

# **ORDINANCE NO. 632**

## **BOROUGH OF PAXTANG ZONING ORDINANCE**

### **PART 1**

#### **LEGAL AND GENERAL PROVISIONS**

##### **Section 101. Authority.**

This Chapter is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code (MPC).

##### **Section 102. Title.**

This Chapter shall be known as and may be cited as the “Borough of Paxtang Zoning Ordinance”, “Paxtang Zoning Ordinance”, or “Zoning Ordinance”.

##### **Section 103. Purpose of Enactment.**

The purpose of this Chapter is to:

- A. Promote, protect, and facilitate one (1) or more of the following: the public health, safety, morals, or general welfare; the provision of adequate light and air; and other public requirements.
- B. Prevent one (1) or more of the following: overcrowding; blight; or loss of health, life or property from fire, flood, or other dangers.
- C. Establish a zoning map dividing Paxtang Borough into zoning districts with varying regulations.
- D. Permit, prohibit, regulate and determine the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, expansion, razing, removal, and use of buildings and structures, as well as yards and other open areas to be left unoccupied.
- E. Establish the requirements for density and intensity of uses.
- F. Promote innovative design to preserve and enhance the established and important sense of community, neighborhoods, and character areas.
- G. Provide diverse housing opportunities, including housing that is affordable.
- H. Encourage and accommodate appropriate and compatible adaptive reuse, replacement, infill development, and redevelopment.
- I. Serve as a tool that is part of an overall plan for the orderly, appropriate and compatible preservation, growth, and development in the Paxtang Borough, by incorporating the overall objectives and principles of, as well as seeking to implement the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough.
- J. Affect any additional purposes provided for in Articles I, VI, VII-A, and elsewhere in the Pennsylvania Municipalities Planning Code (MPC).

##### **Section 104. Interpretation and Uses Otherwise Not Provided For.**

- A. Interpretation. In interpreting and applying this Chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Borough. Any use permitted subject to the regulations prescribed by the provisions of this Chapter shall conform with all regulations of the zoning district(s) in which it is located and elsewhere in this Chapter, as well as with all other applicable regulations of this and other related chapters, ordinances, standards, and/or rules. This Chapter is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this Chapter imposes more stringent restrictions upon the use of buildings, structures, land (which also includes water bodies / courses) than are elsewhere established, the provisions of this Chapter shall prevail. Unless otherwise specified elsewhere in this Chapter, wherever and whenever the requirements of this Chapter are not consistent with the requirements of any other legally adopted laws, rules, regulations, chapters, or ordinances, the most restrictive, or that imposing the higher standards shall govern. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.
- B. Uses Not Otherwise Provided For. Any use which clearly is not permitted by right, by special exception use, nor by conditional use by this Chapter within any zoning district, or a use which is not defined by this Chapter, then such use shall be prohibited, except that the Paxtang Borough Council may permit such use by conditional use if the applicant proves to the satisfaction of the Paxtang Borough Council that all of the terms and conditions set forth below are satisfactorily addressed:
1. The proposed use is in general conformity with the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough, and in harmony with the zoning district, area, and neighborhood in which it is proposed.
  2. The proposed use is:
    - a. Similar to and compatible with the permitted uses in the zoning district in which the subject property is located;
    - b. Not permitted in any other zoning district under the terms of this Chapter; and
    - c. In no way conflicting with the general purposes and intent of this Chapter or the zoning district in which the subject property is located.
  3. The external impacts associated with the proposed use would be equal to or less intensive than external impacts associated with other uses that are permitted in the zoning district in which the subject property is located.
  4. The location of the proposed use would not endanger the public health and safety, and the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
  5. The proposed use shall comply with Borough building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Borough, or shall be a condition of approval.
  6. The proposed use would meet the standards that apply under Part 17 of this Chapter relating to *Conditional Uses*.
  7. The applicant shall provide:

- a. The information required in Part 12 of this Chapter relating to Hours of Operation and Management Plan. This information is required for both residential and non-residential uses.
- b. A detailed description of how the proposed use and development complies with items 1.-6. in this subsection above.
- c. A plot / site plans required in Part 17 of this Chapter relating to *Applications for Zoning Permits*.
- d. A schematic architectural drawing of the principal building(s) front façade(s).

**Section 105. Applicability.**

- A. Within the Borough of Paxtang, Dauphin County, PA, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all regulations and procedures specified for in the zoning district(s) in which such land, body of water, or structure is located, as well as with all other applicable provisions of this Chapter and other applicable chapters of the Codified Ordinances of the Borough of Paxtang.
- B. This Chapter shall not apply to an existing or proposed building or structure or extensions thereof, that is used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission (PUC) shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the PUC to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings. The exemptions and procedures shall be in accordance with the MPC.
- C. Notwithstanding the foregoing, the requirements of this Chapter shall not apply to municipal owned uses, land, facilities, or structures owned by the Borough, nor to uses, land, facilities or structures owned by a municipal authority created by the Borough or agent thereof that is authorized or created by the Borough or municipal authority to provide governmental or public health and safety services. Further, the requirements of this Chapter shall not apply to private uses permitted by the Borough, or its authorized municipal authorities or agents, to be conducted upon and or in structures owned and/or operated by the Borough, municipal authorities, or authorized agents. In any instance in which applicable zoning provisions would be affected by non-compliance if not for the exemption provided in this subsection, the Paxtang Borough Council shall take public comment on the specific zoning provisions and related issue(s) at an advertised public meeting of the Paxtang Borough Council. Notice of the public meeting shall be mailed by the Borough at least thirty (30) days prior to the date of the meeting by first (1<sup>st</sup>) class mail to the addresses to which real estate tax bills are sent for all real property located within two hundred (200) feet of the exempt tract, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date, and time of the public meeting, and shall include the location of said exempt tract, a description of the proposed use / development of the exempt tract, and the specific zoning provisions for which strict compliance cannot be met by the proposed use / development of the exempt tract.

**Section 106. Municipality Liability.**

- A. The granting of a zoning permit for the erection or use of a structure, building, or lot shall not constitute a representation, guarantee or warranty of any kind or nature by the Borough, or an official or employee, thereof, of the safety of any structure, building, use, or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against the Borough or such public official or employee for any damage that may be pursuant thereto.

**Section 107. Disclaimer.**

A. It is recognized that the:

1. Act of June 22, 1937 (P.L. 1987, No. 394) known as “The Clean Streams Law”;
2. Act of May 31, 1945 (P.L. 1198, No. 418) known as the “Surface Mining Conservation and Reclamation Act”;
3. Act of April 27, 1966 (1<sup>st</sup> Special Session, P.L. 31, No. 1) known as “The Bituminous Mine Subsidence and Land Conservation Act”;
4. Act of September 24, 1968 (P.L. 1040, No. 318) known as the “Coal Refuse Disposal Control Act”;
5. Act of December 19, 1984 (P.L. 1093, No. 219) known as the “Noncoal Surface Mining Conservation and Reclamation Act”;
6. Act of December 19, 1984 (P.L. 1140, No. 223) known as the “Oil and Gas Act”;
7. Act of June 30, 1981 (P.L. 128, No. 43) known as the “Agricultural Area Security Law”;
8. Act of June 10, 1982 (P.L. 454, No. 133) entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances”; and
9. The Act of May 20, 1993 (P.L. 12, No. 6) known as the “Nutrient Management Act”;

preempt zoning ordinances. Therefore, suggestions, recommendations, options or directives contained in this Section are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of these Acts. Nothing contrary to these Acts shall be mandated by this Chapter.

**Section 108. Severability.**

- A. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Chapter 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 Chapter shall continue to be separately and fully effective.

**Section 109. Repealer.**

- A. The pre-existing Chapter or ordinance relating to zoning in the Borough of Paxtang, as amended, is hereby expressly repealed; provided, further that nothing in this Chapter shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Chapter. All chapters and ordinances or parts of chapters and ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the pre-existing Chapter or ordinance relating to zoning in the Borough of Paxtang, as amended shall, as nearly as possible, be construed to reference this Chapter.

**Section 110. Effective Date.**

A. This Chapter shall take effect immediately upon its adoption.

Duly enacted and ordained by the Council of the Borough of Paxtang on July 17th, 2012.

ATTEST: BOROUGH COUNCIL OF PAXTANG

By: \_\_\_\_\_  
Faye A. Clark, Secretary

\_\_\_\_\_  
John R. Ninosky, President

APPROVED this 17th day of July, 2012

\_\_\_\_\_  
Keldeen L. Z. Stambaugh, Mayor

**PART 2**

**TERMS AND DEFINITIONS**

**Section 201. General Rules of Construction.**

A. The language and words set forth in Part 2 of this Chapter are defined in order to facilitate the interpretation of the Chapter for administrative purposes and in the carrying out of duties by appropriate officers. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning indicated in this subsection below:

1. Words used in the present tense include the future tense.
2. The singular includes the plural and vice versa.
3. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory.
4. The word “person”, “applicant,” “subdivider,” “developer” and “landowner” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
5. The masculine gender includes the feminine and neuter. The feminine gender includes .... the neuter and masculine. The neuter gender includes both feminine and masculine.
6. The word “building” includes structure and shall be construed as if followed by the phrase “or part thereof.”
7. The word “used” or “occupied” as applied to any land, structure, or building shall be construed to include the phrase, “intended, arranged, or designed to be used or occupied”.
8. The word “erected” shall be inclusive of the words “constructed, altered, or moved.”

9. Except as provided in subsection 11. below, for those words used in this Chapter but not defined in this Chapter, the definitions found in the Pennsylvania Municipalities Planning Code (MPC) or various chapters of the Codified Ordinances of the Borough of Paxtang specifically including but not limited to Chapter(s):
  - a. 133 relating to buildings;
  - b. 220 relating to floodplain management;
  - c. 310 relating to property maintenance;
  - d. 360 relating to stormwater management;
  - e. 366 relating to streets and sidewalks;
  - f. 370 relating to subdivision and land development; and
  - g. 392 relating to shade treesshall apply.
10. For those words used in this Chapter but also which are defined in various chapters of the Codified Ordinances of the Borough of Paxtang, wherever and whenever the terms and associated definitions are not consistent, the terms and associated definitions used in this Chapter govern the regulations and standards in this Chapter.
11. For those words used in this Chapter but not defined in or any the definitions found in various chapters of the Codified Ordinances of the Borough of Paxtang, the definition of the term found in the most recent edition of Webster's Unabridged Dictionary shall apply.
12. For those notations, numerals, words, and phrases included parenthetically subsequent to specific text and regulations used in this Chapter, the information included parenthetically shall be considered guidance and explanatory, and the specific text and regulations listed prior to the parenthetical reference used in this Chapter shall govern.

**B. Illustrations and Tables.**

1. In instances of any differences of meanings or implications between the text of this Chapter and any caption, illustration or table, the text shall control. No caption, illustration, or table shall be construed to limit the scope or intent of the text of this Chapter.

**Section 202. Terms and Definitions.**

- A. For the purposes of this Chapter, the following terms shall have the following meanings:

**ABANDONMENT:** The relinquishment of property, or a cessation of the use of the property, by the owner without the intention of transferring rights to the property to another owner, or of resuming the use of the property.

**ABUT or ABUTTING:** Areas of contiguous lots that share a common property line or lot line, or are separated by a common border including easements, but excluding lots entirely separated by a public right-of-way for a street or alley.

**ACCESS DRIVE:** A public or private drive, other than a driveway, providing vehicular access to and between parking areas for more than two (2) parking spaces within a land development; or any drive servicing three (3) or more units of occupancy on a single lot.

**ACCESS AISLE:** The traveled way by which automobiles and other similar motor vehicles enter and depart parking spaces.

**ACCESSORY ALTERNATIVE ENERGY SYSTEM:** An alternative energy system that supplies energy primarily for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. This definition shall not in any way limit or preclude those accessory alternative energy systems conducted pursuant to and part of power purchase agreements.

**ACCESSORY APARTMENT:** An individual independent dwelling unit, incorporated into the principal or accessory structure located on an owner occupied lot upon which the permitted principal use is a single-family detached dwelling, and which meets the requirements for such use in Part 16 of this Chapter relating to *Additional Supplemental Standards and Requirements for Specific Accessory Uses*.

**ACTIVITY:** The use of land, structure, or building for a specific purpose.

**ADAPTIVE REUSE:** The act of converting structures to a new use other than that for which it was originally designed and used, in a sympathetic, compatible, and context sensitive manner.

**ADDITION:** See Chapter 133 relating to buildings.

**ADJACENT:** Two (2) or more abutting lots or two (2) or more lots separated only by a public street right-of-way, another lot, or as otherwise specified in this Chapter.

**AESTHETIC:** The perception of artistic elements, or elements in the natural or man-made environment which are pleasing to the eye.

**AGRICULTURAL OPERATION:** See MPC.

**AIRPORT OVERLAY ZONING DISTRICT TERMS & PHRASES:** Unless specifically defined elsewhere in this Part 2 of this Chapter, the following words and phrases when used in Part 11 of this Chapter relating to the *Airport Overlay Zoning District (APO)* shall have the meaning given to them in this subsection:

- (1). **AIRPORT(S) – CAPITAL CITY AIRPORT (CXY):** Any area of land or water which is used or intended to be used for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities for rights-of-way, together with all airport buildings and facilities thereon.
- (2). **AIRPORT ELEVATION:** The highest point of an airport's usable land area measured in feet above sea level. The Airport Elevation for Capital City Airport is three hundred forty seven (347) feet.
- (3). **AIRPORT HAZARD:** Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.
- (4). **AIRPORT HAZARD AREA:** Any area of land or water upon which an airport hazard might be established if not prevented as provided for in Part 11 of this Chapter relating to *Airport Overlay Zoning District (APO)* and Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).
- (5). **APPROACH SURFACE ZONE:** An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone is derived from the approach surface.

- (6). CONICAL SURFACE ZONE: An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically (or 20:1) for a horizontal distance of four thousand (4,000) feet. The conical surface zone is based on the conical surface.
- (7). FAA: Federal Aviation Administration of the United States Department of Transportation.
- (8). HEIGHT: For the purpose of determining the height limits in all Airport Overlay Zoning District related zones set forth in Part 11 of this Chapter relating to *Airport Overlay Zoning District (APO)* and shown on the Paxtang Borough Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
- (9). HORIZONTAL SURFACE ZONE: An imaginary plane one hundred fifty (150) feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone is derived from the horizontal surface.
- (10). LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight, and jet powered aircraft.
- (11). NON-PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- (12). OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by Part 11 of this Chapter relating to *Airport Overlay Zoning District (APO)*.
- (13). PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precisions Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- (14). PRIMARY SURFACE ZONE: An imaginary surface longitudinally centered on the runway, extending two hundred (200) feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone is derived from the primary surface.
- (15). RUNWAY: A defined area of an airport prepared for landing and takeoff of aircraft along its length.
- (16). TRANSITIONAL SURFACE ZONE: An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone is derived from the transitional surface.
- (17). TREE: Any vegetative object of natural growth.
- (18). UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.



- (19). **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

**ALTERATION:** See Chapter 133 relating to buildings.

**ALTERNATIVE ENERGY SYSTEM:** Any one or more method and facilities used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities of renewable energy sources, including but not limited to sunlight, wind, rain, tides, and geothermal heat.

**AMENDMENT:** Revisions to the zoning text and/or the zoning map to depict a change in use, standards and criteria, or zoning district location(s).

**ANIMAL HOSPITAL:** An establishment offering veterinary services to all types of animals, which also includes outdoor or overnight keeping or boarding of animals.

**ANTENNA STANDARD:** A device, partially or wholly exterior to a structure, that is used for receiving electronic signals, other than a satellite dish antenna which is treated separately, or for transmitting short-wave or citizens band radio frequencies. This shall include antennae used by an amateur ham radio operator or by a contracting business or utility to communicate with its employees, but shall not include a "Commercial Communications Antenna." This term includes any accessory supporting structures.

**ANTENNA SUPPORT STRUCTURES:** Any structure, mast, pole, tripod or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

**APARTMENT:** An individual independent dwelling unit within a residential building.

**APARTMENT CONVERSION:** The creation of multi-family dwelling units or apartments by converting an existing single-family detached dwelling without substantially altering the exterior of the building.

**APPLICANT:** See MPC.

**APPURTENANCES:** The visible, functional, or ornamental objects accessory to, and part of buildings.

**APPLICATION FOR DEVELOPMENT:** See MPC.

**ARCADE:** A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

**ART GALLERY:** An establishment primarily engaged in the display and retail sales of original and limited edition art works, but also may include on-site production of art works.

**ASSISTED LIVING FACILITY:** See Chapter 133 relating to buildings. For purposes of this Chapter, assisted living facilities shall not include halfway houses, group homes, social rehabilitation facilities, and alcohol and drug abuse centers. Assisted Living Facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

**AUTHORITY:** See MPC.

**AUTOMATED BANKING FACILITY:** An establishment that contains automated devices performing banking or financial functions which are operated by the consumer or patron primarily for those who remain in their automobile, but may also be operated by those customers walking up to the device.

**AUTOMOBILE, BOAT, HEAVY EQUIPMENT, MOBILE / MANUFACTURED HOME, RECREATIONAL VEHICLE AND OTHER SIMILAR MOTOR VEHICLE RENTAL / SALES, REPAIR/ SERVICE WASHING and/or FUEL / GAS SALES:** An establishment involving the indoor and/or outdoor display, sale, or rental of new and used motor vehicles including cars, motorcycles, trailers, boats, heavy equipment and construction vehicles, mobile / manufactured homes, recreational vehicles and motorhomes, trucks, other similar motor vehicles, and

mobile / manufactured homes, and which may include washing and polishing of vehicles, major and minor mechanical repairs and body work, straightening of body parts, painting, welding, or rebuilding of transmissions state inspections, oil changes and lubrications, and tune-ups conducted within a completely enclosed building. Additionally, this use includes the dispensing or sales of gas/fuel for motor vehicles; the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

**AUTOMOBILE WRECKING, JUNK, AND SCRAP STORAGE and SALES** An establishment used for the storage, collection, baling, packing, sorting, handling, disassembling, recycling, resource recovery, purchase or sale of any material which has been used, salvaged, scrapped or reclaimed, but is capable of being reused in some form including, but not limited to, metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings, tires, two (2) or more motor vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Commonwealth of Pennsylvania, and motor vehicle parts, but not including garbage or other organic wastes. No material which fails to meet this definition because it is discarded and incapable of being reused in some form shall be placed in any establishment as in defined this Part of this Chapter. In no zoning district shall this use be considered to be accessory or incidental to another use.

**AWNING:** See Chapter 133 relating to buildings.

**BANK:** An establishment in which money is kept for savings or commercial purposes, investment purposes, supplied for loans, or exchanged, and that includes routine interactions with customers and/or patrons. A bank may also provide financial counseling, planning, and services related to money management, and includes those establishments considered savings and loans and credit unions.

**BAR:** See TAVERN / BAR

**BED AND BREAKFAST:** An owner-occupied or manager-occupied establishment within a single family detached dwelling and/or the associated accessory structure, providing temporary overnight lodging accommodations in sleeping rooms/units for transient guests related meal service for compensation. Bed and breakfast establishments may also host accommodations for private events (e.g. weddings and conferences). Temporary overnight lodging occurs within individual sleeping rooms/units which do not contain cooking facilities.

**BEER AND ALE WHOLESALE DISTRIBUTION:** An establishment engaged in the sale and delivery of beer and ale, and similar alcoholic beverages, such as malt liquor and wine coolers, in wholesale quantities to retail sellers, as well as retail sales to the public.

**BERM:** A mound of soil, either natural or man-made, used to obstruct views and attenuate sound, among other purposes.

**BEST MANAGEMENT PRACTICES (BMPs):** See Chapter 360 relating to stormwater management.

**BILLBOARD:** A permanent sign erected, maintained, or used in the outdoor environment for the purpose of the display of commercial or non-commercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. Unless otherwise specified, for purposes of this Chapter, the term “billboard” shall include all related sign parts, support structures, and foundations, and portions thereof.

**BLOCK:** Land surrounded on all sides by streets measured at the right-of-way or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces.

**BLOCK FACE:** The edge of a block of lots sharing lot frontage on a street in common, and that is located between two (2) intersecting streets.

**BOROUGH COUNCIL:** The Paxtang Borough Council also may be referenced as the “Borough Council”. (See GOVERNING BODY).

**BOROUGH ENGINEER:** A qualified, professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania, designated by Paxtang Borough Council to furnish professional and technical assistance for the administration of this Chapter.

**BOROUGH SOLICITOR:** The licensed attorney licensed to practice in the Commonwealth of Pennsylvania, designated by the Paxtang Borough Council to furnish professional legal assistance for the administration of this Chapter.

**B.Y.O.B. CLUB:** A licensed facility such as a dance hall, club, or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty one (21) years of age and older may, after payment of an entry fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises; also commonly referred to as Bring Your Own Bottle Clubs; provided that a facility which is rented for a limited period of time, not to exceed twelve (12) hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a B.Y.O.B. Club under the terms of this Chapter and Chapter 115 relating to alcoholic beverages.

**BUFFER:** An open area of land that is located between two (2) uses, and intended to mitigate negative impacts, such as visual and noise, of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district.

**BUFFER YARD:** An open area of land that is located between two (2) uses, that is intended to mitigate negative impacts, such as visual and noise, of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district, whose dimensions normally exceed, but may include where specified, the required building setback or yard requirements, and which is generally planted and may include required screening, and within which no building or structure shall be permitted except those used as part of required screening as otherwise provided for in this Chapter.

**BUILDING:** See Chapter 133 relating to buildings.

**BUILDING, ACCESSORY:** A detached, subordinate structure, the use of which is customarily incidental and subordinate to that of the principal building, or otherwise principal use of the lot, and which is located on the same lot as that occupied by the principal building, structure, or otherwise principal use of the lot.

**BUILDING, ATTACHED:** A building connected to another building via one (1) or more common party wall(s).

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

**BUILDING CODE OFFICIAL:** The administrative officer certified by the PA Department of Labor and Industry to manage, supervise, administer code enforcement activities, and issue building permits under the authority of the PA Uniform Construction Code pursuant to Chapter 133 relating to buildings, who is appointed by the Paxtang Borough Council.

**BUILDING FACADE:** The front exterior face, elevation, or wall of a principal building that is often facing the street rights-of-way, excluding alleys.

**BUILDING FOOTPRINT:** The sum total of the ground area of a site occupied by any building measured from the exterior face of exterior walls; this includes courts and decks or porches when covered by a roof.

**BUILDING HEIGHT:** The vertical distance of a building measured from the average elevation of the finished grade in front of the building to the:

- (1). Top of the highest roof beams on a flat or shed roof;
- (2). Deck level on a mansard roof; and
- (3). Average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

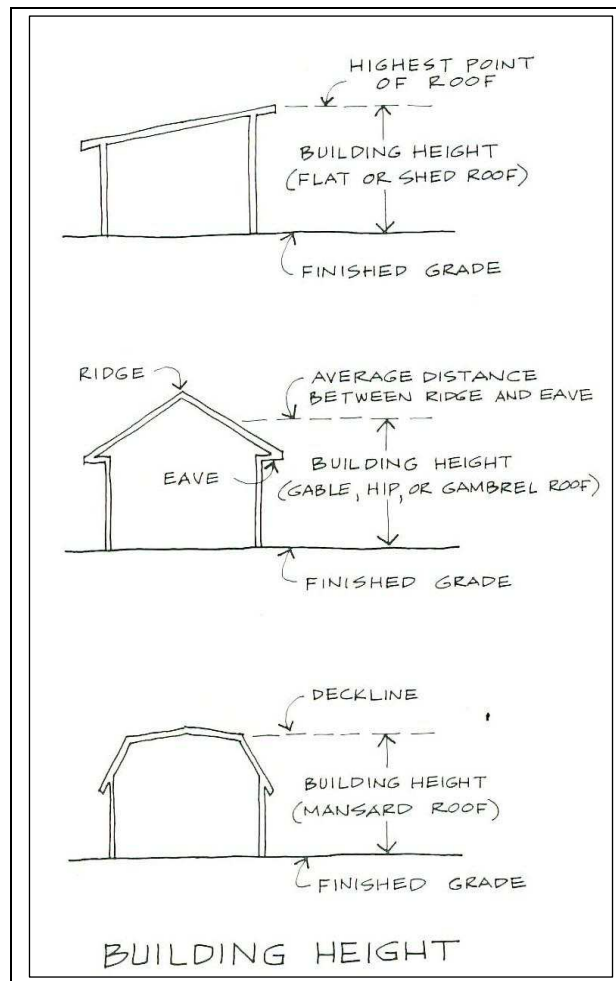


Figure 2.1 Building Height  
(Source: The New Illustrated Book of Development Definitions, 1993)

**BUILDING LINE:** A line parallel to the front, side, and/or rear lot line, touching that part of the structure closest to said lot line.

**BUILDING ORIENTATION:** Generally refers to the manner in which a building is positioned on a lot as described by the relationship between the front of the building and the front lot line (e.g. a front building façade parallel to the front lot line.)

**BUILDING PERMIT:** A document signed by the Building Code Official, as required in Chapter 133 relating to buildings, as a condition that shall be met prior to commencing with the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure, that acknowledges that such structure complies with the provisions of Chapter 133 relating to buildings, and this Chapter relating to zoning.

**BUILDING, PRINCIPAL:** The main or primary structure, the use of which is primary and essential to that of any accessory building, structure, or other accessory use of the lot, and which is located on the same lot as any accessory building, structure, or other accessory use of the lot.

**BUILDING SETBACK LINE:** See SETBACK LINE.

**BUS / TRANSIT SHELTER:** A structure providing temporary cover or protection, as from the weather, to riders waiting to board buses and other similar public transportation motor vehicles.

**CALIPER, TREE:** The diameter of a tree trunk measured at four and one half (4 ½) feet from ground level.

**CANOPY:** See Chapter 133 relating to buildings.

**CARPORT:** A roofed structure that is enclosed on not more than two (2) sides and provides space for the parking of motor vehicles, and is accessory to a principal or accessory structure, unless it is attached to the structure, in which case it shall comply with all applicable principal or accessory structure standards of this Chapter.

**CARTWAY:** See Chapter 370 relating to subdivision and land development.

**CEMETERY:** An establishment involving the burial of and/or long term interment of human or animal remains either in the ground or in structures such as columbariums, mausoleums, and entombments. Cemeteries may also include cremation facilities.

**CERTIFICATE OF USE AND OCCUPANCY:** The certificate issued by a duly authorized Borough officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit and/or zoning permit.

**CHANGE OF USE:** Any use that differs from the previous use of a structure or land.

**CHARACTER AREA:** Area of the community that has achieved a unique, recognizable, character that is different from neighboring areas. These differences may be the result of topography, age and style of housing and buildings, built environment, land use development patterns, landscaping, street patterns, open space, or streetscapes.

**CHIMNEY:** A structure containing one (1) or more flues for drawing off emissions from stationary sources of combustion.

**CLEAR SIGHT TRIANGLE:** A triangular-shaped portion of land established at a street intersection in which nothing is permitted to be erected, placed, or planted, or allowed to grow in a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**CLINIC, MEDICAL:** An establishment where three (3) or more full time equivalent licensed medical professionals as defined in this Part 2 of this Chapter, examine and treat patients on an outpatient basis. Such a facility may also include a pharmacy provided that such use has access only from the interior of the building. This use shall not include overnight accommodation of patients. This use shall also include those establishments commonly known as ambulatory surgical, urgent, and emergency centers without overnight accommodations.

**CLUBHOUSE OR LODGE, PRIVATE:** An establishment exclusively serving members and their guests, or premises or buildings that are used for social, recreational and administrative purposes, provided there are no vending stands, merchandising, or commercial activities except as required for the membership or fundraising of such club. This use shall not include a bar, boarding house, nightclub, restaurant, or tavern open to the general public, or an auditorium, unless that particular use is permitted in that zoning district and the applicable requirements of that use are met, provided they are operated primarily to serve members and their guests. Private clubhouses and lodges shall not be construed to be a sexually oriented business and/or related use as defined in this Part of this Chapter.

**CLUB, PRIVATE:** An organization catering exclusively to members and their guests and not the general public. Private clubs shall include but not be limited to, educational, fraternal, service, and political organizations, labor unions, and social and athletic clubs.

**CO-LOCATION:** The act of placing two (2) or more communications antennas or facilities on one (1) tower or other support structure.

**COLD-FRAME:** An unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or plastic, used for protecting seedlings and plants from the cold.

**COMMERCIAL RECREATION, INDOOR:** An establishment operated as a gainful business, open to the public, for the purpose of leisure time activities, public recreation or entertainment, including, but not limited to, amusement arcade, arena, assembly hall, bingo parlor, bowling alley, gymnasium, health and fitness club, miniature golf course, skating rink, shooting range, swimming pool, dance or gymnastic instructional school, tennis courts, etc., when operated within a completely enclosed building.

**COMMERCIAL RECREATION, OUTDOOR:** An establishment operated as a gainful business and open to the public upon open land, wholly or partially outside of a building, for the purpose of leisure time activities, public recreation or entertainment such as a swimming pool, tennis court, batting and pitching cages, go-cart track, and skating rinks, and that may also include amusement rides or regular live entertainment. This use excludes a park, golf course and an outdoor shooting range.

**COMMERCIAL VEHICLE:** Any motor vehicle licensed by the Commonwealth of Pennsylvania as a commercial vehicle.

**COMMON OPEN SPACE:** See MPC.

**COMMUNICATIONS ANTENNA:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.

**COMMUNICATIONS EQUIPMENT BUILDING:** An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty (250) square feet.

**COMMUNICATIONS TOWER:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antenna.

**COMMUNICATIONS TRANSMITTING AND RECEIVING FACILITY:** A communications tower or other facility which transmits or receives a radio, television, or other communications signal(s).

**COMMUNITY CENTER:** An establishment used for non-commercial recreational, social, educational, and cultural activities, open to the public or a designated part of the public, owned or operated by a public or non-profit group or agency.

**COMMUNITY GARDEN:** An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be used collectively by members of the group and may include common areas maintained and used by group members.

**COMPATIBLE:** Capable of associating or blending with or being associated or blended because of sensitive, harmonious, agreeable, appropriate, or consistent combination with another or other.

**COMPREHENSIVE PLAN:** The most recent version of the official public document prepared in accordance with the MPC, consisting of maps, charts and textual material that constitutes decisions about the physical and social development of the Borough, as amended from time to time.

**COMPOSTING:** The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

**CONDITIONAL USE:** See MPC.

**CONDOMINIUM:** A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980, which includes a multiple unit land development in which there is a system of separate ownership of individual units of occupancy and undivided interest of land and common facilities. For purposes of this Chapter, the specific uses associated with a condominium shall be regulated by the applicable standards of this Chapter regardless of the form of ownership.

**CONSISTENT:** In agreement; compatible.

**CONSTRUCTION:** The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a structure, including the placement of mobile / manufactured homes.

**CONTEXT:** The conditions and circumstances that are relevant to a setting, event, fact, etc.

**CONTIGUOUS:** Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

**CONTINUING CARE RETIREMENT FACILITY:** An age-restricted development or establishment that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee.

**CONVENIENCE STORE:** An establishment primarily engaged in the retail sale of frequently or reoccurring needed goods for household consumption, of prepackaged food and beverages, foods prepared on site, magazines, lottery tickets, tobacco products, and limited household supplies, and hardware; as well as the rental of videotapes, videogames, and DVDs, provided that a sexually oriented business and/or related use are specifically prohibited. The use also may include the on-site consumption of food and beverages, as well as the retail sale of fuel for passenger vehicles, oil, grease, automobile accessories, propane, and kerosene, and automatic car washing facilities.

**CONVENTION CENTER:** A group of uses designed and constructed as an integrated development to serve those attending consumer trade shows, association conferences and meetings, sports shows, banquets, receptions and other similar functions.

**COPY SHOP / BUSINESS SERVICE:** An establishment primarily engaged in providing custom printing, photocopying, faxing, mailing, courier service and/or other similar business and office support services, along with accessory sales of materials and items related to copying and mailing.

**CORNICE:** The projecting horizontal element that tops a wall or flat roof.

**CRAFTSMAN / ARTISAN STUDIO:** An establishment primarily engaged in the on-site production, display, and sale of goods created on-site by hand manufacturing generally involving only the use of hand tools and/or other domestic mechanical equipment. Typical uses include painting and other media-art, ceramics, fabric crafts, candle-making, and jewelry manufacturing. All such production associated with this use shall occur within a completely enclosed building.

**CROP:** A harvestable product including but not limited to herbs, fruits, flowers or vegetables, planted, grown, and cultivated in the soil.

**CROPS / GARDENING:** The use of land for the tilling of the soil; the raising, maintenance, and cultivation of crops, and also including horticulture, apiculture, floriculture, vitaculture, for personal, and generally non-commercial purposes.

**CURB:** A stone, concrete, or other improved boundary usually marking the edge of the roadway, access drive, or paved area.

**CURB CUT:** The opening along the curb line at which point vehicles may enter or leave the roadway.

**DAYCARE:** An establishment offering care or supervision of persons under the age of sixteen (16), special needs adults in lieu of care or supervision by family members, elderly persons (generally sixty-two [62] years of age and older), mentally disabled, and/or physically handicapped persons who need such daily assistance because of their physical or cognitive disabilities, or disease. This use shall not include persons who need oversight because of criminal and/or violent behavior. 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 sixty (60) hours per week per person:

- (1). **DAYCARE, ACCESSORY:** An accessory use to a residential dwelling unit, whereby care and supervision is offered to no more than three (3) non-residents of the site during any calendar day. An accessory daycare does not require zoning approval.
- (2). **DAYCARE, COMMERCIAL:** An establishment operated as a gainful business that provides care and supervision to more than six (6) non-residents of the site during any calendar day. Commercial daycare facilities can be operated as principal uses or as accessory uses associated with other uses (e.g., schools, places of worship, industries, residential complex, etc.); however, in no case shall a commercial daycare be considered an accessory use to an individual dwelling unit. Commercial daycare facilities shall include “group child daycare homes” and “child daycare centers,” as defined and regulated by the Pennsylvania Department of Public Welfare.
- (3). **DAYCARE, FAMILY:** An accessory use to a residential dwelling unit, in which the care and supervision is offered to between four (4) and six (6) non-residents of the site during any calendar day. Family daycare facilities shall be registered with the Pennsylvania Department of Public Welfare.

**DECIDUOUS:** Plants that drop their leaves before becoming dormant in winter.

**DECK:** An elevated, open, exterior structure, platform, or floor supported on at least two (2) opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

**DEED RESTRICTION:** A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The municipality is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process, and in which the municipality is a party.

**DENSITY, NET:** The number of dwelling units or units of occupancy per acre of net lot area.

**DEP:** Pennsylvania Department of Environmental Protection.

**DEVELOPER:** See MPC.

**DEVELOPMENT:** Shall include the following:

- (1). Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement, of or extension (vertical or horizontal) of a structure, or sign;
- (2). Change of the type of use or expansion of the use of a structure, building, or area of land;
- (3). Creation or establishment of a new use of a structure, building, and area of land.
- (4). Creation of a new lot or alteration of existing boundaries.
- (5). Alteration or development of any improvement or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations for underground utilities provided the final grade is not altered;



- (6). Construction or installation of lakes, ponds, dams, or other water retention basins;
- (7). Land development as defined in this Part of this Chapter, shall be included in this definition;
- (8). Infill, redevelopment, replacement, and adaptive reuse as defined in this Part 2 of this Chapter, shall be included in this definition.
- (9). Other activities required to have a permit and/or approval by this Chapter.

DEVELOPMENT PLAN: See MPC.

DISTRIBUTION: A process whereby materials, goods, cargo, and products are received and stored by one entity and then delivered to another.

DISTRIBUTION CENTER: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

DORMER: A projection from a sloping roof which contains a window.

DORMITORY: See Chapter 133 relating to buildings.

DRIVE-IN: A business establishment, including an eating establishment, that offers refreshments, entertainment, goods or services to patrons, who purchase and/or consume such refreshments, entertainment, or services on the premises and outside of the building, including patrons who may receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVE THRU: A structure designed for providing goods and services to drivers and patrons who remain in their vehicles before and during the on-site activity.

DRIVEWAY: A private drive, other than an access drive, providing vehicular access between a street or access drive and a parking area for not more than two (2) residential units of occupancy.

DUMPSTER: A container, generally two (2) or more cubic yards in capacity, for the disposing of refuse, whether generated by residential, non-residential, or other use.

DWELLING: See Chapter 133 relating to buildings.

DWELLING, MULTI-FAMILY: A building occupied and used by three (3) or more families living independently of each other, wherein each dwelling unit shall contain private bath and kitchen facilities. Includes apartment homes/houses. See Figure 2.2 Multi-Family Dwelling Example – Plan View and Figure 2.3 Multi-Family Dwelling Example – Profile View.

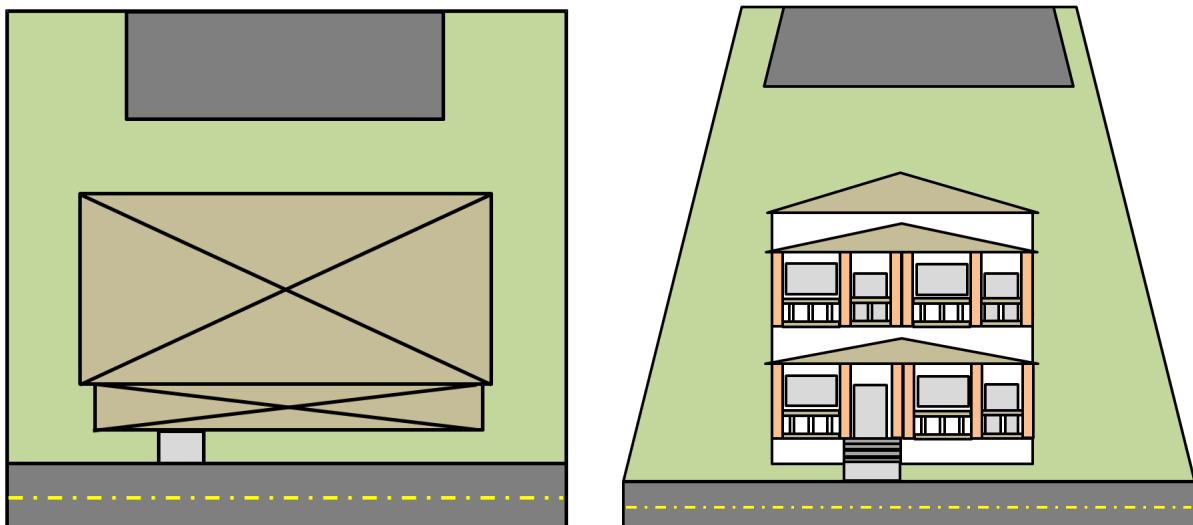


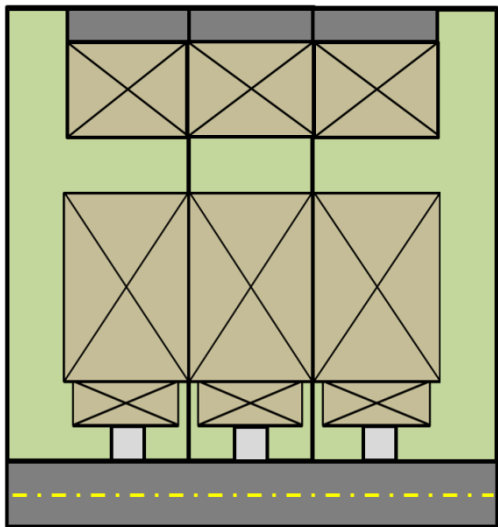
Figure 2.2 Multi-Family Dwelling Example–Plan View

Figure 2.3 Multi-Family Dwelling Example – Profile View

DWELLING, SINGLE FAMILY ATTACHED: A building containing one (1) dwelling unit occupied and used by one (1) family, having at least one (1) party wall in common with other single family attached dwelling(s). For units having one (1) party wall, there shall be one (1) side yard, and for units having two (2) party walls, there shall be no side yards (except on corner lots). Standards and regulations of this Chapter shall apply to individual units, whether on a common lot or on individual lots. Includes townhomes/houses and row homes/houses. See Figure 2.4 Single Family Attached Dwellings Example – Plan View, Figure 2.5 Single Family Attached Dwellings Example – Profile View, Figure 2.6 Single Family Attached Dwellings (On 1 Lot) Example – Plan View, and Figure 2.7 Single Family Attached Dwellings (On 1 Lot) Example – Profile View.

Figure 2.4 Single Family Attached

Figure 2.5 Single Family Attached Dwellings



Dwellings Example – Plan View



Example – Profile View

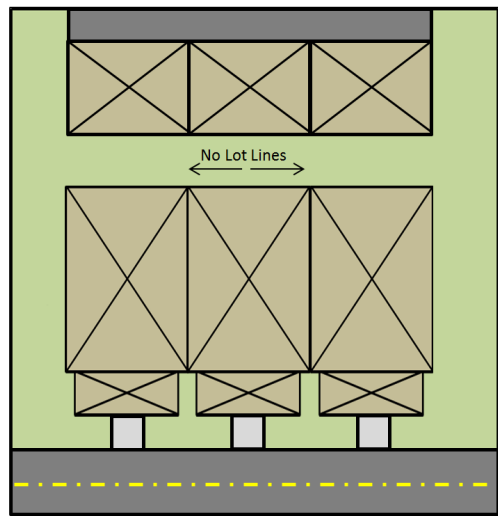


Figure 2.6 Single Family Attached Dwellings (On 1 Lot) Example – Plan View



Figure 2.7 Single Family Attached Dwellings (On 1 Lot) Example – Profile View

DWELLING, SINGLE FAMILY DETACHED: A building containing one (1) dwelling unit occupied and used by one (1) family, and having two (2) side yards (except on corner lots). See Figure 2.8 Single Family Detached Dwelling Example – Plan View and Figure 2.9 Single Family Detached Dwelling Example – Profile View.

