each home shall have hitch and tires removed.
  - d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation.
  - e. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.
  - f. The front door of the dwelling shall face onto a street.
29. **Nursing Home.**
- a. Licensing - See definition in Article 2.
  - b. A minimum of 15 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
30. **Outdoor Storage and Display.** The provisions listed for this use under Section 403 shall apply.
31. **Picnic Grove, Commercial.**
- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 75 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
  - b. See noise and glare standards in Article 5.
  - c. Minimum lot area - 2 acres.
32. **Place of Worship.**
- a. Minimum lot area- One acre in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Article 3 for that district.

- b. A primary or secondary school may be approved on the same lot as a place of worship provided the requirements for such uses are also met. See Section 306. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
- c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.
- d. A child or adult day care center shall be allowed as an accessory use.

33. **Recreation, Outdoor.**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot.
- b. This term shall not include "Publicly-Owned Recreation," a "Golf Course," or a "Motor Vehicle Racetrack."
- c. See provisions for a non-household swimming pool in this Section 402.
- d. Lighting, noise and glare control - See Article 5.
- e. Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a 20 feet wide buffer yard in accordance with Section 803 shall be required.

34. **Recycling Collection Center.**

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

35. **Residential Conversions.** See "Conversions of an Existing Building" within this Section.

36. **Restaurant.**

- a. Screening of Dumpster and Waste Containers - See Section 806.
  - b. See "Drive-Through" service in Section 403.
  - c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.
37. **School, Public or Private, Primary or Secondary.**
- a. Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
  - b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
  - c. The use shall not include a dormitory unless specifically permitted in the District.
38. **Self-Storage Development.**
- a. All storage units shall be of fire-resistant construction.
  - b. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
  - c. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
  - d. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
  - e. The use shall not include a commercial auto repair garage.
  - f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
  - g. See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
  - h. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.
39. **Stable, Nonhousehold.** (Includes riding academies; See also "Keeping of Pets in Section 403)
- a. Minimum lot area - 2 acres for the first horse or similar animal, plus 1 acre for each additional horse or similar animal.
  - b. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.
  - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
  - d. Manure shall be managed in a way that does not result in polluted runoff from the property.
40. **Swimming Pool, Non-Household.**
- a. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
  - b. Minimum lot area- 1 acre.
  - c. Any water surface within 75 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting Section 803.
  - d. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.

- e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
41. **Townhouses and Apartments.**
- a. Maximum number of townhouses in any attached grouping - 8.
  - b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
  - c. Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
  - d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
  - e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
42. **Treatment Center.**
- a. See definition in Section 202.
  - b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional conditional use approval.
  - c. The applicant shall prove to the satisfaction of the Borough Council that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
  - d. The Borough Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
  - e. A methadone treatment center or a use involving housing of 2 or more persons required to register their place of residence under Megan's Law II shall be setback a minimum of 500 feet from each of the following: a primary or secondary school, a public park or playground, or a child day care center.
43. **Veterinarian Office.** (includes Animal Hospital)
- a. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
  - b. Animals undergoing treatment may be kept as an accessory use. Birds, rabbits, gerbils and similar animals may also be boarded. However, a commercial kennel involving healthy dogs shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.
44. **Wind turbines, other than the one wind turbine per lot that is allowed as an accessory use by Section 306.**

- a. The wind turbine shall be setback from the nearest principal building on another lot a distance not less than two times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.
- b. The audible sound from the wind turbine(s) shall not exceed 50 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
- d. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
- f. All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot.
- g. The turbine shall include automatic devices to address high speed winds.
- h. Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.
- i. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- j. Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.
- k. Decommissioning - A wind turbine shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the Wind turbine to service. All Wind turbines and above ground facilities shall be removed within 90 days of the discontinuation of use.

**403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.**

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- 403.C. Front Yard. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.
- 403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:

1. **Antenna, Standard.** (includes amateur radio antenna)
  - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
  - b. Anchoring. An antenna shall be properly anchored to resist high winds.
  
2. **Day Care, Child: Family Day Care Home or Group Day Care as accessory to a Dwelling.**
  - a. See Section 306 under Accessory Uses and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
  - b. The care of 4 or more children (other than children who are "related" to the primary caregiver) shall only be allowed where specifically permitted under Section 306 in the applicable zoning district.
  - c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
  - d. The use shall be actively operated by a permanent resident of the dwelling.
  - e. If 7 or more children are cared for who are not related to the primary caregiver, then a minimum of 400 square feet of exterior play area shall be available, surrounded by a 4 feet high secure fence.
  - f. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
  - g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
  
3. **Drive-through Facilities.**
  - a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  - b. On-lot traffic circulation and parking areas shall be clearly marked.
  - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
  
4. **Fences and Walls.**
  - a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A fence shall not be required to comply with minimum setbacks for accessory structures.
  - b. No fence, wall or hedge shall obstruct the sight distance as required by Section 803.C. and/or the Subdivision and Land Development Ordinance. (Note - The sight distance provisions typically regulate features over 3 feet in height.)
  - c. Fences -
    - 1) Front Yard. Any fence located in the required minimum front yard of a lot in a residential district shall:
      - a) be an open-type of fence (such as picket, wrought iron, vinyl post, or split rail) with a minimum ratio of 1:1 of open to structural areas, and

- b) not exceed 4 feet in height. A taller height may be approved by the Zoning Officer if necessary to contain animals or to address a specific hazard, such as an electric transformer.
  - 2) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling may have a maximum height of 6.5 feet along one of the streets, other than the street that is along the front of the dwelling.
  - 3) Height.
    - a) A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except a maximum of height of 10 feet shall be allowed around a tennis court (provided it is outside of the minimum front yard) and a taller height may be allowed where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.
  - 4) Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed up to a lot line, except as follows: a) a fence may be constructed on the lot line with mutual consent of the adjacent property owner, b) a fence shall be located on the inside of any buffer plantings required by Section 803, and c) a 5 feet minimum setback shall apply for a fence of a principal business that is more than 6 feet in height and that is adjacent to a principal dwelling.
  - 5) Fence materials. Barbed wire shall not be used as part of fences around dwellings in residential districts. Electrically charged above-ground fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. Under-ground fences to contain animals are not regulated by this Ordinance. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels.
  - d. Walls -
    - 1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height, it shall be setback a minimum of 15 feet from a lot line of an existing dwelling.
    - 2) Other than a retaining wall, no wall of greater than 3 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in Section 704.
    - 3) A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback.
    - 4) Walls that are attached to a building shall be regulated as a part of that building.
  - e. All fences and walls (including retaining walls) over 3 feet in height shall need a zoning permit, regardless of whether a construction permit is also needed or not.
5. **Furnace, Outdoor.** (Includes wood-burning boilers, exterior to a principal building)
- a. The following setbacks shall apply from a lot that is not in common ownership with the lot occupied by the outdoor furnace:
    - 1) An outdoor furnace shall be setback a minimum of 150 feet from any existing occupied building on another lot.
    - 2) The outdoor furnace shall be setback a minimum of 50 feet from any other lot line.