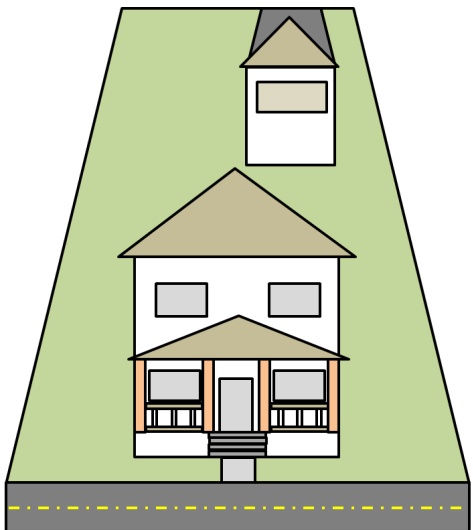
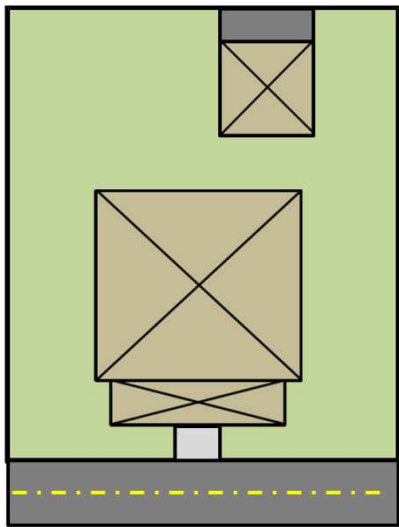


Figure 2.8 Single Family Detached Dwelling Example – Plan View

Figure 2.9 Single Family Detached Example – Profile View

**DWELLING, SINGLE FAMILY SEMI-DETACHED:** A building containing one (1) dwelling unit occupied and used by one (1) family and having one (1) party wall in common with another single family semi-detached dwelling building and one (1) side yard (except on corner lots). See Figure 2.10 Single Family Semi-Detached Dwelling Example – Plan View and Figure 2.11 Single Family Semi-Detached Dwelling Example – Profile View.

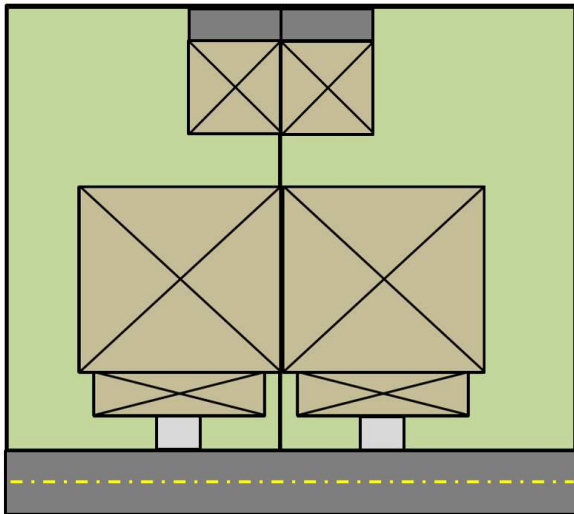


Figure 2.10 Single Family Semi-Detached Dwelling Example – Plan View



Figure 2.11 Single Family Semi-Detached Dwelling Example – Profile View

**DWELLING, TWO FAMILY DETACHED:** A building containing two (2) dwelling units each occupied and used by one (1) family, with one (1) dwelling unit arranged over the other or beside the other, and having two (2) side yards (except on corner lots). See Figure 2.12 Two Family Dwelling Example – Plan View and Figure 2.13 Two Family Dwelling Example – Profile View.

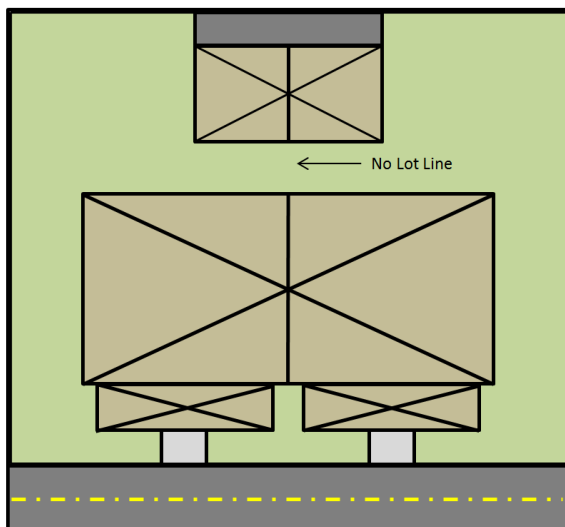


Figure 2.12 Two Family Dwelling Example – Plan View

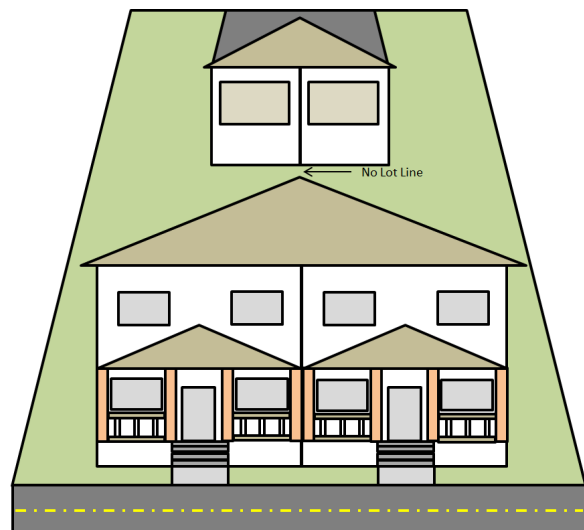


Figure 2.13 Two Family Dwelling Example – Profile View

**DWELLING, UNIT:** See Chapter 133 relating to buildings. For purposes of this Chapter, “or more persons” shall specifically be limited to not more than one (1) family.

**EASEMENT:** See Chapter 370 relating to subdivision and land development.

**EAVE:** Projecting overhang at the lower border of a roof and extending from a primary wall or support.

**EMERGENCY SERVICES:** An establishment for the maintenance, fueling, storage, dispatching, or parking of vehicles and/or equipment utilized for fire, emergency medical, and ambulatory services and related activities, other than those owned and/or operated by the Borough, and/or its authorized municipal authorities and/or agents. This use may include housing for related personnel while on call.

**EMPLOYEES, NUMBER OF:** The greatest 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 (1) time, other than clearly temporary and occasional persons working on physical improvements to the site.

**ENLARGEMENT:** An increase in the size of an existing structure or use, including physical size of the property, structure, building, parking, and other improvements.

**ENROLLMENT:** The largest number of students under educational supervision at any one (1) time.

**EROSION:** See Chapter 360 relating to stormwater management.

**ESSENTIAL SERVICES:** The provision by public utilities, municipal, or other governmental units regulated by the Public Utility Commission (PUC) or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewer and storm sewer facilities, and wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities, municipal, or governmental units or for the public health, safety or general welfare.

**ESTABLISHMENT:** Any organization, including a business, whether private, public, governmental, social, or otherwise, together with its owners, directors, employees, members, merchandise, inventory, and equipment, founded for a specific purpose.

**EVERGREEN:** Plants having foliage that persists and remains green throughout the year.

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

**EXISTING USE:** An activity or use of land occurring on a lot or parcel as of the effective date of this Chapter.

**FAMILY:** One (1) or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption who maintain one (1) common household and reside in one (1) dwelling unit; or no more than four (4) persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption except persons possessing a handicap as set forth in “Group Home” and within the meaning of the Fair Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one (1) dwelling unit and live and cook together as a single housekeeping unit shall be considered a family.

**FARMERS’ / FLEA MARKET, OUTDOOR:** An outdoor establishment used for the sale of raw agricultural and food products, and assorted new and used goods by vendors or auctioneers on a periodic basis.

**FENCE:** Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry erected, intended and maintained; and/or hedges, “living fences” and other natural vegetation planted, intended and maintained; either, singularly, or in combination to provide screening or divide one property from another property or public street right-of-way; enclosing an area; helping assure privacy or protection; and/or to define and mark the property or lot line(s).

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

**FINANCIAL SERVICE, OTHER:** An establishment, excluding banks, savings and loans, and credit unions, where the principal business is the receipt, disbursement, or exchange of funds and currencies and includes those establishments considered pawn shops, payday lending, and check cashing businesses.

**FINISHED GRADE:** The elevation of the land surface of a site after completion of all site preparation work.

**FIRE ESCAPE:** A structure, device, or appurtenance, including stairways, railings, ladders, etc. attached to the exterior of a building, erected for emergency exit in the event of fire.

**FLOODPLAIN TERMS & PHRASES.** See Chapter 220 relating to floodplain management.

**FLOOR AREA, GROSS:** See Chapter 133 relating to buildings.

**FLOOR AREA, NET:** See Chapter 133 relating to buildings.

**FLOOR AREA, HABITABLE:** See Chapter 133 relating to buildings.

**FLOOR AREA RETAIL, NET:** The sum total of all floor area space relegated to use by the customer and the retail employee to conduct retail sales, including the display area used to indicate the variety of goods available for customers, but not including office space, storage space, and other general administrative areas.

**FOOD SERVICE:** An establishment in which food is processed and/or prepared on the premises, and which may be sold and/or consumed on the premises. This term shall also include bakeries and catering establishments.

**FORESTRY (TIMBER HARVESTING):** See MPC.

**FORM:** Generally refers to the type of building or structure (e.g. two [2] story structure) and its architectural characteristics.

**FUNERAL HOME:** An establishment conducting embalming and cremation activities which may include the viewing of the deceased and ceremonies connected therewith prior to burial or cremation, but not including cemeteries, columbariums, mausoleums, and entombments.

**GARAGE, PRIVATE:** An accessory enclosed or covered space for the storage of one (1) or more vehicles, provided that no business, occupation, or service is conducted for profit therein nor holds space therein, unless otherwise permitted elsewhere in this Chapter.

**GARAGE, PUBLIC PARKING:** Any garage other than a private garage that is used for parking or storage of motor vehicles.

**GARAGE SALES / YARD SALES:** See Chapter 229 relating to garage and yard sales.

**GARDENING:** The cultivation of herbs, fruits, flowers, or vegetables.

**GOVERNING BODY:** See MPC. See also **BOROUGH COUNCIL**.

**GOVERNMENT FACILITY, OTHER THAN MUNICIPAL OWNED USE:** Any establishment, use, facility, and/or structure owned and/or operated by a government, government agency or government authority for valid public health, public safety, public welfare, or similar governmental purpose other than the Borough, its municipal authorities, and/or authorized agents. This term shall not include permitted uses defined, listed, and/or regulated separately elsewhere in this Chapter.

**GREENHOUSE:** A structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GROUND COVER:** A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

**GROUP CARE FACILITY:** An establishment providing shelter, counseling, and other rehabilitative services in a family-like environment for at least nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet licensing standards of the Commonwealth of Pennsylvania, specifically the Pennsylvania Department of Public Welfare. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimum level of supervision but do not require medical or nursing care or general supervision.

**GROUP HOME:** A dwelling inhabited by not more than eight (8) handicapped persons, as identified and provided for by the Fair Housing Act and this Chapter. This definition does not include persons occupying a hotel, motel, bed and breakfast, halfway house, boarding house, treatment center or institution. A group home involves persons functioning as a common household unit, providing non-routine support services and oversight to persons who need such assistance to avoid being placed in an institution because of physical, mental, or developmental disability, or age, or individuals who meet the definition of “handicap”, as defined by applicable federal law. (NOTE: The Federal Fair Housing Act amendments define “handicap” as follows: “(1) a physical or mental impairment which substantially limits one (1) 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 [ADA] to address certain situations related to substance abuse treatment.) For the purposes of this Chapter, group homes shall be permitted and regulated as single-family detached dwellings.

**HALFWAY HOUSE:** A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

**HAZARDOUS MATERIAL:** Materials which are classified by the U.S. Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Protection (DEP), or the Borough as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks, and large containers, located in flood prone areas.

**HAZARDOUS WASTE:** Any substance classified by the EPA, the DEP, or the Borough as having the potential to damage health or impair safety, including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (1). Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
- (2). Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(NOTE: “Hazardous Waste” shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended).

**HAZARDOUS WASTE FACILITY:** An establishment, facility, or group of structures, above ground or underground storage tanks, or any other area, structures, or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Borough.

**HEIGHT:** The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. See also **BUILDING HEIGHT**.

**HEIGHT OF COMMUNICATION TOWER:** The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**HELIPORT:** See Chapter 133 relating to buildings.

**HOME IMPROVEMENT CENTER, LUMBER SALES, BUILDING MATERIALS SALES:** An establishment providing for the sale of materials, products, and supplies for home improvement, lawn, and garden, lumber, and other similar building materials and products, including hardware stores.

**HOME OCCUPATION:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling. Also see **NO-IMPACT HOME OCCUPATION**.

**HOOPHOUSE:** A structure made of piping or other material covered with translucent plastic, constructed in a “half-round” or hoop shape.

**HOSPITAL:** See Chapter 133 relating to buildings. A hospital shall be licensed as such by the Department of Health of the Commonwealth of Pennsylvania. The term “hospital” shall not include any facility which houses the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony.

**HOTEL:** An establishment providing temporary, overnight lodging accommodations for transient guests for compensation, in sleeping rooms/units that each has separate access to a common interior corridor and which may provide additional supporting services such as restaurants, meeting rooms, recreation facilities, and living quarters for a resident manager or proprietor.

**HOUSEHOLD:** Persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

**IMPERVIOUS LOT COVERAGE:** See **LOT COVERAGE**.

**IMPERVIOUS SURFACE (IMPERVIOUS AREA):** See Chapter 360 relating to stormwater management.

**IMPOUNDMENT:** A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

**IMPROVEMENTS:** See Chapter 370 relating to subdivision and land development.

**INCOMPATIBLE:** Incapable of associating or blending with or of being associated or blended with another or other because of insensitivity, disharmony, inappropriateness, unsuitability, or incongruity.

**INDUSTRIAL USES:**

- (1). **GENERAL INDUSTRIAL:** An establishment primarily:
  - (a). Involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted, raw, and/or recycled materials; or
  - (b). Engaged in the storage of, manufacturing processes, or shipping of flammable or explosive materials; or
  - (c). Engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions; and
  - (d). Due to the more intensive nature of the processes, materials, products, etc. such uses that may disturb or endanger neighboring properties.
- (2). **LIGHT INDUSTRIAL:** An establishment primarily:
  - (a). Involving the manufacturing, predominately from previously prepared semi-finished or finished materials, products, or parts of finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products; but
  - (b). Excluding the processing of extracted, raw, and/or recycled materials; and

- (c). Due to their lower intensity nature of such processes, materials, or products, produces no noise, vibration, air pollution, fire hazard or noxious emission, which would disturb or endanger neighboring properties.
- (d). Involved in the production and/or repair services of large-major appliances; electrical instruments; office and vending machines; precision instruments; electronic devices; timepieces; jewelry; musical instruments; novelties; mass-produced personal and office furniture and equipment; wood products such as cabinetry; printed materials including all forms of media and signs; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight metal castings; film processing; light sheet metal products; tinsmithing, welding, plumbing, heating, ventilating and air-conditioning plastic goods; pharmaceutical goods, medical supplies, optical goods, and related equipment and appliances; and food products and frozen food lockers; taxidermy, but not animal slaughtering or curing nor rendering of fats, when such facilities are in a completely enclosed building and/or structure.

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

**INFILL:** Development of land within the Borough accessible to infrastructure that is generally surrounded by development and has been bypassed, remained vacant, and/or is underused.

**INOPERABLE MOTOR VEHICLE:** See Chapter 310 relating to property maintenance.

**JUNK:** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or other use or disposition.

**JUNK VEHICLE:** Includes any vehicle or trailer that meets any of the following conditions:

- (1). Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs;
- (2). Cannot be towed, in regards to a trailer designed to be towed;
- (3). Has been separated from its axles, engine, body or chassis; and/or
- (4). Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

**KENNEL, COMMERCIAL:** An establishment in which three (3) or more pets or domesticated animals (e.g. dogs and cats, but not including livestock, horses, poultry, or wild animals) are kept, boarded, raised, bred, treated, or sold as a gainful business whether or not licensed through the Pennsylvania Department of Agriculture, in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered a commercial kennel business. This use shall also include an establishment providing obedience training, behavior modification training, and/or specialized skill training services to animals, dogs, and their owners or handlers.

**LAND DEVELOPMENT:** See Chapter 370 relating to subdivision and land development.

**LANDOWNER:** See MPC.

**LAUNDRY AND DRY CLEANING FACILITY, INDUSTRIAL:** An establishment engaged in supplying, on a rental or contract basis, laundered items such as:

- (1). Table and bed linens; towels; diapers; and uniforms, gowns, or coats of the type used by doctors, nurses, barbers, beauticians, and waitresses; and/or
- (2). Industrial work uniforms and related work clothing, such as protective apparel (flame and heat resistant) and clean room apparel; dust control items, such as treated mops, rugs, mats, dust tool covers, cloths, and shop or wiping towels.

**LAUNDRY AND DRY CLEANING, PERSONAL:** An establishment engaged in one (1) or more of the following:

- (1). Dry-cleaning services;
- (2). Laundering services;
- (3). Dropoff and pickup sites for laundries and/or drycleaners; and/or
- (4). Specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows.

These establishments may provide all, a combination of, or none of the cleaning services on the premises.

LEASE: A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

LIBRARY: An establishment in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use but generally not for sale.

LICENSED MEDICAL PROFESSIONAL: For purposes of this Chapter relating to the number of full time equivalent licensed medical professionals for medical clinics and medical offices, this term shall include those individuals who are authorized by law to examine, diagnose, and treat patients including physicians, dentists, opticians, psychologists, and other similar medical and dental professionals. This term shall not include nurses other medical support and/or administrative support staff.

LIGHTING WORDS & PHRASES: Unless specifically defined elsewhere in this Chapter or in the Codified Ordinances of the Borough of Paxtang, the following words and phrases when used in this Chapter relating to the outdoor lighting and other performance standards set forth in Part 12 of this Chapter relating to *Performance Standards for All Uses* shall have the meaning given to them in this subsection unless the context clearly indicates otherwise:

- (1). FOOTCANDLE: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
- (2). FULL(Y) SHIELDED or FULL CUT-OFF TYPE FIXTURE: An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.
- (3). GLARE: Direct light that causes annoyance, discomfort or loss in visual performance and visibility, and/or ability to focus.
- (4). ILLUMINANCE: The quantity of light arriving at a surface divided by the area of that surface, measured in footcandles.
- (5). LIGHT TRESPASS: Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.
- (6). RECESSED CEILING FIXTURE: An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.
- (7). UPLIGHTING: Any light source that distributes illumination above a ninety (90) degree horizontal plane.

LIQUOR STORE: Defined by the Liquor Code, 47 P.S. § 1-101 et seq.

LIVESTOCK: Large animals and/or farm animals, including, but not necessarily limited to, the following: horses, ponies, donkeys, mules, cattle, sheep, goats or swine but also including poultry. For the purposes of this Chapter, livestock shall not be considered domestic pets.

LIVING FENCE: A continuous hedgerow of living plant material planted, intended, and maintained for the purpose of screening or dividing one property from another property or public street right-of-way; enclosing an area; helping assure privacy or protection; and/or to define and mark the property or lot line(s).

LOADING: The act of loading and/or unloading of materials, goods, equipment, etc. from motor trucks, tractors and trailers, and/or other service vehicles.

LOADING SPACE: Except as otherwise provided in Part 14 of this Chapter relating to *Loading and Unloading Standards*, an off-street loading space upon an area of land, open or enclosed, other than a street right-of-way (excluding alleys), used primarily for the standing, loading, and/or unloading of motor trucks, tractors and trailers, and/or other service vehicles so as to avoid undue interference with the public use of streets, excluding alleys.

LODGING AND/OR BOARDING HOME (INCLUDING “BOARDING HOUSE” or ROOMING HOUSE”): See Chapter 133 relating to buildings re: “boarding house”.

LONG TERM CARE NURSING FACILITY: See Chapter 133 relating to buildings re: “nursing home”. A long term care nursing facility shall be licensed by the Department of Health of the Commonwealth of Pennsylvania.

LOT: See MPC.

LOT, CORNER: A lot at the junction of and abutting on two (2) or more intersecting streets, excluding alleys, or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees or the radius of the street line is less than ten (10) feet. A corner lot shall have two (2) front lot lines and one (1) side lot line, and one (1) rear lot line. The rear lot line for a corner lot shall coincide with the lot line abutting any alley, otherwise it shall be the lot line opposite the lot line along the street of address. For purposes of this Chapter, the front lot line, front building setback, and front yard shall be those directly abutting the street of address, shall be considered the primary front lot line, primary front building setback, and primary front yard; and the other front lot



line, front building setback, and front yard shall be the secondary front lot line and front yard. See Figure 2.14 Typical Lots.

LOT, DEPTH: The horizontal distance measured between the street right-of-way and the closest rear property line on a corner and reverse frontage lot, the depth shall be measured from the street right-of-way line of the street address to the directly opposite property line.

LOT, DOUBLE FRONTAGE: An interior lot that abuts two (2) or more parallel or non-intersecting streets, excluding alleys, generally at the front lot and rear lot lines. Figure 2.14 Typical Lots.

LOT, INTERIOR: A lot whose side lot lines do not abut upon any street, excluding alleys; a lot other than a corner lot. Lots abutting and bounded by one street, two (2) alleys, and one other lot shall be considered interior lots. Figure 2.14 Typical Lots.

LOT, REVERSE FRONTAGE: An interior through or double frontage lot that is not accessible from one (1) of the parallel or non-intersecting streets upon which it abuts and fronts. Figure 2.14 Typical Lots.

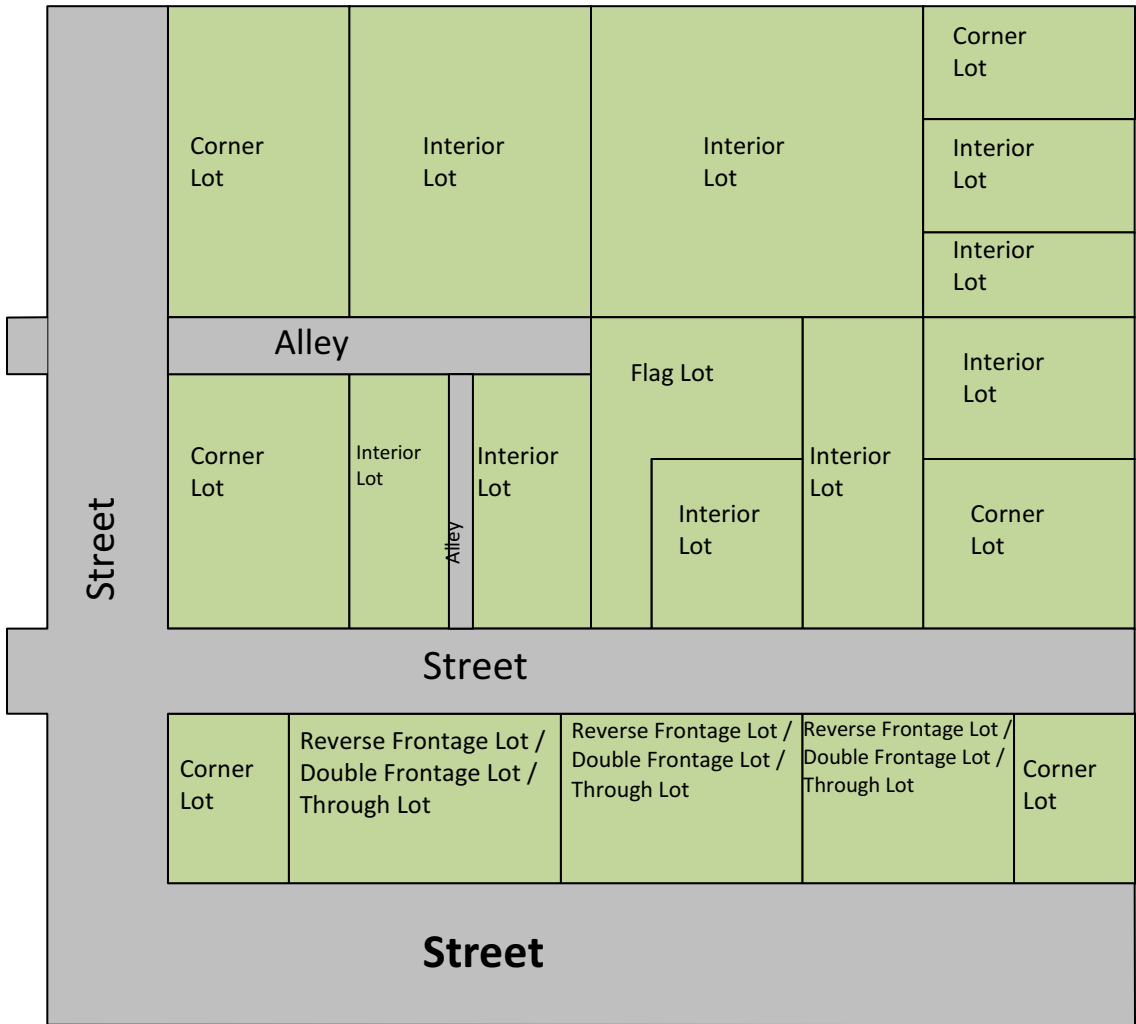


Figure 2.14 Typical Lots

LOT ACCESS: A way or means of approach to provide vehicular access to a property.

LOT AREA NET: The area contained within the property lines of the individual parcel of land, including the area of any utility easement or stormwater management facility, but excluding space within the street right-of-way.

LOT COVERAGE: That portion or percentage of the lot area covered by impervious surface. See IMPERVIOUS LOT COVERAGE.

LOT FRONTAGE: That portion of a lot abutting on the street right-of-way, excluding alleys, and regarded as the front of the lot.

LOT LINE: See Chapter 133 relating to buildings.

LOT LINE, FRONT: The lot line separating a lot from the ultimate street right-of-way, excluding alleys. In the case of a corner lot abutting a street right-of-way on more than one (1) side there shall be two (2) front lot lines, one (1) side lot line and one (1) rear lot line. The rear lot line for a corner lot shall coincide with the lot line abutting any alley, otherwise it shall be the lot line opposite the lot line along the street of address.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum

distance from the front lot line. A corner lot shall have two (2) front lot lines and one (1) side lot line, and one (1) rear lot line. The rear lot line for a corner lot shall coincide with the lot line abutting any alley, otherwise it shall be the lot line opposite the lot line along the street of address.

**LOT LINE, SIDE:** Any lot line other than a front or rear lot line. A corner lot shall have two (2) front lot lines and one (1) side lot line, and one (1) rear lot line. The rear lot line for a corner lot shall coincide with the lot line abutting any alley, otherwise it shall be the lot line opposite the lot line along the street of address.

**LOT OF RECORD:** A lot which is a part of a subdivision, the plan of which was recorded, or a parcel of land, the deed of which was recorded in the office of the Dauphin County Recorder of Deeds prior to the adoption of this Chapter.

**LOT WIDTH:** The horizontal distance between the side lines of a lot measured at the front lot line, or measured at the front setback line, as required in the applicable zoning district.

**MANUFACTURING:** A function involving either the processing, conversion or production of materials, goods, or products.

**MARQUEE:** See Chapter 133 relating to buildings.

**MASSAGE:** Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations.

**MASSING:** Generally refers to the scale of a building or structure in relationship to those in vicinity of it, on abutting or adjacent lots, or neighborhood.

**MEAN:** The average of a series of figures computed by adding up all the figures and dividing by the number of figures.

**MINERALS:** See MPC.

**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, gas, 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.

**MINI-STORAGE WAREHOUSE:** See Chapter 133 relating to buildings re: "self-service storage facility".

**MIXED USE:** Occupancy of a structure or land by more than one (1) use, generally permitted non-residential and permitted residential uses as permitted in the applicable zoning district.

**MOBILE / MANUFACTURED HOME:** See MPC and Chapter 133 relating to buildings.

**MOBILE / MANUFACTURED HOME PARK:** See MPC.

**MOBILE / MANUFACTURED HOME STAND OR PAD:** That part of an individual mobile / manufactured home space that has been reserved for the placement of a mobile / manufactured home and appurtenant structures and connections.

**MOTEL:** An establishment providing temporary, overnight lodging accommodations for transient guests for compensation, in sleeping rooms/units that each has separate access directly to the outside and which may provide such additional supporting services as restaurants, recreation facilities, and living quarters for a resident manager or proprietor.

**MPC:** The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted, also referred to as the "Municipalities Planning Code", "PA MPC", and/or "MPC" in this Chapter.

**MUNICIPAL OWNED USE:** Any establishment, use, facility, and/or structure that is owned and/or operated by the Borough, its municipal authorities, and/or authorized agents.

**MUSEUM:** An establishment where objects of artistic, historical, or scientific importance or interest are kept, studied, and displayed.

**NATURE PRESERVE AND WILDLIFE SANCTUARY:** An area restricted to and maintained in a natural state for the protection and/or preservation of animal and plant wildlife and other important natural resources.

**NEW USE:** Any new activity or use of land, structure, or building on a lot or parcel that was not occurring as of the effective date of this Chapter.

**NIGHTCLUB:** An establishment that may offer the on-site consumption of alcoholic or non-alcoholic beverages and where music, dancing, and/or live entertainment as part of the operation. For the purposes of this definition, "live entertainment" is also meant to include the use of disc jockeys for the purposes of supplying musical

entertainment. Nightclubs offering the sale of alcohol shall be considered a bar / tavern and shall comply with all provisions and standards for bars / taverns as defined and regulated in this Chapter. Nightclub includes an “Under 21” club which features entertainment. Nightclubs shall not be construed to be a sexually oriented business and/or related use as defined in this Part of this Chapter.

NO-IMPACT HOME OCCUPATION: See MPC re: “no-impact home based business”.

NON-CONFORMING LOT: See MPC.

NON-CONFORMING STRUCTURE: See MPC.

NON-CONFORMING USE: See MPC.

OFFICE, PROFESSIONAL AND BUSINESS: An establishment in which one (1) or more persons are employed in the management, direction or conducting of business / commerce and whose staffs / employees serve clients who seek advice and consultation regarding business / commerce. A business office may include the administrative, corporate or professional offices for profit, non-profit or charitable organizations, but also includes contractors, real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, lawyers, clergy, teachers, architects, engineers, landscape architects, planners, interior designers, insurance agents, and similar office-oriented uses.

OFFICE, MEDICAL: An establishment where patients are admitted on an outpatient basis for examination and treatment by not more than two (2) licensed medical professionals as defined in the Part of this Chapter. Such an establishment shall not have overnight accommodations or a pharmacy, and shall include such uses as reception areas, offices, consultation rooms, and x-ray provided that such uses have access only from the interior of the building.

OFF-STREET PARKING: A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

ON-STREET PARKING: A temporary storage (surface) for a motor vehicle within a dedicated right-of-way, excluding alleys.

OPACITY: Not transparent or translucent; impenetrable to light; not allowing light to pass through, measured by the observation of any two (2) square-yard area lying between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen, if otherwise not specified, shall be six (6) feet. See Figure 2.15 Typical Opacity Example.

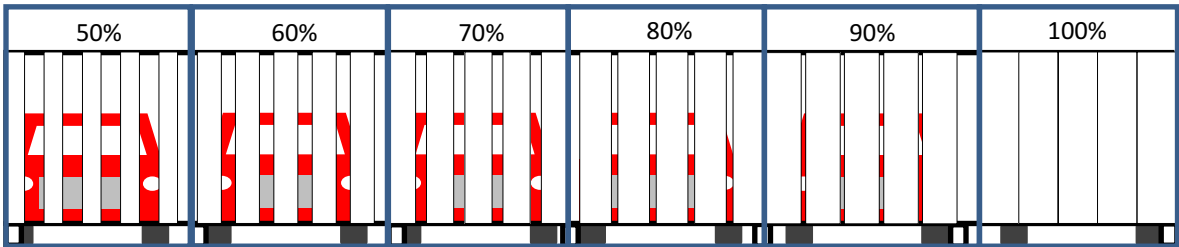


Figure 2.15 Typical Opacity Example

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

OPEN SPACE, PRIVATE: Open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

OPEN SPACE, PUBLIC: Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

OUTDOOR CAFÉ / DINING: A portion of an establishment which includes an exterior seating area associated with a food services, restaurant, tavern / bar, or other similar establishment.

OUTDOOR LIGHTING: An illumination source outside any structure, including but not limited to an incandescent bulb, LED, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including but not limited to storage sheds, canopies, and gas / fuel pump marquees, are deemed to be “outdoor lighting.”

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

OUTSIDE DISPLAY AND SALES: The display and sales of products and goods primarily outside of an enclosed building or a structure.

**OVERLAY ZONING DISTRICT:** A zoning district that encompasses one (1) or more underlying or base zoning districts and that imposes additional or supplemental requirements and standards other than those which are required by the underlying or base zoning district(s).

**PARK:** A use of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship, or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking, and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, restrooms, picnic tables, cooking grills, and similar facilities. For purposes of this Chapter, parks shall not include improvements for or permit uses that are considered to be commercial recreational uses.

**PARKING, SHARED:** Joint use of a parking compound by more than one (1) use and/or owner.

**PARKING COMPOUND:** A public or private lot, building, or structure that is designed and used for the temporary off-street storage and parking of passenger vehicles. This use shall include surface parking lots and parking structures including buildings and decks.

**PARKING LOT:** Any area of a lot used for off-street parking facilities, providing for the transient storage of automobiles, and other motorized and non-motorized vehicles.

**PARKING SPACE:** Except as otherwise permitted in Part 14 of this Chapter, either a covered garage space or uncovered, improved and stabilized space located outside of the public street right-of-way for the transient storage of automobiles, and other similar motor vehicles.

**PARKING STRUCTURE:** A building or structure where passenger vehicles may be stored for temporary off-street parking, including decks and buildings.

**PARTY WALL:** A common shared wall between two (2) separate structures, buildings, or dwelling units.

**PATIO:** See TERRACE.

**PEDESTRIAN WALKWAY:** A specified easement, walkway, path, sidewalk, or other reservation which is designed for and used exclusively by pedestrians.

**PERMITTED BY RIGHT USE:** A use that is allowed and in which case, zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of this Chapter.

**PERSON:** A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**PERSONAL CARE FACILITY:** An establishment defined and licensed by the Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care facility is a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, and who do not require the services in or of a licensed long-term-care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. A “halfway house” shall not be considered a personal care facility.

**PERSONAL CARE HOME CENTER:** See ASSISTED LIVING FACILITY.

**PERSONAL SERVICE:** An establishment where service oriented activities for personal needs are provided to the general public, but which do not primarily involve retail sales of goods nor professional advisory services. Such activities shall include and be similar to barbershops and beauty shops / salons; health spas; photographic studios; small home appliance repair including radios and televisions; repair shops for tools, bicycles, guns, locks, shoes and watches; tailor, dressmaking, and upholstering shops; individualized tutoring and teaching; and pet / small animal grooming / washing, veterinarian offices, and pet day care facilities. Personal service establishments shall not be construed to be a sexually oriented business and/or related use as defined in this Part of this Chapter.

**PERVIOUS AREA (PERVIOUS SURFACE):** Any area not defined as impervious. This term shall also include pervious material.

**PET DAY CARE:** An establishment operated as a gainful business in which the care and supervision to more than one (1) non-resident small domestic and usual house pets and/or animals such as dogs and cats occurs during any calendar day. No outdoor keeping or boarding of animals shall be permitted.

**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, but shall not include livestock or other farm animals, horses, or any animal or bird for which a permit is required under the Pennsylvania Game and Wildlife Code, 34 Pa. C.S. s. 101 et seq., or the regulations of the Pennsylvania Game Commission. See Chapter 121 relating to animals.

**PLACE OF WORSHIP:** See Chapter 133 relating to buildings re: “place of religious worship”. Places of worship shall also be maintained and controlled by a religious body organized to sustain public worship. Places of worship

also include all buildings, structures, and uses customarily associated with such principal purpose including but not limited to rectories, convents, religious-related schools, daycare facilities, meeting and food service facilities, cemeteries, columbariums, mausoleums, etc. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**PLANT NURSERY:** An establishment primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, mulch, and sod, that are predominantly grown off the premises, but such an establishment may sell a limited amount of a product grown on the premise.

**PLAT:** See MPC.

**POND:** A man-made body of inland water made by construction of a dam or embankment, or by excavating a pit or dugout, other than a stream or lake.

**PORCH:** A roofed (covered) open area, other than a stoop, providing shelter and shade, attached to or part of and with direct access to or from a building, which creates space for a sociable transition from the public sidewalk / street or adjacent property, to the building to which it is attached.

**POST OFFICE:** An establishment operated by the U.S. Postal Service, where mail is received, sorted, and delivered, and where stamps and other postal materials are sold.

**PRE-COMMERCIAL TIMBER STAND IMPROVEMENT:** A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

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

**PROCESSING:** A function that involves only the cleaning, sorting, sizing, packaging or any combination thereof, of products.

**PUBLIC GROUNDS:** See MPC.

**PUBLIC HEARING:** See MPC.

**PUBLIC LAND:** Owned, operated or controlled by a government agency (federal, state, county, and local) including its authorized agent or corporation created by law for the performance of certain specialized governmental functions or any public school district.

**PUBLIC MEETING:** See MPC.

**PUBLIC NOTICE:** See MPC.

**PUBLIC STREET / ROAD:** A street ordained or maintained or dedicated and accepted by a Borough, City, Township, County, State, or Federal governments and open to public use.

**PUBLIC / PRIVATE WORKS FACILITY:** An establishment involving the erection, construction, alteration, operation or maintenance of buildings, power plants, towers, substations, water treatment plants, sewage treatment and/or disposal plants, public transportation and road maintenance facilities, and other similar public service structures by a utility, whether publicly or privately owned, or by government agency other than Paxtang Borough, its authorities or authorized agents, including the furnishing of electrical, gas, communication, water supply and sewage disposal services.

**RECREATION:** Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including but not limited to:

- (1). Sports (individual, dual, team, coed recreational, and combative), athletics; both land and water based.
- (2). Arts and crafts, spectating, picnicking, nature study, and board games.
- (3). Dance, drama, music, games, social recreation, special events, hiking / walking, cycling, hobbies, outdoor educational activities, and cultural activities.

**RECREATION, ACTIVE:** Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

**RECREATION, OPEN SPACE:** The area of land suitable for the development of specific active recreation facilities for leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools.

**RECREATION, PASSIVE:** Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

**RECREATION AREA, ACTIVE:** Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

**RECREATION AREA, PASSIVE:** Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

**RECREATIONAL VEHICLE:** A motor vehicle that is self-propelled or towed and that is designed to be transported along public streets to serve as a mobile temporary residence. For the purposes of this Chapter, the term shall also include towable utility and cargo trailers.

- (1). **CLASS I RECREATIONAL VEHICLES:** Recreational vehicles, campers, travel trailers, RVs boats and trailers used solely for the transport of residents' recreational vehicle(s) that possess less than or equal to two hundred (200) square feet, as measured to the vehicle's outermost edges, and does not exceed a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.
- (2). **CLASS II RECREATIONAL VEHICLES:** Recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of residents' recreational vehicle(s) that possess more than two hundred (200) square feet, as measured to the vehicle's outermost edges, and/or that exceeds a height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console.

**RECYCLING COLLECTION POINT:** An establishment where common household or office related waste materials and items which are readily recyclable such as glass, aluminum, cardboard, and/or paper is deposited and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated recyclables to a facility for further processing.

**REDEVELOPMENT:** Public and/or private investment made to re-create the fabric of an area or neighborhood by renovating previously developed land. Replacing, remodeling, or reusing existing buildings and structures to accommodate new development within the context of existing streets.

**REPLACEMENT:** Remodeling or reusing an existing structure for new development.

**RESEARCH AND DEVELOPMENT FACILITY:** Any establishment which carries on investigations, testing, and experimentation in the natural, physical, technical, or social science or engineering and development as an extension of such investigation with the objective of creating end products.

**RESTAURANT:** An establishment that provides food and drink to patrons and that routinely involves the consumption of at least a portion of such food and drink on the premises. A restaurant may include the accessory sale of alcoholic beverages, and carry-out and delivery services.

**RETAIL BUSINESS:** An establishment which sells goods or merchandise to the general public for personal and household consumption and provides accessory repair services for goods or merchandise that is similar to that which is sold on the premises and render services incidental to the sale of such goods. Retail businesses shall not be construed to be a sexually oriented business as defined in this Part of this Chapter.

**RETAINING WALL:** Any freestanding and uninhabitable structure principally constructed of masonry, concrete, stone, cinder block or similar materials, or in combination, erected between lands of different elevations to protect structures and/or prevent erosion.

**RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary, storm sewer, and other similar uses, whether public or private.

**ROAD:** See STREET.

**ROADSIDE STAND:** An accessory structure which primarily involves the retail sale of agricultural and/or garden products such as fresh fruits, vegetables, herbs, flowers or plants produced on site or on property contiguous to the property on which they are offered for sale, during the harvesting season.

**ROOF SLOPE or ROOF PITCH:** The amount of vertical rise a roof has compared to the horizontal run measurement of the roof.

- (1). **FLAT ROOF** = 0 to less than 2/12;
- (2). **LOW SLOPE ROOF** = 2/12 to less than 4/12;
- (3). **CONVENTIONAL SLOPE ROOF** = 4/12 to less than 9/12; and

(4). STEEP SLOPE ROOF = 9/12 and higher.

See Figure 2.16 Typical Roof Slope / Pitch Example, Figure 2.17 Typical Roof Slope / Pitch Examples.

Figure 2.16 Typical Roof Slope / Pitch Examples below shows the slope / pitch of a 7/12 meaning that for 12" of horizontal measurement (roof run) the vertical measurement (roof rise) is 7".

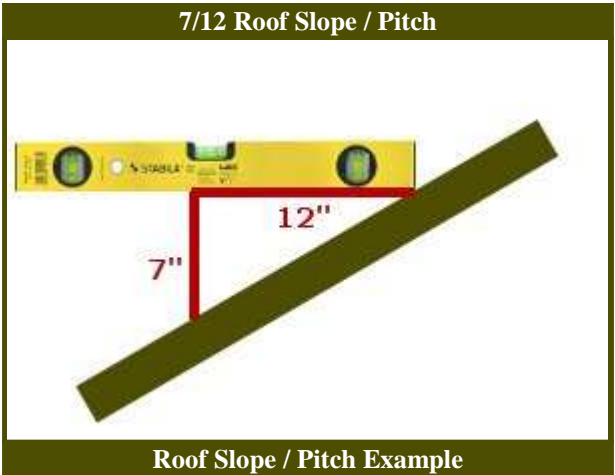


Figure 2.16 Typical Roof Slope / Pitch Example  
(Source: <http://www.pole-barn.info/roof-pitch.html>, 2011)



Figure 2.17 Typical Roof Slope / Pitch Example  
(Source: <http://www.pole-barn.info/roof-pitch.html>, 2011)

SATELLITE DISH ANTENNA: A concave, parabolic or dish-shaped antenna, or any other apparatus or device that is designed for the purpose of receiving electromagnetic, digital, or other type of signal including video programming signals from direct broadcast satellites ("DBS"), multichannel multipoint distribution wireless cable providers ("MMDS"), and television broadcast stations ("TVBS").

SAWMILL: An establishment where timber is cut, sawed, or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis.

SCHOOL: An establishment offering education or instruction in any branch of knowledge.

**SCHOOL, COMMERCIAL:** Any school conducted for profit for such instruction as business, art, drama, music, handicraft, dancing, and other similar type low impact uses conducted within a completely enclosed building.