- b. The applicant shall show compliance with PA DEP regulations.
  - c. The furnace shall not be used to burn rubber, plastics, hazardous materials, putrescent garbage, paint products, manure, asphalt products or painted wood.
6. **Garage Sale (includes Yard Sale, Moving Sale and Porch Sale).**
- a. See sign provisions in Section 705.C.
  - b. See the provisions of the Borough's separate garage sales ordinance. (As of 2014, such ordinance limited sales to twice per year).
  - c. Garage sales shall not routinely involve the sale of new unused merchandise.
7. **Home-Based Businesses.**
- a. All home-based businesses shall meet the following requirements:
    - 1) The use shall only be conducted by one or more permanent residents of the dwelling, except a General Home-Based Business may also involve a maximum of one non-resident employee.
    - 2) The use shall be conducted indoors, in a principal and/or accessory building. No outdoor storage or display related to the home-based business shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
    - 3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
    - 4) The use shall not routinely require delivery by tractor-trailer trucks.
    - 5) The regulations of Section 403.A.9.d. regarding parking of trucks shall apply to a home-based business. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home-based business.
    - 6) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances, as defined under federal regulations.
    - 7) A home-based business shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
    - 8) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
    - 9) A barber or beauty shop shall not include any non-resident employees.
    - 10) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a Home-Based Business.
    - 11) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
    - 12) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
    - 13) If more than one Home-Based Business is accessory to a dwelling, the total aggregate impact of the Home-Based Businesses shall be considered in determining compliance with this Ordinance.

- b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a No Impact Home-Based Business:
    - 1) The use shall meet the definition of Home-Based Business, No Impact in Section 202.
    - 2) A zoning permit shall not be required for a No Impact Home-Based Business.
  - c. The following additional provisions apply for a General Home-Based Business:
    - 1) A zoning permit shall be required for a General Home-Based Business.
    - 2) For a General Home-Based Business, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
    - 3) A General Home-Based Business may include a single two square foot non-illuminated sign, as permitted in Section 703.
    - 4) The Zoning Hearing Board shall deny a General Home-Based Business application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
8. **Outdoor Storage and Display.** Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
  - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain, except that pre-existing parking areas can continue to be used for parking of operable motor vehicles.
  - c. Screening. See Section 803.
  - d. Tire Storage.
    - 1) For tires not mounted on a motor vehicle, any outdoor storage of more than 5 tires on a lot in a residential district or more than 50 used tires in a non-residential district shall only be permitted as part of a Borough-approved junkyard or tire store.
    - 2) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.
    - 3) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.
9. **Pets, Keeping of.**
- a. This is a permitted by right accessory use in all districts.
  - b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting

and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.

- c. A maximum combined total of 4 dogs and cats shall be permitted to be kept by residents of each dwelling unit on their residential premises.
    - 1) Such limits shall only apply to dogs or cats over 6 months in age, and shall not apply to working service dogs.
    - 2) Any greater number of dogs and/or cats shall need approval as a "kennel".
  - d. A total combined maximum of three pigeons, chickens, ducks, geese and/or similar fowl shall be kept on a lot of less than 20,000 square feet. If a lot exceeds 20,000 square feet, a maximum of 5 pounds of such fowl for each 1,000 square feet of lot area may be kept as an accessory use. If the total weight of such fowl exceeds 500 pounds, then the requirements shall be met for "Raising of Livestock or Poultry." Roosters shall not be kept, except on a lot of more than 10 acres.
  - e. Horses: Minimum lot area - 2 acres for first horse or similar animal, plus 1 acre of pasture for each horse or similar animal in excess of one. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any "residential lot line."
  - g. See the definition of "Pets" in Section 202. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.
    - (1) The following animals shall not be allowed to be kept within the Borough: bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, or constrictor snakes that could be dangerous to humans. The keeping of any "exotic wildlife" shall also comply with the Pennsylvania Game & Wildlife Code regulations.
  - h. The keeping of cows, sheep, goats, hogs and similarly sized animals shall require a minimum lot area of 3 acres.
  - i. In addition, a maximum of one miniature pig, pygmy goat or similar animal or similar size may be kept as accessory to a dwelling.
10. **Recreational Vehicle Parking** - See under Residential Accessory Structure or Use in this Section.
11. **Residential Accessory Structure or Use**. (see definition in Article 2)
- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 307.
  - b. Height. See Section 307.B.
  - c. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks or excavating equipment or the trailer from a tractor-trailer combination on a principal residential lot in a residential district is prohibited, except that the parking of a maximum of one vehicle with a gross vehicle weight of up to 13,000 pounds shall be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work.
  - e. Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 13,000 pounds aggregate gross vehicle weight shall not occur on a residential lot. Repairs of

motor vehicles that are not owned or leased by a resident of the lot or his/her "relative" shall not occur on a residential lot.

- f. See setback exceptions in Section 803.B.
  - g. Outdoor storage of junk in a residential district shall be limited to covering a maximum of 200 square feet of land area and shall not exceed a height of more than 5 feet. Such junk shall be removed from the lot within 7 days.
  - h. **Recreational Vehicles and Boats.** A recreational vehicle or boat with a length of 26 feet or greater shall not be parked in the front yard of a dwelling in a residential district, except such items may be parked up to 2 days in a 7 day period for loading and unloading.
    - 1) All such vehicles or boats and related trailers shall maintain a current registration and be maintained to prevent the collection of debris or the leakage of vehicle fluids onto the ground.
    - 2) Such recreational vehicles or boats shall be stored indoors in a building that is enclosed on all sides or be screened from view of streets and other dwellings by landscaping and/or by well-maintained mostly solid fencing.
  - i. A maximum of one motor vehicle or boat shall be displayed or offered for sale on a lot in a residential district. Such display of a vehicle or boat for sale shall not occur for longer than 6 months in any year-long period.
  - j. A recreational vehicle shall not be used as a residence outside of an approved campground for more than 7 days in any 30 day period.
12. **Swimming Pool, Household.** (referred hereafter as "pool")
- a. See the requirements of the Construction Code regarding fencing of pools. In the event such Construction Code does not result in a fence being required, then this Zoning Ordinance provision shall apply. Every swimming pool containing 24 inches or more of water depth shall include a fence, wall, above-ground pool walls or similar enclosure surrounding the pool. Such enclosure shall extend not less than 4.5 feet above the ground. All gates, latches and fences shall meet the Construction Code requirements for enclosures around a pool.
  - b. A swimming pool shall not be located in a minimum front yard. The water surface and any raised decking of a swimming pool shall be setback a minimum of 10 feet from side and rear lot lines.
13. **Unit for Care of Relative.**
- a. The use shall meet the definition in Section 202.
  - b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
  - c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconvered into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted Home-Based Business area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconvered to a garage or permitted Home-Based Business area or otherwise function as part of the principal dwelling unit.

- d. The applicant shall establish a legally binding mechanism in a form acceptable to the Borough that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
- e. At any time, the Zoning Officer may require that the owner of the property provide evidence that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit and is in need of such arrangement.
- f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, except a detached dwelling may be specifically approved by the Zoning Hearing Board as a special exception. If a detached modular dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet principal building setbacks and has a maximum building floor area of 900 square feet.
- g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

**14. Wind turbines, One Per Lot as Accessory Use.**

- a. All wind turbines shall be set back from the lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
- b. The audible sound from the wind turbine shall not exceed 50 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
- d. A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
- f. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
- g. In a residential district, the maximum total height above the ground level to the tip of the extended blade shall be 75 feet. In another district, the maximum height for a wind turbine approved under this section shall be 125 feet. See wind turbines in Sections 402 and 306 for taller turbines.
- h. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.

**ARTICLE 5**  
**ENVIRONMENTALLY SENSITIVE AREAS**

- 501. EROSION CONTROL.** See State erosion and sedimentation control regulations and the Borough Stormwater Management Ordinance.
- 502. NUISANCES AND HAZARDS TO PUBLIC SAFETY.**
- 502.A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
  2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
  3. Significant risks to public health and safety, such as but not limited to, explosion, fire or biological hazards.
- 502.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Ordinance, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.
- 503. STEEP SLOPES.**
- 503.A. A new principal building shall not be constructed or placed on any area if the development project would require re-grading on more than 1,000 square feet of land area with a natural slope of 25 percent or greater. This Section 503 shall not apply to slopes that were man-made prior to the enactment of this Ordinance.
- 503.B. Land shall not be re-graded prior to seeking development approval in a manner that seeks to circumvent the requirements of this Section.
- 503.C. The land adjacent to a proposed or existing building shall not be re-graded in such a way that makes it impossible to reach each side of a building with a fire ladder.
- 504. FLOOD-PRONE AREAS.** See the Borough Floodplain Ordinance, as amended.
- 505. NOISE.** See the Borough Noise Ordinance, as amended.
- 506. ODORS AND DUST.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. This provision shall not apply to Normal Farming Activities that are exempted under the Pennsylvania Right to Farm Act.
- 507. CONTROL OF LIGHT AND GLARE.** This section 507 shall only regulate exterior lighting that spills across lot lines or onto public streets.
- 507.A. Street Lighting Exempted. This Section 507 shall not apply to: a) street lighting that is owned, financed or maintained by the Borough or the State, or b) an individual light of less than 10 feet total height in a front yard or attached to the front of a building (not including a spot light).
- 507.B. Height of Lights. No luminaire that is within 150 feet of a lot line of an existing dwelling shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation

shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, or lighting of outdoor public recreation facilities.

- 507.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover and/or shielded to prevent exposed lighting elements from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- 507.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- 507.E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- 507.F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 1.0 horizontal foot-candle inside the lot line of a lot occupied by an existing dwelling.
- 507.G. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy or otherwise controlled so that lighting elements are not visible from another lot or street.
- 507.H. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces (such as parking areas and vehicle sales areas), lighting fixtures shall be aimed downward and shall include cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of subsection F. and to prevent glare along streets. The Borough may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.
- 507.I. Lighting of Vertical Surfaces. For lighting of predominantly vertical surfaces (such as building walls and signs), lighting fixtures shall be shielded and aimed so as to not project light towards neighboring residences and that minimizes light that is directed skyward. Lighting of a billboard should be attached to the top of the billboard and project downward. However, lighting shall be allowed of the United States flag, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.

## ARTICLE 6 OFF-STREET PARKING AND LOADING

### 601. REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

#### 601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<u>A. RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such room on the same side of the street adjacent to the homes for such on-street spaces or an overflow parking lot.	
2. Home-Based Business	See Section 403	
3. Housing Permanently Restricted to Persons 55 Years and Older and/or the Physically Handicapped	1.5 per dwelling/ rental unit, except 0.5 per dwelling/ rental unit if the age limit is 62 and older	Non-Resident Employee
4. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
5. Group Home	1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee
<u>B. INSTITUTIONAL USES:</u> 1. Place of Worship (includes Church)	1 per 5 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat.	Employee

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USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
2. Hospital	1 per 3 beds	1.1 Employees
3. Nursing Home	1 per 6 beds	1.1 Employees
4. Assisted Living Facility and/or Retirement Community	1 per 6 beds, plus 1 for each individual dwelling unit	1.1 Employees
5. Day Care Center	1 per 12 children, with spaces designed for safe and convenient drop-off and pick-up. The Borough may, at its discretion, approve one or more short-term on-street parking spaces to meet this requirement.	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	1.1 Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College or University	1 per 1.5 students not living on campus who attend class at peak times, plus one space for every 3 persons living in on-campus housing (other than students forbidden from having a car in the Borough)	1.1 Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.1 Employee
C. <u>COMMERCIAL USES:</u>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"

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USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 20 vehicles, boats, RVs or homes displayed	Employee
3. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
4. Bowling Alley or Pool Hall	2 per lane plus 2 per pool table	1.1 Employees
5. Car Wash	Adequate waiting and drying areas.	1.1 Employees
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.1 Employees
7. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
8. Miniature Golf	1/2 per hole	1.1 Employees
9. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 Employees
10. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting rooms (plus as required for any restaurant)	1.1 Employees
11. Laundromat	1 per 3 washing machines	On-site Employee
12. Offices or clinic	5 per physician or physician's assistant on duty at peak times, and 4 per dentist	1.1 Employees
13. Offices, other than above	1 per 300 sq. ft. of total floor area	
14. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.1 Employees
15. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 5 persons of maximum capacity of all facilities	1.1 Employees
16. Outdoor Recreation (other than uses specifically listed in this table)	1 per 5 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats.	1.1 Employees

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USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
18. Retail Sales (other than types separately listed and other than a shopping center)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	
19. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 800 sq.ft. of floor area of rooms accessible to customers	
20. Shopping Center involving 5 or more retail establishments on a lot.	1 per 200 square feet of leaseable floor area	
21. Nightclub or After-hours Club	1 per 30 sq. ft. of total floor area	1.1 Employees
22. Theater or Auditorium	1 per 5 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 Employees
23. Trade/Hobby School	1 per 2 students on-site during peak use	1.1 Employee
24. Veterinarian Office	4 per veterinarian	1.1 Employee
<p><u>E. INDUSTRIAL USES:</u></p> <p>All industrial uses (including warehousing, distribution and manufacturing)</p>	<p>In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance</p> <p>1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times</p>	<p>1 visitor space for every 10 managers on the site</p>
Self-Storage Development	One, plus 1 per 30 storage units	1.1 Employee

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

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking.

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this Ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. A written and signed lease shall be provided, if applicable. A sign shall direct persons to the parking spaces.
  - a. The Zoning Officer may require evidence at any time that the parking continues to be available for the use. If such parking is not available in the future, the zoning permit shall be considered to have been revoked, unless the applicant proves that other parking is provided that meets the requirement.

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

603.A. General Requirements.

1. Backing Onto a Street. No parking area of 4 or more parking spaces shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a driveway that enters onto a local street or a parking court. Parking spaces may back onto an alley.
2. Except for spaces serving one household, every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.
3. Parking areas shall not extend into a required buffer yard. New parking spaces shall only be allowed within a street right-of-way where they are specifically approved by the Borough.
4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-through facility.
6. Provisions Allowing Flexibility or Reduction of Parking Requirements.
  - a. See the provisions of the Subdivision and Land Development Ordinance that may allow a portion of parking to be reserved for future use if needed. See the provisions of the Subdivision and Land Development Ordinance that may allow a reduction of parking when two or more uses share the parking and have different peak needs. Where one of those modifications are approved, a variance shall not be needed to the provisions of this Article.
  - b. In the Town Center zoning district, an applicant may count legal on-street parking spaces that are in front of his/her lot and that are on the same side of the street towards meeting some of the required number of parking spaces.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking, except as provided for parking for persons with disabilities in Section G. below. The 9 by 18 feet space size shall supercede any larger parking space requirement in the SALDO. Larger parking spaces are required for persons with disabilities, as provided below.
2. All spaces shall be marked to indicate their location, except those of a one or two family dwelling, and except where stone parking may be allowed.

603.C. Parking Aisles. See the provisions in the Subdivision and Land Development Ordinance.

603.D. Driveways.