**SCHOOL, PUBLIC OR PRIVATE:** Any public, sectarian, or private non-profit establishment approved by the Commonwealth of Pennsylvania offering formal academic instruction and services for state-required or largely state-funded programs at the kindergarten, elementary, and secondary levels. This term shall not include those uses considered commercial schools.

**SCHOOL, VOCATIONAL:** Same as a public or private school except that the primary activity is training in a trade or vocation, which may be conducted wholly or partially outside of an enclosed structure. This term shall not include those uses considered commercial schools.

**SCREEN:** To inhibit view of or from.

**SCREEN PLANTING:** A vegetative material of sufficient height and density to conceal from view, uses and and/or structures on the premises on which the screen planting is located, from occupants on abutting or adjacent properties.

**SCREENING:** A barrier between adjacent properties, uses, and/or zoning districts composed of a mixture of landscaping, trees, berms, shrubs, fences, walls and/or other similar type materials, that is intended to mitigate negative impacts, such as air borne particles, glare, and noise, of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district.

**SEAT:** See Chapter 133 relating to buildings.

**SETBACK:** The required horizontal distance between a required setback line and an abutting lot line or street right-of-way line, as applicable.

- (1). **SETBACK, FRONT:** The distance between the street right-of-way line and the required front setback line. Corner lots shall have two (2) front setbacks. See Figure 2.19 Typical Setbacks and Yards, Interior Lots and Figure 2.20 Typical Setbacks and Yards, Corner Lots.
- (2). **SETBACK, REAR:** The distance between the rear lot line and the required rear setback line. Corner lots shall have one (1) rear setback. See Figure 2.19 Typical Setbacks and Yards, Interior Lots and Figure 2.20 Typical Setbacks and Yards, Corner Lots.
- (3). **SETBACK, SIDE:** The distance between the side lot line and the required side setback line. Corner lots shall have one (1) side setback. See Figure 2.19 Typical Setbacks and Yards, Interior Lots and Figure 2.20 Typical Setbacks and Yards, Corner Lots.

**SETBACK LINE:** The line within a property that shall define the required distance between a use, structure, and/or building and the abutting right-of-way line, or front, rear, and side lot lines and that establishes the area in which said use, structure, or building shall be established, erected, and/or placed. In the case of lot where a front and/or rear lot line does not coincide with a recorded right-of-way e.g. land locked lots, lots with substandard access easements, etc.), the setback line(s) shall be measured from the applicable property line(s) closest to the associated recorded right-of-way or ultimate right-of-way.

**SEXUALLY ORIENTED BUSINESS AND/OR RELATED USE TERMS AND PHRASES:** Unless specifically defined elsewhere in this Chapter or in the Codified Ordinances of the Borough of Paxtang, the following words and phrases when used in this Chapter relating to the “sexually oriented businesses and/or related uses” shall have the meaning given to them in this subsection below unless the context clearly indicates otherwise:

- (1). **ADULT CABARET:** An establishment regularly featuring dancing and other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on exhibiting specific sexual activities or specified anatomical areas for observation by patrons therein.
- (2). **ADULT MEDIA:** Magazines, books, videotapes, movies, slides, CD-ROMs, DVDs, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hardcore material.
- (3). **ADULT MEDIA STORE:** An establishment that rents and/or sells media, and that meets any of the following three (3) criteria:
  - (a). Forty (40) percent or more of the net retail floor area is devoted to adult media.
  - (b). Forty (40) percent or more of the stock in trade consists of adult media.
  - (c). It advertises or holds itself out in any forum as “XXX”, “adult”, “sex” or otherwise as a sexually oriented business other than an adult media store, adult motion picture theatre, or adult cabaret.
- (4). **ADULT MOTION PICTURE THEATRE:** An establishment emphasizing or predominantly showing sexually oriented movies.



- (5). **DISPLAY PUBLICLY:** The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal, unaided vision viewing it from a street, highway, alley, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.
- (6). **EXPLICIT SEXUAL MATERIAL:** Any hardcore material.
- (7). **HARDCORE MATERIAL:** Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
- (8). **LINGERIE MODELING STUDIO:** An establishment that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than six hundred (600) square feet.
- (9). **MEDIA:** Anything printed or written or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but not limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMS, DVDS, other magnetic media and undeveloped pictures.
- (10). **MEDIA SHOP:** A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media stores. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off-premises provided that any outlet meeting the definition of adult media store shall be treated as an adult media store.
- (11). **OTHER SEXUALLY ORIENTED ESTABLISHMENT:** An establishment that offers its patrons, services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified anatomical areas” or “specified sexual activities”.
- (12). **PRIMARY LIVE ENTERTAINMENT:** On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.
- (13). **SADOMASOCHISTIC PRACTICES:** Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.
- (14). **SEX SHOP:** An establishment offering goods for sale or rent and that meets any of the following criteria:
  - (a). The establishment offers for sale items for any two (2) of the following categories:
    - (i). Adult media;
    - (ii). Lingerie; and/or
    - (iii). Leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than ten (10) percent of its stock in trade or occupies more than ten (10) percent of its net retail floor area.
  - (b). More than five (5) percent of its stock in trade consists of sexually oriented toys or novelties.
  - (c). More than five (5) percent of its net retail floor area is devoted to the display of sexually oriented toys or novelties.
- (15). **SEXUALLY ORIENTED BUSINESS:** An inclusive term used to describe collectively: adult cabaret; adult media store; adult motion picture theater; sex shop; and/or other sexually oriented establishment.
- (16). **SEXUALLY ORIENTED TOYS AND NOVELTIES:** Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
- (17). **SPECIFIED ANATOMICAL AREAS:** Shall include but are not limited to:
  - (a). Less than completely and opaquely covered human genitals, pubic regions; buttocks; and female breasts below a point immediately above the top of the areola; and

- (b). Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (18). SPECIFIED SEXUAL ACTIVITIES: Shall include but are not limited to:
  - (a). Human genitals in a state of sexual stimulation or arousal;
  - (b). Acts of human masturbation, sexual intercourse or sodomy; and
  - (c). Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- (19). VIDEO VIEWING BOOTH OR ARCADE BOOTH: Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media including but not limited to film, video or magnetic tape, laser disc, CD-ROM, DVD, books, magazines, or periodicals, for observation by patrons therein. A video viewing booth shall not mean theater, indoor commercial recreation, or a room or enclosure or portion thereof that contains more than six hundred (600) square feet.

**SHED:** An enclosed structure not intended for residential occupancy which is accessory to the principal use of the property and is typically used to store personal and household property.

**SIDEWALK:** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**SIDEWALK AREA:** That portion of the right-of-way that lies between the edge of the right-of-way line and curb line, regardless of whether the sidewalk exists.

**SIGHT DISTANCE:** The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

**SIGN:** Any object, device, display, or structure, or parts thereof situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This excludes national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of governments.

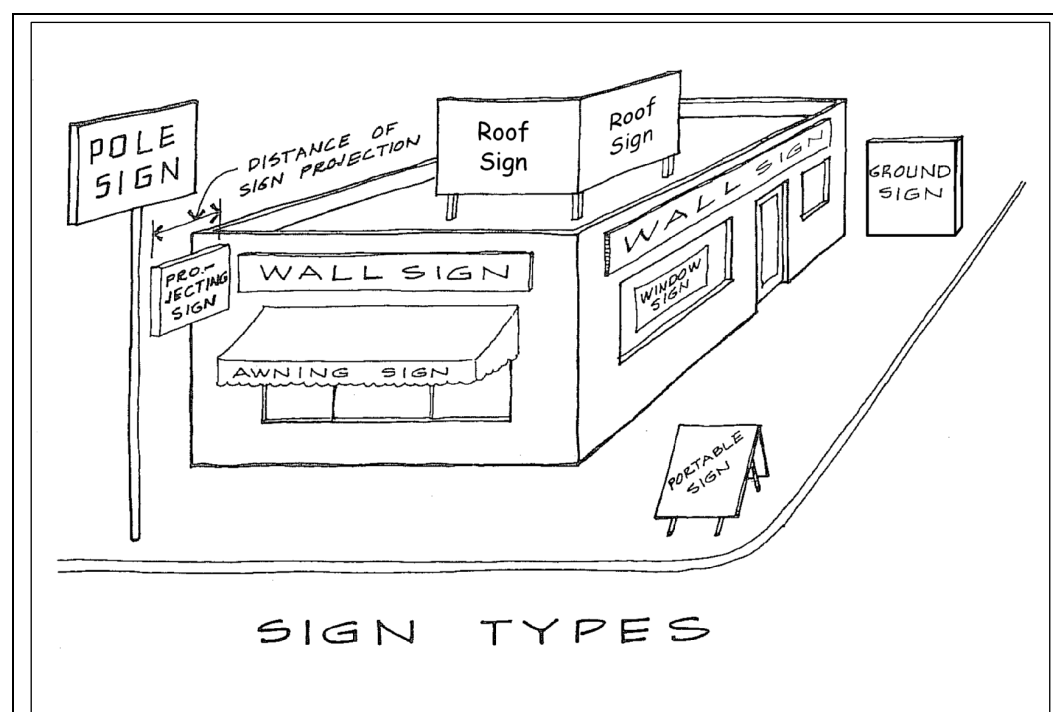


Figure 2.18 Typical Sign Types

(Source: The New Illustrated Book of Development Definitions, 1993)

**SIGN TERMS & PHRASES:** Unless specifically defined elsewhere in this Chapter, the following words and phrases when used in Part 13 of this Chapter relating to exterior signs and outdoor display structures shall have the meaning given to them in this subsection below unless the context clearly indicates otherwise:

- (1). SIGN, AREA: The total size of a sign as set forth in See Part 13 of this Chapter relating to *Determination of Size of Sign Area*.

- (2). SIGN, BILLBOARD: See BILLBOARD.
- (3). SIGN, CANOPY OR MARQUEE: A sign that is mounted, painted or attached to a canopy or marquee that is otherwise permitted by this Chapter.
- (4). SIGN, CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, planners, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
- (5). SIGN, DIRECTIONAL: A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way”, “entrance”, and “exit”.
- (6). SIGN, ELECTION: A sign associated with a candidate for elective office or with an issue(s) that is on a ballot of a public election.
- (6). SIGN, FACE: The area or display surface used for the message.
- (7). SIGN, FREESTANDING: 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.
- (8). SIGN, GROUND: Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure. See Figure 2.18 Typical Sign Types.
- (9). SIGN, HEIGHT: The vertical distance measured from the average surrounding 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 Chapter when attached to a tower or spire of a Place of Worship.
- (10). SIGN, IDENTIFICATION: A sign giving the nature, logo, trademark, or other identifying symbol, and address of a building, business development, or establishment in the premises where it is located.
- (11). SIGN, INFLATABLE: Any display capable of being expanded by air or other gas and used in a temporary basis to advertise a product or event.
- (12). 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.
- (13). SIGN, OPINION: A sign expressing or demonstrating an opinion, protected as free speech.
- (14). SIGN, PORTABLE (“SIDEWALK SIGN” or “A FRAME” SIGN): A sign not permanently attached to the ground capable of standing without support or attachment. See Figure 2.18 Typical Sign Types.
- (15). SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building. See Figure 2.18 Typical Sign Types.
- (16). SIGN, REAL ESTATE: A sign relating to the property upon which it is located, offering such property for sale or lease.
- (17). SIGN, ROOF: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambled or gable or hip roof, or the deck line of a building with a mansard roof. See Figure 2.18 Typical Sign Types.
- (18). SIGN, TEMPORARY: Any sign, or advertising display designed or intended to be displayed for a short period of time.
- (19). SIGN, WALL (PARALLEL): A sign primarily supported or painted on a wall of a building. A wall sign shall also include a sign displayed upon an awning, marquee, or canopy. See Figure 2.18 Typical Sign Types.
- (20). SIGN, WINDOW: A sign which is attached to a window or transparent door or that can be read through a window or transparent door. See Figure 2.18 Typical Sign Types.

**SITE:** A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one (1) lot.

**SITE / PLOT PLAN:** An accurately scaled development plan that illustrates the existing conditions on a land parcel and depicts details of a proposed development.

**SLOPE:** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed by a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

**SOLAR ENERGY SYSTEM:** An alternative energy system which includes any solar collector consisting of one or more cell(s), panel(s), or array(s) designed to collect and convert solar power into another form of energy such as electricity or heat, and other structures and buildings, used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**SOLID WASTE TRANSFER FACILITY:** An establishment 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 an automobile wrecking, junk, and scrap storage and sales establishment; leaf composting; clean fill or septage or sludge application.

**SPECIAL EXCEPTION USES:** See MPC re: “special exception”.

**STACKING LANE:** A paved surface designed to accommodate a motor vehicle waiting for entry to any drive-in facility or other similar auto-oriented use, which is located in such a way that a parking space or access to a parking space is not obstructed.

**STOOP:** A roofed (covered) or unroofed (uncovered) open area, other than a porch, constructed of concrete or masonry, providing direct access to and from a building.

**STORY:** See Chapter 133 relating to buildings.

**STREAM:** A watercourse, other than a lake or pond, having a source, terminus, banks, and channel through which waters flow at least periodically.

**STREET:** See MPC. Streets shall conform to one (1) of the following categories:

- (1).
- ALLEY: A secondary or service road that is generally parallel to a primary local, collector, or arterial street, and which generally abuts and provides access to the rear of lots. Alleys are generally on the same level as a local street, and are used in cases of narrow lot frontages. For purposes of this Chapter, the following streets listed in Table 2-1 Alleys shall be considered alleys:

TABLE 2-1  
ALLEYS

| Alleys   |
|--|
| Apple Street / Alley   |
| Attick Street / Alley  |
| Cherry Street / Alley  |
| Elm Street / Alley   |
| Erb Street / Alley   |
| King Street / Alley  |
| Murdock Street / Alley   |
| Oak Street / Alley   |
| Pear Street / Alley  |
| Pike Street / Alley  |
| Plum Street / Alley  |
| Queen Street / Alley   |
| Quince Street / Alley  |
| Walker Street / Alley  |
| Walnut Street / Alley  |
| Any other public street / alley with a less than or equal to twenty-four (24) foot wide right-of-way |

- (2).
- ARTERIAL: For purposes of this Chapter, the following streets listed in Table 2-2 Arterial Streets shall be considered arterial streets:

TABLE 2-2  
ARTERIAL STREETS

| Arterials      |
|----------------|
| Derry Street   |
| Paxtang Avenue |

- (3). COLLECTOR: For purposes of this Chapter, the following streets listed in Table 2-3 Collector Streets shall be considered collector streets:

TABLE 2-3  
COLLECTOR STREETS

| Collectors              |
|-------------------------|
| 29 <sup>th</sup> Street |
| Park Terrace            |
| Wilhelm Road            |

- (4). LOCAL: For purposes of this Chapter, local streets shall include all roads and streets not otherwise identified as arterial streets, collector streets, or alleys.

STREET LINE: (RIGHT-OF-WAY LINE): A line defining the edge of a street right- of-way and separating the street from an abutting property or lot. The street line shall be the same as the legal right-of-way line, or the ultimate right-of-way line.

STRUCTURE: See MPC.

STRUCTURE, ACCESSORY: A structure customarily incidental and subordinate to and detached from the principal building or structure on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

STRUCTURE HEIGHT: The vertical distance of a structure, other than a building, measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

STRUCTURE, PRINCIPAL: The main, primary, or predominant structure on a given lot, tract, or parcel.

STRUCTURE, TEMPORARY: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

STUDENT: An individual registered for instruction at a school, within a given calendar year.

SUBDIVISION: See Chapter 370 relating to subdivision and land development.

SWIMMING POOL: See Chapter 133 relating to buildings. Stormwater basins and/or lakes are not included, provided that swimming was not the primary purpose for their construction. Furthermore, this definition includes all above ground and below ground, permanent and temporary/portable types of pools, spas and “Jacuzzis”.

TATTOO PARLOR / BODY PIERCING: A licensed establishment in which the principal business activity, either in terms of operation or as advertised, is the practice of one or more of the following:

- (1). Placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or
- (2). Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration;

and as licensed to operate as such by applicable entities.

TAVERN / BAR: An establishment which serves primarily alcoholic beverages for mostly immediate on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board, but may also include the incidental sale of food. Taverns and bars shall not be construed to be a sexually oriented business and/or related use as defined in this Part of this Chapter.

TERRACE: A level, landscaped, and/or surfaced area, also referred to as a patio, directly adjacent to a principal building at or within three (3) feet of the finished grade and not covered by a permanent roof.

THEATER, INDOOR: An establishment with a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

THEATER, OUTDOOR AND DRIVE-IN: An establishment upon an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

THERAPEUTIC MASSAGE: Defined by the Massage Therapy Law, Act 118 of October 9, 2008, as amended, 63 P.S. § 627.1 et seq., from the Pennsylvania State Board of Massage Therapy, the Bureau of Professional and Occupational Affairs.

**THERAPEUTIC MASSAGE FACILITY:** An establishment where massage therapy services are provided by a person having a valid license in accordance with The Massage Therapy Law, Act 118 of October 9, 2008, as amended, 63 P.S. § 627.1 et seq., from the Pennsylvania State Board of Massage Therapy, the Bureau of Professional and Occupational Affairs. Therapeutic massage facilities shall not be construed to be a sexually oriented business and/or related use as defined in this Part 2 of this Chapter.

**TIMBER HARVESTING:** That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. Includes tree harvesting and logging.

**TREATMENT CENTER:** An establishment, other than a prison or a hospital, providing housing for three (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 alcohol or a controlled substance that was used in an illegal manner; 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.

**TURBINE HEIGHT:** The distance measured from the highest point of the wind turbine rotor plane to the ground level.

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

**UNIFORM CONSTRUCTION CODE (UCC):** The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities, whether administered by the municipality, a third party or the Pennsylvania Department of Labor and Industry; applicable to residential and commercial buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**UNIT OF OCCUPANCY:** An allocation of space within a structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

**UNIVERSITY/COLLEGE:** An educational establishment, authorized by the Commonwealth of Pennsylvania as such to award associate, baccalaureate or higher degrees, including, principal uses for classrooms, libraries, auditoriums, gymnasiums, stadiums, administrative offices, dormitories and dining facilities, boarding houses, maintenance and operating facilities as well as ancillary uses, such as research facilities, retail services and businesses that support student, faculty and staff needs.

**USE:** The specific purpose or activity for which land and/or structures are designed, arranged, or intended, occupied, and/or maintained.

**USE, ACCESSORY:** A use customarily incidental and subordinate to the principal use or the principal structure and located on the same lot with such principal use or principal structure. If no principal use or principal structure exists on a lot with an accessory use, then such accessory use shall only be considered a principal use.

**USE, PRINCIPAL:** The main, primary, or predominant use of any lot, tract, parcel of land or structure.

**USE, TEMPORARY:** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**UTILITY LINE:** A line built and maintained in order to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines, and other lines.

**VARIANCE:** See MPC.

**VEGETATIVE COVERAGE:** An area covered with a vegetative material including: grass, shrubs, vines, trees, and other landscaping.

**VETERINARIAN:** A qualified professional trained in the care and treatment of animals.

**VETERINARY OFFICE:** A personal service establishment primarily involving the treatment, by a veterinarian, of small animals and household pets. No outdoor keeping or boarding of animals shall be permitted.

**WALL:** Any freestanding and uninhabitable structure principally constructed of masonry, concrete, stone, cinder block or similar materials either, singularly, or in combination to provide screening or divide one property from another property or public street right-of-way); enclosing an area; helping assure privacy or protection; and/or define or mark the property or lot line(s).

**WAREHOUSE:** An establishment used primarily for the indoor storage and handling of products, supplies, or equipment, but not including the maintenance or fueling of commercial vehicles.

**WAREHOUSING, DISTRIBUTION AND WHOLESALING:** An establishment involving the storage, wholesale and/or distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create a hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair, unless such uses are specifically permitted in that zoning district. Wholesaling of products, supplies and equipment shall not be open to or accessible by the general public, unless incidental to the principal warehousing operation.

**WETLAND:** See Chapter 360 relating to stormwater management.

**WHOLESALE:** Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

**WIND CHARGER:** A wind energy system direct-current generator used for charging storage batteries.

**WIND ENERGY PRODUCTION FACILITY:** A wind energy system that supplies energy primarily for off-site / off-premise use.

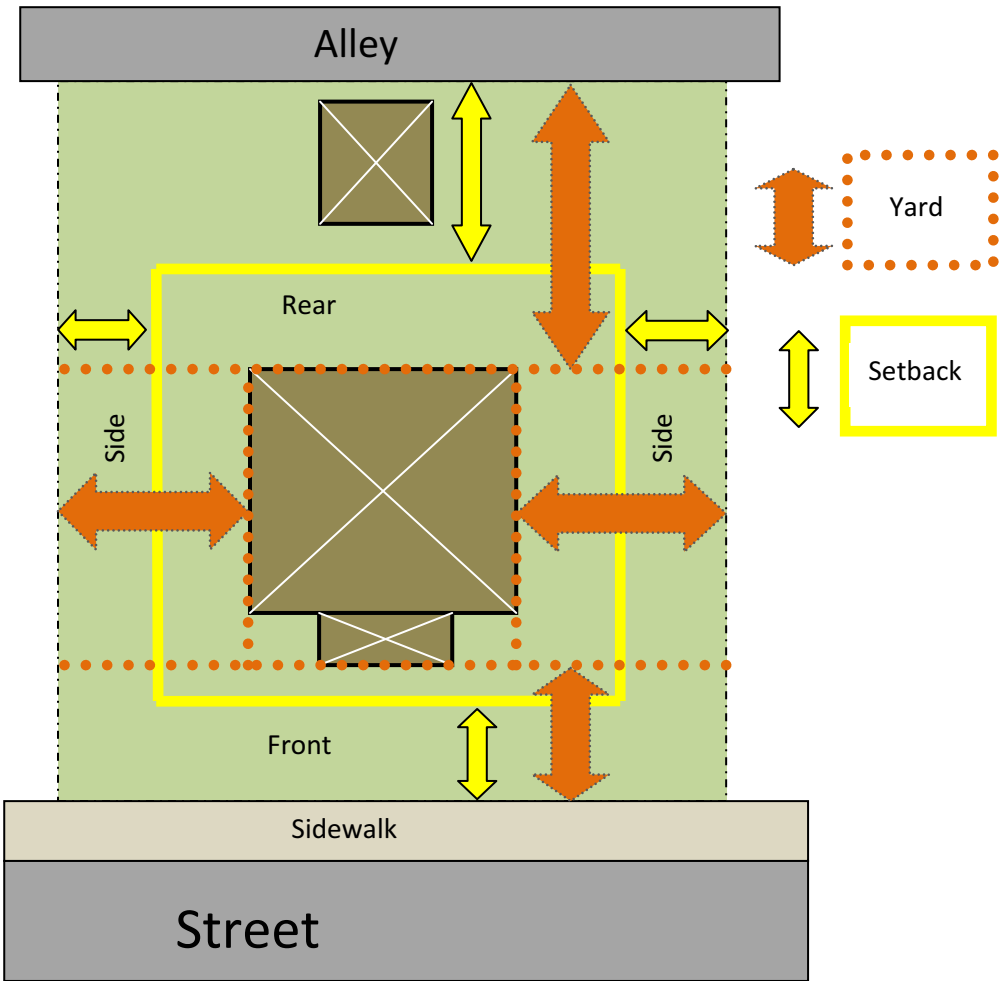
**WIND ENERGY SYSTEM:** A device such as a wind charger, wind turbine, or other electric generation facility designed to convert wind power into another form of energy such as electricity or heat, and which consists of one or more wind turbines and other structures and buildings, including meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**WINDMILL:** A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

**WIND TURBINE:** A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

**WIND TURBINE TOWER:** The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

**YARD:** See Chapter 133 relating to buildings.



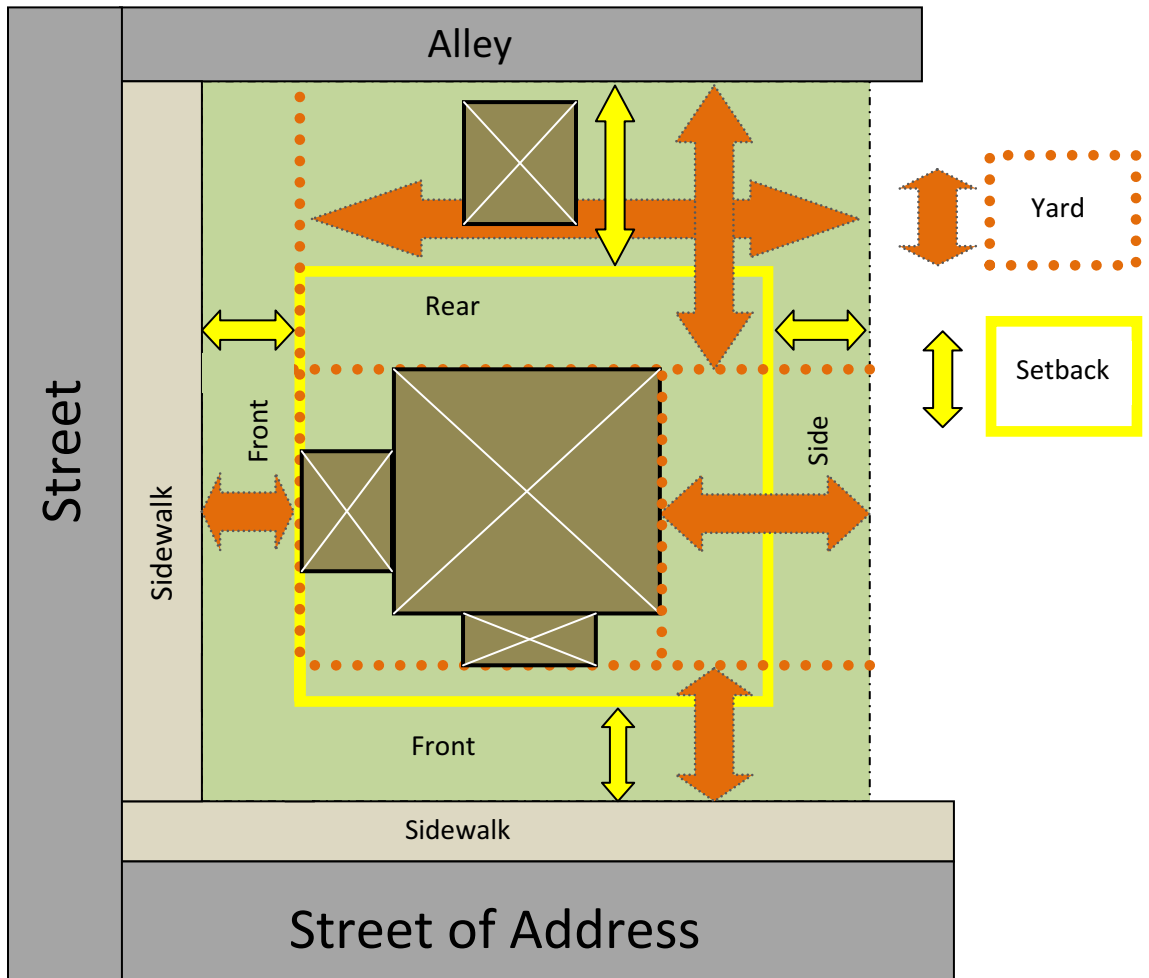


Figure 2.20 Typical Setbacks and Yards, Corner Lots

**YARD, FRONT:** The yard area extending across the full width of the lot and contained between the building line of the principal structure and the front lot line or street line, excluding alleys, measured perpendicular to the building line of said structure at the closest point to the front lot line. Corner lots shall have two (2) front yards. See Figure 2.19 Typical Setbacks and Yards, Interior Lots and Figure 2.20 Typical Setbacks and Yards, Corner Lots.

**YARD, PRIMARY FRONT:** A front yard on a corner lot directly abutting the street of address.

**YARD, REAR:** The yard area extending across the full width of the lot and contained between the building line of the principal structure and the rear lot line, which may include street lines created by alleys, measured perpendicular to the building line of said structure at the closest point to the rear lot line. Corner lots shall have one rear yard, extending from the applicable front yard to the side lot line as well as from the rear lot line to the side yard. See Figure 2.19 Typical Setbacks and Yards, Interior Lots and Figure 2.20 Typical Setbacks and Yards, Corner Lots.

**YARD, SECONDARY FRONT:** Any front yard on a corner lot that is not designated as the primary front yard.

**YARD, SIDE:** The yard area(s) extending from the front yard to the rear yard and contained between the building line of the principal structure and any side lot line(s), measured perpendicular to the building line of said structure at the closest point to the nearest side lot line. Corner lots shall have one side yard. See Figure 2.19 Typical Setbacks and Yards, Interior Lots and Figure 2.20 Typical Setbacks and Yards, Corner Lots.

**ZONING DISTRICT:** A section of Paxtang Borough designated in this Chapter text and delineated on the Zoning Map, in which requirements for the use of land, structures, and building and development standards are prescribed.

**ZONING MAP:** The map setting forth the boundaries of the zoning districts of the Paxtang Borough which shall be part of this Chapter and shown on the Official Zoning Map listed in Part 3 of this Chapter.

**ZONING OFFICER:** The administrative officer appointed by the Paxtang Borough Council to administer this Chapter and issue zoning permits.

**ZONING PERMIT:** A document signed by a zoning officer, as required in this Chapter, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure, that acknowledges that such use and/or structure complies with the provisions of this Chapter or authorized variance therefrom. See BUILDING PERMIT.



PART 3

DESIGNATION OF ZONING DISTRICTS, ADOPTION OF ZONING MAP, &  
PERMITTED USE TABLES

Section 301. Designation of Zoning Districts.

For the purpose of this Chapter, Paxtang Borough is hereby divided into specific zoning districts, underlying or base, and overlay zoning districts which shall be designated as follows:

TABLE 3-1  
ZONING DISTRICTS

| ZONING DISTRICT ABBREVIATION         | ZONING DISTRICT TITLE                                       | SPECIFIC PART OR SECTION OF THIS CHAPTER |
|--------------------------------------|---|--|
| A. RESIDENTIAL DISTRICTS             |   |  |
| SR                                   | Suburban Residential Zoning District                        | Part 4                                   |
| B. MIXED USE DISTRICTS               |   |  |
| PAC                                  | Paxtang Avenue Conservation Zoning District                 | Part 5                                   |
| TN                                   | Traditional Neighborhood Zoning District                    | Part 6                                   |
| MNB                                  | Mixed Neighborhood Business Zoning District                 | Part 7                                   |
| DT                                   | Downtown Zoning District                                    | Part 8                                   |
| C. COMMERCIAL / INDUSTRIAL DISTRICTS |   |  |
| GB                                   | General Business Zoning District                            | Part 9                                   |
| D. OTHER DISTRICTS                   |   |  |
| CHC                                  | Community Heritage Conservation Zoning District             | Part 10                                  |
| E. OVERLAY DISTRICTS                 |   |  |
| APO                                  | Airport Overlay Zoning District                             | Section 1102                             |
| FPO                                  | Floodplain Overlay Zoning District                          | Section 1103                             |
| DCSO                                 | Development Compatibility Standards Overlay Zoning District | Section 1104                             |

Section 302. Zoning Map.

Unless otherwise noted, the locations and boundaries of the specific base zoning districts and overlay zoning districts are shown upon the map(s) that are attached to and made a part of this Chapter. The map(s) and all notations, references and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described in this Chapter. The map(s) shall be designated:

- A. “Borough of Paxtang, Dauphin County, PA: Zoning Map” in this Chapter referred to as the, “Paxtang Borough Zoning Map”, “Paxtang Zoning Map”, “Zoning Map”, and/or “official zoning map”.

Section 303. Zoning District Boundaries.

The boundaries between zoning districts are shown by zoning district boundary lines on the zoning map(s). Where uncertainty exists as to the location of boundaries of any zoning districts shown on the zoning map(s), the following rules shall apply:

- A.

Where zoning district boundaries are so indicated as approximately coinciding with the centerlines of streets, highways, railroad lines, other rights-of-way lines, streams, or ridge lines, such centerlines shall be construed to be the zoning district boundaries.
- B.

Where zoning district boundaries are so indicated as approximately coinciding with lot lines, such lot lines shall be construed to be the zoning district boundaries.
- C.

Where zoning district boundaries are so indicated that as approximately parallel to centerlines of streets, highways, railroad lines, and other rights-of-way, the zoning district boundaries shall be construed as parallel thereto and at such distances from the centerline as indicated on the zoning map(s).
- D.

For unsubdivided land or where a zoning district boundary divides a lot, the location of the zoning district boundary, unless dimensions are indicated, shall be determined by the scale appearing on the zoning map(s).
- E.

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.
- F.

In the case of any uncertainty as to zoning district boundaries on the zoning map(s), the Zoning Officer shall determine the zoning district boundaries; however, the Zoning Officer’s determination may be appealed to the Zoning Hearing Board in accordance with Part 17 of this Chapter relating to *Zoning Hearing Board*.

Section 304. Use Tables.

- A.

Tables 3-2 – 3-5 various *Use Tables* list the types of uses permitted in the respective zoning districts as set forth by this Chapter. Uses are divided into those Permitted by Right “P” (zoning decision by Zoning Officer); Permitted by Special Exception “SE” (zoning decision by Zoning Hearing Board); and Permitted by Conditional Use “C” (zoning decision by Paxtang Borough Council). Many of the uses permitted by the above three (3) categories shall comply with certain criteria, which are found in Part 16 of this Chapter. The specific section numbers where the criteria are located are noted in the tables. Uses not listed in the tables below or identified by “N”, shall specifically not be permitted in the applicable zoning districts.

TABLE 3-2  
PERMITTED USES – RESIDENTIAL DISTRICTS

| TYPES OF USES   | Part 16<br>Specific Use<br>Regulations | RESIDENTIAL DISTRICTS                              |
|---|--|--|
|   |  | SR - Suburban<br>Residential<br>Zoning<br>District |
|   |  |  |
| A. RESIDENTIAL USES   |  |  |
| Group Home  |  | P  |
| Mobile / Manufactured<br>Home Park  | 1602                                   | SE   |
| Single Family Detached<br>Dwelling  |  | P  |
| B. NON-RESIDENTIAL USES   |  |  |
|   |  | P - Crops Only<br>/<br>SE-All Other<br>Operations  |
| Agricultural Operation  | 1603                                   |  |
| Community Garden  | 1603                                   | P  |
| Forestry  | 1603                                   | P  |
| Municipal Owned Use   |  | P  |
| Park, Playground, and<br>Other Non-Commercial<br>Outdoor Recreational Use | 1603                                   | P  |
| Place of Worship  |  | SE   |
| Public / Private Utility<br>Facility                                      | 1603                                   | SE   |
| School, Public or Private   |  | SE   |

| TYPES OF USES   | Part 16<br>Specific Use<br>Regulations | RESIDENTIAL DISTRICTS                              |
|---|--|--|
|   |  | SR - Suburban<br>Residential<br>Zoning<br>District |
| C. ACCESSORY USES   |  |  |
| Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable Zoning District, other than specified elsewhere in this Chapter including but not limited to Part 12 and 16 of this Chapter. |  | P  |
| Community Garden  | 1604                                   | P  |
| Daycare, Accessory  |  | P  |
| Daycare, Family   | 1604                                   | P  |
| Home Occupation   | 1604                                   | SE   |
| No-Impact Home Occupation   | 1604                                   | P  |
| D. OTHER USES   |  |  |
| Multiple Permitted Principal Uses on a Lot  | 1216                                   | P  |

**P** Permitted by Right (zoning decision by Zoning Officer)  
**SE** Special Exception Use (zoning decision by Zoning Hearing Board)  
**C** Conditional Use (zoning decision by Paxtang Borough Council)  
**N** Not Permitted

TABLE 3-3  
 PERMITTED USES – MIXED USE DISTRICTS

| TYPES OF USES                          | Part 16<br>Specific Use<br>Regulations | MIXED USE DISTRICTS  |   |   |   |
|--|--|--|---|---|---|
|  |  | PAC -<br>Paxtang<br>Avenue<br>Conservation<br>Zoning<br>District | TN -<br>Traditional<br>Neighborhood<br>Zoning<br>District | MNB - Mixed<br>Neighborhood<br>Zoning<br>District | DT -<br>Downtown<br>Zoning<br>District                              |
| A. RESIDENTIAL USES                    |  |  |   |   |   |
| Apartment Conversion                   | 1602                                   | N  | N   | SE  | P - upper floors<br>and/or rear ½<br>of building on<br>ground floor |
| Bed and Breakfast                      | 1602                                   | SE   | SE  | P   | P - upper floors<br>and/or rear ½<br>of building on<br>ground floor |
| Continuing Care<br>Retirement Facility | 1602                                   | N  | SE  | P   | P - upper floors<br>and/or rear ½<br>of building on<br>ground floor |
| Group Care                             | 1602                                   | N  | N   | P   | P - upper floors<br>and/or rear ½<br>of building on<br>ground floor |

| TYPES OF USES  | Part 16<br>Specific Use<br>Regulations | MIXED USE DISTRICTS  |   |   |   |
|--|--|--|---|---|---|
|  |  | PAC -<br>Paxtang<br>Avenue<br>Conservation<br>Zoning<br>District | TN -<br>Traditional<br>Neighborhood<br>Zoning<br>District | MNB - Mixed<br>Neighborhood<br>Zoning<br>District   | DT -<br>Downtown<br>Zoning<br>District                              |
| Group Home   |  | P  | P   | P   | P - upper floors<br>or rear ½ of<br>building on<br>ground floor     |
| Lodging and/or<br>Boarding Home  | 1602                                   | N  | N   | SE  | P - upper floors<br>and/or rear ½<br>of building on<br>ground floor |
| Long Term Care<br>Nursing Facility or<br>Personal Care Facility                          | 1602                                   | N  | SE  | P   | P - upper floors<br>and/or rear ½<br>of building on<br>ground floor |
| Multi-Family Dwelling  | 1602                                   | N  | P   | P   | P - upper floors<br>and/or rear ½<br>of building on<br>ground floor |
| Single Family Attached<br>Dwelling   | 1602                                   | N  | P   | P   | N   |
| Single Family Detached<br>Dwelling   |  | P  | P   | P   | N   |
| Single Family Semi-<br>Detached Dwelling   |  | P  | P   | P   | N   |
| Two Family Detached<br>Dwelling  | 1602                                   | SE   | P   | P   | N   |
| B. NON-RESIDENTIAL USES  |  |  |   |   |   |
| Agricultural Operation   | 1603                                   | P - Crops Only<br>/<br>SE - All Other<br>Operations              | P - Crops Only<br>/<br>SE -All Other<br>Operations        | P - Crops<br>Only /<br>SE - All Other<br>Operations | P - Crops Only<br>/<br>SE - All Other<br>Operations                 |
| Bank   |  | N  | N   | P   | P   |
| B.Y.O.B. Club  | 1603                                   | N  | N   | N   | C   |
| Clinic, Medical  | 1603                                   | N  | N   | P   | P   |
| Clubhouse or Lodge,<br>Private   | 1603                                   | N  | N   | P   | P   |
| Commercial Recreation,<br>Indoor   | 1603                                   | N  | N   | N   | P   |
| Communications<br>Antenna and Equipment<br>Building Transmitting &<br>Receiving Facility | 1603                                   | N  | N   | SE - Antenna<br>only                                | SE - Antenna<br>only  |
| Community Garden   | 1603                                   | N  | P   | P   | P   |
| Copy Shop / Business<br>Service  |  | N  | N   | P   | P   |
| Craftsman / Artisan<br>Studio  |  | N  | N   | P   | P   |
| Daycare, Commercial  | 1603                                   | N  | N   | P   | P   |
| Food Service   |  | N  | N   | P   | P   |
| Forestry   | 1603                                   | P  | P   | P   | P   |
| Funeral Home   | 1603                                   | N  | N   | P   | N   |
| Home Improvement<br>Center, Lumber Sales,<br>and Building Materials<br>Sales             | 1603                                   | N  | N   | N   | P   |
| Hospital   | 1603                                   | N  | N   | P   | N   |
| Hotel  |  | N  | N   | P   | P   |

| TYPES OF USES  | Part 16<br>Specific Use<br>Regulations | MIXED USE DISTRICTS  |  |   |   |
|--|--|--|--|---|---|
|  |  | PAC -<br>Paxtang<br>Avenue<br>Conservation<br>Zoning<br>District | TN -<br>Traditional<br>Neighborhood<br>Zoning<br>District  | MNB - Mixed<br>Neighborhood<br>Zoning<br>District | DT -<br>Downtown<br>Zoning<br>District                                      |
| Industrial Use, Light  |  | N  | N  | N   | P   |
| Laundry & Dry<br>Cleaning, Personal  |  | N  | N  | P   | P   |
| Library  |  | N  | SE   | P   | P   |
| Municipal Owned Use  |  | P  | P  | P   | P   |
| Museum   |  | N  | SE   | P   | P   |
| Nightclub  | 1603                                   | N  | N  | N   | C   |
| Office, Business and<br>Professional   |  | N  | P - corner lots<br>or lots abutting<br>corner lots<br>only | P   | P   |
| Office, Medical  |  | N  | P - corner lots<br>or lots abutting<br>corner lots<br>only | P   | P   |
| Park, Playground, and<br>Other Non-Commercial<br>Outdoor Recreational<br>Use       | 1603                                   | P  | P  | P   | P   |
| Parking Lot  | 1603                                   | N  | N  | N   | SE  |
| Parking Structure  | 1603                                   | N  | N  | SE  | SE  |
| Personal Service   |  | N  | P - corner lots<br>or lots abutting<br>corner lots<br>only | P   | P   |
| Place of Worship   |  | SE   | SE   | SE  | SE  |
| Post Office  |  | N  | N  | P   | P   |
| Public / Private Utility<br>Facility   | 1603                                   | SE   | SE   | SE  | SE  |
| Restaurant   |  | N  | N  | P   | P   |
| Retail Business  |  | N  | N  | P   | P   |
| School, Commercial   |  | N  | N  | P   | P   |
| School, Public or<br>Private   |  | SE   | SE   | SE  | SE  |
| Tavern / Bar   | 1603                                   | N  | N  | SE  | C   |
| Theater, Indoor -<br>excluding sexually<br>oriented business and/or<br>related use |  | N  | N  | SE  | C   |
| Therapeutic Massage<br>Facility  |  | N  | N  | SE  | P   |
| Treatment Center   | 1603                                   | N  | N  | N   | C - upper floors<br>and/or rear ½<br>of building on<br>ground floor<br>only |
| C. ACCESSORY USES  |  |  |  |   |   |

| TYPES OF USES   | Part 16<br>Specific Use<br>Regulations | MIXED USE DISTRICTS  |   |   |   |
|---|--|--|---|---|---|
|   |  | PAC -<br>Paxtang<br>Avenue<br>Conservation<br>Zoning<br>District | TN -<br>Traditional<br>Neighborhood<br>Zoning<br>District                     | MNB - Mixed<br>Neighborhood<br>Zoning<br>District | DT -<br>Downtown<br>Zoning<br>District                          |
| Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable Zoning District, other than specified elsewhere in this Chapter including but not limited to Part 12 and 16 of this Chapter. |  | P  | P   | P   | P   |
| Accessory Apartment   | 1604                                   | N  | N   | P   | P - upper floors and/or rear ½ of building on ground floor only |
| Automated Banking Facility  | 1604                                   | N  | N   | P (No Drive thru / drive up)                      | P (No Drive thru / drive up)                                    |
| Community Garden  | 1604                                   | N  | P   | P   | P   |
| Daycare, Accessory  |  | P  | P   | P   | P - upper floors and/or rear ½ of building on ground floor only |
| Daycare, Family   | 1604                                   | SE   | P   | P   | P - upper floors and/or rear ½ of building on ground floor only |
| Home Occupation   | 1604                                   | SE   | P - corner lots or lots abutting corner lots only<br>SE - All other instances | P   | N   |
| No-Impact Home Occupation   | 1604                                   | P  | P   | P   | P   |
| Outdoor Café / Dining   | 1604                                   | N  | N   | P   | P   |
| Outside Display and Sales   | 1604                                   | N  | N   | P   | P   |
| <b>D. OTHER USES</b>  |  |  |   |   |   |
| Multiple Permitted Principal Uses on a Lot  | 1216                                   | P  | P   | P   | P   |