1. Width of Driveway at Entrance onto a Public Street, at the edge of the cartway*	One-Way Use*	Two-Way Use*
Minimum	12 feet	22 feet
Maximum	20 feet	30 feet

\* This standard may be revised where PennDOT requires a different standard for an entrance to a State road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Borough may require an applicant to install an appropriate type and size of pipe at a driveway crossing.
3. Clear Sight Distances. A driveway shall be designed and located to minimize obstructions to vision by motorists and pedestrians of other traffic. The Subdivision and Land Development Ordinance includes sight distance requirements for new driveways. PennDOT also has sight distance requirements for driveways entering onto a State road.
4. Driveway Setbacks. A new driveway shall be setback the following minimum distances from the following features:
  - a. 40 feet from the intersecting street rights-of-way of 2 public streets;
  - b. 20 feet from a fire hydrant;
  - c. 100 feet from another driveway on the same lot along the same street, unless the driveways are one-way pairs or one is right hand turn only, and except for driveways serving individual dwelling units;
  - d. 5 feet from a utility pole, electric service box or similar utility structure.
5. Slope and Width. The slope of a driveway shall not exceed 8 percent within 25 feet of a street right-of-way. The slope and width of a driveway and the clear height above it shall be sufficient to allow access by emergency vehicles.
6. Driveway Grading. Where a driveway is cut through a bank, unless an approved retaining wall is used, the finished slope shall not result in a slope of greater than 2:1, within 25 feet of where the driveway enters the street right-of-way. Grading shall allow drainage to continue to gutters, unless an alternative method of drainage is approved. Re-grading shall not result in a slope of greater than 5 percent for public sidewalks, unless a stricter requirement is required by PennDOT within a state road right-of-way.

603.E. Paving, Grading and Drainage. This Section 603.E. shall only apply when the same matter is not submitted for approval under the Subdivision and Land Development Ordinance.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking areas for commercial, industrial, multi-family and institutional uses involving 4 or more spaces, off-street loading facilities and driveways serving such uses shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Borough.

- a. If a residential driveway is over 100 feet long, only the first 25 feet is required to have such hard surfaces, while the remainder may be crushed stone.
  - b. Driveways limited to use by emergency vehicles are not required to be paved provided the Fire Company approves the proposed surface.
  - c. Driveways and parking that serve public uses, public parks and public recreation areas are not required to be paved.
  - d. However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.
  - e. If the design and materials are found to be acceptable in writing by the Borough Engineer, portions of parking areas may be covered with a low-dust porous pavement surface that is designed to promote groundwater recharge.
3. Motor vehicles shall not routinely be parked on grass or dirt surfaces, except where specifically approved under the above provisions. Entrances to parking spaces shall only occur at lawful driveway locations.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Parking for Persons With Disabilities.

1. Number of Spaces. See requirements under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this Ordinance.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
4. Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
5. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.
6. Note - A separate Borough ordinance addresses placement of an individual handicapped parking space in front of a home.

603.H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets, and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded vehicle parking or vehicle storage area of 4 or more parking spaces that serves a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 10 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 10 feet. This 10 feet width shall be increased to 20 feet for a lot including 20 or more parking spaces that are visible from the street.
  - a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views under the leaf canopy.
  - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Borough and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
  - c. Approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
  - d. The following shall be prohibited within the planting strip:
    1. paving, except as allowed by subsection "c." above, and except for street widenings that may occur after the development is completed,
    2. fences, and
    3. parking, storage or display of vehicles or manufactured homes or items for sale or rent or junk.
  - e. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
3. See landscaping requirements in Section 803 and 804.

604. OFF-STREET LOADING.

- 604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for

occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.

- 604.B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Borough Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- 604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

**605. FIRE LANES AND ACCESS.**

- 605.A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.
- 605.B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
- 605.C. The specific locations of fire lanes and fire equipment access are subject to approval by the Borough, after review by local Fire Officials.

**ARTICLE 7  
SIGNS**

**701. PURPOSES AND APPLICABILITY.**

- 701.A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by State law or language that incites violence); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- 701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703, and b) non-illuminated window signs. Only types, sizes and heights of signs that are specifically permitted by this Article within the applicable District shall be allowed.
- 701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message or replaced with a new sign face without needing a zoning permit, provided that the changes do not increase the sign area or height or otherwise result in noncompliance or an increased non-conformity with this Ordinance. See also Section 712.B. concerning non-conforming signs.

**702. SIGN DEFINITIONS.** See Section 202 of this Ordinance.

**703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS.** The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESIDENTIAL LOT" ** (sq. ft.)	MAX. SIGN AREA PER SIGN * ON "NON-RESIDENTIAL LOTS"*** (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	8	24	Shall only be posted while such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization or charity.	2	4	50	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESIDENTIAL LOT" ** (sq. ft.)	MAX. SIGN AREA PER SIGN * ON "NON-RESIDENTIAL LOTS"*** (sq. ft.)	OTHER REQUIREMENTS
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business, or a bank or agency that is financing an on-site construction project.	1 per contractor	10	30 (Or one sign of 60 square feet maximum may be used if the sign is shared by multiple entities).	Shall only be permitted while such work is actively and clearly underway and a max. of 30 days afterward. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	4, in addition to signs painted on pavement	4, in addition to signs painted on pavement	Directional signs within a residential development shall not be internally illuminated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below.	1	20	20	Flags of governments and flags that simply include colors, art or patterns are not regulated by this Ordinance.
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	2 per sign	2 per sign	See "Garage Sale" in Section 403.
<u>Home-Based Business Sign</u> - advertises an allowed General Home-Based Business.	1	2	2	Shall not be illuminated. Shall be attached flat on a building wall or within a window, or on a mailbox or on a lamppost or other post.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	1	8	Maximum total height of 8 feet above the ground.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESIDENTIAL LOT" ** (sq. ft.)	MAX. SIGN AREA PER SIGN * ON "NON-RESIDENTIAL LOTS"*** (sq. ft.)	OTHER REQUIREMENTS
Non-Political Sign - expresses an opinion on a matter, but which does not meet the definition of a Political/ Issue Sign.	Maximum of 1 per lot	5	5	Shall be placed a maximum of 30 days per year, and shall only be posted once per year.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	8	8	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 6 consecutive days.
<p><u>Political/ Issue Sign</u>- advertises a person or party seeking political office or an opinion on a referendum, political cause or matter of public concern.</p> <p>Political signs shall not be posted on property owned by the Borough or on a public street right-of-way, except as may be allowed on election day outside of a polling location.</p>	Maximum of 2 sign faces per issue or candidate per street frontage per lot	Maximum of 10 s.f. per issue or candidate per street frontage.	Maximum of 20 s.f. per issue or candidate per street frontage.	Shall be removed a max. of 7 days after an election, vote or referendum if the sign pertains to such a matter. Political signs shall not be placed on property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	8	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 14 days after settlement or start of lease.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESIDENTIAL LOT" ** (sq. ft.)	MAX. SIGN AREA PER SIGN * ON "NON-RESIDENTIAL LOTS"*** (sq. ft.)	OTHER REQUIREMENTS
<u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	4	4	Maximum of 2 such signs per such organization or place of worship.
<u>Special Sale Signs</u> - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision..	5 per non-residential lot	Not permitted	Total of 60 sq. ft. for all such banners, flags and other temporary signs.	Shall be displayed a maximum total of 30 days per year (such as 6 times of 5 days each). Such signs shall not flash, be internally illuminated, or obstruct safe sight distances.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	30	The sign shall not flash.
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

\* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

\*\* For the purposes of this Section, a "Non-Residential Lot" shall mean a lot that is occupied by a principal non-residential use or that is within a TC or C zoning district. All other lots shall be considered to be "Residential Lots."

In addition, the following types of signs are not regulated by this Ordinance:

- a. Historic Sign- sign that memorialize an important historic place, event or person and that is specifically authorized by the Borough or a County, State or Federal agency.

- b. Holiday Decorations- signs and displays that commemorate a holiday recognized by the Borough, County, State or Federal Government or an individual's own religious holiday, that do not include advertising, and that are posted a maximum of 90 days per year.
- c. Not Readable Sign- sign that is not readable from any public street or any exterior lot line.
- d. Official Sign- sign erected by the State, County, Borough or other legally constituted governmental body, or specifically authorized by Borough ordinance, motion or resolution, and which exists for public purposes.
- e. Required Sign- sign that only includes information required to be posted outdoors by a government agency or the Borough.
- f. Right-of-Way Sign- sign posted within the existing right-of-way of a public street and officially authorized by the Borough, the County or PennDOT, including but not limited to decorative banners hung from street lights that are authorized by the Borough.

**704. FREESTANDING, WALL AND WINDOW SIGNS (On-Premises Signs).**

704.A. The following are the on-premises signs permitted on a lot within the specified districts and within the following regulations, in addition to other signs specifically allowed by this Article. See definitions of the types of signs in Section 202.

<b>ZONING DISTRICT OR TYPE OF USE</b>	<b>TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS</b>	<b>TOTAL MAXIMUM AREA OF WALL SIGNS</b>	<b>TOTAL MAXIMUM AREA OF WINDOW SIGNS</b>	<b>TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS</b>
<p><b>CR, LDR and MDR Districts</b>, with signs in this table limited to allowed principal non-residential uses (such as Places of Worship).</p> <p>For general home-based business signs, see Section 703.</p>	<p>8 feet</p>	<p>40 square feet on each side of a principal building for a school or place of worship; 10 square feet on each side of a principal building for other non-residential principal uses.</p>	<p>Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.</p>	<p>1 sign on each street the lot abuts, each with a maximum sign area of 40 sq. ft. for a school or place of worship; 8 square feet on each side of a principal building for other non-residential principal uses.</p> <p>See also entrance signs for major residential developments in Section 704.E.</p>

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
C District, for principal non-residential uses.	20 feet	2 square feet of sign area for each linear foot of building length, on the building side on which such signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 60 sq.ft. *
TC District, for principal non-residential uses.	15 feet.	2 square feet of sign area for each linear foot of building length on the building side on which such signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 40 sq.ft. * One additional 10 square feet per side portable folding sign is allowed in a location that does not obstruct pedestrian traffic, and which is kept inside when the business is not open. An additional sign with a maximum sign area of 20 square feet per side may project perpendicular to a building. It may also project over part of a sidewalk if it complies with the applicable requirements of the Construction Code.

\* If a lot includes 2 or more distinct principal non-residential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal non-residential use beyond the first non-residential use. For example, in the C district, if a lot includes 3 such uses, the maximum freestanding sign area shall be 60 plus 20 equals 80 square feet.

704.B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a “parapet roof” that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

704.C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign permitted by Section 703.
3. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.

704.D. Signs on Freestanding Walls. An allowed freestanding sign face may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and without the entire wall counting as sign area. Such walls may be placed in a setback area, provided they do not obstruct safe sight distances.

704.E. Major Development Sign. One two-sided sign or two one-sided signs shall be allowed at up to 2 exterior street entrances to a subdivision or land development of 20 or more dwelling units or more than 5 principal business uses. Such sign area shall be a maximum of 40 square feet and may be attached to a wall that meets Section 704.D. It shall not be illuminated.

705. **PROHIBITED SIGNS.** The following prohibitions on signs shall apply in all zoning districts:

705.A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 703.

705.B. Flashing, blinking, twinkling, animated, scrolling or moving signs of any type are prohibited. A sign shall not display electronically moving images. Signs may change their message from time to time provided that each message is visible for a minimum of 15 seconds, except as follows: a) time and temperature signs may change more frequently, and b) if there is an electronically changing sign area of greater than 30 square feet, the sign shall not change its message more frequently than once every 20 seconds.

1. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.
2. Electronically changeable message signs shall not be allowed in a residential district.

705.C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.

705.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.

- 705.E. Signs that are of such form, shape or color that they resemble an official traffic control sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
- 705.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
- 705.G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
- 705.H. Floodlights and outdoor lasers for advertising purposes are prohibited.

706. **OFF-PREMISE SIGNS (Including Billboards).**

- 706.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 701.
- 706.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- 706.C. PennDOT Sign. Signs erected and maintained by PennDOT are permitted by right in all Districts.
- 706.D. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meet the following requirements:
  - 1. District. An off-premise sign is only permitted in the C Commercial District.
  - 2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
  - 3. Maximum Total Sign Area, on Each of 2 Sides. 300 square feet. The two sides shall be arranged so that only one side is readable at one time.
  - 4. Spacing. Any off-premise sign of more than 50 square feet of sign area shall be separated by a minimum of 500 feet from any other off-premise sign with a sign area greater than 50 square feet, including signs on either side of a street and including existing signs in other municipalities.
  - 5. Maximum Height. 35 feet above the elevation of the adjacent street, measured at the street centerline.
  - 6. Control of Lighting and Glare. See standards in Section 507. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed

downwards towards the sign area and shall be turned off between the hours of midnight and 6 am.

7. Setbacks. No off-premise sign greater than 50 square feet in sign area shall be located within 250 feet from the lot line of an existing principal dwelling.
8. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.

**707. GENERAL DESIGN, LOCATION AND CONSTRUCTION OF SIGNS.**

707.A. Setbacks.

1. Signs shall not be located within the existing street right-of-way, except for allowed projecting and sandwich board signs.
2. A freestanding illuminated sign shall not be located within 5 feet from an abutting lot line of principal dwelling in a residential district.
3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

707.B. Sight Clearance. No sign shall be located in a way that interferes with the sight clearance requirements of Section 803.

707.C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.

707.D. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

707.E. Signs on Trees, Utility Poles & Street Signs. No sign shall be attached to a utility pole or street sign post, except by a utility or government agency. A sign shall not be attached to a tree.

707.F. Construction of Signs. Every sign permitted in this section (other than temporary and window signs) shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Borough may repair or remove such sign at the expense of such owner or lessee.

707.G. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except for temporary Christmas season lighting.

707.H. Banners and Overhanging Signs. Borough Council may approve the hanging of decorative banners within the street right-of-way (such as from utility poles or street lights) and may approve a sign overhanging across a street to advertise a community event or festival. One approval may cover multiple years for an event that is held annually. Approval from PennDOT may also be needed if a State road is involved.

708. **VEHICLES FUNCTIONING AS SIGNS**. Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a

freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.

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

710. **MEASUREMENT OF SIGNS.**

710.A. **Measurement of Sign area.**

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the combined area of all signs on that side of the sign.
2. The sign area shall not include any structural supports that do not include a message.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest one or two rectangle(s) or triangle(s) that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

711. **ILLUMINATION OF SIGNS.** See "Light and Glare Control" in Article 5.

712. **NONCONFORMING SIGNS.**

712.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.

712.B. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.

712.C. Unlawful Signs. If a sign was placed without a required permit by the Borough, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Article 1.

## ARTICLE 8 GENERAL REGULATIONS

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

801.A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Borough by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Subdivision and Land Development Ordinance. This requirement shall not be met by an "alley." In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Borough standards.

#### 801.B. Number of Principal Uses and Principal Buildings Per Lot.

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

801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor and heated floor area, which shall be primarily above the ground level. This 500 square footage may be reduced to 400 square feet for each dwelling unit that is permanently legally restricted to occupancy by at least one person age 55 and older, with no residents under age 18.

801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling. A mobile/manufactured home shall not be used as a storage building, except as may be allowed temporarily during on-site construction under a Borough construction permit.

802. **HEIGHT EXCEPTIONS.** The maximum structure height specified for each district shall not apply to: antenna and communications towers that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, utility lines and poles and towers, elevator shafts, rooftop stairways, wind turbines that comply with this Ordinance, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, solar energy collection devices, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202 and provisions in Section 307.B.