**P** Permitted by Right (zoning decision by Zoning Officer)  
**SE** Special Exception Use (zoning decision by Zoning Hearing Board)  
**C** Conditional Use (zoning decision by Paxtang Borough Council)  
**N** Not Permitted

**TABLE 3-4**  
**PERMITTED USES – COMMERCIAL / INDUSTRIAL DISTRICTS**

| TYPES OF USES   | Part 16<br>Specific Use<br>Regulations | COMMERCIAL / INDUSTRIAL DISTRICTS     |
|---|--|---------------------------------------|
|   |  | GB - General Business Zoning District |
| A. NON-RESIDENTIAL USES   |  |                                       |
| Agricultural<br>Operation   | 1603                                   | P                                     |
| Animal Hospital   | 1603                                   | P                                     |
| Automobile, Boat,<br>Heavy Equipment,<br>Mobile /<br>Manufactured Home,<br>Recreational Vehicle<br>and Other Similar<br>Motor Vehicle Rental<br>/ Sales, Repair /<br>Service, Washing<br>and/or Fuel / Gas<br>Sales | 1603                                   | P                                     |
| Automobile<br>Wrecking, Junk and<br>Scrap Storage and<br>Sales  | 1603                                   | SE                                    |
| Bank  |  | P                                     |
| Billboard   | 1309                                   | C                                     |
| B.Y.O.B. Club   | 1603                                   | C                                     |
| Clinic, Medical   |  | P                                     |
| Clubhouse or Lodge,<br>Private  | 1603                                   | P                                     |
| Commercial<br>Recreation, Indoor  |  | P                                     |
| Commercial<br>Recreation, Outdoor   | 1603                                   | P                                     |
| Communications<br>Antenna and<br>Equipment Building<br>Transmitting &<br>Receiving Facility   | 1603                                   | SE                                    |
| Community Garden  | 1603                                   | P                                     |
| Convenience Store   | 1603                                   | P                                     |
| Copy Shop / Business<br>Service   |  | P                                     |
| Craftsman / Artisan<br>Studio   |  | P                                     |
| Daycare, Commercial   | 1603                                   | P                                     |
| Farmers' / Flea<br>Market, Outdoor  | 1603                                   | P                                     |
| Financial Service,<br>Other   |  | P                                     |
| Food Service  |  | P                                     |
| Forestry  | 1603                                   | P                                     |
| Funeral Home  | 1603                                   | P                                     |
| Home Improvement<br>Center, Lumber Sales,<br>and Building<br>Materials Sales  | 1603                                   | P                                     |
| Hospital  | 1603                                   | P                                     |
| Hotel   |  | P                                     |

| TYPES OF USES   | Part 16<br>Specific Use<br>Regulations | COMMERCIAL / INDUSTRIAL DISTRICTS     |
|---|--|---------------------------------------|
|   |  | GB - General Business Zoning District |
|   |  |                                       |
| Industrial Use, General   |  | SE                                    |
| Industrial Use, Light   |  | P                                     |
| Kennel, Commercial  | 1603                                   | P                                     |
| Laundry & Dry Cleaning Facility, Industrial                               |  | SE                                    |
| Laundry & Dry Cleaning, Personal  |  | P                                     |
| Liquor Store  |  | P                                     |
| Mini-Storage Warehouse  | 1603                                   | P                                     |
| Motel   |  | P                                     |
| Municipal Owned Use   |  | P                                     |
| Nightclub   | 1603                                   | C                                     |
| Office, Business and Professional   |  | P                                     |
| Office, Medical   |  | P                                     |
| Parking Lot   | 1603                                   | P                                     |
| Parking Structure   | 1603                                   | P                                     |
| Personal Service  |  | P                                     |
| Place of Worship  |  | SE                                    |
| Plant Nursery   |  | P                                     |
| Post Office   |  | P                                     |
| Public / Private Utility Facility   | 1603                                   | P                                     |
| Research and Development Facility   |  | P                                     |
| Restaurant  |  | P                                     |
| Retail Business   |  | P                                     |
| Sawmill   | 1603                                   | SE                                    |
| School, Commercial  |  | P                                     |
| School, Public or Private   |  | P                                     |
| School, Vocational  |  | P                                     |
| Sexually Oriented Business and/or Related Use                             | 1603                                   | C                                     |
| Tavern / Bar  | 1603                                   | C                                     |
| Theater, Indoor - excluding sexually oriented business and/or related use |  | P                                     |
| Therapeutic Massage Facility  |  | P                                     |
| Treatment Center  | 1603                                   | C                                     |
| University / College  |  | P                                     |
| Warehousing, Distribution, and Wholesaling                                |  | SE                                    |
| B. ACCESSORY USES   |  |                                       |



| TYPES OF USES   | Part 16<br>Specific Use<br>Regulations | COMMERCIAL / INDUSTRIAL DISTRICTS     |
|---|--|---------------------------------------|
|   |  | GB - General Business Zoning District |
|   |  |                                       |
| Accessory structures and uses customarily incidental and subordinate to the principal uses permitted in the applicable Zoning District, other than specified elsewhere in this Chapter including but not limited to Part 12 and 16 of this Chapter. |  | P                                     |
| Automated Banking Facility  | 1604                                   | P                                     |
| Drive-Thru Facilities for Permitted Use   | 1604                                   | P                                     |
| Outdoor Café / Dining   | 1604                                   | P                                     |
| Outside Display and Sales   | 1604                                   | P                                     |
| C. OTHER USES   |  |                                       |
| Multiple Permitted Principal Uses on a Lot  | 1216                                   | P                                     |

- P Permitted by Right (zoning decision by Zoning Officer)
- SE Special Exception Use (zoning decision by Zoning Hearing Board)
- C Conditional Use (zoning decision by Paxtang Borough Council)
- N Not Permitted

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TABLE 3-5  
PERMITTED USES – OTHER DISTRICTS

| TYPES OF USES   | Part 16<br>Specific Use<br>Regulations | OTHER<br>DISTRICTS   |
|---|--|--|
|   |  | CHC -<br>Community<br>Heritage<br>Conservation<br>Zoning<br>District |
| A. RESIDENTIAL USES   |  |  |
| Bed and Breakfast   | 1602                                   | SE   |
| B. NON-RESIDENTIAL USES   |  |  |
| Agricultural<br>Operation   | 1603                                   | P - Crops Only<br>/<br>SE - All Other<br>Operations                  |
| Cemetery  | 1603                                   | P  |
| Communications<br>Antenna and<br>Equipment Building<br>Transmitting &<br>Receiving Facility   | 1603                                   | SE   |
| Community Garden  | 1603                                   | P  |
| Forestry  | 1603                                   | P  |
| Funeral Home  | 1603                                   | P  |
| Library   |  | P  |
| Municipal Owned<br>Use  |  | P  |
| Museum  |  | P  |
| Park, Playground,<br>and Other Non-<br>Commercial Outdoor<br>Recreational Use   | 1603                                   | P  |
| Place of Worship  |  | SE   |
| Public / Private<br>Utility Facility  | 1603                                   | SE   |
| School, Public or<br>Private  |  | SE   |
| C. ACCESSORY USES   |  |  |
| Accessory structures<br>and uses customarily<br>incidental and<br>subordinate to the<br>principal uses<br>permitted in the<br>applicable Zoning<br>District, other than<br>specified elsewhere<br>in this Chapter<br>including but not<br>limited to Part 12 and<br>16 of this Chapter. |  | P  |
| Community Garden  | 1604                                   | P  |
| D. OTHER USES   |  |  |
| Multiple Permitted<br>Principal Uses on a<br>Lot  | 1216                                   | P  |

**P** Permitted by Right (zoning decision by Zoning Officer)  
**SE** Special Exception Use (zoning decision by Zoning Hearing Board)  
**C** Conditional Use (zoning decision by Paxtang Borough Council)  
**N** Not Permitted

PART 4

“SR” SUBURBAN RESIDENTIAL ZONING DISTRICT

Section 401. Purpose.

This zoning district is generally comprised of those areas of the borough where suburban type residential development patterns have been established. These areas generally possess development characteristics such as low intensity residential uses and building types; larger and wider lots which are accessed from the street; but also including street trees, tree lawns, and sidewalks. This zoning district seeks to protect and enhance these areas and neighborhoods by providing general and specific design compatibility standards helping to ensure compatible use, reuse, replacement, infill, and redevelopment.



Section 402. Permitted Uses.

- A. See Table 3-2 in Section 304 relating to *Use Tables* for uses permitted by right, conditional use, and/or special exception in this Residential District.

Section 403. Area and Design Requirements.

- A. See Table 4-1 in this Section relating to *Area and Design Requirements* for the area and design requirements for all development activities and uses. Additionally, all development activities and uses shall be compatible in character, design, height, scale, setback, orientation, lot access, and off-street parking with adjacent and nearby buildings / structures and development on abutting lots as well as lots on the same shared block face (between two [2] intersecting streets) along the same side of the street. Although required in Tables 4-1 and 4-2 in this Section relating to *Area and Design Requirements* and *Additional Development Compatibility Standards* respectively referring to certain development compatibility design requirements set forth in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*, applicants for new development and uses may, and are strongly encouraged, to utilize the other development compatibility design guidelines and standards set forth in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*.

TABLE 4-1  
AREA AND DESIGN REQUIREMENTS

| AREA / DESIGN FEATURES                             | PERMITTED USES  |   |  |
|--|---|---|--|
|  | Single Family Detached Dwelling   | Other Permitted Uses (Unless Specifically Listed in Part 16)                                    | Accessory use or structure (other than specified elsewhere this Chapter including Parts 12 – 14, 16 of this Chapter) |
| Lot Area Per Unit - Minimum                        | 6,000 sq. ft. per DU  | 8,000 sq. ft.   | N/A  |
| Minimum Lot Width at Front Lot Line - Interior Lot | 60 ft.  | 80 ft.  | N/A  |
| Minimum Lot Width at Front Lot Line - Corner Lot   | 75 ft.  | 95 ft.  | N/A  |
| Setback - Front - Minimum / Maximum                | If abutting lots are developed, See Section 1104.F.<br><br>Otherwise, 15 ft. min. / 25 ft. max. | If abutting lots are developed, See Section 1104.F.<br><br>Otherwise, 15 ft. min. / 25 ft. max. | Not permitted to be located between the principal building and the public street.                                    |
| Setback – Side Minimum                             | 10 ft. each side  | 15 ft. each side  | 5 ft.  |
| Setback – Rear Minimum                             | 20 ft.  | 25 ft.  | 5 ft.  |

| AREA / DESIGN FEATURES              | PERMITTED USES  |   |  |
|-------------------------------------|---|---|--|
|                                     | Single Family Detached Dwelling   | Other Permitted Uses<br>(Unless Specifically Listed in Part 16)               | Accessory use or structure (other than specified elsewhere this Chapter including Parts 12 – 14, 16 of this Chapter) |
| Impervious Lot Coverage - Maximum   | 40%   | 65%   | Included as part of total maximum impervious coverage.   |
| Vegetative Coverage - Minimum       | 20%   | 20%   | Included as part of total minimum vegetative coverage.   |
| Building Height - Minimum / Maximum | If abutting lots are developed, See Section 1104.G.<br>Otherwise, 35 ft. max. | If abutting lots are developed, See Section 1104.G.<br>Otherwise, 35 ft. max. | 20 ft. or not higher than the principal structure, whichever is less.  |

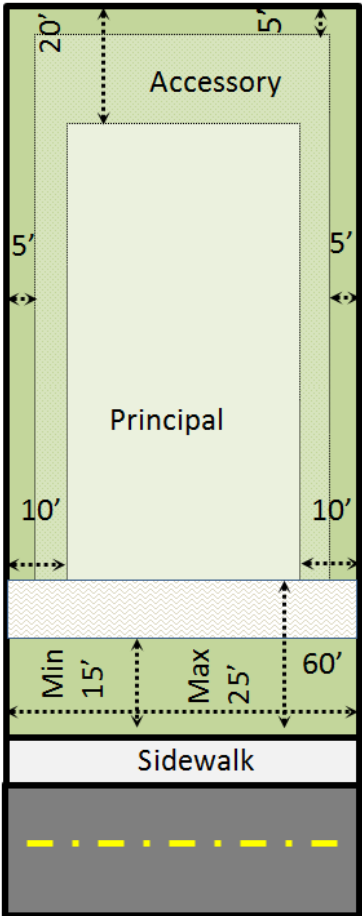


Figure 4.1  
 Typical Area / Design Features Single Family Detached Dwelling Example  
 (Abutting Lots Not Developed)  
 (Not Drawn to Scale)

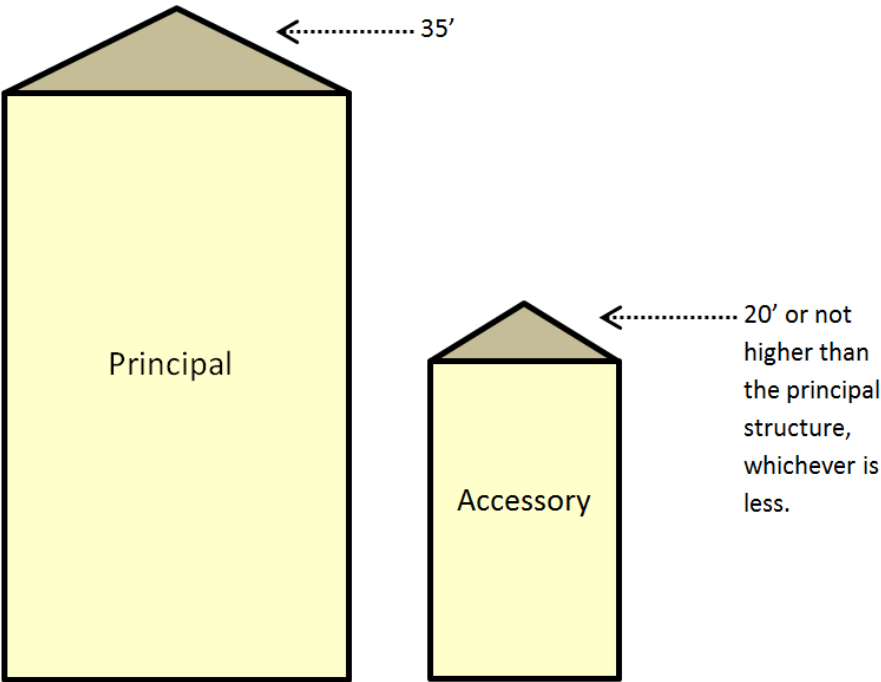


Figure 4.2 Typical Building  
 Height Example (Abutting Lots  
 Not Developed)  
 (Not Drawn to Scale)

- B. Additional Development Compatibility Standards.
1.

See Table 4-2 of this Section relating to *Additional Development Compatibility Standards* and the applicable subsections of Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)* for additional standards for development activities and uses.

TABLE 4-2  
ADDITIONAL DEVELOPMENT COMPATIBILITY STANDARDS

| Development Compatibility Design Standard          | Subsection of 1104 | Applicability of Development Compatibility Design Standard |
|--|--------------------|--|
| Front Building Setback                             | 1104.F.            | Yes  |
| Building Height                                    | 1104.G.            | Yes  |
| Building Orientation                               | 1104.H.            | Yes  |
| Building Facade                                    | 1104.I.            | Yes  |
| Building Roof                                      | 1104.J.            | Yes  |
| Reuse of Existing or Formerly Residential Building | 1104.K.            | Yes  |
| Building Footprint                                 | 1104.L.            | Yes  |
| Fire Escape  | 1104.M.            | Yes  |
| Lot Access and Parking                             | 1104.N.            | Yes  |
| Residential Garage Location & Design               | 1104.O.            | Yes  |
| Non-Residential Uses within an Enclosed Building   | 1104.P.            | Yes  |

Section 404. Compliance with General Regulations.

- A. Additionally all development activities and uses within this zoning district shall comply with all applicable general standards of this Chapter including but not limited to:
1.

Part 12 General Regulations.
2.

Part 13 Sign Regulations.
3.

Part 14 Lot Access, Parking, and Loading Regulations.

Section 405. Overlay Zoning Districts.

- A. If located within or affected by the following overlay zoning districts, development activities and uses shall comply with the requirements of the applicable overlay zoning district provisions set forth in Part 11 of this Chapter relating to Overlay Zoning District:
1.

Section 1103 FPO Floodplain Overlay Zoning District.
2.

Section 1104 DCSO Development Compatibility Standards Overlay Zoning District (see also Section 403.B of this Chapter).

PART 5

“PAC” PAXTANG AVENUE CONSERVATION ZONING DISTRICT

Section 501. Purpose.

This zoning district is generally comprised of a neighborhood in the borough located along Paxtang Avenue where traditional neighborhood development patterns have been established. This distinctive neighborhood is noted because of its unique building and development characteristics generally including larger, multi-story, stately, homes with front porches and deeper setbacks; larger and wider lots accessed from alleys; street trees, tree lawns, and sidewalks; and close proximity to the downtown (DT). This area serves as an important “gateway” corridor not only into the borough from locations outside of the area, but also into the downtown (DT). This zoning district seeks to protect and enhance this important traditional neighborhood by providing general and specific design compatibility and performance standards helping to ensure similar compatible use, reuse, replacement, and infill development.



**Section 502. Permitted Uses.**

- A. See Table 3-3 in Section 304 relating to *Use Tables* for uses permitted by right, conditional use, and/or special exception in this Mixed Use District.

**Section 503. Area and Design Requirements.**

- A. See Table 5-1 in this Section relating to *Area and Design Requirements* for the area and design requirements for all development activities and uses. Additionally, all development activities and uses shall be compatible in character, design, height, scale, setback, orientation, lot access, and off-street parking with adjacent and nearby buildings / structures and development on abutting lots as well as lots on the same shared block face (between two [2] intersecting streets) along the same side of the street. Although required in Tables 5-1 and 5-2 in this Section relating to *Area and Design Requirements* and *Additional Development Compatibility Standards* respectively referring to certain development compatibility design requirements set forth in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*, applicants for new development and uses may, and are strongly encouraged, to utilize the other development compatibility design guidelines and standards set forth in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*.

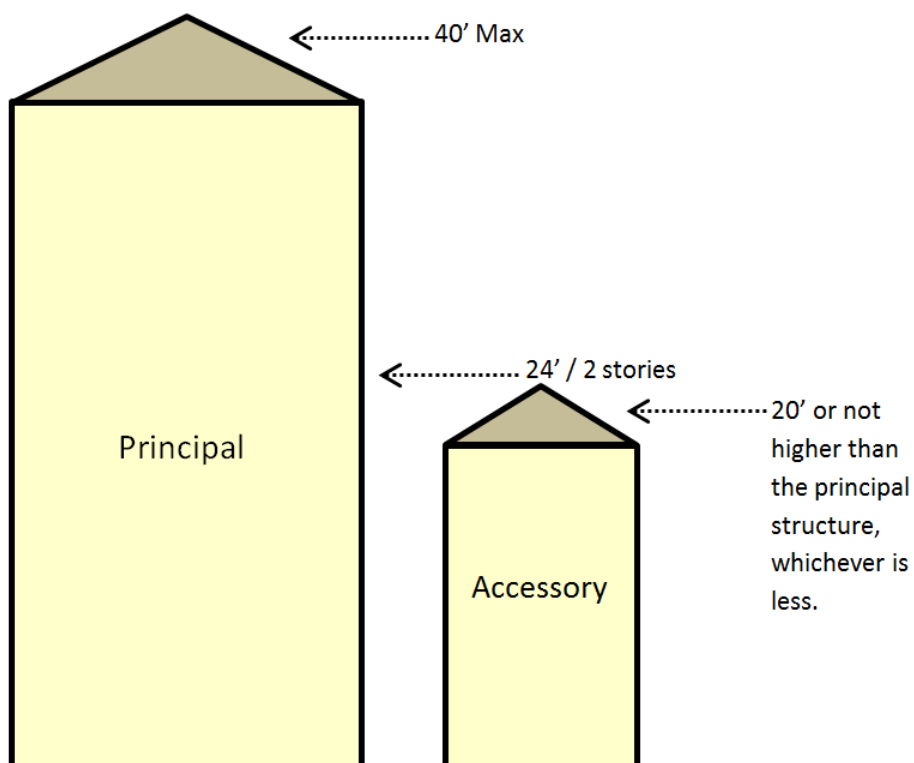
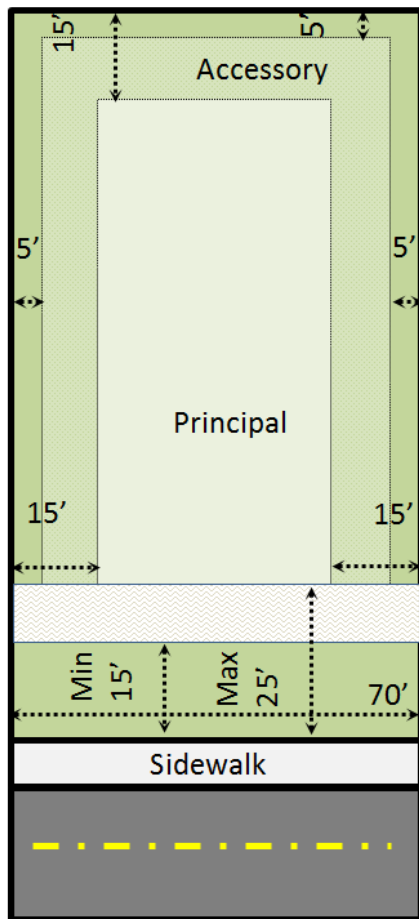
**TABLE 5-1  
AREA AND DESIGN REQUIREMENTS**

| AREA /<br>DESIGN<br>FEATURES                                | PERMITTED USES   |  |  |  |  |
|---|--|--|--|--|--|
|   | Single Family<br>Detached<br>Dwelling  | Single Family<br>Semi-Detached<br>Dwelling   | Two Family<br>Detached<br>Dwelling   | Other<br>Permitted Uses<br>(Unless<br>Specifically<br>Listed in Part<br>16)                                    | Accessory use<br>or structure<br>(other than<br>specified<br>elsewhere this<br>Chapter<br>including Parts<br>12 – 14, 16 of<br>this Chapter) |
| Lot Area Per<br>Unit - Minimum                              | 7,000 sq. ft. per<br>DU  | 4,000 sq. ft. per<br>DU  | 4,000 sq. ft. per<br>DU  | 7,500 sq. ft.  | N/A  |
| Minimum Lot<br>Width at Front<br>Lot Line -<br>Interior Lot | 70 ft.   | 40 ft.   | 70 ft.   | 75 ft.   | N/A  |
| Minimum Lot<br>Width at Front<br>Lot Line Corner<br>Lot     | 85 ft.   | 65 ft.   | 85 ft.   | 90 ft.   | N/A  |
| Setback - Front<br>Minimum /<br>Maximum                     | If abutting lots<br>are developed,<br>See Section<br>1104.F.<br><br>Otherwise,<br>15 ft. min. /<br>25 ft. max. | If abutting lots<br>are developed,<br>See Section<br>1104.F.<br><br>Otherwise,<br>15 ft. min. /<br>25 ft. max. | If abutting lots<br>are developed,<br>See Section<br>1104.F.<br><br>Otherwise,<br>15 ft. min. /<br>25 ft. max. | If abutting lots<br>are developed,<br>See Section<br>1104.F.<br><br>Otherwise,<br>15 ft. min. /<br>25 ft. max. | Not permitted to<br>be located<br>between the<br>principal<br>building and the<br>public street.   |



| AREA /<br>DESIGN<br>FEATURES              | PERMITTED USES  |  |   |   |   |
|---|---|--|---|---|---|
|   | Single Family<br>Detached<br>Dwelling   | Single Family<br>Semi-Detached<br>Dwelling   | Two Family<br>Detached<br>Dwelling  | Other<br>Permitted Uses<br>(Unless<br>Specifically<br>Listed in Part<br>16)   | Accessory use<br>or structure<br>(other than<br>specified<br>elsewhere this<br>Chapter<br>including Parts<br>12 – 14, 16 of<br>this Chapter)  |
| Setback – Side<br>Minimum                 | 15 ft. each side.   | 10 ft. except, 0<br>ft. at the shared<br>lot line of<br>lawfully<br>attached<br>dwellings<br>constructed with<br>a shared<br>common party<br>wall and<br>provides the<br>notarized,<br>written consent<br>of the owner of<br>the abutting lot<br>and building. | 15 ft. each side.   | 15 ft. each side.   | 5 ft.   |
| Setback – Rear<br>Minimum                 | 15 ft.  | 15 ft.   | 15 ft.  | 20 ft.  | 5 ft., except that<br>detached garages<br>adjacent to and<br>having access to<br>an alley, shall be<br>setback 5 ft. from<br>the right-of way<br>or 15 ft. from the<br>centerline of the<br>alley, whichever<br>is greater. |
| Impervious Lot<br>Coverage -<br>Maximum   | 40%   | 50%  | 50%   | 65%   | Included as part<br>of total<br>maximum<br>impervious<br>coverage.  |
| Vegetative<br>Coverage -<br>Minimum       | 20%   | 20%  | 20%   | 20%   | Included as part<br>of total minimum<br>vegetative<br>coverage  |
| Building Height -<br>Minimum /<br>Maximum | If abutting lots<br>are developed,<br>See Section<br>1104.G.<br><br>Otherwise,<br>2 stories min. or<br>24 ft. min. /<br>40 ft. max. | If abutting lots<br>are developed,<br>See Section<br>1104.G.<br><br>Otherwise,<br>2 stories min. or<br>24 ft. min. /<br>40 ft. max.  | If abutting lots<br>are developed,<br>See Section<br>1104.G.<br><br>Otherwise,<br>2 stories min. or<br>24 ft. min. /<br>40 ft. max. | If abutting lots<br>are developed,<br>See Section<br>1104.G.<br><br>Otherwise,<br>2 stories min. or<br>24 ft. min. /<br>40 ft. max. | 20 ft. or not<br>higher than the<br>principal<br>structure,<br>whichever is less.   |

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- B. Additional Development Compatibility Standards
1.

See Table 5-2 of this Section relating to *Additional Development Compatibility Standards* and the applicable subsections of Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)* for additional standards for development activities and uses.

TABLE 5-2  
ADDITIONAL DEVELOPMENT COMPATIBILITY STANDARDS

| Development Compatibility Design Standard          | Subsection of 1104 | Applicability of Development Compatibility Design Standard |
|--|--------------------|--|
| Front Building Setback                             | 1104.F.            | Yes  |
| Building Height                                    | 1104.G.            | Yes  |
| Building Orientation                               | 1104.H.            | Yes  |
| Building Facade                                    | 1104.I.            | Yes  |
| Building Roof                                      | 1104.J.            | Yes  |
| Reuse of Existing or Formerly Residential Building | 1104.K.            | Yes  |
| Building Footprint                                 | 1104.L.            | Yes  |
| Fire Escape  | 1104.M.            | Yes  |
| Lot Access and Parking                             | 1104.N.            | Yes  |
| Residential Garage Location & Design               | 1104.O.            | Yes  |
| Non-Residential Uses within an Enclosed Building   | 1104.P.            | Yes  |

Section 504. Compliance with General Regulations.

- A. Additionally all development activities and uses within this zoning district shall comply with all applicable general standards of this Chapter including but not limited to:
1.

Part 12 General Regulations.
2.

Part 13 Sign Regulations.
3.

Part 14 Lot Access, Parking, and Loading Regulations.

Section 505. Overlay Zoning Districts.

- A. If located within or affected by the following overlay zoning districts, development activities and uses shall comply with the requirements of the applicable overlay zoning district provisions set forth in Part 11 of this Chapter relating to Overlay Zoning District:
1.

Section 1103 FPO Floodplain Overlay Zoning District.
2.

Section 1104 DCSO Development Compatibility Standards Overlay Zoning District (see also Section 503.B of this Chapter).

PART 6

“TN” TRADITIONAL NEIGHBORHOOD ZONING DISTRICT

Section 601. Purpose.

This zoning district is generally comprised of those distinctive neighborhoods of the borough where traditional building and development patterns are predominant. These areas are noted because of their unique building and development characteristics including a desirable mixture of a variety of residential dwelling types and compatible neighborhood oriented and supported businesses and public uses in close proximity; multi-story buildings with front porches and orientation toward and abutting the sidewalk; lots with narrower widths and setbacks accessed from alleys; street trees, tree lawns, and sidewalks. This zoning district seeks to protect and enhance these important traditional neighborhoods by providing general and specific design compatibility and performance standards helping to ensure similar compatible use, reuse, replacement, and infill development.



**Section 602. Permitted Uses.**

- A. See Table 3-3 in Section 304 relating to *Use Tables* for uses permitted by right, conditional use, and/or special exception in this Mixed Use District.

**Section 603. Area and Design Requirements.**

- A. See Table 6-1 in this Section relating to *Area and Design Requirements* for the area and design requirements for all development activities and uses. Additionally, all development activities and uses shall be compatible in character, design, height, scale, setback, orientation, lot access, and off-street parking with adjacent and nearby buildings / structures and development on abutting lots as well as lots on the same shared block face (between two [2] intersecting streets) along the same side of the street. Although required in Tables 6-1 and 6-2 in this Section relating to *Area and Design Requirements* and *Additional Development Compatibility Standards* respectively referring to certain development compatibility design requirements set forth in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*, applicants for new development and uses may, and are strongly encouraged, to utilize the other development compatibility design guidelines and standards set forth in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*.

**TABLE 6-1  
AREA AND DESIGN REQUIREMENTS**

| AREA /<br>DESIGN<br>FEATURES                                | PERMITTED USES   |  |  |  |  |
|---|--|--|--|--|--|
|   | Single Family<br>Detached<br>Dwelling  | Single Family<br>Semi-Detached<br>Dwelling   | Two Family<br>Detached<br>Dwelling   | Other<br>Permitted Uses<br>(Unless<br>Specifically<br>Listed in Part<br>16)                                    | Accessory use<br>or structure<br>(other than<br>specified<br>elsewhere this<br>Chapter<br>including Parts<br>12 – 14, 16 of<br>this Chapter) |
| Lot Area Per<br>Unit - Minimum                              | 4,000 sq. ft. per<br>DU  | 3,500 sq. ft. per<br>DU  | 4,000 sq. ft. per<br>DU  | 4,000 sq. ft.  | N/A  |
| Minimum Lot<br>Width at Front<br>Lot Line –<br>Interior Lot | 40 ft.   | 35 ft.   | 70 ft.   | 45 ft.   | N/A  |
| Minimum Lot<br>Width at Front<br>Lot Line -<br>Corner Lot   | 55 ft.   | 50 ft.   | 85 ft.   | 55 ft.   | N/A  |
| Setback - Front<br>Minimum /<br>Maximum                     | If abutting lots<br>are developed,<br>See Section<br>1104.F.<br><br>Otherwise,<br>10 ft. min. /<br>20 ft. max. | If abutting lots<br>are developed,<br>See Section<br>1104.F.<br><br>Otherwise,<br>10 ft. min. /<br>20 ft. max. | If abutting lots<br>are developed,<br>See Section<br>1104.F.<br><br>Otherwise,<br>10 ft. min. /<br>20 ft. max. | If abutting lots<br>are developed,<br>See Section<br>1104.F.<br><br>Otherwise,<br>10 ft. min. /<br>20 ft. max. | Not permitted to<br>be located<br>between the<br>principal<br>building and the<br>public street.   |

| AREA /<br>DESIGN<br>FEATURES              | PERMITTED USES  |  |   |  |   |
|---|---|--|---|--|---|
|   | Single Family<br>Detached<br>Dwelling   | Single Family<br>Semi-Detached<br>Dwelling   | Two Family<br>Detached<br>Dwelling  | Other<br>Permitted Uses<br>(Unless<br>Specifically<br>Listed in Part<br>16)  | Accessory use<br>or structure<br>(other than<br>specified<br>elsewhere this<br>Chapter<br>including Parts<br>12 – 14, 16 of<br>this Chapter)  |
| Setback – Side -<br>Minimum               | 5 ft. each side.  | 5 ft. except, 0 ft.<br>at the shared lot<br>line of lawfully<br>attached<br>dwellings<br>constructed with<br>a shared<br>common party<br>wall and<br>provides the<br>notarized,<br>written consent<br>of the owner of<br>the abutting lot<br>and building. | 5 ft. each side.  | 5 ft., except 0 ft.<br>at the shared lot<br>line of lawfully<br>attached<br>buildings or uses<br>constructed with<br>a shared<br>common party<br>wall and<br>provides the<br>notarized,<br>written consent<br>of the owner of<br>the abutting lot<br>and building. | 3 ft.   |
| Setback – Rear<br>Minimum                 | 15 ft.  | 15 ft.   | 15 ft.  | 15 ft.   | 3 ft., except that<br>detached garages<br>adjacent to and<br>having access to<br>an alley, shall be<br>setback 5 ft. from<br>the right-of way<br>or 15 ft. from the<br>centerline of the<br>alley, whichever<br>is greater. |
| Impervious Lot<br>Coverage -<br>Maximum   | 50%   | 55%  | 50%   | 75%  | Included as part<br>of total<br>maximum<br>impervious<br>coverage.  |
| Vegetative<br>Coverage -<br>Minimum       | 20%   | 20%  | 20%   | 20%  | Included as part<br>of total minimum<br>vegetative<br>coverage.   |
| Building Height -<br>Minimum /<br>Maximum | If abutting lots<br>are developed,<br>See Section<br>1104.G.<br><br>Otherwise,<br>2 stories min. or<br>24 ft. min. /<br>40 ft. max. | If abutting lots<br>are developed,<br>See Section<br>1104.G.<br><br>Otherwise,<br>2 stories min. or<br>24 ft. min. /<br>40 ft. max.  | If abutting lots<br>are developed,<br>See Section<br>1104.G.<br><br>Otherwise,<br>2 stories min. or<br>24 ft. min. /<br>40 ft. max. | If abutting lots<br>are developed,<br>See Section<br>1104.G.<br><br>Otherwise,<br>2 stories min. or<br>24 ft. min. /<br>40 ft. max.  | 25 ft. or not<br>higher than the<br>principal<br>structure,<br>whichever is less.   |

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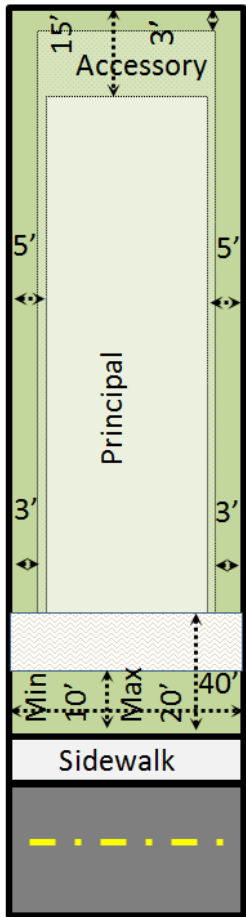


Figure 6.1  
 Typical Area / Design Features Single-Family Detached Dwelling Example  
 (Abutting Lots Not Developed)  
 (Not Drawn to Scale)

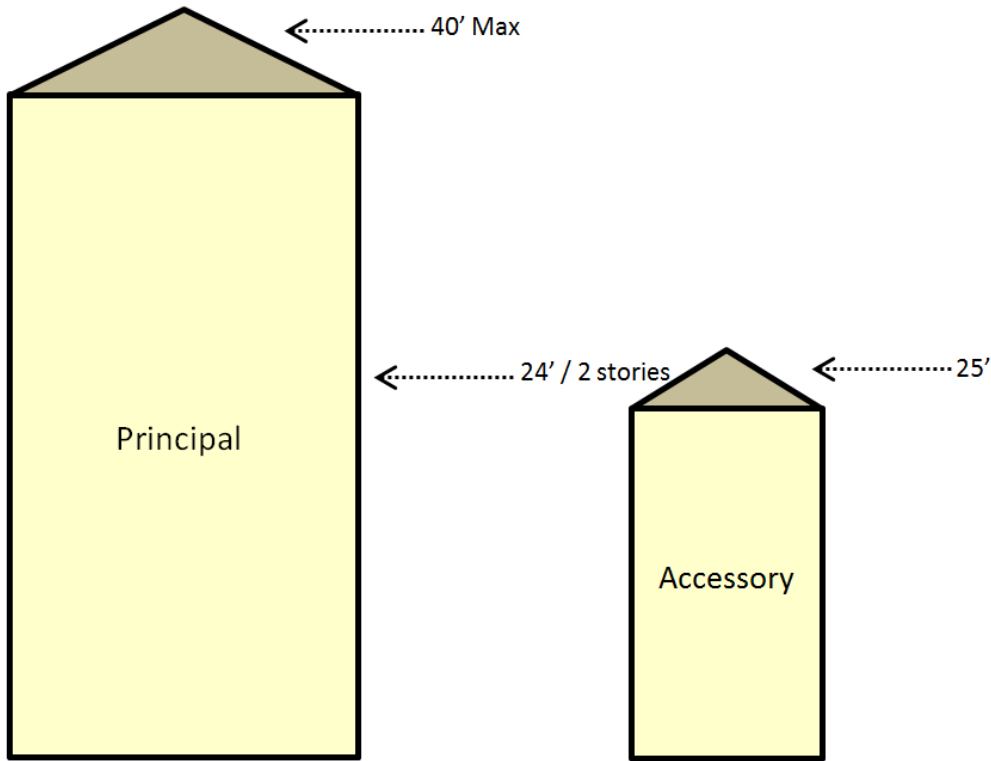


Figure 6.2 Typical  
 Building Height  
 Example (Abutting  
 Lots Not Developed)  
 (Not Drawn to Scale)

B. Additional Development Compatibility Standards

1. See Table 6-2 in this Section relating to *Additional Development Compatibility Standards* and the specific subsections of Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)* for additional standards for development activities and uses.

TABLE 6-2  
ADDITIONAL DEVELOPMENT COMPATIBILITY STANDARDS

| Development Compatibility Design Standard          | Subsection of 1104 | Applicability of Development Compatibility Design Standard |
|--|--------------------|--|
| Front Building Setback                             | 1104.F.            | Yes  |
| Building Height                                    | 1104.G.            | Yes  |
| Building Orientation                               | 1104.H.            | Yes  |
| Building Façade                                    | 1104.I.            | Yes  |
| Building Roof                                      | 1104.J.            | Yes  |
| Reuse of Existing or Formerly Residential Building | 1104.K.            | Yes  |
| Building Footprint                                 | 1104.L.            | Yes  |
| Fire Escape  | 1104.M.            | Yes  |
| Lot Access and Parking                             | 1104.N.            | Yes  |
| Residential Garage Location & Design               | 1104.O.            | Yes  |
| Non-Residential Uses within an Enclosed Building   | 1104.P.            | Yes  |

**Section 604. Compliance with General Regulations.**

- A. Additionally all development activities and uses within this zoning district shall comply with all applicable general standards of this Chapter including but not limited to:
1. Part 12 General Regulations.
  2. Part 13 Sign Regulations.
  2. Part 14 Lot Access, Parking, and Loading Regulations.

**Section 605. Overlay Zoning Districts.**

- A. If located within or affected by the following overlay zoning districts, development activities and uses shall comply with the requirements of the applicable overlay zoning district provisions set forth in Part 11 of this Chapter relating to Overlay Zoning District:
1. Section 1103 FPO Floodplain Overlay Zoning District.
  2. Section 1104 DCSO Development Compatibility Standards Overlay Zoning District (see also Section 603.B of this Chapter).

**PART 7**

**“MNB” MIXED NEIGHBORHOOD BUSINESS ZONING DISTRICT**

**Section 701. Purpose.**

This zoning district is generally comprised of an area east of Walnut Street (abutting the downtown) along both sides of Derry Street (Pike to Apple) to just east of Eastman Road. This zoning district is noted due to its unique building and development characteristics generally including a mixture of multi-story residential building types with front porches, used (reused) for a mix of residential and some compatible neighborhood, pedestrian oriented public and business sales and services; proximity to Derry Street (an arterial street and major bus route); alleys; street trees, tree lawns, and sidewalks; location between the downtown to the west and other intensive businesses to the east and south; and proximity to off-street parking. The purpose of this zoning district is to protect and enhance the existing pattern of mixed residential uses; accommodate and promote complimentary, compatible, and supporting neighborhood, pedestrian oriented public and business services in buildings oriented to and abutting the sidewalk; as well as serve as natural future extension of the downtown, via general and specific design compatibility and performance standards helping to ensure similar compatible use, reuse, replacement, infill, and redevelopment.



Section 702. Permitted Uses.

- A. See Table 3-3 in Section 303 relating to *Use Tables* for uses permitted by right, conditional use, and/or special exception in this Mixed Use District.

Section 703. Area and Design Requirements.

- A. See Table 7-1 in this Section relating to *Area and Design Requirements* for the area and design requirements for all development activities and uses. Additionally, all development activities and uses shall be compatible in character, design, height, scale, setback, orientation, lot access, and off-street parking with adjacent and nearby buildings / structures and development on abutting lots as well as lots on the same shared block face (between two [2] intersecting streets) along the same side of the street. Although required in Tables 7-1 and 7-2 in this Section relating to *Area and Design Requirements* and *Additional Development Compatibility Standards* respectively referring to certain development compatibility design requirements set forth in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*, applicants for new development and uses may, and are strongly encouraged, to utilize the other development compatibility design guidelines and standards set forth in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*.