803. **SPECIAL LOT AND SETBACK REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.**

803.A. In General.

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

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Setbacks.

1. Corner Lots. For a corner lot, each setback that abuts a public street shall be considered a front setback and meet the requirements for minimum depth of a front setback. See definition of "Lot, Corner" in Section 202.
2. Projections Into Required Setbacks.
  - a. Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, slanted exterior doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required setback not more than 3 feet.
  - b. Exterior steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
  - c. For decks and porches, see Section 307.
3. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum required building setback line may be reduced to 60 percent of the width that would otherwise be required.

4. Front Setbacks. See Note D at the end of Section 307.A., which may allow a reduced front setback where adjacent buildings have smaller existing front setbacks.

803.C. Sight Clearance at Intersections. At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of 3 feet and 10 feet above the ground level, except for fences that are almost entirely transparent fences (such as chain link), utility posts, mailboxes, single sign posts less than one feet in diameter and the trunks of canopy trees. Re-grading shall also not reduce visibility within the sight clearance triangle. The triangle shall be measured along the centerline of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the centerlines of the travel lanes of a local or collector street and 150 feet along an arterial street. A third longer leg shall connect the ends of the two legs to form the triangle.



1. However, in place of the above sight triangle, where a local street intersects a collector or arterial street with a stop sign only at the local street, the leg of the triangle along the collector or arterial street in each direction shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet back from the edge of the intersecting travel lane.
2. The clear sight triangle shall be kept free of such obstructions in perpetuity.
3. Note - As of 2014, the Comprehensive Plan that includes Yoe Borough classified Main Street as an arterial street, George Street as a collector street, and all other streets as local streets.
4. Where an alley intersects with a street, a clear sight triangle shall be required that is 15 feet along the closest cartway of a street and 10 feet long along the centerline of the alley. Where an alley intersects with another alley, a clear sight triangle shall be required that is 10 feet long along the centerlines of both alleys. For example, this sight triangle may require that a rear garage be setback from a corner or that a solid fence be angled near the intersection to avoid intruding into the sight triangle.
5. For driveway sight clearance, see Section 603.D.

803.D. Buffers and Planting Screening.

1. All subdivisions and land developments shall be landscaped with the following two components:
  - a. Property line buffers, which act to integrate new development with its surroundings and to separate incompatible land uses.
  - b. Site element screens, which act to minimize or eliminate views to certain site elements located within 100 feet of property lines or street rights-of-way (either public or private).
2. The following requirements are minimum standards, and additional plant material, berms, or architectural elements may be included at the developer's discretion.
3. Property Line Buffer Requirements.
  - a. Property line buffers shall be required for all proposed development, in accordance with this Section.
  - b. All on-site investigation by the applicant shall determine the adjacent land uses along each property boundary.
  - c. In the case of vacant land, the existing zoning district shall be used.
  - d. Where more than one use is proposed on a lot, the more restrictive buffer requirement shall apply.
  - e. The amount and type of plant material required shall be determined by the intensity of the proposed land use and the adjacent use, as provided below:
    - (1) Where a new single family attached building is proposed adjacent to an existing single family detached dwelling, a Low Intensity Buffer is required.
    - (2) Where a new multi-family/apartment building or rooming house is proposed adjacent to an existing single family detached dwelling, a Medium Intensity Buffer is required.
    - (3) Where a new or expanded principal commercial use or an off-street parking area of 5 or more new motor vehicle parking spaces is proposed adjacent to an existing principal residential use, a Medium Intensity Buffer is required. For the purposes of this section, a nursing home, personal care center or similar use shall be considered to be a residential use.
    - (4) Where a new or expanded principal industrial use or related trucking or industrial processing area is proposed adjacent to an existing principal residential use, a High Intensity Buffer is required.
    - (5) If an area is routinely used for the loading or unloading or overnight parking of 1 or more tractor-trailer trucks within 200 feet of an existing principal residential use, then a High Intensity Buffer is required.
    - (6) Where a new electric sub-station or sewage pump station is proposed adjacent to an existing principal residential use, a Medium Intensity Buffer is required.
    - (7) If an area is routinely used for the loading or unloading or overnight parking of 1 or more tractor-trailer trucks or for industrial outdoor storage within 100 feet of a public street and is visible from that street, a Low Intensity Buffer is required.
    - (8) If two or more inoperable motor vehicles or vehicles that do not display current registration and/or safety inspection stickers are kept on a lot for more than 7 days within view of a public street or a dwelling on another lot, they shall be

screened from view of the dwelling or street by a High Intensity Buffer or by a well-maintained solid fence constructed of wood, vinyl or similar materials with a minimum height of 6 feet.

- f. Buffer Area Location and Dimensions.
  - (1) A buffer area of not less than 20 feet in width shall be established along all property lines of a lot of a use required to provide a buffer under this Section, unless otherwise specified. The Zoning Officer may allow the width to be reduced to 8 feet in the TC district where the applicant proves that a 20 feet width is not feasible.
  - (2) The buffer area shall not include trash dumpsters or driveways, except at necessary perpendicular crossings.
  - (3) The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, with grass or other vegetative ground cover.
  - (4) Parking is not permitted within the buffer area. A pedestrian trail may be located in a buffer area.
  - (5) Site element screens are permitted within the buffer area.
  - (6) Hard-surfaced stormwater basins are not permitted within the buffer area.
  - (7) Wetlands are permitted within the buffer area.
  
- g. Plant Material Quantities and Types. For every 100 linear feet of property line to be buffered, the following minimum quantities and types of plant material shall be required:
  - (1) Low intensity—one canopy tree and two ornamental trees. (One evergreen tree may be substituted for one of the required ornamental trees.)
  - (2) Medium intensity—one canopy tree, two ornamental trees, two evergreen trees, and five shrubs.
  - (3) High intensity—an average of one evergreen tree shall be placed for each 8 feet of length of the area being buffered, with the trees being staggered so that the center of each tree is at least 10 feet diagonally away from each other tree to provide room for future growth and more complete buffering. In addition, an average of two ornamental trees and one canopy tree shall be provided for every 100 feet of property line length to be buffered.
    - (a) Such landscaping may be combined with an earth berm. This berm should have an average minimum height of 5 feet and maximum side slopes of 3:1, except that a retaining wall may be used on a commercial or industrial side.
    - (b) If landscaping is combined with a berm, at least 60 percent of the landscaping shall be placed on the outside slope of the berm. Landscaping may be placed on the top of the berm if there will be proper moisture at the top of the berm. Any other required landscaping shall be placed between the berm and the adjacent street or lot line.
  
- h. Design Criteria.

- (1) The required plant material shall be distributed over the entire length and width of the buffer area.
- (2) Buffer plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect a more natural character are encouraged.
- (3) Plants shall be spaced to provide optimum growing conditions.
- (4) All plant materials shall meet the requirements of this Chapter.
- (5) A variety of tree species is required according to the following:

Number of Trees	Minimum Number of Tree Species	Maximum Percent of Any One Species
0 to 5	1	100
6 to 15	2	50
16 to 30	3	40
31 to 50	4	30
51 plus	6	20

- i. If an applicant proposes to preserve existing healthy trees, shrubs or woodlands, such plants may be approved by the Borough to meet part or all of the required plant material. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.
- j. Where buffering is required to be provided by more than one Section of the Borough ordinances and the provisions of such Sections differ, the requirements that will provide the most buffering shall apply.
- k. The following species of trees and other plants are not allowed to be used to meet Borough requirements:
  - (1) Species listed officially as "invasive species" by the State Department of Conservation and Natural Resources.
  - (2) Paper/White Birch
  - (3) Box Elder
  - (4) Catalpa
  - (5) Cottonwood
  - (6) Silver Maple
  - (7) Bradford Callery Pear
  - (8) Poplar
  - (9) Willow

4. Site Element Screens.

- a. One of the following types of site element screens shall be required to be installed on the property of a proposed development around the following site elements, when such elements are located partially or fully within 100 feet of the affected property line of an existing dwelling or an existing public street right-of-way:
  - (1) Parking lots for 5 or more motor vehicles that are located within 100 feet of a public street - Site element screens 1, 6, 7, 8 or 9.