TABLE 7-1  
AREA AND DESIGN REQUIREMENTS

| AREA /<br>DESIGN<br>FEATURES                                | PERMITTED USES   |  |  |  |  |
|---|--|--|--|--|--|
|   | Single Family<br>Detached<br>Dwelling                        | Single Family<br>Semi-Detached<br>Dwelling   | Two Family<br>Detached<br>Dwelling                           | Other<br>Permitted Uses<br>(Unless<br>Specifically<br>Listed in Part<br>16)  | Accessory use<br>or structure<br>(other than<br>specified<br>elsewhere this<br>Chapter<br>including Parts<br>12 – 14, 16 of<br>this Chapter) |
| Lot Area Per<br>Unit -Minimum                               | 4,000 sq. ft. per<br>DU                                      | 3,500 sq. ft. per<br>DU  | 4,000 sq. ft. per<br>DU                                      | 4,000 sq. ft.  | N/A  |
| Minimum Lot<br>Width at Front<br>Lot Line -<br>Interior Lot | 40 ft.   | 35 ft.   | 70 ft.   | 45 ft.   | N/A  |
| Minimum Lot<br>Width at Front<br>Lot Line -<br>Corner Lot   | 55 ft.   | 50 ft.   | 85 ft.   | 55 ft.   | N/A  |
| Setback - Front<br>Minimum /<br>Maximum                     | If abutting lots<br>are developed,<br>See Section<br>1104.F. | If abutting lots<br>are developed,<br>See Section<br>1104.F.   | If abutting lots<br>are developed,<br>See Section<br>1104.F. | If abutting lots<br>are developed,<br>See Section<br>1104.F.   | Not permitted to<br>be located<br>between the<br>principal<br>building and the<br>public street.   |
|   | Otherwise,<br>10 ft. min. /<br>20 ft. max.                   | Otherwise,<br>10 ft. min. /<br>20 ft. max.   | Otherwise,<br>10 ft. min. /<br>20 ft. max.                   | Otherwise,<br>10 ft. min. /<br>20 ft. max.   |  |
| Setback – Side<br>Minimum                                   | 5 ft. each side.   | 5 ft. except, 0 ft.<br>at the shared lot<br>line of lawfully<br>attached<br>dwellings<br>constructed with<br>a shared<br>common party<br>wall and<br>provides the<br>notarized,<br>written consent<br>of the owner of<br>the abutting lot<br>and building. | 5 ft. each side.   | 5 ft., except 0 ft.<br>at the shared lot<br>line of lawfully<br>attached<br>buildings or uses<br>constructed with<br>a shared<br>common party<br>wall and<br>provides the<br>notarized,<br>written consent<br>of the owner of<br>the abutting lot<br>and building. | 3 ft.  |



| AREA /<br>DESIGN<br>FEATURES              | PERMITTED USES  |   |   |   |   |
|---|---|---|---|---|---|
|   | Single Family<br>Detached<br>Dwelling   | Single Family<br>Semi-Detached<br>Dwelling  | Two Family<br>Detached<br>Dwelling  | Other<br>Permitted Uses<br>(Unless<br>Specifically<br>Listed in Part<br>16)                                       | Accessory use<br>or structure<br>(other than<br>specified<br>elsewhere this<br>Chapter<br>including Parts<br>12 – 14, 16 of<br>this Chapter)  |
| Setback – Rear<br>Minimum                 | 15 ft.  | 15 ft.  | 15 ft.  | 15 ft.  | 3 ft., except that detached garages adjacent to and having access to an alley, shall be setback 5 ft. from the right-of way or 15 ft. from the centerline of the alley, whichever is greater. |
| Impervious Lot<br>Coverage -<br>Maximum   | 50%   | 55%   | 50%   | 75%   | Included as part of total maximum impervious coverage.  |
| Vegetative<br>Coverage -<br>Minimum       | 20%   | 20%   | 20%   | 20%   | Included as part of total minimum vegetative coverage.  |
| Building Height -<br>Minimum /<br>Maximum | If abutting lots are developed, See Section 1104.G.<br><br>Otherwise, 2 stories min. or 24 ft. min. / 40 ft. max. | If abutting lots are developed, See Section 1104.G.<br><br>Otherwise, 2 stories min. or 24 ft. min. / 40 ft. max. | If abutting lots are developed, See Section 1104.G.<br><br>Otherwise, 2 stories min. or 24 ft. min. / 40 ft. max. | If abutting lots are developed, See Section 1104.G.<br><br>Otherwise, 2 stories min. or 24 ft. min. / 40 ft. max. | 20 ft. or not higher than the principal structure, whichever is less.   |

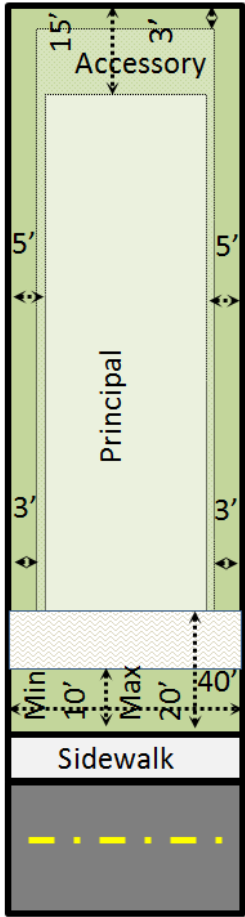


Figure 7.1  
Typical Area / Design Features Single-Family Detached Dwelling Example  
(Abutting Lots Not Developed)  
(Not Drawn to Scale)

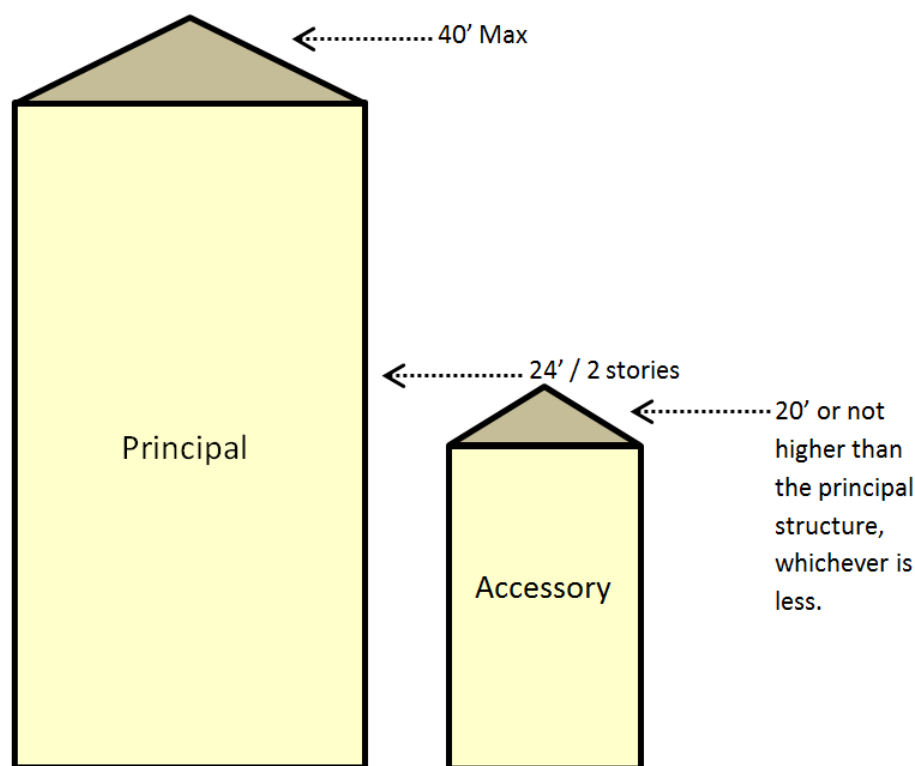


Figure 7.2 Typical Building Height Example (Abutting Lots Not Developed) (Not Drawn to Scale)

- B. Additional Development Compatibility Standards
1.

See Table 7-2 in this Section relating to *Additional Development Compatibility Standards* and the specific subsections of Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)* for additional standards for development activities and uses.

TABLE 7-2  
ADDITIONAL DEVELOPMENT COMPATIBILITY STANDARDS

| Development Compatibility Design Standard          | Subsection of 1104 | Applicability of Development Compatibility Design Standard |
|--|--------------------|--|
| Front Building Setback                             | 1104.F.            | Yes  |
| Building Height                                    | 1104.G.            | Yes  |
| Building Orientation                               | 1104.H.            | Yes  |
| Building Facade                                    | 1104.I.            | Yes  |
| Building Roof                                      | 1104.J.            | Yes  |
| Reuse of Existing or Formerly Residential Building | 1104.K.            | Yes  |
| Building Footprint                                 | 1104.L.            | Yes  |
| Fire Escape  | 1104.M.            | Yes  |
| Lot Access and Parking                             | 1104.N.            | Yes  |
| Residential Garage Location & Design               | 1104.O.            | Yes  |
| Non-Residential Uses within an Enclosed Building   | 1104.P.            | Yes  |

Section 704. Compliance with General Regulations.

- A. Additionally all development activities and uses within this zoning district shall comply with all applicable general standards of this Chapter including but not limited to:
1.

Part 12 General Regulations.
2.

Part 13 Sign Regulations.
3.

Part 14 Lot Access, Parking, and Loading Regulations.



Section 705. Overlay Zoning Districts.

- A. If located within or affected by the following overlay zoning districts, development activities or uses shall meet the requirements of the applicable overlay zoning district provisions in accordance with:
1. Section 1103 FPO Floodplain Overlay Zoning District.
  2. Section 1104 DCSO Development Compatibility Standards Overlay Zoning District (see also Section 703.B of this Chapter).

PART 8

“DT” DOWNTOWN ZONING DISTRICT

Section 801. Purpose.

This zoning district is generally comprised of the traditional mixed use business area oriented near the intersection of Derry Street and Paxtang Avenue. This area is noted because of its unique building and development characteristics enhancing the heart of, and is a prominent focal point, of the borough. This traditional core area is noted because of its unique mixture of compatible and pedestrian-friendly and -oriented businesses and public services compatible with nearby residential uses; multi-story, mixed use buildings that are appropriately scaled, designed, used, and/or adaptively reused to create distinct storefront character; lots with narrower setbacks accessed from the alleys; street trees, tree lawns, sidewalks, and other outdoor pedestrian amenities helping provide pleasant gathering, shopping, business, and living environments for residents, business owners, and visitors. This zoning district seeks to stabilize and enhance the traditional mixed use business area of the borough by providing general and specific design compatibility and performance standards helping to ensure compatible use, reuse, replacement, infill, and redevelopment.



Section 802. Permitted Uses by Right.

- A. See Table 3-3 in Section 304 relating to *Use Tables* for uses permitted by right, conditional use, and/or special exception in this Mixed Use District.

Section 803. Area and Design Requirements.

- A. See Table 8-1 in this Section relating to *Area and Design Requirements* for the area and design requirements for all development activities and uses. Additionally, all development activities and uses shall be compatible in character, design, height, scale, setback, orientation, lot access, and off-street parking with adjacent and nearby buildings / structures and development on abutting lots as well as lots on the same shared block face (between two [2] intersecting streets) along the same side of the street. Although required in Tables 8-1 and 8-2 in this Section relating to *Area and Design Requirements* and *Additional Development Compatibility Standards* respectively referring to certain requirements set forth in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*, applicants for new development and uses may, and are strongly encouraged, to utilize the other development compatibility design guidelines and standards set forth in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*.

TABLE 8-1  
AREA AND DESIGN REQUIREMENTS

| AREA / DESIGN FEATURES      | PERMITTED USES  |  |
|-----------------------------|---|--|
|                             | All Permitted Uses<br>(Unless Specifically Listed in Part 16) | Accessory use or structure (other than specified elsewhere this Chapter including Parts 12 – 14, 16 of this Chapter) |
| Lot Area Per Unit - Minimum | Shall be based on size of the buildings, required setbacks,   | N/A  |

| AREA / DESIGN FEATURES                             | PERMITTED USES   |   |
|--|--|---|
|  | All Permitted Uses<br>(Unless Specifically Listed in Part 16)  | Accessory use or structure (other than specified elsewhere this Chapter including Parts 12 – 14, 16 of this Chapter)  |
| Minimum Lot Width at Front Lot Line – Interior Lot | coverage, parking, loading/unloading, and other applicable standards including Chapters 360 relating to stormwater management and 370 relating to subdivision and land development.                                      | N/A   |
| Minimum Lot Width at Front Lot Line - Corner Lot   |  | N/A   |
| Setback - Front Minimum / Maximum                  | If abutting lots are developed,<br>See Section 1104.F.<br><br>Otherwise,<br>0 ft. min. /<br>10 ft. max.  | Not permitted to be located between the principal building and the public street.   |
| Setback – Side Minimum                             | 5 ft., except 0 ft. at the shared lot line of lawfully attached buildings or uses constructed with a shared common party wall and provides the notarized, written consent of the owner of the abutting lot and building. | 3 ft.   |
| Setback – Rear Minimum                             | 10 ft.   | 3 ft., except that detached garages adjacent to and having access to an alley, shall be setback 5 ft. from the right-of way or 15 ft. from the centerline of the alley, whichever is greater. |
| Impervious Lot Coverage - Maximum                  | 85%  | Included as part of total maximum impervious coverage.  |
| Vegetative Coverage - Minimum                      | 5%   | Included as part of total minimum vegetative coverage.  |
| Building Height -Minimum / Maximum                 | If abutting lots are developed,<br>See Section 1104.G.<br><br>Otherwise,<br>2 stories min. or<br>24 ft. min. /<br>65 ft. max.  | 35 ft. or not higher than the principal structure, whichever is less.   |

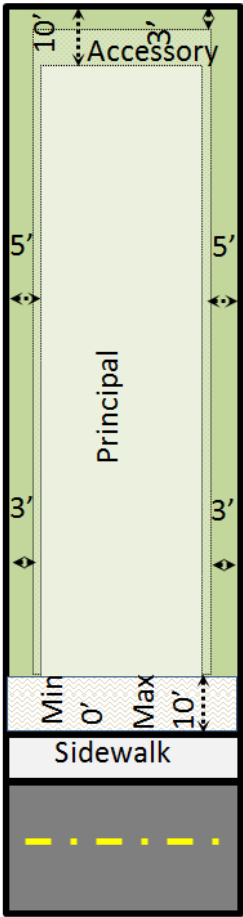


Figure 8.1  
Typical Area / Design Features Example  
(Abutting Lots Not Developed)  
(Not Drawn to Scale)

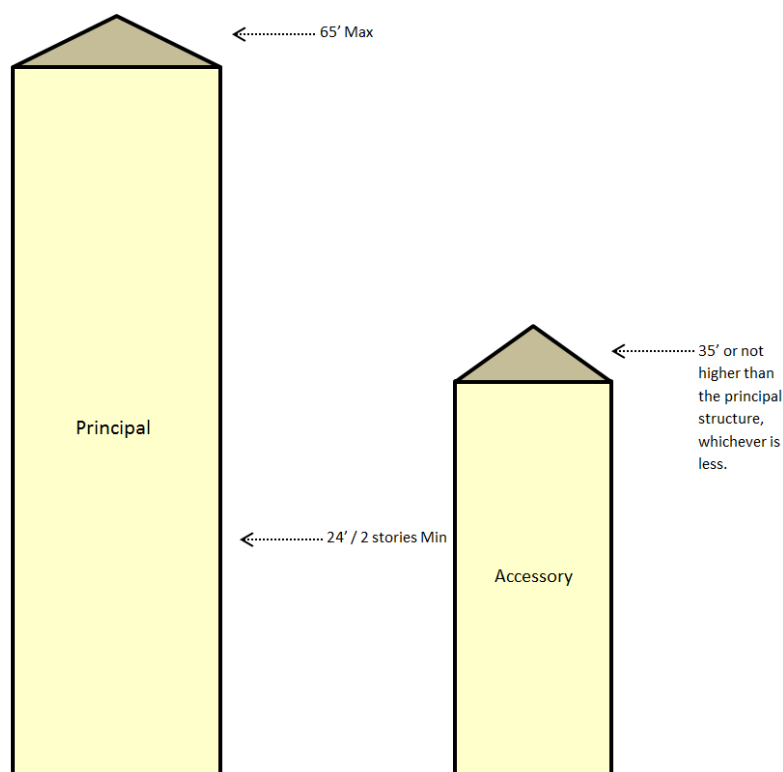


Figure 8.2 Typical Building Height Example (Abutting Lots Not Developed) (Not Drawn to Scale)

B. Additional Development Compatibility Standards

1. See Table 8-2 in this Section relating to *Additional Development Compatibility Standards* and the specific subsections of Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)* for additional standards for development activities and uses.

TABLE 8-2  
ADDITIONAL DEVELOPMENT COMPATIBILITY STANDARDS

| Development Compatibility Design Standard          | Subsection of 1104 | Applicability of Development Compatibility Design Standard |
|--|--------------------|--|
| Front Building Setback                             | 1104.F.            | Yes  |
| Building Height                                    | 1104.G.            | Yes  |
| Building Orientation                               | 1104.H.            | Yes  |
| Building Facade                                    | 1104.I.            | Yes  |
| Building Roof                                      | 1104.J.            | Yes  |
| Reuse of Existing or Formerly Residential Building | 1104.K.            | Yes  |
| Building Footprint                                 | 1104.L.            | Yes  |
| Fire Escape  | 1104.M.            | Yes  |
| Lot Access and Parking                             | 1104.N.            | Yes  |
| Residential Garage Location & Design               | 1104.O.            | Yes  |
| Non-Residential Uses within an Enclosed Building   | 1104.P.            | Yes  |

Section 804. Compliance with General Regulations.

- A. Additionally all development activities and uses within this zoning district shall comply with all applicable general standards of this Chapter including but not limited to:
1. Part 12 General Regulations
  2. Part 13 Sign Regulations.
  3. Part 14 Lot Access, Parking, and Loading Regulations.

Section 805. Overlay Districts.

- A. If located within or affected by the following overlay zoning districts, development activities or uses shall meet the requirements of the applicable overlay zoning district provisions in accordance with:
1. Section 1102 APO Airport Overlay Zoning District.
  2. Section 1103 FPO Floodplain Overlay Zoning District.
  3. Section 1104 DCSO Development Compatibility Standards Overlay Zoning District (see also Section 803.B of this Ordinance).

PART 9

“GB” GENERAL BUSINESS ZONING DISTRICT

Section 901. Purpose.

This zoning district is generally comprised of areas of the borough where a wider range of automobile-oriented and automobile-dominated commercial and light industrial activities and related uses are more predominate than are permitted in the downtown (DT), are predominant. These areas augment the downtown (DT) by providing for more intense business establishments generally requiring additional street frontage, larger building footprint, increased impervious coverage, deeper setbacks, increased building heights, larger amounts of off-street parking and loading, outdoor storage, increased screening and buffering, etc. This zoning district seeks to accommodate these uses by minimizing detrimental impacts on surrounding, lower density and/or intensity uses and districts via general and specific compatibility and performance standards.



Section 902. Permitted Uses.

- A. See Table 3-4 in Section 304 relating to *Use Tables* for uses permitted by right, conditional use, and/or special exception in this Commercial / Industrial District.

Section 903. Area and Design Requirements.

- A. See Table 9-1 in this Section relating to *Area and Design Requirements* for the area and design requirements for all development activities and uses.

TABLE 9-1  
AREA AND DESIGN REQUIREMENTS

| AREA / DESIGN FEATURES                             | PERMITTED USES  |   |
|--|---|---|
|  | All Permitted Uses<br>(Unless Specifically Listed in Part 16)   | Accessory use or structure (other than specified in elsewhere this Chapter including Parts 12 – 14, 16 of this Chapter) |
| Lot Area Per Unit - Minimum                        | Shall be based on size of the buildings, required setbacks, coverage, parking, loading/unloading, and other applicable standards including Chapters 360 relating to stormwater management and 370 relating to subdivision and land development. | N/A   |
| Minimum Lot Width at Front Lot Line - Interior Lot |   | N/A   |
| Minimum Lot Width at Front Lot Line - Corner Lot   |   | N/A   |
| Setback - Front Minimum                            | 20 ft.  | Not permitted to be located between the principal building and the public street.                                       |

| AREA / DESIGN FEATURES            | PERMITTED USES   |   |
|-----------------------------------|--|---|
|                                   | All Permitted Uses<br>(Unless Specifically Listed in Part 16)  | Accessory use or structure (other than specified in elsewhere this Chapter including Parts 12 – 14, 16 of this Chapter)   |
| Setback – Side Minimum            | 10 ft.*, except 0 ft. at the shared lot line of lawfully attached buildings or uses constructed with a shared common party wall and provides the notarized, written consent of the owner of the abutting lot and building. | 10 ft.  |
| Setback – Rear Minimum            | 20 ft.   | 3 ft., except that detached garages adjacent to and having access to an alley, shall be setback 5 ft. from the right-of way or 15 ft. from the centerline of the alley, whichever is greater. |
| Impervious Lot Coverage - Maximum | 85%  | Included as part of total maximum impervious coverage.  |
| Vegetative Coverage - Minimum     | 10%  | Included as part of total minimum vegetative coverage.  |
| Building Height - Maximum         | 40 ft.   | Not higher than the principal structure.  |

- Thirty (30) feet when abutting property in the Residential Districts or existing residential use in the Mixed Use Districts.

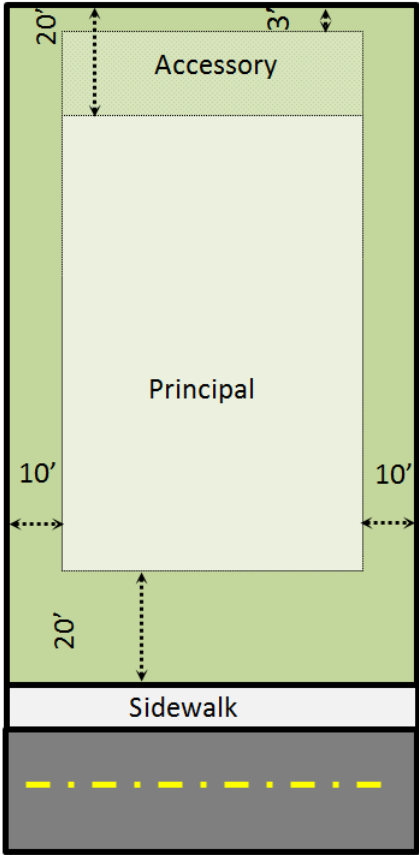
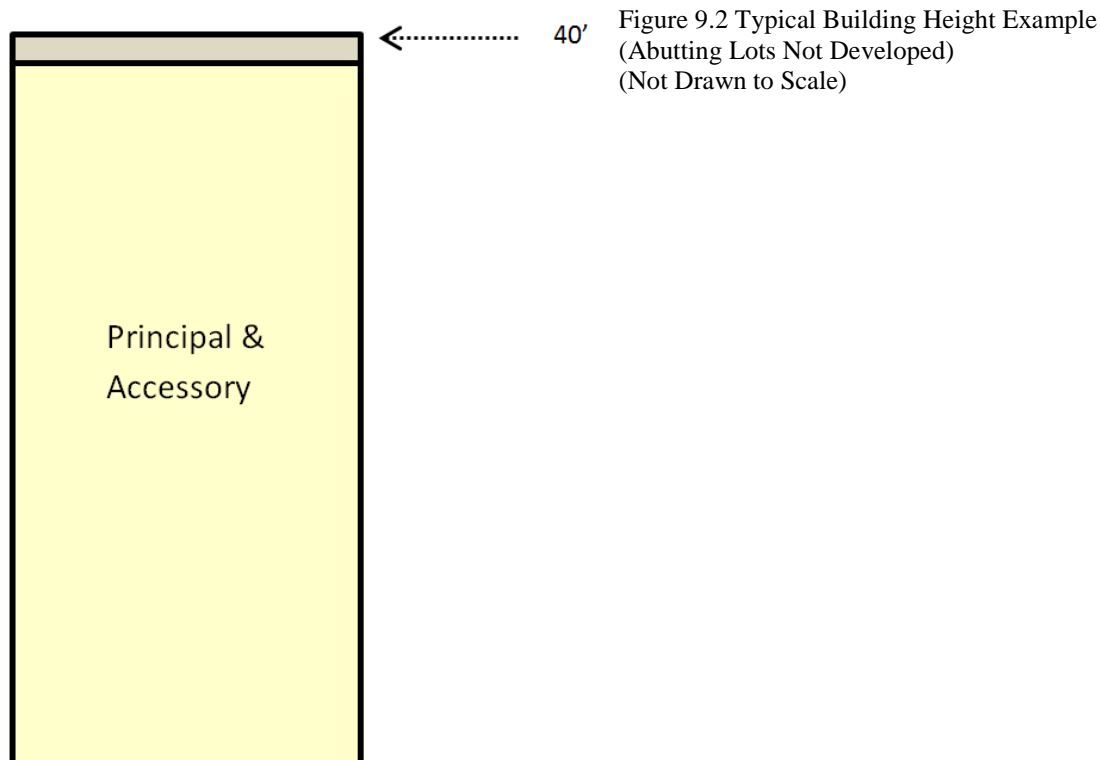


Figure 9.1  
 Typical Area / Design Features Example  
 (Abutting Lots Not Developed)  
 (Not Drawn to Scale)

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**Section 904. Compliance with General Regulations.**

- A. Additionally all development activities and uses within this zoning district shall comply with all applicable general standards of this Chapter including but not limited to:
1. Part 12 General Regulations.
  2. Part 13 Sign Regulations.
  3. Part 14 Lot Access, Parking, and Loading Regulations.

**Section 905. Overlay Zoning Districts.**

- A. If located within or affected by the following overlay zoning districts, development or uses shall meet the requirements of the applicable overlay zoning district provisions in accordance with:
1. Section 1102 APO Airport Overlay Zoning District.
  2. Section 1103 FPO Floodplain Overlay Zoning District.

**PART 10**

**“CHC” COMMUNITY HERITAGE CONSERVATION ZONING DISTRICT**

**Section 1001. Purpose.**

This zoning district is generally comprised of important natural and manmade community assets including the Capital Area Greenbelt, major cemetery lands, the Old Paxton Presbyterian Church, and Saussaman Park, generally contained within a large contiguous swath traversing the borough from north to south. This area is noted for its low intensity public and semi-public uses including natural features and open space; park and recreation areas; historic resources; etc. The purpose of this zoning district is to protect these important groupings of natural and manmade areas, grounds, buildings, and uses that support, enhance and provide for a variety of lower intensity civic and outdoor recreation, open space, and other leisure time activities for residents and visitors.



Section 1002. Permitted Uses.

- A. See Table 3-5 in Section 304 relating to *Use Tables* for uses permitted by right, conditional use, and/or special exception in this Other District.

Section 1003. Area and Design Requirements.

- A. See Table 10-1 in this Section relating to *Area and Design Requirements* for the area and design requirements for all development activities and uses.

TABLE 10-1

AREA AND DESIGN REQUIREMENTS

| AREA / DESIGN FEATURES                             | PERMITTED USES  |   |
|--|---|---|
|  | All Permitted Uses<br>(Unless Specifically Listed in Part 16)   | Accessory use or structure (other than specified in elsewhere this Chapter including Parts 12 – 14, 16 of this Chapter) |
| Lot Area Per Unit - Minimum                        | Shall be based on size of the buildings, required setbacks, coverage, parking, loading/unloading, and other applicable standards including Chapters 360 relating to stormwater management and 370 relating to subdivision and land development. | N/A   |
| Minimum Lot Width at Front Lot Line – Interior Lot |   | N/A   |
| Minimum Lot Width at Front Lot Line – Corner Lot   |   | N/A   |
| Setback - Front Minimum                            | 20 ft.  | 20 ft.  |
| Setback – Side Minimum                             | 20 ft.  | 10 ft.  |
| Setback – Rear Minimum                             | 20 ft.  | 10 ft.  |
| Impervious Lot Coverage - Maximum                  | 25%   | Included as part of total maximum impervious coverage.  |
| Vegetative Coverage - Minimum                      | 60%   | Included as part of total minimum vegetative coverage.  |
| Building Height - Maximum                          | 40 ft.  | Not higher than the principal structure.  |

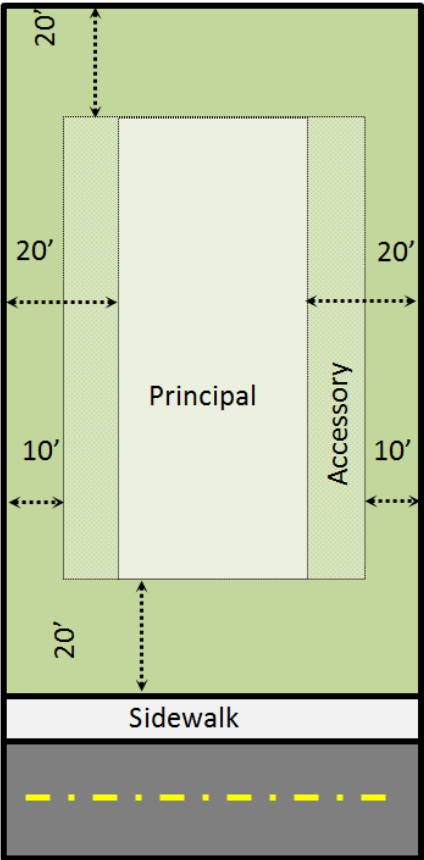
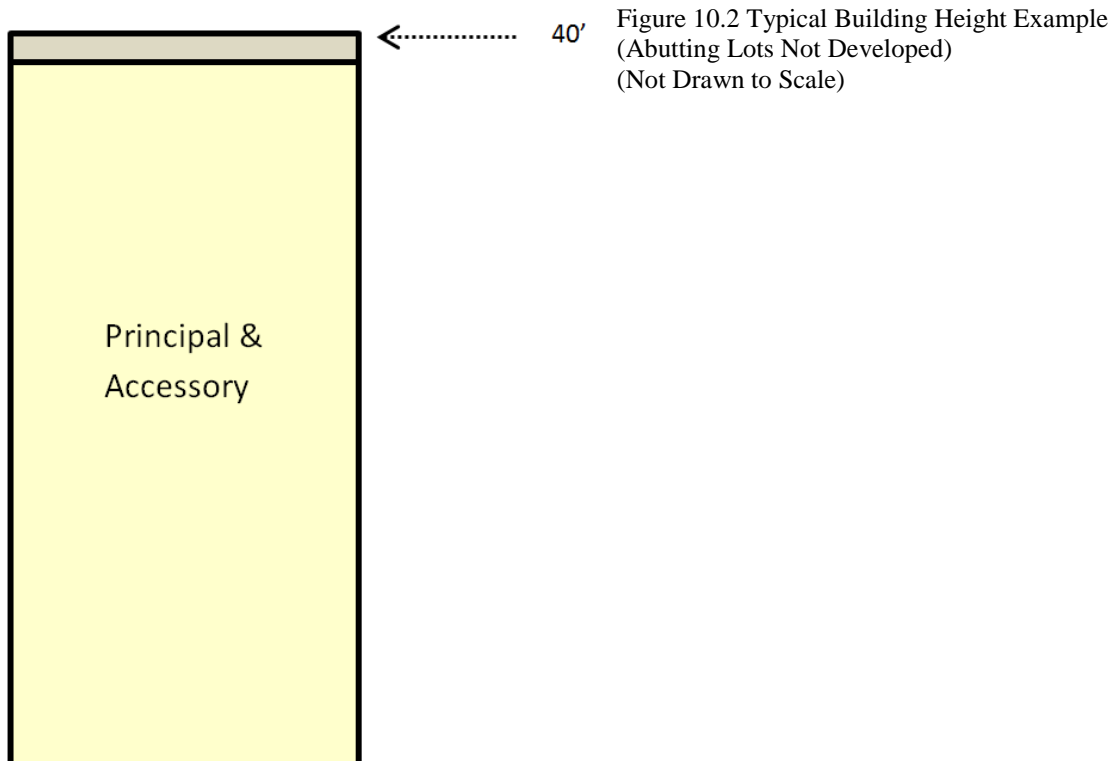


Figure 10.1  
Typical Area / Design Features Example  
(Abutting Lots Not Developed)  
(Not Drawn to Scale)



**Section 1004. Compliance with General Regulations.**

- A. Additionally all development activities and uses within this zoning district shall comply with all applicable general standards of this Chapter including but not limited to:
  - 1. Part 12 General Regulations.
  - 2. Part 13 Sign Regulations.
  - 3. Part 14 Lot Access, Parking, and Loading Regulations.

**Section 1005. Overlay Zoning Districts.**

- A. If located within or affected by the following overlay zoning districts, development activities or uses shall meet the requirements of the applicable overlay zoning district provisions in accordance with:
  - 1. Section 1102 APO Airport Overlay Zoning District.
  - 2. Section 1103 FPO Floodplain Overlay Zoning District.

**PART 11**  
**OVERLAY ZONING DISTRICTS**

**Section 1101. Overlay Zoning Districts.**

- A. Purpose and Intent. The purpose of this Part 11 of this Chapter is to:
  - 1. Provide a framework for enabling legislation to aid in the creation of various overlay zoning districts each with special regulations, requirements, and standards;
  - 2. Provide a description of special regulations, requirements, and standards associated with each overlay zoning district; and
  - 3. Provide guidelines for the application of each overlay zoning district created to assure conformity with the purpose and development objectives of the applicable overlay zoning district.
- B. General Provisions
  - 1. This Part 11 of this Chapter establishes overlay zoning districts that include additional specific regulations, requirements, and standards of limited application to certain designated areas within Paxtang Borough.
  - 2. Overlay zoning districts provide additional considerations for development within specific designated areas of Paxtang Borough, that are identified as possessing special and/or unique



conditions, characteristics, circumstances and/or resources of importance, interest, and/or value to Paxtang Borough. Such overlay zoning districts are established for the purposes of protecting the health, safety and general welfare, and furthering the community development objectives set forth in Part 1 of this Chapter relating to *Purpose of Enactment*.

- 3. Overlay zoning districts may encompass one (1) or more applicable underlying or base zoning districts, and impose additional or different regulations, requirements, and standards than those which are required by the applicable underlying or base zoning districts.
  - 4. Applications for development are subject to the provisions of both the applicable underlying or base zoning district and the overlay zoning district.
  - 5. Although overlay zoning districts may be more or less restrictive than the applicable underlying or base zoning district, unless otherwise specified in this Part 11 of this Chapter, wherever and whenever the regulations, requirements, and standards of overlay zoning districts are at variance with the regulations, requirements, and standards of the applicable underlying or base zoning districts, the most restrictive, or that imposing the higher standards shall govern development.
- C. Overlay Zoning Districts Established. The following overlay zoning districts as set forth in Table 11-1 and associated special regulations, requirements, and standards are hereby established, and the respective overlay zoning districts are shown on the “Borough of Paxtang, Dauphin County, PA: Zoning Map” listed in Part 3 of this Chapter relating to *Zoning Map*:

TABLE 11-1  
OVERLAY ZONING DISTRICTS

| PART 11, SPECIFIC SECTION REFERENCE | OVERLAY ZONING DISTRICT NAMES                                      |
|-------------------------------------|--|
| Section 1102                        | Airport Overlay Zoning District (APO).                             |
| Section 1103                        | Floodplain Overlay Zoning District (FPO).                          |
| Section 1104                        | Development Compatibility Standards Overlay Zoning District (DCSO) |

Section 1102. Airport Overlay Zoning District (APO).

- A. Application. The regulations and standards contained in this Section shall apply to all applications for development within the Airport Overlay Zoning District of Paxtang Borough to:
- 1. Erect a new structure;
  - 2. Add to or increase the height of an existing structure;
  - 3. Establish, erect, and/or maintain any use, structure, or object (natural or manmade) within the Airport Overlay Zoning District of Paxtang Borough.
- B. Purpose and Intent. The purpose of the Airport Overlay Zoning District is to:
- 1. Create an overlay zoning district that considers safety issues around the Capital City Airport (CXY);
  - 2. Regulate and restrict the heights of established uses, constructed structures, and objects of natural growth;
  - 3. Create appropriate related zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones; and
  - 4. Create a permitting process for certain uses, structures, and objects within said related zones.
- C. Relation to Other Zoning Districts. The Airport Overlay Zoning District shall not modify the boundaries of any other overlay zoning district. Where identified, the Airport Overlay Zoning District shall impose certain requirements on land use, construction, and development in addition to those contained in the applicable underlying or base zoning district and/or applicable overlay zoning district for the same area.
- D. Establishment of Airport Zones. The Airport Overlay Zoning District is hereby established and certain zones within the Airport Overlay Zoning District, defined in Part 2 of this Chapter relating to *Definitions* and depicted on Figure 11.1 and illustrated on “Borough of Paxtang, Dauphin County, PA: Zoning Map” listed in Part 3 of this Chapter relating to *Zoning Map*, as follows:
- 1. Approach Surface Zone.
  - 2. Conical Surface Zone.

- 3. Horizontal Surface Zone.
- 4. Primary Surface Zone.
- 5. Transitional Surface Zone.

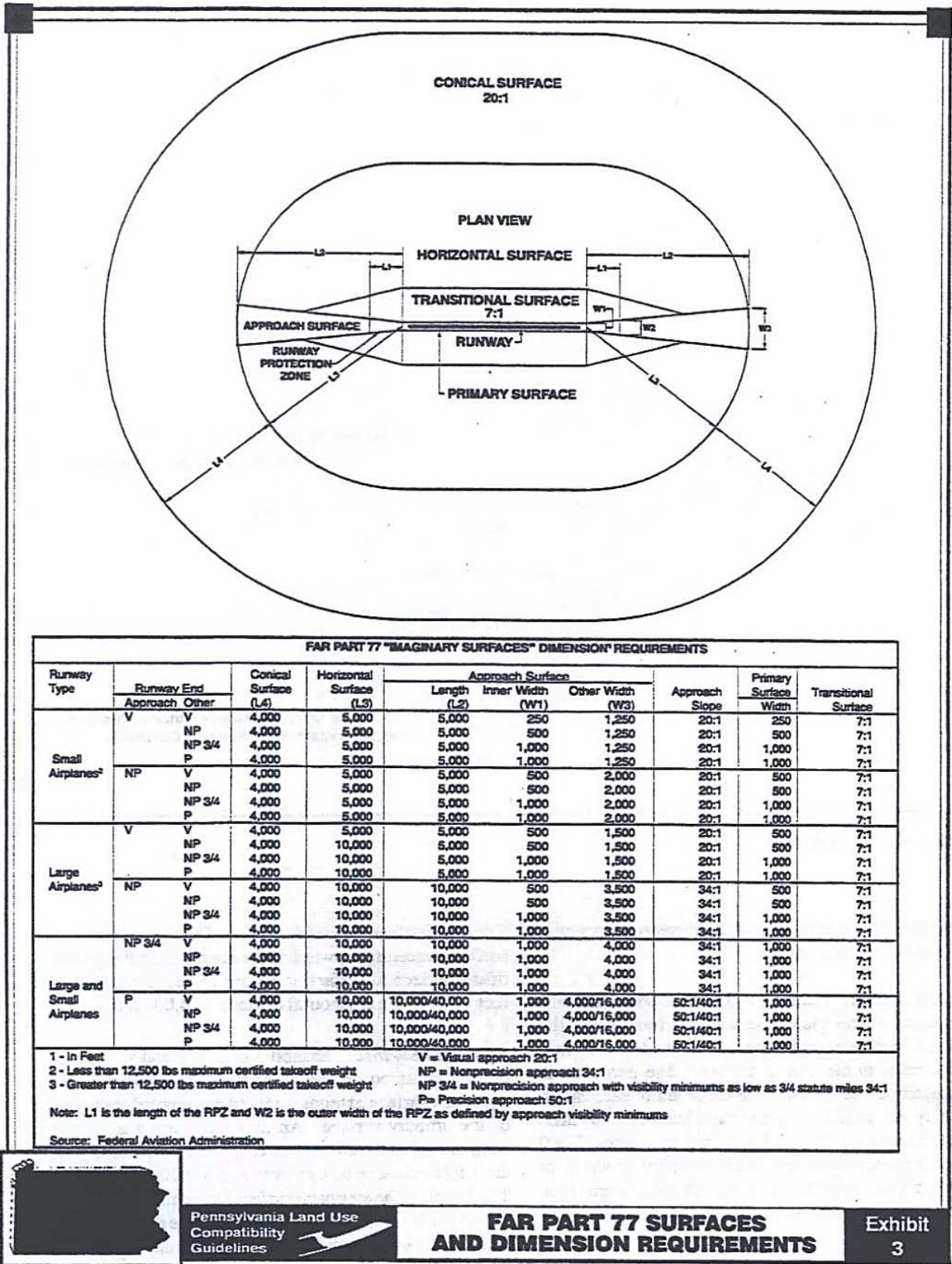


Figure 11.1 FAR Part 77 Surfaces and Dimension Requirements  
(Source: Model Zoning Ordinance Language for an Airport District Overlay; PennDOT, 2010)

E. Permit Applications

1. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), proposals for applications to:

- a. Erect a new structure;
- b. Add to or increase the height of an existing structure; or
- c. Establish, erect, and/or maintain any use, structure, or object (natural or manmade), in the Airport Overlay Zoning District (APO);

shall first notify PennDOT's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least thirty (30) days prior to commencement thereof. PennDOT's BOA response shall be included with this permit application for it to be considered complete. If PennDOT's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Section Airport Overlay Zoning District. If PennDOT's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 1102.F below.

2. Exceptions. In the following circumstances notification of an approval by PennDOT's Bureau of Aviation (BOA) shall not be required:

- a. No permit is required for the routine maintenance and repairs to, or the replacement of parts of existing structures which do not enlarge or increase the height of an existing structure.
- b. In the areas lying within the limits of the horizontal zone and/or conical zone, no permit shall be required for any tree or structure less than one hundred eighty five (185) feet or vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- c. In the areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than one hundred eighty five (185) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.
- d. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than one hundred eighty five (185) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
- e. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Airport Overlay Zoning District, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

- F. Variances. In addition to the provisions set forth in Part 17 of this Chapter relating to *Zoning Hearing Board* any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the Federal Aviation Administration's (FAA) and PennDOT's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection. The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
2. Conditional Determination. The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 1102.I. below.
3. Objectionable. The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief

granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the purpose and intent in this Section.

- G. Use Restrictions. Notwithstanding any other provisions in this Section, no use shall be made of land, water, or structure within the Airport Overlay Zoning District in such a manner as to:
1. Create electrical interference with navigational signals or radio communications between the airport and aircraft;
  2. Make it difficult for pilots to distinguish between airport lights and others;
  3. Impair visibility within the Airport Overlay Zoning District of Paxtang Borough;
  4. Create bird strike hazards; or
  5. Otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the airport(s).
- H. Non-Conforming Uses, Structures, and/or Trees. The regulations prescribed by this Section shall not be construed to require the removal, lowering, or otherwise change to, or alteration of any use, structure, and/or tree identified as non-conforming to the regulations of this Section as of the effective date of this Chapter, or to otherwise interfere with the continuance of a non-conforming use, structure, and/or tree. No non-conforming use or structure shall be altered, nor tree permitted to grow higher, so as to increase the non-conformity (relating to height and the use restrictions set forth in this Section). A non-conforming use, structure, or tree once abandoned or damaged or destroyed as per to the standards in Part 15 of this Chapter relating to *Existing Non-Conforming Uses and Structures*, may only be reestablished consistent with the provisions of this Section and Part 15 of this Chapter relating to *Existing Non-Conforming Uses and Structures*.
- I. Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this Section and Part 17 of this Chapter may be conditioned according to the process described in Section 1102.F. above to require the owner of the structure or object of natural growth in question to permit the Borough, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

#### **Section 1103. Floodplain Overlay Zoning District (FPO).**

- A. Reference. See Chapter 220 of the Codified Ordinances of the Borough of Paxtang relating to flood plains.