- (2) Trash Dumpsters that are visible from a dwelling or a public street - Site element screens 3, 4, 5 or 8.
  - (3) Single-family attached dwelling (townhouse) or multi-family/apartment dwelling rear setbacks that abut a public street - Site element screens 1, 2, 7 or 8.
  - (4) Stormwater detention basins planned to hold more than 5 feet of water depth that are visible from a dwelling or a public street - Site element screens 1, 6, 7 or 8.
  - (5) Sewage pump stations that are visible from a dwelling or a public street - Site element screens 1, 6, 7 or 8.
- b. Site elements not included in the above list but with similar visual impact shall be screened according to the requirements for the most similar elements.
- c. The site element screen shall be placed between the site element and the property line and shall be designed to block views from a street and dwelling to the maximum extent possible. The screen shall surround the element as much as practical without impeding the functions on the lot or encroaching on sight clearance triangles.
- d. Design of Alternative Screen Types. The following types of screens shall be used where specified in subsection 4.a. above:
- (1) Screen Type No. 1, Evergreen or Deciduous Shrubs. Shrubs shall be placed 3 feet on center in a minimum 5-foot wide bed surrounding the site element and arranged to provide a continuous hedge-like screen up to a minimum height of 3 feet at maturity. Shrubs shall be at least 2 feet in height at the time of planting.
  - (2) Screen Type No. 2, Evergreen Hedge with Ornamental and Canopy Trees. An average of one evergreen tree shall be placed for each 8 feet of length of the area being screened, with the trees being staggered so that the center of each tree is at least 12 feet away diagonally from each other tree to provide room for future growth. In addition, an average of two ornamental trees and one canopy tree shall be provided for every 100 feet of property line length to be screened.
    - (a) Such landscaping may be combined with an earth berm with an average minimum height of 5 feet and maximum side slopes of 3:1.
    - (b) If a berm is used, the majority of landscaping shall be placed on the outside slope of the berm. Landscaping may be placed on the top of the berm if there will be proper moisture at the top of the berm. Any other required landscaping shall be placed between the berm and the adjacent street or lot line.
  - (3) Screen Type No. 3, Opaque Fence. A 6-foot opaque fence surrounding the site element on at least three sides shall be provided.
  - (4) Screen Type No. 4, Opaque Fence with Ornamental Trees and Shrubs. A 6-foot opaque fence surrounding site element on at least three sides with additional plantings at the minimum rate of three shrubs and two ornamental trees or large shrubs for each 10 linear feet of proposed fence, arranged formally or informally next to fence, shall be provided.

- (5) Screen Type No. 5, Architectural Extension of the Building. An 8-foot minimum-height architectural extension of the building (such as a wing wall) shall enclose the service or loading dock. The extension shall be consistent in building materials and style with the main building.
  - (6) Screen Type No. 6, Berm with Ornamental Trees. A 2- to 3-foot high continuous berm with ornamental trees at the rate of one tree for every 20 feet clustered or arranged informally shall be provided. The maximum slope of the berm shall be 3:1.
  - (7) Screen Type No. 7. A 2- to 3-foot high continuous berm with grass or groundcover shall be provided. The maximum slope of the berm shall be 3:1, except that a retaining wall may be used on a commercial or industrial side.
  - (8) Screen Type No. 8, Evergreen Hedge. An evergreen hedge with a minimum height at planting of 6 feet, planted a maximum of 3 feet on center, shall be provided.
  - (9) Screen Type No. 9, Low Wall. A wall with an exterior surface with the appearance of brick, stone or architectural masonry (not concrete block), and no less than 3 and no more than 4 feet in height, shall be provided.
- e. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required screen.

#### 804. LANDSCAPING.

- 804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of junk, debris, rubbish and noxious weeds.
- 804.B. See also the buffer yard provisions in Section 803. See the parking lot landscaping and parking lot setbacks in the Subdivision and Land Development Ordinance.
- 804.C. Landscape Maintenance. All trees and other landscaping required by this Ordinance or the Subdivision and Land Development Ordinance shall be perpetually maintained by the property-owner. If any landscaping that is needed to meet an Ordinance requirement dies, is removed, or is severely damaged, it shall be replaced by the current property-owner, within a maximum of 180 days. Note - In certain cases the developer will be responsible for replacement within an initial time period under a subdivision requirement.
- 804.D. Street Trees. Street trees shall be required along a new street or an extension of an existing street of more than 100 feet in length. Street trees are not required where the Borough determines that existing healthy trees proposed to be preserved will serve the same function.
1. The Borough Council may approve other species of trees than those listed below if the applicant proves to the satisfaction of the Borough Council that the trees would be sturdy, attractive and resistant to disease and road salt.

2. A tree required by this Section shall be of the following species. This list shall not regulate types of trees that are not required to be planted by this Ordinance.

Acer rubrum - American Red Maple  
Acer saccharum - Sugar Maple  
Carpinus - Hornbeam  
Celtis occidentalis - Common Hackberry  
Fagus sylvatica - European Beech  
Fraxinus pennsylvanica - Green Ash  
Fraxinus americana - White Ash  
Ginkgo biloba fastigiata - Maiden Hair Tree (male only)  
Gleditsia triacanthos - Thornless Locust or Honey Locust  
Liriodendron tulipifera - Tulip Poplar  
Prunus sargentii - Sargent Cherry  
Quercus - all varieties of Oak  
Sophora japonica - Scholar Tree/Pagoda Tree  
Tilia americana - American Linden  
Tilia petiolaris - Silver Linden  
Tilia euchlora - Crimean Linden  
Tilia cordata - Little Leaf Linden  
Ulmus - hybrids: Homestead or Sapporo Autumn Gold Elms  
Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm  
Zelkova serrata - Zelkova

3. If more than 10 trees are required to be planted, then no more than 50 percent shall be of one species.
4. Quality of Trees. Trees shall be of symmetrical growth, free of insect pests and disease and durable under the maintenance contemplated. The developer shall water trees as needed until a property is sold.
5. Minimum Sizes and Standards. The trunk diameter (measured at a height of 4.5 feet above the finished grade level) of deciduous shade trees required by this Ordinance shall be a minimum of 2.5 inches.
6. Planting and Maintenance.
  - a. Trees shall be planted in conformance with good landscaping practices.
  - b. Trees adjacent to or within parking areas shall be properly protected from damage by vehicles by raised curbs, raised earth, protective devices and/or sufficient setback.
7. Required Number and Spacing of Street Trees. Where required, an average of one street tree shall be planted for every 50 feet of distance along the street right-of-way line on each affected side of the street. Trees shall be distributed along the length of the street, but are not required to be evenly spaced.
8. Location of Street Trees. The trunks of required street trees shall be planted outside of but immediately adjacent to the street right-of-way, unless an alternative location is specifically approved by the Borough or required by PennDOT.

805. NONCONFORMITIES.

805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

805.B. Continuation of Nonconformities.

1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

805.C. Expansion of or Construction Involving Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.