#### **Section 1104. Development Compatibility Standards Overlay Zoning District (DCSO).**

- A. Application. The regulations, standards, and guidelines contained in this Section shall apply to applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment within the Development Compatibility Standards Overlay Zoning District of Paxtang Borough, unless otherwise noted in this Chapter.
- B. Purpose and Intent. The purpose of the Development Compatibility Standards Overlay Zoning District is to:
1. Protect and enhance the development patterns and characteristics of well established neighborhoods and other important character areas in Paxtang Borough by accommodating applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment that are consistent and compatible with the character and scale of the established development patterns and distinctive features of the neighborhoods and other important character areas via the Development Compatibility Design Guidelines and Standards set forth in this Section below.
  2. Address the purposes, objectives, and standards of Article VII-A of the MPC.
  3. Provide a manual of written and graphic design guidelines to assist applicants in the preparation of proposals for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment in accordance with Section 708-A of the MPC.
- C. Boundaries. The boundaries of the Development Compatibility Standards Overlay Zoning District are hereby established as shown on the “Borough of Paxtang, Dauphin County, PA: Zoning Map” listed in Part 3 of this Chapter relating to *Zoning Map*.
- D. Permitted Uses. Proposals for applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment, shall be permitted in accordance with the regulations of the applicable underlying or base zoning district, provided that all such uses, activities, and/or development shall be undertaken in compliance with the Development Compatibility Design Guidelines and Standards set forth in this Section below.

E. Application of Development Compatibility Design Guidelines and Standards The Development Compatibility Design Guidelines and Standards are enabled by Section 708-A of the MPC as the manual of written and graphic design guidelines.

1. These development compatibly design guidelines and standards provide the Borough officials, residents, business owners, developers, builders, and other interested parties with a written and visual set of compatibility design standards and characteristics prevalent in and important to the protecting and enhancing the established development patterns and features of neighborhoods and important character areas in Paxtang Borough.
2. These design guidelines and standards provide the desired direction for applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment within neighborhoods and other important character areas in Paxtang Borough to ensure consistency and compatibility between new development, including to new uses, replacement, infill, and redevelopment, and established building and development types, styles, and, patterns.
3. In addition to the general building and land requirements set forth elsewhere in this Chapter, proposals for development shall be consistent with the compatibility design standards and guidelines set forth in this Section. If a design guideline or standard is not specifically indicated in these compatibility design guidelines and standards, refer to the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough for additional information.
4. These compatibility design guidelines and standards highlight important design characteristics relating to buildings and land development via written standards and visual images which are intended to provide guidance and inspiration for implementing the desired design concepts set forth in the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough. The images and visual examples of these design guidelines and standards are provided for general illustrative purposes only, and shall not be construed to be operative language of the Chapter. The written standards of these design guidelines and standards shall take precedence over the images and visual examples, and therefore govern.
5. Applications for Zoning and/or Building Permits
  - a. Limited Applicability and Compliance. The applicability of specific development compatibility design guidelines and standards are limited only to those specific guidelines and standards relating to and affecting the specific building and development features proposed, listed on, and applied for as part of a zoning and/or building permit application

Example 1:

If an applicant for a zoning / building permit proposes to only enclose a front porch on an existing one (1) story building used for a single family residential dwelling and which is located on a block and surrounded by three (3) story buildings, the only development compatibility design guidelines and standards that would apply would be limited to front porch enclosures only.

Example 2:

If an applicant for a zoning / building permit proposes to construct a new building to be used for a medical office on a vacant lot located on a block and surrounded by three (3) story buildings, then the development compatibility design guidelines and standards that would apply would include and not be limited to: building setbacks; building height; building orientation; building facades; building roofs; building footprint; lot access and parking; non-residential uses within an enclosed building; refuse and servicing facilities; and hours of operation.

- b. In addition to the information required in Part 17 of this Chapter, applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment in the Development Compatibility Standards Overlay Zoning District shall be submitted with the following information unless the Zoning Officer determines such information is unnecessary to determine compliance with this Section:
  - (1). A complete set of calculations (e.g. required building setbacks, building heights, lot access etc.) used to determine and demonstrate compliance with all applicable standards set forth in this Section below and the applicable underlying or base zoning district in which it is situated.
  - (2). A schematic architectural drawing of the principal building's proposed front façade(s).

6. Development Compatibility Design Guidelines and Standards. Specific building and development compatibly design guidelines and standards shall apply to the following features:
  - a. Front Building Setback.
  - b. Building Height.
  - c. Building Orientation.
  - d. Building Facade.
  - e. Building Roof.
  - f. Reuse of Existing or Formerly Residential Building.
  - g. Building Footprint.
  - h. Fire Escape.
  - i. Lot Access and Parking.
  - j. Residential Garage Location & Design.
  - k. Non-Residential Uses within an Enclosed Building.
7. If new development activity, specifically including but not limited to new uses, replacement, infill, and redevelopment in the Development Compatibility Standards Overlay zoning district cannot to the maximum extent feasible be designed in accordance with the applicable standards in this Section, the applicant shall demonstrate by credible evidence that the new development cannot to the maximum extent feasible be designed due to structural limitations of the building(s) and structure(s) and/or physical limitations and constraints of the lot. Persons aggrieved by the Zoning Officer's determination may appeal to the Zoning Hearing Board in accordance with Part 17 of this Chapter relating to *Zoning Hearing Board*.

F. Front Building Setback.

1. Front building setbacks on the lot proposed for development shall respect and maintain the predominant development pattern, context, and character of the principal buildings and other features on the abutting lots, and when to the maximum extent feasible, shall incorporate the predominant character of the majority of the existing principal buildings on the same shared block face (between two [2] intersecting streets) along the same side of the street.
2. For a lot proposed for development, the distance that the front of the principal building is set back from the street right-of-way shall be similar to the distances between an existing principal building and the street right-of-way on abutting lots in accordance with the following standards:
  - a. Identify the existing principal building on each lot abutting the lot proposed for development.
  - b. Calculate the distances that the existing principal buildings are set back from the street rights-of-way line(s), on the abutting lots.
    - (1). If an abutting lot is vacant, the required building setback of the abutting vacant lot shall be assumed to be the front building setback standards required in the applicable underlying or zoning district in which it is situated.
    - (2). For corner lots, the standards set forth in this subsection shall be calculated using each abutting lot, which includes those abutting lots having frontage on, and the existing principal buildings oriented toward, the intersecting street.
  - c. The front building setback for the building on the lot proposed for development shall be no closer toward (minimum), and no farther away from (maximum), the street right-of-way than the front building line of existing buildings on abutting lots, unless all buildings on the abutting lots have the same building setback distance.
    - (1). Covered front porches shall be permitted to fulfill this requirement.
  - d. No building shall extend into any street right-of-way.



### 3. Front Building Setback Graphic Examples



Figure 11.2 Compatible Front Building Setback: New Replacement Building - Carlisle, PA



Figure 11.3 Compatible Front Building Setback: New Replacement Building - Mechanicsburg, PA



Figure 11.4 **Incompatible** Front Building Setback: New Infill Building - Sewickley, PA

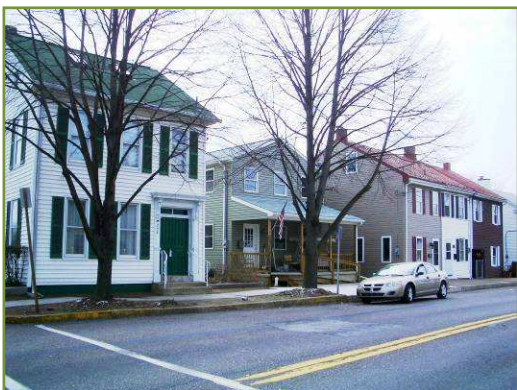


Figure 11.5 Compatible Front Building Setback: New Infill Building - Shiremanstown, PA

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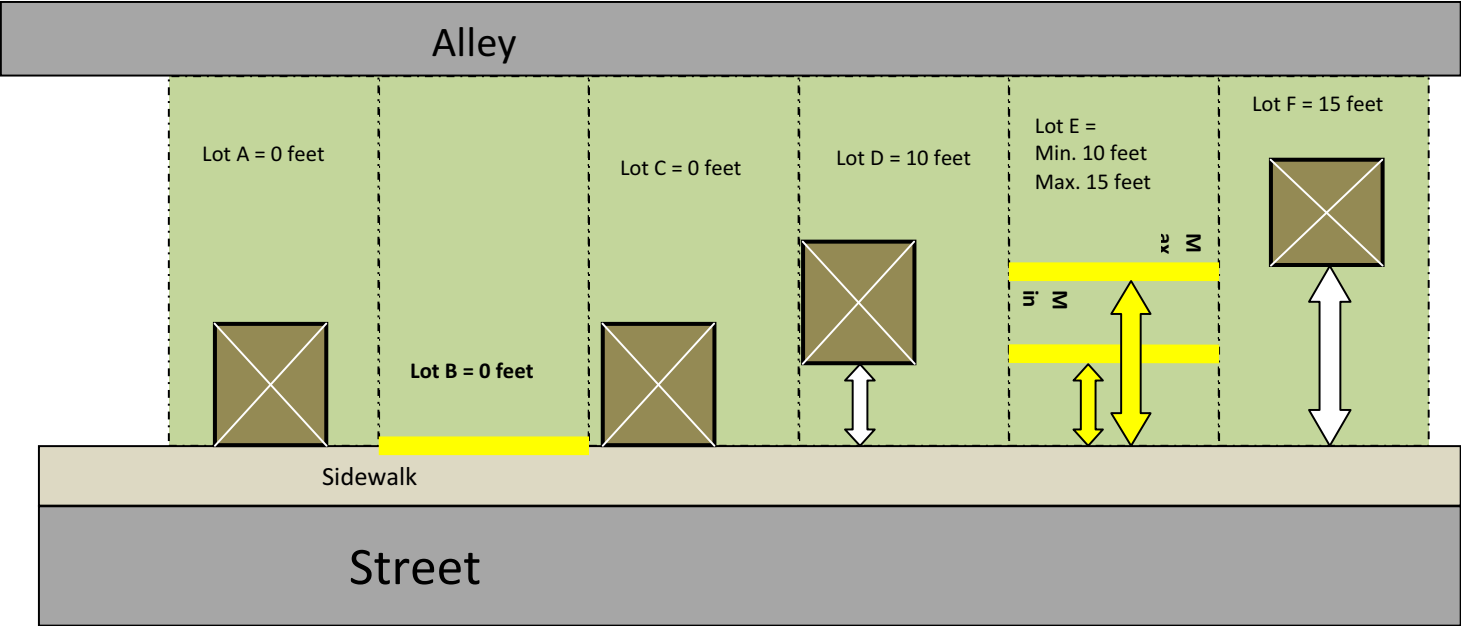


Figure 11.6 Typical Front Setback Conditions

**Example 1: Front Setback Calculation for Lot B.**

Lot A & Lot C abut Lot B

Lot A front setback = 0 feet  
Lot C front setback = 0 feet

Since Lot A (0 feet) & Lot C (0 feet) have the same front setbacks, then Lot B shall have the same front setback (0 feet)

**Front building setback for Lot B = 0 feet**

**Example 2: Front Setback Calculation for Lot E.**

Lot D & Lot F abut Lot E

Lot D front setback = 10 feet  
Lot F front setback = 15 feet

Since Lot D (10 feet) & F (15 feet) have different front setbacks, then Lot E shall be no closer than 10 feet (minimum) and no further than 15 feet (maximum) from the street right-of-way.

**Front building setback for Lot E = 10 feet minimum and 15 feet maximum**



G. Building Height.

1. Roof heights, cornice lines, eaves, parapets and porches of the principal building on the lot proposed for development shall respect and maintain the predominant development pattern, context, and character of the principal buildings and other features on the abutting lots and, when to the maximum extent feasible, shall incorporate the predominant character of the majority of the existing principal buildings on the same shared block face (between two [2] intersecting streets) along the same side of the street.
2. For a lot proposed for development, the height of the principal building shall be similar to those principal building heights (in stories and/or feet) for existing principal buildings on abutting lots in accordance with the following standards:
  - a. Identify the existing principal building on each lot abutting the lot proposed for development.
  - b. Calculate the average number of stories and/or feet of the heights of the existing principal buildings on the abutting lots.
    - (1). If an abutting lot is vacant, the number of stories for an abutting vacant lot shall be assumed to be one (1) story, unless the building height standards defined in the applicable underlying or base zoning district in which it is situated have a different minimum building height, in which case, the number of stories shall be that required by the applicable underlying or base zoning district.
    - (2). For corner lots, the standards set forth in this subsection shall be calculated using each abutting lot, which includes those abutting lots having frontage on, and the existing principal buildings oriented toward, the intersecting street.
    - (3). When determination of the number of stories and/or feet results in a requirement of a fraction, any fraction up to and including one-half ( $\frac{1}{2}$ ) may be disregarded, and fractions over one-half ( $\frac{1}{2}$ ) shall be interpreted as one (1) story or one (1) foot, as applicable.
    - (4). The height of the principal building shall not have less stories and/or height in feet than the shortest principal building on the abutting lots, and shall not have more stories and/or height in feet than the tallest existing building on abutting lots.

3. Building Height Graphic Examples



Figure 11.7 Compatible Building Height: New Infill Building – Lemoyne, PA



Figure 11.8 Compatible Building Height: New Redevelopment Buildings – Harrisburg, PA



Figure 11.9 **Incompatible** Building Height: New Infill Building – Dallas, PA



Figure 11.10 Compatible Building Height: New Replacement Building – West Chester, PA

H. Building Orientation.

1. Principal building orientation on the lot proposed for development shall respect and maintain the predominant development pattern, context, and character of the principal buildings and other features on the abutting lots, and when to the maximum extent feasible, shall incorporate the predominant orientation and character of the majority of the existing principal buildings on the same shared block face (between two [2] intersecting streets) along the same side of the street.
2. Unless otherwise noted in this Section, for a lot proposed for development, the orientation and location of the main or everyday front entrance, doors, porches, stoops, and/or windows for the principal building shall be similar to the orientation and location of the main or everyday front entrance, doors, porches, stoops, and/or windows on existing principal buildings on abutting lots in accordance with the following standards:
  - a. Interior Lots. Principal buildings shall have their primary front facades, provided with a main or everyday front entrance, doors, porches, stoops, and/or windows, oriented toward and facing the public street, excluding alleys.
  - b. Corner Lots. Principal buildings on lots abutting more than one (1) public street shall have their primary front facades, provided with a main or everyday front entrance, doors, porches, stoops, and/or windows, oriented towards and facing (in order of preference):
    - (1). The corner; or
    - (2). The street, excluding alleys upon which the majority of the principal buildings on the adjacent lots are oriented towards.
  - c. Lots Abutting Derry Street or Paxtang Avenue. Principal buildings on lots abutting Derry Street and/or Paxtang Avenue shall have at their primary front facades, provided with a main or everyday front entrance, doors, porches, stoops, and/or windows, oriented toward and facing Derry Street and/or Paxtang Avenue in accordance with the following standard:
    - (1). Interior Lots. Principal buildings shall have their primary front facades, provided with a main or everyday front entrance, doors, porches, stoops, and/or windows, oriented toward Derry Street and/or Paxtang Avenue.
    - (2). Corner Lots. Principal buildings on lots fronting on more than one (1) public street shall have their primary front facades, provided with a main or everyday front entrance, doors, porches, stoops, and/or windows, oriented towards and facing (in order of preference):
      - (a). Both Derry Street and Paxtang Avenue and the intersecting street, excluding alleys; or

- (b). The corner with one (1) entrance located at and oriented toward the corner with an appropriate building feature or detail such as a covered front porch, chamfered corner, turret, canopy, or other similar building feature.

d. In the event that a principal building's main or everyday front entrance is not located on the building façade facing the public street, excluding alleys, said façade should be designed to appear to have a main or everyday front entrance, doors, porches, stoops, and/or windows, and other architectural details similar to those found on the actual main entrance.

3. Building Orientation Graphic Examples



Figure 11.11 Compatible Building Orientation: New Redevelopment Buildings – Pittsburgh, PA



Figure 11.12 Compatible Building Orientation: New Replacement Building – Harrisburg, PA



Figure 11.13 **Incompatible** Building Orientation: New Infill Building – New Cumberland, PA



Figure 11.14 Compatible Building Orientation: New Infill Building – Sewickely, PA

I. Building Façade.



1. Building facades on the lot proposed for development shall respect and maintain the predominant development pattern, context, and character of the principal buildings and other features on the abutting lots, and when to the maximum extent feasible, shall incorporate the predominant character of the majority of the existing principal buildings on the same shared block face (between two [2] intersecting streets) along the same side of the street.
2. For a lot proposed for development, the façade of principal building shall be similar to those building facades for existing principal buildings on abutting lots in accordance with the following standards:
  - a. Blank walls on building facades shall not be permitted.
    - (1). A minimum of fifty (50) percent of the first (1<sup>st</sup>) floor of a new building's façade(s) shall include some combination of the main or everyday entrance, windows, porches, stoops and overhangs, and/or balconies. Door frames and window frames and shutters shall be permitted to fulfill this requirement.
    - (2). Glass shall have a minimum light transmittance of seventy (70) percent. Stained, ornamental, or privacy glass is exempted.
  - b. Where a new principal building is proposed to have a façade greater than forty-five (45) feet in width, such facade shall incorporate recesses, projections, different façade materials, colors and/or designs, and/or different rooflines and roof pitches, to reduce the effect of a monotonous, blank wall appearance.
    - (1). In the DT Zoning District, all façades of new principal buildings shall have their main or everyday front entrance accentuated and provided with some weather protection. Permitted entrance types include: recessed or protruding covered porch, canopy, awning, portico, or overhang.
  - c. In the Mixed Use Districts, where a new principal building is proposed, at least seventy-five (75) percent of the facade shall be located on the required front building setback line. Covered front porches shall be permitted to fulfill this requirement.
3. Building Façade Graphic Examples



Figure 11.15 Compatible Building Façade: New Replacement Building – Carlisle, PA



Figure 11.16 Compatible Building Façade: New Replacement Buildings – Carlisle, PA



Figure 11.17 **Incompatible** Building Facade: New Replacement Building – Mechanicsburg, PA



Figure 11.18 Compatible Building Facade: New Buildings – Mt. Joy, PA

J. Building Roof.

1. Principal building roofs on lots proposed for development shall respect and maintain the predominant development pattern, context, and character of the principal buildings and other features on the abutting lots, and when to the maximum extent feasible, shall incorporate the predominant character of the majority of the existing principal buildings on the same shared block face (between two [2] intersecting streets) along the same side of the street.
2. For a lot proposed for development, the roof of the principal building shall be similar to those building roofs for existing principal buildings on abutting lots in accordance with the following standards:
  - (a). Principal buildings in Residential Districts shall have a pitched roof with a conventional slope or steep slope, of no less than 4/12.
  - (b). Principal buildings in the PAC, TN, and MNB Zoning Districts shall have a pitched roof with a conventional slope or steep slope, of no less than 6/12.
  - (c). Principal buildings in the DT Zoning District may have a flat roof, but if a pitched roof is proposed, then the pitched roof shall have a conventional slope or steep slope, of no less than 6/12.
3. Building Roof Graphic Examples



Figure 11.19 Compatible Building Roof: New Replacement Building – Lemoyne, PA



Figure 11.20 Compatible Building Roof: New Infill Building – Mechanicsburg, PA



Figure 11.21 **Incompatible** Building Roof: New Building – Dallas, PA



Figure 11.22 Compatible Building Roof: New Infill Building – Mechanicsburg, PA

K. Reuse of Existing or Formerly Residential Building.

1. Modification of Existing or Formerly Residential Building

- a. In addition to other standards of this Chapter, the reuse of existing or formerly residential buildings for all permitted non-residential use, multi-family dwelling use, and mixed use establishments, the existing or formerly residential building shall maintain an exterior appearance that resembles and is compatible with any existing residential dwellings and residential buildings in the neighborhood. No modifications or alternations to the external appearance of building facades which would alter its existing or formerly residential character shall be permitted, except for permitted signs, front porch enclosures provided for in this subsection below, fire and safety requirements, etc.
  - (1). Building modifications shall occur to the rear and/or non-public street, excluding alleys, side of the existing principal building.
- b. Covered Front Porch Enclosures. Front porch enclosures shall comply with the following standards:
  - (1). The applicant shall demonstrate that expansion to the rear and/or side of the existing principal building, including enclosing any side and rear porches, is not feasible.
  - (2). Front porch enclosures shall be limited to the existing front porch footprint.
  - (3). Front porch enclosures shall include the use of glass or screens that leave intact the original elements of the porch including: the percentage of open area including windows and doors to percentage of structural area (solid wall space), as well as the railings, transoms, columns, and roof.



- (4). Front porch enclosures shall include the use of materials and colors that are consistent and compatible with the principal building.
- (5). Multiple-story front porch enclosures shall not be permitted.

2. Modification of Existing or Formerly Residential Building Graphic Examples



Figure 11.23 Compatible Modification of Existing or Formerly Residential Building – Lock Haven, PA



Figure 11.24 Compatible Modification of Existing or Formerly Residential Building – Ephrata, PA



Figure 11.25 **Incompatible** Modification of Existing or Formerly Residential Building – Shiremanstown, PA

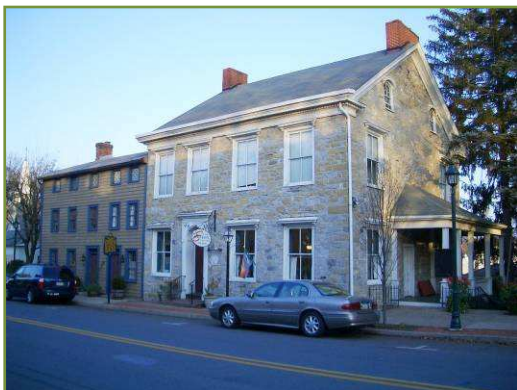


Figure 11.26 Compatible Modification of Existing or Formerly Residential Building – Selinsgrove, PA

3. Covered Front Porch Enclosures Graphic Examples



Figure 11.27 Compatible Covered Front Porch Enclosure: Existing Building – Lock Haven, PA



Figure 11.28 Compatible Covered Front Porch Enclosure: Existing Building – Ephrata, PA



Figure 11.29 **Incompatible** Covered Front Porch Enclosure: Existing Building – Penbrook, PA



Figure 11.30 Compatible Covered Front Porch Enclosure: Existing Building – Wormleysburg, PA

L. Building Footprint.

1. Building footprints on lots proposed for development shall respect and maintain the predominant development pattern, context, and character of the principal buildings and other features on the abutting lots, and when to the maximum extent feasible, shall incorporate the predominant character of the majority of the existing principal buildings on the same shared block face (between two [2] intersecting streets) along the same side of the street.
2. For a lot proposed for development, the building footprint of a new principal building shall be similar to the building footprint of existing principal buildings on adjacent lots on the same shared block face (between two [2] intersecting streets) along the same side of the street in accordance with the following standards:



- a. Principal buildings in the:
  - (1). Residential Districts shall have a maximum building footprint of not more than three thousand (3,000) square feet.
  - (2). PAC, TN, and MNB Zoning Districts shall have a maximum building footprint of not more than six thousand (6,000) square feet.
  - (3). DT Zoning District shall have a maximum building footprint of not more than twelve thousand (12,000) square feet.

3. Building Footprints Graphic Examples\*



Figure 11.31 Compatible Building Footprint:– Lemoyne, PA  
(Source: [www.ccpa.net](http://www.ccpa.net), 2011.)

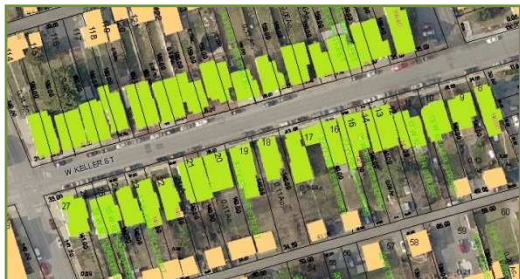


Figure 11.32 Compatible Building Footprint:– Mechanicsburg, PA  
(Source: [www.ccpa.net](http://www.ccpa.net), 2011.)



Figure 11.33 **Incompatible** Building Footprint:–  
New Cumberland, PA (Source: [www.ccpa.net](http://www.ccpa.net), 2011.)

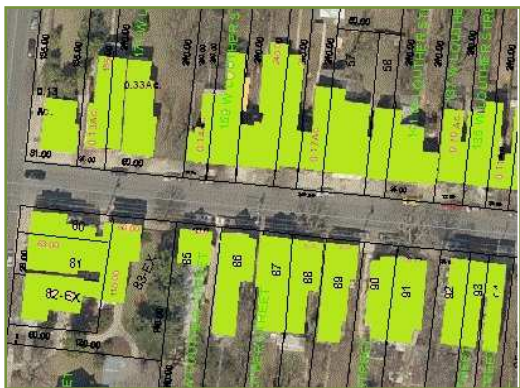


Figure 11.34 Compatible Building Footprint:– Carlisle, PA  
(Source: [www.ccpa.net](http://www.ccpa.net), 2011.)

M. Fire Escape.

1. For a lot proposed for development, the location of fire escapes on the exterior of principal buildings shall be similar to those fire escape locations for existing principal buildings on abutting lots in accordance with the following standards:
  - a. Fire escape locations shall respect and maintain the predominant development pattern, context, and character of the principal buildings and other features on the abutting lots, and when to the maximum existent feasible, shall incorporate the predominant character of the majority of the existing principal buildings on the same shared block face (between two [2] intersecting streets) along the same side of the street.
  - b. Fire escapes, where required to be mounted on the exterior of the building, shall be located (in order of preference):
    - (1). On the roof of the building;
    - (2). In the rear of the building;
    - (3). On side of the building; and
    - (4). Shall not be located on any building façade, except where fire, safety, and building code requirements cannot otherwise feasibly be met.

2. Fire Escape Graphic Examples

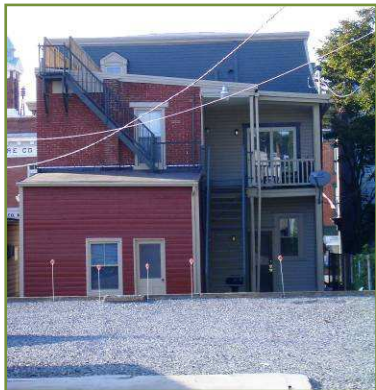


Figure 11.35 Compatible Fire Escape:– Mechanicsburg, PA



Figure 11.36 Compatible Fire Escape:– Gettysburg, PA



Figure 11.37 Incompatible Fire Escape:– Lock Haven, PA



Figure 11.38 Compatible Fire Escape:– Lampeter, PA

N. Lot Access and Parking.

1. Where a lot proposed for development abuts an alley and where the majority of the existing principal buildings on the same shared block face (between two [2] intersecting streets) along the same side of the street take access from the alley and have parking to the rear of the lot, then new lot access and parking areas shall be provided in a similar manner and location.
  - a. Lot access shall be provided at the rear of lots from the alley for those lots abutting alleys.
  - b. For lots abutting alleys, no new curb cut for a driveway or access drive shall be provided along a public street, excluding alleys.
  - c. In the Mixed Use Districts, for a lot proposed for development and abutting an alley, required off-street parking lots and areas shall:
    - (1). To the maximum extent feasible, be provided to the rear of the principal building first (1<sup>st</sup>). If not feasible, then may be located in the side yard behind the façade of the principal building;
    - (2). Not be located in the front yard between the principal building and the public street, excluding alleys.
    - (3). Not be provided along Derry Street or Paxtang Avenue unless provided with a low decorative wall or fencing, and screening in accordance with Part 12 relating to *Fences and Walls* and 14 of this Chapter relating to *Location and Design of Parking Areas*; and
    - (4). In the case of a corner lot, not be located at or adjacent to the intersection of two (2) streets.
2. For a lot proposed for development that does not abut an alley, or for a lot proposed for development that abuts an alley where the majority of the existing adjacent lots on the same shared block face (between two [2] intersecting streets) along the same side of the street have access to the public street from the front of the lot, new lot access may be taken from the front of the lot via curb cuts for access drives and driveways in accordance with Part 14 of this Chapter relating to *Driveways and Access Drives* and the standards below:
  - a. Where sidewalks are installed, the access drive or driveway surfacing shall end at the building-side of the sidewalk and on the street side of the sidewalk, such that no access drive or driveway surfacing shall extend over the sidewalk area.
  - b. No non-residential off-street parking lots or areas shall be located in the front yard between the principal building and the public street, excluding alleys.
3. Lot Access and Parking Graphic Examples



Figure 11.39 Compatible Lot Access and Parking:– Gettysburg, PA





Figure 11.40 Compatible Lot Access and Parking:– Lower Moreland Township, PA



Figure 11.41 **Incompatible** Lot Access and Parking:– Greencastle, PA



Figure 11.42 Compatible Lot Access and Parking:– Pittsburgh, PA

#### O. Residential Garage Location & Design.

1. To the maximum extent feasible, residential dwelling units shall be designed so that garages or carports are not an overly prominent part of the view from public street rights-of-way. For purposes of this Section, the term garage door shall also include a carport's front entry opening, unless otherwise specified in this Chapter.
2. For a lot proposed for development, the location and design of accessory garages and carports serving residential uses and dwelling units shall be provided in a similar manner and location to existing accessory garages and carports on abutting lots and in accordance with the following standards:
  - a. Within the Mixed Use Districts, residential accessory garages shall be located behind the rear wall of the principal building and lot access provided in accordance with Part 10 of this Chapter relating to *Driveways and Access Drives*.
  - b. Within the Residential Districts:
    - (1). Front-loaded garages and carports shall be limited as follows:
      - (a). A garage door with a width of greater than or equal to fifty (50) percent of the width of the principal building's front façade shall be prohibited.
      - (b). A garage door with a width greater than or equal to twenty-five (25) percent but less than fifty (50) percent of the width of the principal building's front façade shall be set back at least twenty (20) feet behind the front building line.
      - (c). A garage door with a width less than twenty-five (25) percent of the width of the principal building's front façade may be parallel with (incorporated as part of) or behind the principal building's front façade.

- (d). In no case shall a front loaded garage or carport extend closer toward the front lot line than the principal building's front façade.
- (2). Rear loaded, side-loaded, or detached garages or carports located behind the rear building line shall not be limited other than through the lot and dimension standards contained in the applicable underlying or base zoning district and Part 12 and Part 14 of this Chapter.
- (3). Garages and carports shall be architecturally designed to be compatible in design and harmonize with the residential use or dwelling to which they are appurtenant. Garages shall be located so that the swing of the opening door shall not in any case extend beyond any lot line.

3. Residential Garage Location and Design Graphic Examples



Figure 11.43 Compatible Residential Garage:– Camp Hill, PA



Figure 11.44 Compatible Residential Garage:– Paxtang, PA



Figure 11.45 **Incompatible** Residential Garage:– Lower Allen Township, PA



Figure 11.46 Compatible Residential Garage:– Lemoyne, PA

P. Non-Residential Uses within an Enclosed Building.

1. Unless otherwise permitted as an essential and/or customary element of operating a permitted principal non-residential use in the applicable zoning district, or unless otherwise permitted elsewhere in this Chapter, all permitted principal non-residential uses shall be conducted within a completely enclosed building. Uses exempt from this regulation include but are not limited to:
  - a. Community gardens in the Residential Districts and the Mixed Use Districts;
2. Unless otherwise permitted as an essential and/or customary element of operating a permitted principal non-residential use in the applicable zoning district, or unless otherwise permitted elsewhere in this Chapter, all permitted accessory uses as part of permitted principal non-residential uses shall be conducted within a completely enclosed building. Uses exempt from this regulation include but are not limited to:
  - a. Community gardens in the in the Residential Districts and the Mixed Use Districts;
  - b. Outdoor cafes / dining in the MNB and DT Zoning Districts; and
  - c. Outside display and sales in the MNB and DT Zoning Districts.
3. Non-Residential Uses within an Enclosed Building Graphic Examples



Figure 11.47 Compatible Non-Residential Accessory Use (Permitted to not be Within an Enclosed Building): Outdoor Café/Dining – Gettysburg, PA



Figure 11.48 Compatible Non-Residential Principal Use Within an Enclosed Building: Brewing Operations within a Garage – Selinsgrove, PA



Figure 11.49 **Incompatible** Non-Residential Principal Use Not Within an Enclosed Building: Outdoor Stockpiling/Storage – Willow Street, PA





Figure 11.50 Compatible Non-Residential Accessory Use (Permitted to not be Within an Enclosed Building): Outside Sales/Display – Lemoyne, PA

**PART 12**

**GENERAL REGULATIONS**

**Section 1201. Application.**

- A. Unless otherwise specified elsewhere in this Chapter, the regulations contained in this Part 12 of this Chapter shall apply to all uses within Paxtang Borough.

**Section 1202. Accessory Buildings and Similar Structures.**

- A. In all zoning districts, accessory buildings and/or similar structures, including but not limited to detached garages, carports, barns, storage buildings, sheds, garden structures, etc., are permitted subject to the following criteria:
1. Accessory buildings and similar structures shall not be erected, set, placed or otherwise permitted to be constructed upon a lot until the construction of the principal use has actually begun, except as provided in this subsection and elsewhere in this Chapter:
    - a. One accessory building or similar structure may be erected, set, placed or otherwise permitted to be constructed upon a vacant lot in accordance with the following:
      - (1). Said accessory building or similar structure shall:
        - (a). Be less than ten (10) feet in height;
        - (b). Have a building footprint of less than one hundred (100) square feet;
        - (c). Not be located upon a permanent foundation;
        - (d). Be located within twenty (20) feet of the rear lot line; and
        - (e). Be set back at least one (1) foot from any side or rear lot line.
  2. Accessory buildings and similar structures shall be located no closer than five (5) feet to the closest point of any exterior wall of the principal building on the same lot; otherwise they shall be attached to the principal building and shall be considered as part of that principal building.
  3. Accessory buildings and similar structures shall comply with the yard, setback, and other dimensional requirements of the applicable zoning district relating to accessory buildings and similar structures, except as otherwise provided for in this Section:
    - a. For accessory buildings and similar structures located in the Residential Districts and Mixed Use Districts on a lot with a residential use upon it:
      - (1). No more than two (2) accessory buildings or similar structures may be located on a lot used for single-family dwellings and two-family dwellings.
      - (2). The gross floor area for all accessory buildings and similar structures shall not exceed fifty (50) percent of gross floor area of the principal building.
      - (3). Accessory buildings and similar structures that are less than fifteen (15) feet in height, have a building footprint of less than one hundred (100) square feet, and which are not located upon a permanent foundation, shall be set back at least one (1) foot from any lot line.
      - (4). When a private garage, carport, and other similar enclosed structures that is designed for the parking and/or storage of motor vehicles, abuts and has direct

access to an alley, such structures shall be set back at least five (5) feet from the alley right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater.

- (5). For lots containing single family semi-detached dwellings and/or single family attached dwellings, accessory buildings and similar structures may be attached to similar accessory buildings and similar structures on abutting lots and may have the same side setback as the principal building at the shared lot line, provided the owner of the abutting lot and building provides notarized, written consent.
  - (6). Accessory buildings and similar structures that can be described as “children’s swing sets”, “children’s play equipment”, “tree houses” and “play houses”, shall be set back at least one (1) foot from any lot line.
- b. The total building footprint of all accessory buildings or similar structures on a lot shall not exceed the building footprint of the principal structure on the same lot.
4. All accessory buildings and similar structures shall comply with all applicable standards in this Chapter, Chapter 133 relating buildings, and elsewhere.

**Section 1203. All Uses Shall Comply With Applicable Code and Licensing Requirements.**

- A. In all zoning districts, all uses (as applicable) shall comply with Borough building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Borough, or shall be a condition of approval.

**Section 1204. Alternative Energy Systems.**

- A. Accessory Solar Energy Systems.

1. In all zoning districts, accessory solar energy systems are permitted subject to the following criteria:
  - a. The design and installation of solar energy systems shall conform to Chapter 133 relating to buildings, and with all other applicable Borough electrical, fire, life safety, and other similar standards.
  - b. The design and installation of solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations. The manufacturer’s specifications shall be submitted as part of the application.
  - c. All solar energy systems shall be designed and located to ensure solar access without reliance on or interference from adjacent properties.
  - d. All solar energy systems shall be designed and located to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
  - e. All on-site utility and transmission lines that are part of the solar energy system shall, to the maximum extent feasible, be placed underground.
  - f. All solar energy systems shall, to the maximum extent feasible, be inconspicuously sited when viewed from adjacent street rights-of-way.
  - g. All solar energy systems shall, to the maximum extent feasible, be sited so that tree removal is not required. If any trees are to be removed, the applicant shall submit a plan demonstrating the need to remove trees and a plan for the replacement of the trees.
  - h. Roof and wall mounted solar energy systems shall be sited in accordance with the following:
    - (1). Solar energy systems located on the roof of any structure shall not extend beyond the existing overhangs of the structure’s roof.
    - (2). Solar energy systems located on a pitched roof of any structure shall not extend vertically above the highest point (peak) of the pitched roof of the structure, as viewed from the lot line.
    - (3). Solar energy systems located on a roof of any structure shall be the same slope as, or parallel to the pitched roof.



- (4). Solar energy systems located on a flat roof shall not exceed fifteen (15) feet in height above the height of the roof. In all zoning districts such facilities shall be screened by parapets, walls, fences, or other approved means as viewed from the lot line, except for the General Business Districts.
  - (5). All solar energy systems mounted on roofs and walls of any structure shall be subject to the maximum height regulations specified within the applicable zoning district.
  - (6). No solar energy system shall be attached to, or sited along the front facade (wall) or front building line of any principal building.
- i. If the solar energy system is unable to be located on a roof or a wall of a structure as is preferred, then placement of free standing, ground mounted solar energy systems shall be provided in accordance with the following:
- (1). In addition to any yard and setback requirements set forth in this Section, all freestanding, ground mounted solar energy systems shall comply with all yard and setback requirements for accessory structures in the applicable zoning district.
  - (2). All freestanding, ground mounted solar energy systems shall be set back from all property lines and street rights-of-way a distance equal to the total height of the solar energy system.
  - (3). Freestanding, ground mounted solar energy systems shall not exceed fifteen (15) feet in height.
  - (4). For purposes of determining the maximum surface area of all freestanding, ground mounted solar energy systems, the maximum surface area shall be considered the total surface area of the cumulative solar panels; where two (2) or more panels are grouped together, the total dimensions (length and width) of each panel, array, cell, etc. shall be the cumulative dimension of the panels. The maximum surface area of all freestanding, ground mounted solar energy systems on any lot in:
    - (a). Residential use shall not exceed ten (10) percent of the total lot area;
    - (b). Nonresidential use, except for the General Business Districts, shall not exceed twenty-five (25) percent of the total lot area.
    - (c). There shall be no maximum surface area requirement in the General Business Districts.
- j. All applications for solar energy systems shall include the information required for a site plan approval pursuant to Part 17 of this Chapter relating to *Applications for Zoning Permits*. In addition, the applicant shall submit:
- (1). A completed glare study ensuring that reflective glare is not directed towards nor upon any adjacent properties or adjacent street rights-of-way. The glare study shall include:
    - (a). Angle of the solar energy system panels, arrays, cells, etc. at the location;
    - (b). A diagram showing the maximum and minimum angles of reflective glare from the solar energy system panels, arrays, cells, etc. at the location and the relationship of that glare to adjacent properties, structures and rights-of-way; and,
    - (c). Mitigation plan that limits or eliminates reflective glare on adjacent properties, structures, and rights-of-way.
  - (2). Certification from a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the proposed installation of the solar energy system will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with any solar energy system, and applicable requirements of Chapter 133 relating to buildings; and
  - (3). Confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

- k. Prior to the issuance of a permit for the installation of a solar energy system, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

B. Accessory Wind Energy Systems.

- 1. In all zoning districts, accessory wind energy systems are permitted subject to the following criteria:
  - a. The design and installation of wind energy systems shall conform to Chapter 133 relating to buildings, and with all other applicable Borough electrical, fire, life safety, and other similar standards.
  - b. The design and installation of all wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, or as approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. The manufacturer's specifications shall be submitted as part of the application.
  - c. All on-site utility and transmission lines as part of the wind energy system shall, to the extent feasible, be placed underground.
  - d. All wind turbines shall have a flat finish and non-obtrusive colors such as white, off-white, or gray as applied by the manufacturer in order to reduce the visual impact to the extent feasible.
  - e. All wind turbine towers shall be painted silver or have a galvanized finish retained in order to reduce the visual impact to the extent feasible. Towers may be painted green or brown up the height of nearby trees.
  - f. All wind energy systems shall be equipped with manual—electronic or mechanical—and automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy system.
  - g. Wind energy systems shall not be installed in any location where they would interfere with existing fixed broadcast, re-transmission, or reception antenna. This includes interference with residential radio, television, or wireless phone, or other personal communication system reception. No wind energy system shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
  - h. All wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any adjacent properties as well as any adjacent street rights-of-way.
  - i. Noise from wind turbines shall comply with Part 12 of this Chapter relating to *Performance Standards for All Uses*. The maximum decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - j. In addition to any yard and setback requirements set forth in this Section, all wind energy system shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
  - k. Wind turbines shall be set back a distance equal to the total height of the wind turbine from all property lines, streets and other rights-of-way, and overhead utility lines.
  - l. The maximum height of wind energy systems shall comply with the following:
    - (1). For all roof mounted wind turbines, the height of the wind turbine shall not exceed the height of the existing building by more than fifteen (15) feet.
    - (2). For lots less than one-half (1/2) acre in area, wind turbines shall be roof mounted. The maximum rotor diameter for wind turbines shall be six (6) feet.
    - (3). For lots between one-half (1/2) acre but less than one (1) acre, the wind turbines may be sited on wind turbine towers, the turbine height shall be limited to seventy-five (75) feet, or twenty (20) feet above the tree line, whichever is lower.

- (4). For lots greater than or equal to one (1) acre, wind turbines may be sited on wind turbine towers, the turbine height shall be limited to one hundred twenty (120) feet or forty (40) feet above tree line, whichever is lower.
- (5). The maximum height of any wind turbine in the General Business Districts, regardless of lot area shall be one hundred forty (140) feet.
- m. For all wind energy systems not otherwise mounted on a roof, unauthorized access to the turbine and tower shall be prevented by design, with a minimum of twelve (12) feet from the ground to the bottom of the ladder. All doors to the turbine and tower shall be locked.
- n. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground. If the wind turbine proposed is a Vertical Axis Wind Turbine (also referred to as a 'helix type' turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.
- o. Wind energy systems shall not be lighted, except to comply with applicable Federal Aviation Administration (FAA) regulations.
- p. No portion of any wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
- q. Wind energy systems shall not display advertising, except for reasonable identification of the wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
- r. When an accessory building or structure is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building and structure requirements specified within the applicable zoning district.
- s. All applications for wind energy systems shall include the information required for a site plan approval pursuant to Part 17 of this Chapter relating to *Applications for Zoning Permits*. In addition, the applicant shall submit:
  - (1). A plot / site plan showing:
    - (a). Property lines and physical dimensions of all areas of the subject property that are within a distance equal to two (2) times the total height of the wind energy system.
    - (b). Location, dimensions, and types of existing principal and accessory structures on the property.
    - (c). Location of the proposed wind energy system tower, foundations, guy anchors, and associated equipment.
    - (d). The rights-of-way of any public street abutting the property.
    - (e). Any overhead utility lines.
  - (2). Wind energy systems system specifications, including manufacturer and model, rotor diameter, tower height, and tower type—freestanding or guyed.
  - (3). Certification from a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the tower has been designed and will be constructed in accordance with the current industry standards and applicable requirements of Chapter 133 relating to buildings. A copy of the foundation analysis shall also be provided.
- t. Prior to the issuance of a permit for the installation of a wind energy system, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

**Section 1205. Appurtenant Service Equipment Screening and Location for Non-Residential and Other Uses.**

- A. In all zoning districts, for uses other than single-family detached dwellings, single-family semi-detached dwellings, and two-family dwellings, appurtenant service structures and areas such as solid waste, trash, and refuse containers; recycling containers; propane tanks; air conditioning units and condensers, except window units; generators; electrical transformers; and other similar appurtenant equipment or elements providing essential services to a building or lot are permitted subject to the following criteria:

1. Appurtenant service equipment, structures, and areas such as solid waste, trash, and, refuse containers, and recycling containers; propane tanks, air conditioning units and condensers, except window units; generators; electrical transformers and other similar appurtenant equipment or elements providing essential services to a building or lot shall not be located:
  - a. In the front yard between the principal building and the public street, excluding alleys, or within any required front setback in the Residential Districts and Mixed Use Districts;
  - b. In any required accessory use or structure setback, excluding those lot lines abutting any alley, or a required buffer yard;
  - c. In any area of a parking lot that causes obstructed access to designated parking spaces; nor
  - d. Within ten (10) feet abutting property in the Residential Districts or an existing residential use in the Mixed Use Districts.
2. In addition to the following requirements, all service structures and areas shall be screened on all sides with a minimum of one hundred (100) percent opacity in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*.
  - a. Required screening shall enclose any service structure on all sides unless such structure shall be frequently moved, in which case screening on all but one (1) side is required.
  - b. Fencing, if erected, shall be constructed of the same color and material as the principal building of a lot, but may be a decorative masonry wall, excluding exposed “cinder block”. If solid weather-resistant wood or material of similar appearance (e.g. white vinyl vertical planks) is used, vegetative screen planting shall also be provided. The fence or wall shall include a self-latching door or gate. In no case shall “chain link” material or pattern fencing be used for screening.
  - c. The average height of the screening shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height unless specified otherwise by this Chapter.
  - d. When a service structure is located adjacent to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set forth in this Section.
  - e. Although service structures may be screened by plant material, such plant material may not count towards the fulfillment of any required landscaping.
  - f. Whenever screening material is placed around any solid waste or trash disposal unit that is emptied or removed mechanically on a regular basis, a fixed barrier (e.g. mounted metal brackets) to contain the placement of the container shall be provided within the screening on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the screening and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening shall be twelve (12) feet to allow service vehicles access to the container.
3. Non-residential kitchen windows capable of being opened, and ventilation equipment outlets and other similar equipment associated with food service, restaurants, taverns / bars and other similar food and drink service uses, shall not be located or oriented directly toward any abutting property in the Residential Districts or existing residential use in the Mixed Use Districts.
4. All ventilation equipment outlets, fume collection, and other similar equipment associated with any non-residential service / repair work area(s) and/or service / repair bay doors / openings for non-residential uses, shall not be located or oriented directly toward any abutting property in the Residential Districts or existing residential use in the Mixed Use Districts.
5. For all non-residential uses, mixed uses, and multi-family dwelling uses in the Residential Districts and Mixed Use Districts, all rooftop mounted equipment and other similar appurtenances such as stair wells, air conditioning units, large vents, heat pumps, and mechanical equipment, shall to the maximum extent feasible, be inconspicuously sited on the roof, screened via use of parapets, walls, fences, landscaping, or other approved screening, or integrated be within the roof form, so as to not be viewed from adjacent street rights-of-way, excluding alleys. When fencing is proposed to be used as a rooftop equipment screen, it shall be designed to be architecturally compatible with the principal building, including design, materials, and colors.
6. The locations of all service structures and screening shall be shown on all site plans and land development plans submitted to the Borough.

7. This Section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises.

**Section 1206. Buffer and Screening Regulations.**

- A. In all zoning districts, buffering and screening shall be provided subject to the following criteria:
1. Required buffer yards and screening shall be provided on a lot proposed for development of non-residential uses, mixed uses, and/or higher density residential dwelling types and extend the entire length of the lot line abutting the Residential District and/or lower density/intensity residential dwelling lots. See Table 12-1 in this Section for required minimum buffer yard widths and required minimum screening opacity:

**TABLE 12-1  
REQUIRED BUFFER YARDS AND SCREENING**

| Where Permitted:   | Abut:   | Minimum Required Buffer Yard Width | Minimum Required Opacity of Screening |
|--|---|------------------------------------|---------------------------------------|
| Non-Residential uses in the General Business Districts   | Residential Zoning Districts or a lot with an existing residential use  | 35 ft.                             | 80%                                   |
| Non-Residential uses in the Residential Districts  | a lot with an existing lower density residential dwelling type use  | 25 ft.                             | 90%                                   |
| Higher density residential dwelling types including mobile / manufactured home parks, except as provided in this table below | a lot with an existing lower density residential dwelling type use (e.g. 3 dwelling unit apartment abuts a single-family detached dwelling) | 15 ft.                             | 90%                                   |
| Non-Residential uses or higher density residential dwelling types in the Mixed Use Districts*                                | a lot with an existing lower density residential dwelling type use*   | 5 ft.*                             | 90%*                                  |

\* Where an existing or former residential building is being proposed for reuse for a permitted non-residential use, and where there is insufficient distance between said building and the abutting lot line to achieve the required buffer yard, there shall be no buffer yard required for the area of the lot where said building is located, as long as screening with no less than one hundred (100) percent opacity is provided in the area of the lot where said building is located. Remaining portions of the lot shall comply with the buffer yard and screening requirements provided for elsewhere in this Section.

2. No buffer yard shall be required for a non-residential use, mixed use, or higher density residential dwelling type uses in the Mixed Use Districts that are separated from the Mixed Use Districts and/or existing lower density residential dwelling type lots by a public street right-of-way, excluding alleys.
3. All required buffer yard areas shall be planted and maintained with vegetative cover and living material, as well as any required screening, and kept free of:
- a. Buildings and structures, excluding fences and walls;
  - b. Dumpsters and refuse containers;
  - c. Parking lots / areas;
  - d. Loading areas; and
  - e. Any type of storage of goods, materials, equipment, or vehicles;
  - f. Any type of display and sales; and
  - g. Any business activity.
4. Signs shall be permitted in a buffer yard that abuts a street right-of-way line.

5. Stormwater management facilities and structures may be maintained within a buffer yard, but the existence of such facilities or structures shall not be a basis for a failure to meet the screening requirements.
6. Buffer yards may be crossed by access drives, driveways, sidewalks, or easements with a maximum width of thirty-five (35) feet, provided the centerline of the access drive, driveway, sidewalk, or easement crosses the lot line and buffer yard at not less than seventy-five (75) degrees; however, no turning or maneuvering of vehicles shall be permitted in the buffer yard area.
7. Buffer yards may be located within any required setback or yard.
8. Screen Plantings. Where screen plantings are provided in buffer yards, said screen plantings shall be located in the exterior portion of the required buffer yards, and shall be evenly spaced extending the length of the lot line in accordance with the following:

a. Plant materials used in screen plantings shall be of such species as will produce, within two (2) years, a year-round visual screen in accordance with the standards set forth in Table 12-2 below:

TABLE 12-2  
REQUIRED SCREEN PLANTING MATERIALS

| Description      | Minimum Height<br>- Measured from<br>the Finished<br>Grade | Minimum<br>Distance -<br>Measured on<br>Center | Minimum / Maximum<br>Percentage Mix of Plant<br>Materials Used as Required<br>Screening |
|------------------|--|--|---|
| Trees            |  |  |   |
| Deciduous Trees* | 6 ft.  | 6 ft.  | 10% / 20%   |
| Evergreen Trees  | 6 ft.  | 6 ft.  | 15% / 25%   |
| Shrubs           |  |  |   |
| Deciduous Shrubs | 4 ft.  | 3 ft.  | 25% / 35%   |
| Evergreen Shrubs | 4 ft.  | 3 ft.  | 30% / 40%   |

\* Deciduous trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapters 370 relating to subdivision and land development and 392 relating to shade trees.

- b. Screen plantings shall be maintained permanently in a healthy condition. Any screen plantings that die or are severely damaged shall be replaced by the current property owner as soon as practical considering growing seasons, within a maximum of one hundred fifty (150) days.
- c. Screen plantings shall be placed so that at maturity they will be located not closer than two (2) feet from any street right-of-way line or property line.
- d. In order to aid surveillance and minimize the potential for crime, screen plantings shall also be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the maximum extent feasible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle in accordance with Part 14 in this Chapter relating to *Driveways and Access Drives* shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
- e. Screening plantings shall be interrupted only at:

(1). Approved vehicle or pedestrian ingress and egress approximately perpendicular, but not less than seventy-five (75) degrees, to the lot;

(2). Locations necessary to comply with safe sight distance requirements; and

(3). Locations needed to meet other specific state, Paxtang Borough and utility requirements.
- f. Trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapters 370 relating to subdivision and land development and 392 relating to shade trees.

(1). If more than twenty (20) evergreen plants are proposed, no more than fifty (50) percent shall be of one (1) species.

- g. Screen plantings shall be provided between the lot line and any off-street parking area, loading area, and any outdoor solid waste storage and refuse area for any non-residential use, multi-family dwelling use, mobile / manufactured home park, single family attached use, and/or mixed use where the parking or solid waste storage and refuse area abuts property in the Residential Districts or a lot occupied by a single family dwelling use or two-family dwelling use in the Mixed Use District.
- 9. Fences and Walls as Screening.
  - a. Each buffer yard may include fences and walls which shall be located in the interior portion of the required buffer yards that extend the length of the lot line in accordance with the following:
    - (1). Fences and walls shall comprise no more than sixty (60) percent of any required screening.
    - (2). Fences and walls that are placed in a buffer yard shall be located between the principal use and related accessory use, and any required screen plantings.
    - (3). Concrete and/or other similar block walls shall be painted or have decorative colors on all sides.
    - (4). In addition to any requirements set forth in this Section, all fences and walls shall comply with the requirements set forth in Part 12 of this Chapter relating to *Fences and Walls*.
- 10. Berms as Screening.
  - a. Each buffer yard may include berms in accordance with the following requirement:
    - (1). Berms shall be constructed with slopes not to exceed thirty-three (33) percent with side slopes designed and planted in such a manner so as to prevent erosion and stormwater runoff, and with a rounded top surfaces that are a minimum of two (2) feet in width at the highest points of the berms, extending the length of the berms.
    - (2). The top of berms shall be planted with screen plantings.
- 11. Existing Vegetation. Each buffer yard may include existing vegetative plantings including trees, shrubs and ground cover retained and maintained so as to contribute to screening and buffering requirements.

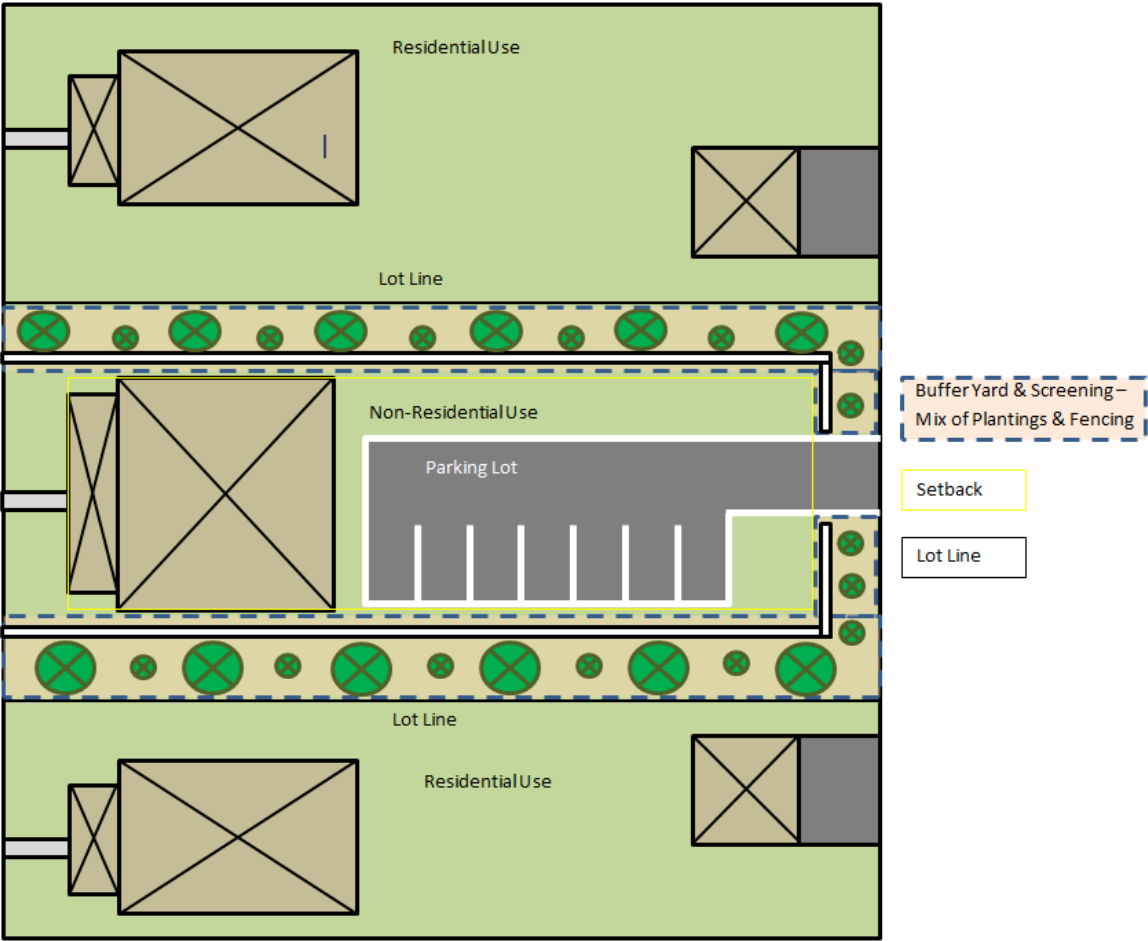


Figure 12.1 Buffer and Screening Example

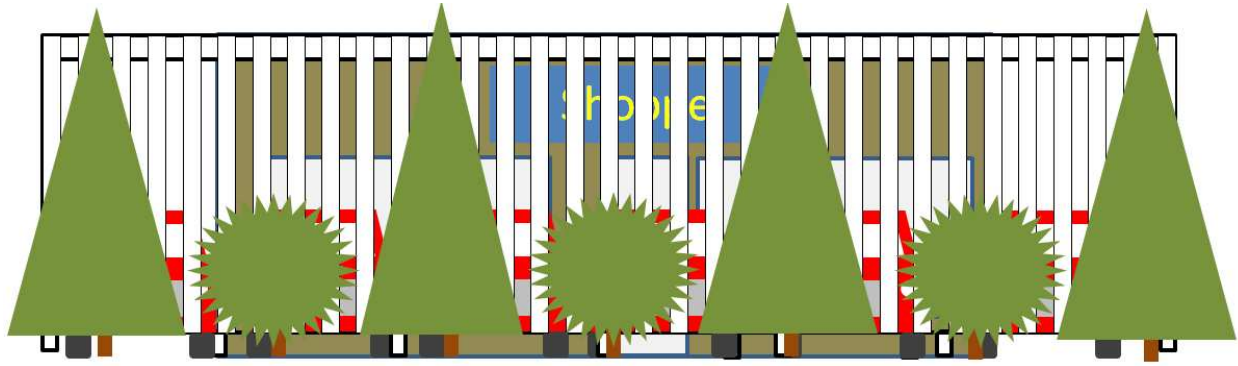


Figure 12.2 Buffer and Screening Example

#### Section 1207. Bus / Transit Shelters.

- A. In all zoning districts, bus / transit shelters are permitted subject to the following criteria:
1. Bus / transit shelters may be located within any required yard or setback.
  2. Only the following signs shall be permitted:
    - a. One (1) two (2) sided sign with a maximum sign area of eight (8) square feet, which shall only be internally illuminated in accordance with Part 13 of this Chapter.
    - b. Non-illuminated signs identifying the name of the transit provider, route schedules and maps.
  3. The location of a bus / transit shelter shall not interfere with pedestrian traffic along a sidewalk and shall be not located within a clear-sight triangle as set forth in Part 14 of this Chapter relating to *Driveways and Access Drives*.
  4. There shall be a legally binding commitment provided by a responsible entity to properly maintain the bus / transit shelter and to remove the shelter if it is not needed in the future or if it is not properly maintained.
  5. Bus / transit shelters shall be durably constructed and shall be covered by a roof. For security and safety purposes, the majority of the side and rear walls of the bus / transit shelter shall be constructed of a clear, shatter resistant material.
  6. Any lighting elements shall not be directly visible from outside the bus / transit shelter, and shall comply with Part 12 of this Chapter relating to *Performance Standards for All Uses*.

#### Section 1208. Crops / Gardening.

- A. In all zoning districts, crops / gardening is permitted subject to the following criteria:
1. The use may include the sale of harvestable products, but limited to those grown on-site.
  2. Crops / gardening is not subject to yard or setback requirements, but shall be located completely within the property boundary and no part may coincide with any property line
  3. All related accessory structures shall comply with requirements of this Chapter, including the requirements for accessory structures in the applicable zoning district.

#### Section 1209. Essential Services.

- A. In all zoning districts, essential services are permitted as needed to provide service to lots, structures, and buildings. See also Part 12 of this Chapter relating to *Appurtenant Service Equipment Screening and Location for Non-Residential and Other Uses*.

#### Section 1210. Fences and Walls.

- A. In all zoning districts, fences and walls are permitted subject to the following criteria:
1. Fences and walls shall be setback a minimum of one (1) foot outside any right-of-way or from any lot line or sidewalk whichever is greater.
  2. Fences and walls shall be durably constructed and well-maintained. Fences and walls that have deteriorated parts and materials shall be replaced or removed.



3. No fence or wall shall obstruct the clear-sight triangle requirements set forth in Part 14 of this Chapter relating to *Driveways and Access Drives*.
4. No fence or wall shall be erected in a street right-of-way or other rights-of-way or easements including public or private drainage, utility or access easements, unless otherwise required by this Chapter and/or any other chapter in the Codified Ordinance of the Borough of Paxtang.
5. Fences and walls, in addition to the applicable standards provided in Part 12 of this Chapter relating to *Fences and Walls*, shall also comply with the following:
  - a. Except as otherwise provided in this subsection, fences and walls shall not be permitted to be located in the front yard between the principal building and the street, excluding alleys, in the Residential and Mixed Use Districts:
    - (1). For corner lots, fences and walls shall be permitted to be located between the principal building and the street, excluding alleys, in secondary front yards which shall:
      - (a). Be an open-type of fence (e.g. picket, metal post, wrought iron or split rail) with a minimum of fifty (50) percent open area to fifty (50) percent structural area.
      - (b). Not exceed three and one half feet (3 ½) feet in height; but the height of any fence or wall may exceed three and one half feet (3 ½) feet by one (1) additional foot for each two (2) additional feet by which the fence or wall is set back behind the principal building's front façade or building line.
      - (c). Not be constructed of "chain link" material or pattern. Fences shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Fences are encouraged to be constructed using weather resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic style metal post fences.
  - b. Fences and walls that are located within the Residential or Mixed Use Districts or upon a lot with a residential use upon it shall not exceed six (6) feet in height along the side and rear lot lines.
  - c. Fences within the other zoning districts shall not exceed twelve (12) feet in height.
  - d. Any fence or wall exceeding six (6) feet in height shall comply with Chapter 133 relating to buildings.
  - e. Structural posts of a fence shall not extend more than six (6) inches above the height of the fence.
  - f. Unless required for security purposes, no fence or wall shall be constructed of barbed wire, razor, or other sharp components capable of causing injury, and only then if the portion of the fence containing barbed wire, razor, or other sharp components capable of causing injury is not lower than six (6) feet above the average surrounding ground level.
  - g. No fence or wall shall be constructed out of fabric, junk, inoperable vehicles, appliances, tanks or barrels.
  - h. If one (1) side of a fence or wall includes posts and supports / framework that clearly are not designed and integrated as a decorative feature of the fence, or if one (1) side of a fence or wall does not match design patterns of the opposite side, then the side of the fence including the supports / framework shall be placed to face toward the interior of the lot upon which is located, as opposed to the side of the fence which it faces a street or abutting lots.
  - i. If a fence or wall is "finished" only on one (1) side, the "finished" side shall be placed and face outward away from or toward the exterior of the lot or parcel upon which it is located, as opposed to facing toward the interior of the lot.
  - j. Brick may be used for posts or as a base for a fence or wall, provided the maximum fence or wall height for the fence or wall portion is not exceeded.
6. Walls, in addition to the applicable standards provided in this subsection, shall also comply with the following standards:
  - a. Engineered retaining walls necessary to hold back slopes are exempt from the regulations of this Section and are permitted by right as needed in all zoning districts.
  - b. Walls that are structurally part of a building shall be regulated as part of that building.

- c. Concrete and/or similar other block walls shall be of a decorative nature, painted or have decorative colors and/or materials on all sides that face outward away from or toward the exterior of the lot or parcel upon which it is located, as opposed to facing toward the interior of the lot.
- 7. One (1) arbor, awning, canopy, trellis or similar decorative garden structure not exceeding ten (10) feet in height and four (4) feet in width shall be permitted within the front yard, provided that it is not within a clear sight triangle as required in Part 14 of this Chapter relating to *Driveways and Access Drives*.

#### **Section 1211. Height Exceptions and Alterations.**

- A. In all zoning districts, the height exceptions and alterations shall apply:
  - 1. Height regulations shall not apply to the following structures, provided the structures do not exceed the height limitations of the zoning district for which they are located by more than fifteen (15) feet: penthouses including those not intended for human occupancy; skylights; steeples of places of worship; antennas, excluding communication antennas as set forth in Part 16 of this Chapter relating to *Communication Antenna, Tower, and Equipment Building Transmitting & Receiving Facility*; flagpoles; spires; belfries; cupolas; domes; chimneys; ventilators; water tanks; bulkheads; utility poles and towers; clock towers and bell towers; elevator shafts; mechanical equipment or other appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.
- B. Height regulations shall not apply to the following structures, provided the structures comply with the specific height regulations for the use, set forth in this Chapter:
  - 1. Communication antennas and towers as set forth in Part 16 of this Chapter relating to *Communication Antenna, Tower, and Equipment Building Transmitting & Receiving Facility*;
  - 2. Accessory wind energy systems as set forth in this Part 12 of this Chapter relating to *Accessory Alternative Energy Systems*.
  - 3. Structures as part of agricultural operations as set forth in Part 16 of this Chapter relating to *Agricultural Operation*.
- C. The height of any principal structure may exceed the maximum permitted height requirements by one (1) additional foot for every one (1) additional foot that the width of each yard exceeds the required yard and setback regulations for principal structures within the applicable zoning district.

#### **Section 1212. Hours of Operation and Management Plan.**

- A. In all zoning districts, the hours of operation and management of activities of proposed non-residential uses and mixed use developments shall be appropriately scheduled, operated, and maintained to protect the existing neighborhood and residential uses from detrimental noise, disturbance, or interruption. A “hours of operations and management plan” shall include the following, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Section:
  - 1. Address of the premises of proposed use including tax parcel identification number.
  - 2. Name and general and specific type of the proposed use (e.g. commercial use, retail sales).
  - 3. Name and related contact information of the owner, on-site manager, and/or other authorized agent of the proposed use and the lot (e.g. telephone number[s], email address, etc.).
  - 4. The nature of the on-site activities and operations involved in the proposed use (e.g. the type of products, materials, equipment and/or processes, etc.).
  - 5. Advertising associated with the proposed use, as applicable.
  - 6. Estimated number of employees, patrons, and/or occupants, including per shift and maximum permitted occupancy, as applicable.
  - 7. The gross floor area of the building(s) and gross area of the lot devoted to the proposed use.
  - 8. Estimated amount of sales from the proposed use, as applicable.
  - 9. General description of the land uses adjacent to the property and on the same block.
  - 10. Intended market area / service area of the proposed use, as applicable.
  - 11. Vehicles and traffic associated with the proposed use (e.g. employees and customers / occupants deliveries, loading, etc.).

12. Hours and days the proposed use will be open and/or operating including any expected “special events”, as applicable.
13. The disposal of materials will be accomplished in a manner that complies with Borough, State, and Federal regulations, including but not limited to those listed in Part 12 of this Chapter relating to *Non-Residential and Other Uses Waste Handling Requirements*.
14. A discussion of any possible impacts and/or problems the proposed use may cause (e.g. traffic, odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts / problems. The applicant shall further furnish evidence that the impacts generated by the proposed use will be within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 12 of this Chapter relating to *Performance Standards for All Uses*.

### **Section 1213. Landscaping and Vegetation Preservation.**

A. In all zoning districts, landscaping and vegetation shall be subject to the following criteria:

1. Any part of a lot which is not used for structures, buildings, access drives, driveways, loading areas, parking spaces and aisles, sidewalks, and designated storage areas, other structures, or hardscaping shall be provided with an all-season, well-maintained groundcover, including grass, trees, and shrubs.
2. In order to aid surveillance and minimize the potential for crime, plantings shall be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the maximum extent feasible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle as required in Part 14 of this Chapter relating to *Driveways and Access Drives* shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
3. Vegetation.
  - a. Preservation. Existing vegetation preservation is governed by the standards in this Section and the provisions of the PA MPC. The removal of trees, shrubbery, foliage, grass, groundcover, or other natural growth shall be permitted when in conformance with the provisions of this Chapter, Chapter 360 relating to stormwater management, Chapter 370 relating to subdivision and land development, Chapter 392 relating to shade trees, and/or other relevant chapter of the Codified Ordinances of the Borough of Paxtang. Violations and penalties associated with cutting and clearing of vegetation include:
    - (1). Forestry activities of timber harvesting and/or logging shall comply with Part 16 of this Chapter relating to *Forestry*.
    - (2). The cutting of trees and/or clearing of vegetation within a required buffer yard as required in this Part 12 of this Chapter relating to *Buffer and Screening Regulations* is prohibited. Only the removal and replacement of damaged/deceased trees and/or vegetation is permitted. Grubbing activity is permitted where the purpose is to improve the appearance of the lot.
4. Shade Trees.
  - a. As part of the construction of any new street or establishment of any new use, shade trees shall be required to be planted in accordance with Chapters 392 relating to shade trees and 370 relating to subdivision and land development.

### **Section 1214. Lot Frontage onto Improved Streets.**

A. In all zoning district, all lots shall front on and have direct access to improved streets, shall be subject to the following criteria:

1. Each proposed new lot and principal building shall abut one (1) of the following:
  - a. A public street right-of-way, excluding alleys, with at least twenty-four (24) feet of right-of-way;
  - b. A street, excluding alleys, proposed to be dedicated to the Borough by the subdivision plan which created such lot; or
  - c. An existing (at date of adoption of this Chapter) private street, excluding alleys, which meets all of the requirements of a public street.
2. The erection of a principal building on any lot which existed at the time of the enactment of this Chapter and does not have lot frontage on a public street right-of-way, excluding alleys, shall be

permitted if the applicant provides proof of access to the property in the form of a legal document recorded at the Dauphin County Recorder of Deeds. If the existing document does not address access rights and maintenance responsibilities between the landowner and affected parties, or if no such document exists, a new document shall be recorded that does address these issues. In addition, the landowner shall enter into a binding legal agreement with the Borough prepared by the Borough Solicitor outlining the responsibility of each party as it pertains to the private right-of-way.

3. Access to lots shall comply with Part 14 of this Chapter and/or Chapter 370 relating to subdivision and land development.

**Section 1215. Non-Residential and Other Uses Waste Handling Requirements.**

- A. In all zoning districts, for all uses other than single-family dwellings and two-family dwellings, waste handling and material disposal methods and procedures shall be subject to the following criteria. The following detailed information is required to be submitted concerning waste handling and material disposal methods and procedures:
1. Listing of all materials to be used and/or generated on the site;
  2. Listing of all wastes generated on the site, including but not limited to food and greases; animal wastes; solid wastes; medical wastes; and hazardous wastes; etc.; and
  3. Evidence shall be provided indicating that the disposal of all materials and wastes shall be accomplished in a manner that complies with Chapter 353 relating to solid waste, as well as any county, state and federal regulations. Such evidence shall, at a minimum, include copies of working plans for the cleanup of litter and recycling showing exterior trash and recycling receptacles that are provided amid any an outdoor display and/or sales area, parking lot facilities open to the public, and other outside public areas designed and proposed for patrons and customers of the use. Such receptacles shall be routinely emptied so as to prevent the scattering of litter and debris.

**Section 1216. Number of Principal Uses and/or Principal Structures Per Lot.**

- A. In all zoning districts, the number of principal uses and/or principal structures permitted per lot shall be subject to the following criteria:
1. A lot in the TN Zoning District, MNB Zoning District, DT Zoning District, and/or Commercial / Industrial Districts may include more than one (1) permitted principal use per lot provided a plan has been recorded in compliance with Chapter 370 relating to subdivision and land development and:
    - a. For developments with more than one (1) principal use in one (1) building, the most restrictive of the uses' area / design features of the applicable zoning district shall apply to the building (as opposed to applying each of the requirements to each use as if each use was located on each individual lot), but that each use shall comply with all other applicable requirements of this Chapter including parking and signs as though each use were located on an individual lot.
    - b. For developments with more than one (1) principal use in more than one (1) building, the area / design features of the applicable zoning district and all other requirements of this Chapter shall apply to all the uses on a single lot as if all of the uses are one (1) development (as opposed to applying each of the requirements to each use as if each use was located on each individual lot).
    - c. The lot may include a condominium form of ownership of individual buildings, with a legally binding property owner or other similar type of association, 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.
  2. A lot in the Residential Districts PAC Zoning District and/or a lot used for residential purposes shall not include more than one (1) permitted principal use nor more than one (1) principal building, except as provided below, and each of the use's area / design features of the applicable zoning district and all other requirements of this Chapter as though each use were located on an individual lot are met, and a plan has been recorded in compliance with Chapter 370 relating to subdivision and land development:
    - a. A mobile / manufactured home park, condominium residential development, single-family attached dwelling, or multi-family dwelling development may include more than one (1) principal building per lot, provided all other requirements of this Chapter are met.
    - b. The lot may include a condominium form of ownership of individual dwelling units, with a legally binding homeowners or other 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.

**Section 1217. Ornamental Ponds.**

- A. In all zoning districts, ornamental ponds are permitted subject to the following criteria:
1. No ornamental pond shall:
    - a. Be capable of holding water at a depth of more than twenty-four (24) inches;
    - b. Be capable of holding more than four hundred fifty (450) cubic feet of water; and/or
    - c. Have a length or diameter exceeding fifteen feet (15).
  2. Ornamental ponds shall comply with all accessory use and structure setbacks for the zoning district in which they are located.
  3. All such ponds shall be maintained so as not to pose a nuisance by reason of odor, or the harboring of insects and/or vermin.
  4. Water shall not be discharged from an ornamental pond directly onto any public right-of-way or within ten (10) feet of any adjacent property without the applicable owner's consent.
  5. Ornamental ponds shall not be located over a drainage, utility, or access easement.
  6. No such pond shall be used for the commercial hatching of fish or other aquatic species.
  7. Otherwise, ornamental ponds not meeting the requirements set forth in subsection 1. above, in addition to the standards in this Section, shall also comply with the requirements of the Part 12 of this Chapter relating to *Swimming Pools, Private Household*, and Chapters 377 relating to swimming pools, 133 relating to buildings, and 310 relating to property maintenance.

**Section 1218. Outdoor Storage and Outdoor Stockpiling.**

- A. In all zoning districts, unless otherwise permitted elsewhere in this Section or Part 3 of this Chapter relating to *Use Tables* and Part 16 of this Chapter, the outdoor storage and outdoor stockpiling shall be permitted subject to the following criteria:
1. Outdoor storage and outdoor stockpiling shall not include the sale of any bulk materials such as goods, material, and merchandise offered for sale to customers. Otherwise, it shall be considered outside sales and display and shall comply with the provisions set forth elsewhere in this Part 12 and Part 16 of this Chapter relating to *Outside Display and Sales*.
  2. Outdoor storage and outdoor stockpiling shall not occupy any part of the existing or future street right-of-way, including sidewalks and alleys, required off-street parking areas, buffer yards, or any other areas specifically prohibited as set forth in this Chapter.
  3. In the Residential Districts, Mixed Use Districts, and Other Districts:
    - a. On lots used for single family dwellings and two-family dwellings, the outdoor storage and stockpiling of:
      - (1). Personal material, except firewood, for more than one (1) year shall be prohibited. In all instances, outdoor stockpiling of personal material shall not be located in the front yard between the principal building and the public street, excluding alleys, or within any required front setback. All such stockpiling shall comply with accessory use and structure yard and setback requirements for the applicable zoning district.
      - (2). Non-personal material including goods, junk, material, or merchandise associated with and generated by an off-site business or non-residential establishment shall not be permitted.
    - b. On non-residential use, mixed use, and other residential dwelling types other than listed in this subsection above, the outdoor storage and stockpiling of bulk items, including but not limited to goods, material, equipment, merchandise, junk, waste, discarded or salvaged material, machinery, equipment, or automobile, truck, or other vehicle parts shall not be permitted. All related storage shall be within a completely enclosed building.
    - c. Outdoor storage and outdoor stockpiling shall not be located in the front yard between the principal building and the public street, excluding alleys, nor within any required front, side, or rear setback.

4. In the Commercial / Industrial Districts:
  - a. All bulk items, materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height and provided with screening in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*, with no less than one hundred (100) percent opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
  - b. The outdoor storage and outdoor stockpiling may be located in the front yard between the principal building and the public street, excluding alleys, but shall not be located within any required yard or setback.
  - c. In order to prevent dust, erosion, and excessive water flow across streets or abutting property, all areas used for the outdoor storage and stockpiling shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 360 relating to stormwater management, Chapter 370 relating to subdivision and land development, or any other construction materials specifications adopted by the Borough, and approved by the Borough Engineer.
  - d. All items and materials stored as part of outdoor storage and stockpiling shall be kept in an orderly fashion to permit access by emergency responders.
5. Compost.
  - a. The placement of compost as an accessory use to a residential use of a lot is permitted, subject to all accessory use, building, and structure setbacks of the applicable zoning district. Only waste materials from the residential use of the lot shall be deposited within the compost, and in no case shall meat, or meat by-products, dairy products, or bones be composted. All compost shall be properly maintained so as not to become a nuisance to nearby properties.

#### **Section 1219. Performance Standards for All Uses.**

- A. In all zoning districts, all uses (as applicable) shall be subject to the following performance standards:
  1. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.
  2. All uses shall be subject to and comply with the following regulations, where applicable.
    - a. Vibration. Ground vibration inherently and recurrently generated on the lot and detectable without instruments on any adjacent lot shall be prohibited, except that temporary vibration as a result of construction or vehicles which enter or leave the lot (e.g. trucks, trains, airplanes, helicopters, etc.) shall be permitted. Otherwise all of the applicable "Rules and Regulations" of the Pennsylvania Department of Environmental Protection (DEP) shall be complied with.
    - b. Noise.
      - (1). Noise from non-residential uses which are determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled in accordance with Chapter 273 relating to noise. For purposes of this standard, all non-residential uses shall comply with the standards in Table 12-3 Noise Standards:

TABLE 12-3  
NOISE STANDARDS

| Land Use or Zoning District<br>Receiving the Noise   | Hours / Days   | Maximum<br>Sound<br>Level* |
|--|--|----------------------------|
| At a lot line of an existing<br>residential use in the Residential<br>Districts or Mixed Use Districts | 7:00 a.m. to 9:00 p.m. other than<br>Sundays, Christmas Day, Thanksgiving<br>Day, New Year's Day, Labor Day,<br>Memorial Day, and the 4 <sup>th</sup> of July              | 60 dBA                     |
|  | 9:00 pm to 7:00 am, plus all day Sunday,<br>Christmas Day, Thanksgiving Day, New<br>Year's Day, Easter Sunday, Labor Day,<br>Memorial Day, and the 4 <sup>th</sup> of July | 52 dBA                     |
| At any other lot line  | All times and days   | 70 dBA                     |

\*or ten (10) decibels above ambient noise in any one hour, whichever is higher.

- (2). Noise is measured from the lot line. The ambient sound measurement, known as “A-weighted sound level” is taken where the noise from the non-residential use cannot be heard, or when the use is not in operation and therefore not producing noise. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken.
- (3). The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
  - (a). Sound needed to alert people of an emergency.
  - (b). Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:00 a.m. and 8:00 p.m., except for clearly emergency repairs which are not restricted by time.
  - (c). Household power tools and lawn mowers between the hours of 8:00 a.m. and 9:00 p.m.
  - (d). Agricultural activities, including permitted agricultural operations, but not exempting a commercial kennel.
  - (e). Public celebrations specifically authorized by the Paxtang Borough Council or a county, state or federal government agency or body.
  - (f). Unamplified human voices or the sound of a single animal.
  - (g). Routine ringing of bells and chimes by a place of worship or Borough clock.
  - (h). Vehicles operating on a public street, railroads and aircraft.
- c. Air Pollution and Airborne Emissions. No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause spoiling of property. Otherwise all of the applicable “Rules and Regulations” of DEP shall be complied with.
- d. Odors. No malodorous gas or matter shall be permitted which is discernible at any and all property lines of the subject property on which the odor source is located.
- e. Water Pollution. Water pollution shall be subject to the standards established by the Pennsylvania Fish and Boat Commission (FBC), DEP, and The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691, or as amended.
- f. Mine Reclamation and Open Pit Setback. Refer to Pennsylvania Act 147, the “Surface Mining Conservation and Reclamation Act” of 1971, or as amended.
- g. Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening accordance in with this Part 12 of this Chapter relating to *Buffer and Screening Regulations* in in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than five (5) degrees Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) footcandles measured at

the property line. Otherwise, all of the applicable “Rules and Regulations” of DEP shall be complied with.

- h. No use or operation shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause. Additionally, all uses and operations shall comply with the following:
  - (1). Electromagnetic Interference. In all zoning districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.
  - (2). Fire and Explosive Hazards. Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to the Borough fire standards, National Fire Protection Association, Chapters 133 relating to buildings and 213 relating to fire prevention, and other applicable chapters of the Codified Ordinances of the Borough shall regulate hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of a structure or premises.
  - (3). Toxic and Hazardous Substance Storage. Storage of toxic and hazardous substance shall meet the requirements of DEP, Pennsylvania Labor and Industry (L&I), and/or the United States Environmental Protection Agency (USEPA).
- i. Outdoor Lighting: Outdoor lighting is permitted subject to the following criteria:
  - (1). All outdoor lighting fixtures including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, billboards, displays and landscaping, shall be full cut-off type fixtures.
  - (2). Full cut-off fixtures shall be installed and maintained so that the shielding is effective so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.
  - (3). Automobile-oriented uses including but not limited to automobile, boat, heavy equipment, mobile / manufactured home, recreational vehicle and similar motor vehicle rental / sales, repair / service, washing and/or fuel / gas sales and drive-thru facilities shall install recessed ceiling fixtures in any canopy.
    - (a). Any canopy over fuel / gasoline pumps shall have a maximum distance between the ground level and the underside of the canopy of twenty (20) feet. If the ground level is sloped, or the canopy is sloped to deflect noise and soot away from neighboring properties, then a portion of the canopy may have a greater height, provided that the maximum height is twenty (20) feet at the portion of the canopy that is closest to an adjacent street.
  - (4). Where permitted, signs that are wholly illuminated from within and freestanding signs that are externally illuminated with an exposed lamp not exceeding twenty-five (25) watts do not require shielding.
  - (5). Light trespass over a non-residential or mixed use property line shall be limited to no more than five-tenths (0.5) footcandles measured at the property line. All on-site lighting of buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent property or building, or to cause glare onto any public street right-of-way or vehicle thereon.
  - (6). Measurement.
    - (a). Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
    - (b). Measurements shall be taken at the lot line, along a horizontal plane at a height of three and one-half (3 ½) feet above the ground.
  - (7). All non-essential outdoor lighting fixtures, including parking, sign, display and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.
  - (8). Light poles shall not exceed a height of:



- (a). Twenty (20) feet within the Residential Districts and Mixed Use Districts; and
  - (b). Thirty-five (35) feet within the Commercial / Industrial Districts and Other Districts.
- (9). Exemptions.
  - (a). Decorative outdoor lighting fixtures with bulbs of less than twenty-five (25) watts, installed seasonally, are exempt from the requirements of subsection (8) above.
  - (b). Overhead street lighting, warning, emergency, and traffic signals are exempt from the requirements of subsection (8) above.
  - (c). Temporary construction or emergency lighting is exempt from the requirements of subsection (8) above. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
  - (d). Nothing in subsection (8) above shall apply to lighting required by the FAA or any other federal regulatory authority.
- j. In order to determine whether a proposed use will conform to the requirements of this Section, Paxtang Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

**Section 1220. Pets, Keeping Of.**

- A. In all zoning districts, unless provided elsewhere in the Chapter 121, relating to animals, the outdoor keeping of pets is permitted subject to the following criteria:
  - 1. The keeping of pets outdoors and any related structure shall comply with Chapter 121 relating to animals, Chapter 310 relating to property maintenance, and other applicable health and safety codes, as well as any applicable State regulations.
  - 2. The keeping of pets outdoors and any related structure shall not create a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the pet(s) shall be responsible for collecting and properly disposing of all fecal matter from pets.
  - 3. The keeping pets outdoors and any related structure, shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.