1. Non-conforming Structure.

- a. The Zoning Officer shall permit a non-conforming structure to be reconstructed or expanded provided:
  - (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity, or
  - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, except as may be allowed under subsection 1.c. below.
- b. In the case of a non-conforming structure which is used by a non-conforming use, any expansion shall also meet the requirements of this Section regarding non-conforming uses.

2. Non-conforming Lots.

- a. Permitted Construction on a Non-conforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a non-conforming lot provided all of the following additional requirements are met:
  - (1) The lot must be a lawful non-conforming lot of record;
  - (2) Minimum setback requirements shall be met, except as is allowed in subsection "c." below;
  - (3) State and Federal wetland regulations shall be met; and
  - (4) If a septic or well is used, the requirements for such shall be met.
- b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a non-conforming lot.

- c. Reduction of Side Setbacks. On an existing lawful lot with a non-conforming width, as a special exception, the Zoning Hearing Board may approve a reduction of up to 50 percent in each side setback if the applicant proves such reduction is necessary to allow a customary addition to an existing dwelling, a replacement of an existing undersized dwelling with a new dwelling, or to avoid the construction of a new dwelling that would be inconsistent with the building width of adjacent dwellings. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a Unit for Care of Relative.
  - d. Where part of an existing one family dwelling has side setback that is smaller than would normally be required, other parts of that dwelling may be expanded on that same side, provided that the extension does not go beyond the side setback that already exists on that side.
3. Expansion of a Non-conforming Non-Residential Use. A non-conforming use or a building used by a non-conforming use shall only be expanded if there is compliance with the following provisions:
- a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
  - b. Such reconstruction or expansion shall be only upon the same lot that the non-conforming use was located upon at the time the use became non-conforming.
  - c. The 1) total building floor area used by a non-conforming use or the 2) total land area covered by the non-conforming use, whichever is more restrictive, shall not be increased by greater than 35 percent beyond what existed in the non-conforming use at the time the use first became non-conforming.
    - (1) The above maximum increase shall be measured in aggregate over the entire life of the non-conformity. All expansions of the non-conforming use and/or building(s) that occurred since the use originally became non-conforming shall count towards the above maximum increase.
  - d. Any expansion of a non-conforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
4. Expansion of a Non-conforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of non-conformities are created and d) a non-conformity is not made more severe.
5. Non-conforming Sign. The provisions of this Ordinance shall not provide a right to expand or extend a non-conforming sign. Instead, any expansions or extensions of a non-conforming sign shall comply with this Ordinance. See also Section 707.
- 805.D. Damaged or Destroyed Non-conformities. A non-conforming structure or non-conforming use that has been destroyed or damaged may be rebuilt in a non-conforming fashion only if: a) the application for a building permit is submitted within 12 months after the date of damage or destruction, b) work begins in earnest within 12 months afterward the building permit is issued and continues, and c) no nonconformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties. See the Property Maintenance Code.

805.E. Abandonment of a Nonconformity.

1. If a non-conforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
  - a. as provided for in the "Damaged or Destroyed Non-conformities" provisions of this section in Section 805.D.
2. The applicant shall be responsible to provide clear and convincing evidence that the non-conformity was not abandoned.
3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.

805.F. Changes from One Non-conforming Use to Another.

1. Once changed to a conforming use, a structure or land shall not revert to a non-conforming use.
2. A non-conforming use may be changed to a different non-conforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful non-conforming retail store use to another retail store use or from one lawful non-conforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
3. Where special exception approval is required for a change of a non-conforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing non-conforming use with regard to:
  - a. Traffic safety and generation (especially truck traffic),
  - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
  - c. Amount and character of outdoor storage,
  - d. Hours of operation if the use would be close to dwellings and
  - e. Compatibility with the character of the surrounding area.
4. A non-conforming use shall not be changed to a non-conforming Adult Use.

805.G. District Changes. Any uses, structures or lots that become non-conforming because of a zoning district change shall be regulated under this Section on nonconformities.

806. **DUMPSTER SCREENING AND LOCATION.**

- 806.A. See Section 803.D.4 for screening requirements. Site plans submitted to the Borough shall show the proposed location of any garbage dumpsters. The Borough may require that such proposed location be modified to provide compatibility with adjacent uses.

806.B. The Borough Staff may issue a permit to place a temporary dumpster within a street right-of-way where necessary for on-site work, provided such dumpster does not obstruct traffic or safe sight distances. A maximum time period shall be established on the permit.

807. **PORTABLE STORAGE CONTAINERS.**

807.A. This section shall apply to a portable storage container that is kept outside of a building and which has a length greater than 10 feet and which is not currently attached to a motor vehicle or railroad and which is not part of a permitted industrial use.

807.B. The following regulations shall apply on a principally residential lot:

1. A portable storage container shall not be kept on a principally residential lot for a total of more than 4 months in any 2 year period, unless it is being used as part of an active construction permit for the lot. A temporary zoning permit shall be required if the portable storage container is kept on the lot for more than 30 days.
2. A maximum of one portable storage container shall be allowed per lot.

807.C. On a lot that is not a principally residential lot, any portable storage container that is kept on a lot for more than 30 days shall meet the setbacks that apply to a principal building, unless it is necessary to temporarily hold materials for on-site construction.

807.D. The following shall apply to any portable storage container:

1. The container shall not obstruct safe sight distances at intersections.
2. The container shall not obstruct travel lanes of a street or a public sidewalk.
3. The container shall only be allowed to be placed within a street right-of-way if a permit for such placement is issued by the Borough. Such permit shall specify a maximum number of days during which the container may be placed within the right-of-way.
4. The container shall not be used to store hazardous, explosive or toxic substances or putrescent garbage.
5. A facility that stores portable storage containers that have been leased by others or are available for lease shall be considered a warehouse.

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**YOE BOROUGH ZONING ORDINANCE**  
**TITLE; ENACTMENT; SEVERABILITY**

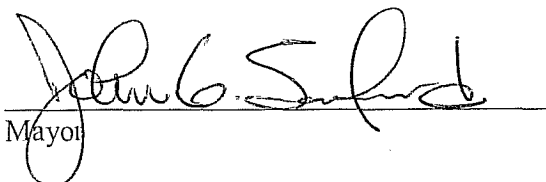
Ordinance No. 2014-02

1. **TITLE.** A New Ordinance: a) dividing Yoe Borough, York County, Pennsylvania into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
  
2. **SHORT TITLE.** This Ordinance shall be known and be cited as the "Yoe Borough Zoning Ordinance" of 2014.
  
3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Yoe Borough Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for Yoe Borough.
  
4. **PROCEDURAL DEFECTS IN ENACTMENT.** Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law.
  
5. **REPEALER.** The pre-existing Yoe Borough Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other Borough ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.
  
6. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Borough Council of Yoe Borough hereby enacts and ordains into an Ordinance the attached document this date of October 7, 2014. This Ordinance shall become effective in 5 calendar days.

YOE BOROUGH COUNCIL

  
\_\_\_\_\_  
President, Borough Council

  
\_\_\_\_\_  
Attest, Borough Secretary

  
\_\_\_\_\_  
Mayor

# Yoe Borough York County, PA

## ZONING MAP

As Adopted by Yoe Borough  
Council on October 7, 2014.

- LDR** Low Density Residential
- MDR** Medium Density Residential
- TC** Town Center
- C** Commercial
- CN** Conservation
- Approximate Area of  
100 Year Floodplain  
(see Official Federal Floodplain  
Maps.)
- HO** Historic Overlay District  
(Demolition approval and  
zoning incentive)

**Base Information provided by:**  
York County Planning Commission, 2013.

0 350 700 Feet



**Urban Research & Development Corporation**

28 West Broad Street Bethlehem, Pennsylvania 18018 610-865-0701