**Section 1221. Public Water and Sewage Required.**

- A. In all zoning districts, all lots shall be subject to the following criteria:
  - 1. All lots shall be served by both public water and public sewage services in accordance with Chapters 336 relating to sewers and 370 relating to subdivision and land development.
  - 2. If, however, a lot is permitted without having both public water and public sewage services, then:
    - a. A minimum lot area of one (1) acre shall be required; and
    - b. The applicant shall demonstrate compliance with DEP's sewer module standards and review process.

**Section 1222. Repair of Personal, Passenger, or Recreational Motor Vehicles.**

- A. In all zoning districts, the routine maintenance, repair and servicing of personal, passenger, or recreational motor vehicles including go-carts and racing vehicles, and other similar motor vehicles that are owned or leased by the owner and/or occupant of the residential use is permitted as an accessory use to the residential use, when the owner and/or occupant is performing such services outside of a building, subject to the following criteria:
  - 1. All vehicles shall be maintained with current, valid license plates and inspection stickers (when applicable), and shall be kept in operable condition.
  - 2. All work shall be performed on the vehicle owner's or lessee's property of residence.
  - 3. Work shall be limited to the following:
    - a. Servicing and replacement of spark plugs, batteries, distributors, distributor parts, and brakes;

- b. Repair and replacement of tires and wheels, excluding recapping or regrooving;
  - c. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors and engine coolants;
  - d. Repair and replacement of car radios, CD players, amplifiers, speakers, and similar electronic devices;
  - e. Cleaning and flushing of radiators only when flushed into water-tight containers;
  - f. Repair and replacement of fuel pump and line repairs;
  - g. Minor servicing and adjustments;
  - h. Minor motor adjustments, that do not involve the removal of the heads or replacement of head gaskets or crankcases, or the prolonged revving of the motor;
  - i. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating;
  - j. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, ribbing, polishing, waxing, and the application of paint sealants.
- 4. All by-products or waste fuels, lubricants, chemicals, and other products shall be properly disposed of.
  - 5. No vehicle shall be stored in a “jacked-up” position, on concrete blocks, or other similar type of lift or support equipment for more than seventy-two (72) consecutive hours in a seven (7) day period when located in the front yard between the principal building and the public street, excluding alleys, nor within any required setback, unless completely covered with a “car cover” (an item designed, manufactured, sold, and intended to be used to cover motor vehicles).
  - 6. All exterior work or that work being completed outside of a completely enclosed building shall be performed during daylight hours. Otherwise, all maintenance, repair and servicing operations occurring during times other than the hours of between 8:00 a.m. and 8:00 p.m. shall be conducted within a completely enclosed building and completely undetectable from adjacent properties through soundproofing the building.
  - 7. Neither of the following shall be maintained or repaired upon residential lots in the Residential Districts nor Mixed Use Districts:
    - a. Motor vehicles or trucks with an aggregate gross vehicle weight rating of more than ten thousand (10,000) pounds;
    - b. Vehicles not owned or leased by an owner or occupant of the lot.

**Section 1223. Sale of Personal, Passenger, or Recreational Motor Vehicles.**

- A. In all zoning districts, the sale of personal, passenger, or recreational motor vehicles is permitted subject to the following criteria:
  - 1. Owners and/or occupants of the lot may display a maximum of two (2) personal, passenger, or recreational motor vehicles titled to the land owner or occupant of the building or lot, for sale at any time. Such displays shall be for a maximum of sixty (60) days not more than twice a calendar year. Two (2) signs a maximum of six (6) square feet each may be displayed per vehicle. All such vehicle sale activities shall be in accordance with applicable state regulations.
  - 2. Neither of the following shall be sold on residential lots in the Residential Districts or Mixed Use Districts:
    - a. Motor vehicles or trucks with an aggregate gross vehicle weight rating of more than ten thousand (10,000) pounds;
    - b. Vehicles not owned or leased by a resident or owner of the lot.
  - 3. Otherwise, it shall be considered motor or automobile, heavy equipment and similar motor vehicle sales and shall comply with all applicable provisions set forth in Part 16 of this Chapter relating to *Automobile, Boat, Heavy Equipment, Mobile / Manufactured Home, Recreational Vehicle, and Other Similar Motor Vehicle Rental / Sales, Repair / Servicing, Washing, and/or Fuel / Gasoline Sales*.

**Section 1224. Satellite Dish Antennas.**

- A. In all zoning districts, satellite dish antennas are permitted subject to the following criteria:

1. Consideration shall be given to the physical characteristics of the surrounding neighborhood, the property, the location of existing structures, and the feasibility of obtaining reception in the siting of satellite dish antennas.
2. Satellite dish antennas may be located on accessory structures, such as garages or sheds.
3. Satellite dish antennas should be attached to the rear of the principal structure in the following locations (in order of preference):
  - a. On the rear building line (wall) of any structure;
  - b. The rear slopes of the roof; or
  - c. The center of a flat roof;
4. Satellite dish antennas attached to a structure shall be sited at least eight (8) feet above adjoining ground level.
5. Satellite dish antennas should employ colors that tend to mask their appearance and that are appropriate to the colors of structures upon which they are mounted.
6. All freestanding, detached, ground mounted and freestanding satellite dish antennas shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
7. In no case shall satellite dish antennas project into any public right-of-way (including streets, alleys, sidewalks, etc).
8. The location of the satellite dish antennas shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
  - a. Traveling within a public right-of-way including sidewalks and streets;
  - b. Entering or leaving the lot or adjacent lots (including access drives and driveways); and
  - c. Shall be not located within a clear-sight triangle as set forth in Part 14 of this Chapter relating to *Driveways and Access Drives*.
9. Notwithstanding the standards in this Section, these standards shall not conflict with or supersede any rule or regulation relating satellite dishes as governed by the Federal Communications Commission under the federal Telecommunications Act of 1996.

**Section 1225. Swimming Pools, Private Household.**

- A. In all zoning districts, private household outdoor swimming pools are permitted subject to the following criteria:
  1. All swimming pools shall comply with the requirements of Chapters 377 relating to swimming pools and 133 relating to buildings.
  2. No swimming pool shall be permitted to be located in the front yard between the principal building and the public street, excluding alleys, or within any required front setback.
  3. Swimming pools shall be set back a minimum of five (5) feet from any lot line, and any associated decking shall comply with accessory structure and use yard and setback requirements for the applicable zoning district.
  4. Water shall not be discharged from a swimming pool directly onto any public right-of-way or within ten (10) feet of any adjacent property without the applicable owner's consent.
  5. Pools shall not be located over a drainage, utility, or access easement.
  6. All on-site, outdoor lighting shall be designed to prevent glare to adjoining properties by employing hooded, shielded, or screened fixtures that confine glare to the site, and shall comply with all provisions for lighting in Part 12 of this Chapter relating to *Performance Standards for All Uses*.
  7. These standards shall not apply to "kiddie" or "wading" pools, or pools designed with pools walls not capable of holding water at a depth of more than twenty-four (24) inches of water.

**Section 1226. Temporary Structures.**

- A. In all zoning districts, the following temporary structures are permitted on a temporary basis subject to the following criteria:

1. Temporary Construction Sheds and Trailers are permitted on a temporary basis subject to the following criteria:
  - a. Temporary construction sheds and trailers shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every one hundred eighty (180) days.
  - b. Temporary construction sheds and trailers shall be located on the lot on which the construction is progressing and shall not be located within ten (10) feet of any lot line abutting an existing residential use.
  - c. Temporary construction sheds and trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.
  - d. Temporary construction sheds and trailers may be permitted to be used as a temporary sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be five hundred (500) square feet.
2. Temporary, non-traditional storage units, including those commercially known as “pods” or enclosed “containers” of a box trailer with or without wheels, are permitted on a temporary basis subject to the following criteria:
  - a. Temporary, non-traditional storage units shall be permitted for a maximum period of sixty (60) consecutive days in any one (1) calendar year. This period may be extended upon written request to the Zoning Officer for a period not exceeding one hundred eighty (180) days.
  - b. Temporary, non-traditional storage units shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
  - c. No temporary, non-traditional storage units, shall be used for permanent storage.
3. The temporary storage of portable dumpsters and bulk materials, including, but not limited to stone, mulch, firewood, and building materials within the public right-of-way of a street under the jurisdiction of the Borough shall be permitted in all zoning districts, subject to the following conditions:
  - a. The temporary storage shall not exceed forty eight (48) hours, unless otherwise approved by the designated Paxtang Borough Police Chief or designee:
  - b. The location of the storage shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
    1. Traveling within a public right-of-way including sidewalks and streets;
    2. Entering or leaving the lot or adjacent lots (including access drives and driveways); and
    3. Shall be not located within a clear-sight triangle in accordance with Part 14 of this Chapter relating to *Driveways and Access Drives*.
  - c. The location of the storage shall be directly in front of the lot, and shall not extend in front of adjacent lots without the applicable owner’s consent.
  - d. All items (objects and material) associated with the temporary storage shall be marked or otherwise designated with reflective material, lighted, or other material or method acceptable to the Borough Police Chief, sufficient to identify the outline of the object or material.

**Section 1227. Yard and Setback Exceptions and Alterations.**

- A. In all zoning districts, required yard and setback exceptions and alterations are permitted subject to the following criteria:
  1. Projections into Required Yards and/or Setbacks.
    - a. Covered and uncovered stoops less than thirty (30) square feet, and related awnings and hand railings, may project into required yards or setbacks, not more than five (5) feet.
    - b. Patios, terraces, decks, and other similar uncovered structures provided the structure elevation shall not be more than three (3) feet above the yard grade, may extend or project into required side or rear yard or setback not more than five (5) feet as long as there is a minimum of five (5) feet remaining between the structure and the lot line.
    - c. Cornices, eaves, sills, or other similar architectural features such as gutters, bay windows, window awnings, chimneys, or similar structures, including solar energy systems,

attached to the wall of any building, may extend or project into any required yard or setback, not more than three (3) feet.

- d. Exterior stairways, fire escapes, or other required means of egress, ground-mounted doors for basement access, or other similar structures that do not include space usable by persons may extend or project into a side or rear yard or setback of a lot, not more than five (5) feet as long as there is a minimum of five (5) feet remaining between the structure and the lot line.
- e. Covered porches and those porches with enclosed habitable spaces, shall be considered as part of the principal building and shall not extend or project into any required yard or setback.
- f. Exterior walkways, sidewalks, stairs, and related hand railings, window wells, and such other structures customarily incidental to the principal or accessory building, may extend or project into any required yard or setback of a lot provided the structure height shall be not more than twelve (12) inches above the yard grade. The maximum structure height shall not apply to related hand railings.
- g. For all handicapped ramps, landings, and other features necessary to provide entrance and accessibility to a building which project into any required yard or setback, see Chapter 133 relating to buildings and the reasonable accommodation provisions set forth in Part 17 of the Chapter relating to *Administration*.

2. Yard and Setback Alterations.

- a. Front Yard and Setback. Except as otherwise provided in this Chapter, on a lot proposed for development, where the required front setback regulations for the applicable zoning district are greater than the actual distances that the existing buildings on abutting lots are setback from the street right-of-way, the required front yard and setback may be altered to be similar to those distances between existing principal buildings and the street right-of-way on the abutting lots, in accordance with the following standards:
  - (1). Identify the existing principal buildings on the lots abutting the lot proposed for development. Calculate the average setback distance between the existing principal buildings and the street rights-of-way line(s) on the abutting lots.
    - (a). If an abutting lot is vacant, the required setback of the abutting vacant lot shall be assumed to be the minimum front setback standard regulated in the applicable zoning district.
    - (b). For corner lots, this value shall be calculated using each abutting lot, which includes those abutting lots having frontage on and the existing principal buildings oriented toward the intersecting street.
  - (2). The front building setback for the building on the lot proposed for development shall be no closer toward, and no farther away from, the street right-of-way than the front building line of existing buildings on abutting lots, unless all buildings on the abutting lots have the same building setback distance.
    - (a). Front building façades and/or covered front porches shall be permitted to fulfill this requirement.
  - (3). No building shall extend into any street right-of-way.

## PART 13

### SIGN REGULATIONS

#### Section 1301. Purpose and Applicability.

A. Purpose.

- 1. This Part 13 of this Chapter is intended to: promote and maintain overall aesthetic quality of the community; establish time, place and manner of regulations for the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.

B. Permit Required.

- 1. A zoning permit shall be required for all signs except for:

- a. Signs meeting the requirements of Part 13 of this Chapter relating to *Miscellaneous Signs Not Requiring Permits*; and
  - b. Non-illuminated window signs constructed of paper, poster board or similar materials that are not of a permanent nature. The only signs that shall be allowed are the types, sizes and heights that are specifically permitted by this Part 13 of this Chapter within the applicable zoning district.
- C. Changes on Signs.
  - 1. Any lawfully existing sign (including legally non-conforming signs) may be painted or repaired or changed in logo or message without a new permit under this Part, provided that the changes do not increase the sign area, or otherwise result in non-compliance, or an increased non-conformity with this Part 13 or Part 15 of this Chapter relating to *Non-Conforming Signs*.

**Section 1302. General Regulations for All Signs.**

- A. Signs shall be constructed of durable material and maintained in good condition.
- B. No sign within Paxtang Borough shall be in a state of disrepair, have the appearance of complete neglect, rotting or falling down, illegible, or have loose parts separated from original fastenings.
- C. Signs shall be maintained in a structurally safe manner, and shall not endanger the safety of the building or premise, or endangers the public safety.
- D. Signs, excluding Borough approved community murals that are painted upon or displayed upon a building or structure shall be regarded as a flat wall (parallel) sign and the regulations pertaining thereto shall apply.
- E. Each sign shall be removed when the circumstances leading to its erection no longer apply in accordance with Part 13 of this Chapter relating to *Abandoned Signs*.
- F. Signs in the Mixed Use Districts, Commercial / Industrial Districts, and Other Districts may be illuminated by floodlights or spot lights that shall be so shielded, installed, and aimed that they do not project their output into the windows of buildings on adjacent lots, past the sign being illuminated, skyward, onto adjacent properties, or public rights-of-way, and shall comply with Part 12 of this Chapter relating to *Performance Standards for All Uses*.
- G. Internally illuminated signs, designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign, including, but not limited to neon, shall be permitted within the DT Zoning District and Commercial / Industrial Districts, provided that all such lighting emitted from the sign shall not cause a glare, nor emit direct light transmitted to other properties or public rights-of-way, and shall comply with Part 12 of this Chapter relating to *Performance Standards for All Uses*.
- H. Flashing, blinking, strobe, twinkling, animated, streaming or moving signs of any type shall be permitted in the Commercial / Industrial Districts, and shall comply with Part 12 of this Chapter relating to *Performance Standards for All Uses*. Otherwise, in the MNB and DT Zoning Districts signs may only change from one (1) message to another message provided the message does not change more than once (1x) every hour, except that displays of time and temperature may change more frequently. In addition, flashing lights visible from the public right-of-way shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit seasonal Christmas lighting or displays that comply with this Part 13 and Part 12 of this Chapter relating to *Performance Standards for All Uses*.
- I. No sign shall be located so as to interfere with visibility for motorists at street rights-of-way, access drive, or driveway intersections.
  - 1. Signs shall be positioned so that they do not create a traffic danger, nor interfere with any clear sight triangle as defined in Part 14 of this Chapter relating to *Driveways and Access Drives*.
- J. No sign shall be of such character, form, shape or color that it imitates or resembles any official traffic sign, signal, or device nor shall it have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street.
  - 1. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lights.
  - 2. No sign shall, by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers, either when leaving or entering a roadway from another roadway, access drive, or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
  - 3. No signs shall make use of words such as “stop”, “look”, “one-way,” “danger,” “yield” or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic.

- K. All electrically illuminated signs shall be constructed to the standards of Chapter 133 relating to buildings.
- L. No sign shall be erected displaying words or pictorially depicting or giving a visual representation of any type of explicit sexual materials, hardcore materials, specified anatomical areas, specified sexual activities as defined in Part 2 of this Chapter relating to *Definitions*.
- M. No sign shall be erected or located as to prevent free ingress or egress from any window, door, or fire escape.
- N. No sign shall be placed in such a position that it will obscure light or air from a building.
- O. No sign shall be permitted to be attached to a public utility pole.
- P. In the event that a symbol, trademark, or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use or business, that symbol, trademark, or figure is to be computed as part of the total allowable sign area.
- Q. No sign shall contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Chapter.
  - 1. Only those signs referring directly to services, materials, or products made, sold, or displayed on the premises shall be permitted, except as otherwise provided in this Part 13 of this Chapter.
- R. No sign shall emit smoke, visible vapors or particles, sound or odors.
- S. Any sign attached to a building shall not be placed on the roof, be higher than the wall to which it is attached, or located on a parapet wall.
- T. No sign shall be placed on nor affixed to any vehicle or trailer:
  - 1. In such a manner that the carrying of such sign is no longer incidental to the vehicle's primary purpose of transporting persons and goods; and
  - 2. That is parked on a public right-of-way, or public or private property so as to be visible from a public right-of-way are prohibited where the apparent purpose is to advertise a product or direct people to a business, organization, or other activity.
- U. Unless otherwise permitted by the Borough, no sign located on public property or a public right-of-way shall bear any business advertising or announcement.
- V. No sign shall be painted on, attached to, or supported by a tree, stone, cliff or other natural object.
- W. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than thirty-three and one-third (33 1/3) percent of the total display window area for a period not to exceed ten (10) days.

**Section 1303. Determination of Size of Sign Area.**

- A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
- B. Where a sign has two (2) or more faces, the area of all sign faces shall be included in determining the area of the sign; except that a sign may have two (2) sign faces if they are
  - 1. Placed back-to-back;
  - 2. The interior angle formed by the two (2) faces is less than thirty degrees (30°); and
  - 3. The two (2) faces are at no point no more than three (3) feet from each other, then only the sign area of only the larger face shall be used to determine the total sign area of the sign(s).

**Section 1304. Miscellaneous Signs Not Requiring Permits.**



**TABLE 13-1  
MISCELLANEOUS SIGNS NOT REQUIRING PERMITS**

*See footnotes at the end of the table.*

| Type and Definition of Signs Not Requiring Permits  | Max. No. of Signs per Lot  | Max. Sign Area per Sign* on a Residential Lot | Max. Sign Area per Sign* on a Non-Residential Lot * | Other Requirements  |
|---|--|---|---|---|
| <u>Athletic Field Signs</u> – Such as those commonly found on the inside side of outfield walls / fences of baseball fields   | N/A  | N/A   | N/A   | Signs shall only be placed facing the ball field.   |
| <u>Christmas Tree Sign</u> – Advertises the seasonal sale of Christmas trees  | 2  | 8 sq. ft.                                     | 20 sq. ft.  | Shall only be posted during seasons when such products are actively offered for sale at a maximum of fourteen (14) days prior to event and removed a maximum of four (4) days after event   |
| <u>Charitable Event Sign</u> – Advertises a special event that primarily is held to benefit an established tax-exempt non-profit organization   | 2  | 4 sq. ft.                                     | 20 sq. ft.  | Shall be placed a maximum of fourteen (14) days prior to event and removed a maximum of four (4) days after event   |
| <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 regular place of business                    | 1 per company working on the site  | 4 sq. ft.                                     | 20 sq. ft.  | Shall only be permitted while such work is actively and clearly underway and a maximum of four (4) days afterward. Shall not be illuminated.  |
| Apartment numbers or parking courts in a development, fire lanes, parking or similar information regarding the same lot as the sign is on, and that does not include advertising  | N/A  | N/A   | N/A   |   |
| <u>Flag</u> – A banner or pennant made of fabric or materials with a similar appearance that is hung from a pole in such a way to flow in the wind, and that includes the words “Open” or some type of advertising message. | 1  | 15 sq. ft.                                    | 20 sq. ft.  | Governmental flags and flags without an advertising message are not regulated by this Part 13 of this Chapter. Also, a corporate flag may be displayed on a flag pole.  |
| <u>Identification Sign</u> – Only identifies the name and/or occupation of the resident/occupant and/or the name, street address and/or use of a lot, but that does not include other advertising                           | 1  | 2 sq. ft.                                     | 2 sq. ft.   | No freestanding sign permitted.   |
| <u>Open House Sign</u> – Advertises the temporary and periodic open house of a property for sale or rent  | 2 per event  | 4 sq. ft.                                     | 4 sq. ft.   | Shall be placed maximum of four (4) days before open house begins, and be removed max. of twenty-four (24) hours after open house ends.   |
| <u>Opinion and Election Signs</u>   | Shall comply with all general and specific sign regulations for signs in the applicable zoning district in this Part 13 of this Chapter. |   |   | Persons posting opinion and election signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Opinion and election signs shall not be placed on a property without the prior consent of the owner. |

| Type and Definition of Signs Not Requiring Permits   | Max. No. of Signs per Lot       | Max. Sign Area per Sign* on a Residential Lot | Max. Sign Area per Sign* on a Non-Residential Lot *                       | Other Requirements   |
|--|---------------------------------|---|---|--|
| <u>Public Services Sign</u> – Advertises the availability of restrooms, telephone or other similar public convenience.   | No max.                         | 2 sq. ft.                                     | 2 sq. ft.   |  |
| <u>Real Estate Sign</u> – Advertises the availability of property on which the sign is located for sale, rent or lease.  | 1 per street that the lot abuts | 4 sq. ft.                                     | 15 sq. ft.  | Shall only be placed on the property while it is actively for sale, lease, or rent, and shall be removed a maximum of seven (7) days after settlement or start of lease. |
| <u>Roadside Stand Sign</u> – for the sale of agricultural products grown and sold upon the same property, including crops and gardening and agricultural operations  | 2 per property                  | 6 sq. ft.                                     | 6 sq. ft.   |  |
| <u>Community Service Organization / Place of Worship Sign</u> – An off-premises sign stating name of a recognized incorporated community 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 | 1                               | 2 sq. ft.                                     | 2 sq. ft.   |  |
| <u>Special Sale Signs</u> – Temporary banners, flags, and other signs that advertise a special sales event or grand opening at a lawful principal business.  | 2 per lot                       | Not permitted                                 | Total of 30 sq. ft. for all such banners, flags and other temporary signs | Shall be displayed a maximum of seven (7) days per event. Such signs shall not flash or obstruct safe sight distances.   |
| <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 sq. ft.                                     | 2 sq. ft.   |  |

Abbreviations: “max.” = maximum; “min.” = minimum; “hrs.” = hours  
\* A “Non-residential Lot” shall be considered a lot occupied by a lawful principal commercial, industrial, public / semi-public / institutional, or mixed (commercial / residential) use.”

**Section 1305. Signs Not Regulated by This Part 13 of This Chapter.**

- A. Historic Sign
  - 1. A sign that memorializes an important historic place, event or person and that is specifically authorized by the Borough, county, or a state or federal agency.
- B. Holiday Decorations
  - 1. Decorations that commemorate a holiday recognized by the Borough, county, state or federal government and that does not include advertising.
- C. Not Readable Sign
  - 1. A sign that is not readable from any public street or any exterior lot line.
- D. Official Sign
  - 1. A sign erected by the federal, state, county, the Borough, or other legally constituted governmental body, or specifically authorized by the Borough ordinance or resolution, and which exists for public purposes.

- E. Required Sign
1. A sign that only includes information required to be posted outdoors by a government agency or the Borough.
- F. Right-of-Way Sign
1. A sign posted within the existing right-of-way of a public street and officially authorized by the Borough or PennDOT.

Section 1306. Freestanding, Wall (Parallel), and Window Signs.

- A. The following signs are permitted within the specified zoning districts, in compliance within the following regulations

TABLE 13-2  
FREESTANDING, WALL (PARALLEL), AND WINDOW SIGNS  
See footnotes at the end of the table.

| Type of Use / Zoning District  | Freestanding Signs  |  | Maximum Area of Wall (Parallel) Signs   | Maximum Area of Window Signs  |
|--|---|--|---|---|
|  | Maximum Area and Number of Freestanding Signs   | Maximum Total Height of Freestanding Signs   |   |   |
| Home Occupation Sign<br>Advertises a permitted home occupation                             | One (1) sign per lot with a maximum area of 6 sq. ft. Otherwise, freestanding signs shall not be permitted in the SR, PAC, or TN Zoning Districts                                       | 4 feet, Otherwise, freestanding signs shall not be permitted in the SR, PAC, or TN Zoning Districts  | 5 sq. ft. per use   | May be used in place of a wall (parallel) sign with the same restrictions.  |
| Residential Districts, with these signs limited to allowed principal non-residential uses. | Freestanding signs shall not Permitted in Residential Districts.  | Freestanding signs shall not Permitted in Residential Districts.   | 12 sq. ft. per use  | May be used in place of a wall (parallel) sign with the same restrictions. Such signs shall be on the inside of windows or printed on the window itself.  |
| Mixed Use Districts*   | Freestanding signs shall not be permitted in the PAC and TN Zoning Districts. Otherwise, only one (1) freestanding sign per use with a maximum area of 12 sq. ft.** shall be permitted. | Freestanding signs shall not be permitted in the PAC and TN Zoning Districts. Otherwise, when permitted the maximum height shall be 5 feet | 15 sq. ft. per use  | Temporary non-illuminated window signs are permitted per Part 13 of this Chapter relating to <i>General Regulations for All Signs</i> . Other window signs are regulated under wall (parallel) signs. Such signs shall be on the inside of windows or printed on the window itself. |
| Commercial / Industrial Districts*   | One (1) sign per use with a maximum area of 24 sq. ft.**, ***, ****   | 15 feet  | 5% of the vertical area of the building side on which the signs are attached, but in no case exceeding a maximum total of 175 square feet per building. | Temporary non-illuminated window signs are permitted per Part 13 of this Chapter relating to <i>General Regulations for All Signs</i> . Other window signs are regulated as wall (parallel) signs.  |
| Other Districts*   | One (1) sign per use per street that the lot abuts, each with a maximum area of 18 sq. ft.**  | 5 feet   | 20 sq. ft. per use  | Temporary non-illuminated window signs permitted per Part 13 of this Chapter relating to <i>General Regulations for All Signs</i> . Other window signs are regulated as wall (parallel) signs.  |

\* In the Mixed Use Districts and Commercial / Industrial Districts, the following additional signs shall be allowed:

1. A maximum of one (1) projecting sign shall be permitted per business, provided:
  - a. Such sign has a minimum clearance over the sidewalk and the grade directly below the sign of eight (8) feet unless a differing standard is established in Chapter 133 relating to buildings.
  - b. Has a maximum sign area of twelve (12) square feet for one (1) side (but permitted to a projecting sign have two (2) sides, with no one (1) side exceeding twelve (12) square feet).
  - c. Is securely attached to the building.
2. A maximum of one (1) additional wall (parallel) sign or projecting sign shall be permitted per business, provided:
  - a. The lot upon which the business is located is provided with lot access at the rear of lot from an alley, and parking is provided at the rear of the principal building in which the non-residential use is located.
  - b. The total maximum sign area shall be one-half (1/2) of the total permitted sign area for the applicable sign type in the respective zoning district.
  - c. Such sign shall only be located on the rear of the principal building in which the non-residential use is located, and shall face the parking lot.
  - d. Such sign shall comply with all other sign standards provided for in this Part 13 of this Chapter.
3. A maximum of one (1) sidewalk sign (or “a framesign”) shall be permitted per business provided:
  - a. Such sign has a maximum sign area of eight (8) square feet on each of two (2) sides, has a maximum separation width of three (3) feet, and has a maximum height of four (4) feet.
  - b. Such sign is taken indoors during all hours when the business is not open to the public.
  - c. Such sign is not in a location that would interfere with pedestrian traffic, emergency access or parking spaces and does not interfere with a four (4) feet wide minimum clear path for pedestrians, and such sign is kept as close to the building as is feasible.
  - d. Such sign is well-maintained and durably constructed.

\*\* If the permitted freestanding sign area is not used, such sign area may be added to the permitted wall (parallel) sign area. In the Commercial / Industrial Districts, an automobile, boat, heavy equipment, mobile / manufactured home, recreational vehicle and similar motor vehicle rental / sales, repair / service, washing and/or fuel / gas sales may also include an additional twenty-four (24) square feet of sign area to display fuel / gas prices.

\*\*\* If a lot includes three (3) or more distinct non-residential establishments, then along a single street, the maximum freestanding sign area may be increased to forty (40) square feet.

\*\*\*\* If a lot includes ten (10) or more distinct non-residential establishments and is adjacent to two (2) or more public street rights-of-way, then one (1) additional freestanding sign shall be permitted on each of the streets, each with a maximum sign area of one hundred (100) square feet.

#### B. Placement and Maximum Height of Wall (Parallel) Signs

1. A wall (parallel) sign shall not be placed upon a wall that faces onto the Residential Districts or an existing residential dwelling in the Mixed Use District. This shall not prevent the placement of a wall (parallel) sign on a building side that faces onto an abutting public right-of-way.
2. The maximum height of a wall (parallel) sign shall be equal to the top of a structural wall to which the sign is attached. A sign shall not be attached to a parapet wall or to a pitched or mansard roof, and shall not extend above a roof.
3. A sign may be placed on a canopy over gasoline sales, however, the square footage of such sign shall be included as permitted wall (parallel) sign area.

#### C. Portable Signs (Including “Signs on Mobile Stands”) and Other Temporary Signs

1. Portable signs are prohibited in all zoning districts, except as a temporary charitable event sign complying with this Part 13 of this Chapter and except for a sidewalk or “a frame” sign meeting the requirements of this Part 13 of this Chapter.

**Section 1307. Abandoned Signs.**

- A. Signs advertising a use that is no longer in existence shall be removed within ninety (90) days of the cessation of such use. If the owner of a property does not remove such sign within thirty (30) days after receiving a written notice from the Zoning Officer, the sign may be removed by the Borough at the expense of the property owner.
- B. These time limits shall not apply to a sign intended to be reused with a new sign face serving a building that is clearly temporarily vacant and being offered to new tenants or for purchase.

**Section 1308. Location of Signs.**

- A. Setbacks
  - 1. A sign shall not intrude into or project over an existing street right-of-way, unless specifically authorized by a permit from the Borough or PennDOT. The Borough Police Department, Zoning Officer, or the owner of a pole or tree shall have the authority to remove and dispose of signs attached to a utility pole or tree. The Paxtang Borough Council or PennDOT may approve a temporary banner over a street cartway to advertise a charitable event.
  - 2. Unless specifically stated otherwise, a freestanding sign shall be setback a minimum of two (2) feet from sidewalk and outside of any street right-of-way or lot line. Unless specifically stated otherwise, a freestanding sign shall be setback a minimum of ten (10) feet from a lot in the Residential Districts or an abutting lot with an existing residential dwelling in the Mixed Use Districts.
  - 3. These setbacks shall not apply to official signs, identification signs on mailboxes, public service signs, directional signs, service organization / place of worship signs, and rights-of-way signs.
- B. Sight Distance and Clearance
  - 1. No sign shall be so located that it interferes with any clear sight triangle and site distance requirements set forth in Part 14 of this Chapter relating to *Driveways and Access Drives*, Chapter 366 relating to streets and sidewalks; and/or Chapter 370 relating to subdivision and land development.
- C. Off-Premises
  - 1. Except as provided in Part of this Chapter 13 relating to *Off-Premise Signs (Including Billboards)*, no signs except permitted off-premise, official, opinion/election signs, public service signs, directional signs, service organization / place of worship signs, and rights-of-way signs shall be erected on a property to which it does not relate.
- D. Permission of Owner
  - 1. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received from the owner.

**Section 1309. Off-Premise Signs (Including Billboards).**

- A. Purposes: Off-premise signs are controlled by this Part 13 of this Chapter for the following purposes, to:
  - 1. Ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks.
  - 2. Prevent visual pollution in Paxtang and protect property values, especially in consideration of the fact that most commercial areas of Paxtang are within close proximity to existing residences.
  - 3. Prevent glare on adjacent property and streets.
  - 4. Avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards.
- B. Municipal Signs.
  - 1. Signs erected and maintained by the Borough are permitted by right in all zoning districts.
- C. PennDOT Signs.
  - 1. Signs erected and maintained by PennDOT are permitted by right in all zoning districts.
- D. Permitted Off-Premises Signs and Billboards. Off-Premises and billboards are permitted subject to the following criteria:

1. Off-premises signs and billboards are only permitted in the GB Zoning District.
2. Off-premises signs and billboards shall comply with the setback requirements of the applicable zoning district except that:
  - a. Off-premises signs and billboards shall be set back a minimum of one hundred (100) feet from property in the Residential Districts or existing residential use in the Mixed Use Districts.
  - b. Off-premises signs and billboards shall be separated by a minimum of three hundred (300) feet from any other off-premises signs and billboards on either side of a street and including existing billboards in other municipalities.
3. The maximum number of sign support structures for off-premises signs and billboards per property shall be one (1).
4. The maximum number of off-premises signs and billboards per sign structure shall be two (2).
5. The maximum permitted off-premises sign and billboard sign area shall be three hundred (300) square feet.
6. Off-premises signs and billboards constructed in a “side by side” or “over and under” manner shall not be permitted.
7. The maximum height of off-premises signs and billboards shall be whichever is the lesser of the following:
  - a. Twenty (20) feet above the ground level upon which the off-premise sign or billboard is located; or
  - b. Twenty (20) feet above the elevation of the centerline of pavement of the adjacent street at the point nearest the off-premises sign or billboard.

In addition, if off-premises signs and billboards include a solar-energy system, no portion of said system may extend ten (10) feet above the maximum permitted off-premises sign height or billboard height.

8. No off-premises sign or billboard shall be permitted wherever a Residential or Mixed Use District would be between the off-premises sign or billboard and the street toward which the off-premises sign or billboard is oriented.
9. No off-premises sign or billboard shall be placed on, in, or over any private property without notarized, written consent of the property owner in the form of a recorded easement.
10. No off-premises sign or billboard shall be attached to, upon, or above any building.
11. No off-premises sign or billboard shall be erected in such a manner as to block the view from the public street right-of-way of any existing business identification sign, occupied residential or non-residential structure, or limit or reduce the light and ventilation requirements relating to buildings.
12. No off-premises sign or billboard shall be erected in such a manner as to interfere with or otherwise obstruct pedestrian and vehicular traffic:
  - a. Traveling within a public right-of-way including sidewalks and streets;
  - b. Entering or leaving the lot or adjacent lots (including access drives and driveways); and,
  - c. Shall be not located within any required clear-sight triangle set forth in Part 14 of this Chapter relating to *Driveways and Access Drives*.
13. Off-premises signs and billboards may be illuminated provided that such lighting complies with this Part 13 and Part 12 of this Chapter relating to *Performance Standards for All Uses* and shall be designed to prevent glare to adjoining properties by employing full cut-off hooded, shielded, or screened fixtures that confine glare to the site. Lighting fixtures shall be placed above the off-

premises sign and billboard and aimed downward, rather than at the bottom of the off-premises sign and billboard aimed upward toward the sky.

- 14. The base of the off-premises sign or billboard support structure shall be screened in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*.
- 15. The rear side of any single sided (sign face on one [1] side) off-premises sign or billboard shall be one (1) color.

**PART 14**

**LOT ACCESS, PARKING, AND LOADING REGULATIONS**

**Section 1401. General Provisions.**

- A. The lot access, parking, and loading provisions of this Chapter shall apply as follows:
  - 1. For all structures erected and all uses established after the effective date of this Chapter, lot access, parking, loading, and stacking lanes shall be provided as required in this Part 14 of this Chapter.
  - 2. Change in Use or Expansion: Any existing structure or use at the effective date of this Part 14 of this Chapter that expands or results in a change of use shall be required to provide all of the required parking and loading facilities for the entire size and type of the resulting use, except as follows:
    - a. If an existing use includes less parking or loading facilities than would be required via this Part 14 of this Chapter relating to *Parking Requirements* and the applicant proves to the Zoning Officer that there is insufficient area on the lot to meet the required amount of parking or loading facilities, then that deficit of parking or loading facilities shall be “grandfathered” for new uses.

Example 1:

If an existing business office included five (5) existing parking spaces, but would be required to provide ten (10) spaces via this Chapter, there is a deficit of five (5) spaces. Therefore, if that business office is proposed to be converted to a retail business that would need fifteen (15) spaces, the proposed retail business would need to provide a total of ten (10) spaces (15 minus the preexisting deficit of 5).
    - b. When the intensity and/or density of any existing structure or use is increased by not more than ten (10) percent in the applicable measurement (e.g. dwelling units, gross floor area, seating capacity, lot area, impervious lot coverage, or other units of measurement specified in this Chapter) for required parking and loading facilities, and the applicant proves to the Zoning Officer that there is insufficient area on the lot to meet the required amount of parking or loading facilities, then no additional parking and/or loading facilities shall be required.

Example 2:

If an existing building included two thousand five hundred (2,500) square feet and a minor addition of two hundred fifty (250) square feet to the existing building was proposed, then additional parking would not be required.
  - 3. No parking or loading facility shall be used for any use that interferes with its availability for the parking or loading need it is required to serve.
    - a. The non-residential required parking and/or loading facilities shall be available to patrons, guests, deliveries, etc. throughout the hours of operation of the particular business or use for which such facilities are provided.
    - b. The residential required parking facilities shall be available to residents at all times for which such facilities are provided.
  - 4. Except where on-street parking is permitted to count toward required parking spaces as provided in this Part 14 of this Chapter relating to *Parking Reductions and Alterations*, the term “parking space” includes either covered garage space or uncovered, improved and stabilized parking space located outside of the public street right-of-way.
  - 5. Required lot access, parking, loading, stacking lanes, on-lot traffic circulation channels, and access aisles, shall not be deemed to be part of the open space of the lot on which it is located.



6. Required lot access, parking, loading, stacking lanes, on-lot traffic circulation channels, and access aisles shall not encroach onto any required buffer yards as required in Part 12 of this Chapter relating to *Buffer and Screening Regulations*.
7. All proposed lot access entrances and exits (ingress-egress) to the site or operation, and parking facilities, and loading facilities shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulate on or along abutting streets.
8. Unrestricted lot access along the entire length of a lot's street frontage shall not be permitted. Lot access entrances and exits shall be physically separated from public street rights-of-way by a grassed strip or other effective and suitable barrier (e.g. curbing, wheel stops / bumpers, bollards, etc.) against the ingress and egress of unchanneled motor vehicles.
9. Traffic flow and ingress-egress from lots shall not cause traffic hazards or vehicle backups upon abutting streets. Patron and customer vehicles waiting to enter and/or exit an establishment shall not be permitted to stack within the right-of-way of streets.
10. All access drives, other lots access points, parking facilities, loading facilities, stacking lanes, on-lot traffic circulation channels, and access aisles shall be clearly marked with paint, and permitted directional signs as applicable.
11. All driveways, access drives, other lots access points, parking facilities, loading facilities, stacking lanes, on-lot traffic circulation channels, and access aisles shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 360 relating to stormwater management, Chapter 370 relating to subdivision and land development, or any other construction materials specifications adopted by the Borough, and approved by the Borough Engineer.
12. All driveways, access drives, other lot access points, parking facilities, and loading facilities shall comply with all applicable provisions of Chapter 366 relating to streets and sidewalks, Chapter 400 relating to vehicles and traffic, and Chapter 370 relating to subdivision and land development.

#### **Section 1402. Driveways and Access Drives.**

##### **A. Driveways and Access Drives.**

1. Unless otherwise specified elsewhere in this Chapter, Chapter 370 relating to subdivision and land development, Chapter 366 relating to streets and sidewalks, or Chapter 400 relating to vehicles and traffic, driveways and access drives are subject to the following criteria:
  - a. No more than two (2) driveway or access drive connections per lot shall be permitted, and no driveway or access drive shall be closer than one hundred (100) feet on the same lot.
  - b. On corner lots or where more than one (1) intersecting street abuts the lot, a new curb cut or access for a driveway or access drive shall be provided on the street conveying the lesser amount of existing or proposed daily traffic. This specifically includes alleys.
  - c. Driveways and access drives shall not be:
    - (1). Less than forty (40) feet from the edge of the right-of-way of any street intersection;
    - (2). Within twenty (20) feet of an alley right-of-way;
    - (3). Less than five (5) feet from a fire hydrant,
    - (4). Less than:
      - (a). Two and one-half (2 ½) feet from abutting lot lines for driveways, unless a shared driveway is proposed; and
      - (b). Ten (10) feet from abutting lot lines for access drives, unless a shared access drive is proposed.

These distances shall also include driveway and access drive radii.

- d. Driveways and access drives shall not exceed a slope of eight (8) percent within twenty-five (25) feet of the street right-of-way line, and not more than fifteen (15) percent overall.

- e. At the street right-of-way, excluding alleys:
  - (1). Driveways providing access to a single car garage or parking area shall be limited to ten (10) feet in width, and for a double or two (2) car garage or parking area, the width shall be limited to twenty (20) feet. In no case shall a driveway be wider than twenty (20) feet at the right-of-way line; and
  - (2). Access drives shall be a minimum of twelve (12) feet in width per lane.
- f. In no case shall there be unrestricted access from a lot along the length of a street or alley.
- g. Where access drives and/or driveways are permitted along a street right-of-way at the front of the lot, and where sidewalks are installed or will be installed, then the access drive and driveway surfacing shall end at the backside (building-side) of the sidewalk, and on the front-side (street side) of the sidewalk. No access drive or driveway surfacing or related material shall extend over any sidewalk area. Sidewalk materials including the use of painted striping in accordance with Chapter 370 relating to subdivision and land development or any other construction materials specifications adopted by the Borough, and approved by the Borough Engineer, shall be continued across all access drives and driveways.
- h. Any portions of driveway or access drives located within the street right-of-way shall be paved in accordance with Borough specifications.
- i. Any driveway or access drive intersecting with a state or Borough owned street or road shall require the obtainment of a permit from the applicable entity.
- j. Driveway and access drive locations shall be delineated on all plans / permits, as applicable.
- k. Additionally, driveways and access drives shall be located so as to provide adequate sight distance and clear sight triangles at intersections with streets, including alleys. Such sight distances and clear sight triangles shall be provided in accordance with the following:
  - (1). Sight Distance at Intersections
    - (a). Proper sight distance shall be provided at all intersections in accordance with the most recent version of the PennDOT Design Manual - Part 2, Highway Design (Publication 13). Sufficient design and plan information shall be submitted with the plan application proving that this minimum standard will be achieved. Such design information shall be certified by a professional engineer licensed and registered by the Commonwealth of Pennsylvania to perform such design work.
      - 1). Sight distance based on ten (10) foot off of edge of cartway, an eye height of three and one-half (3 ½) feet to an object at three and one-half (3 ½) foot height.
  - (2). All access drive intersections shall be provided with appropriate stop control devices on street or access drive of lower classification.
  - (3). Clear Sight Triangles at Intersections
    - (a). Clear sight triangles shall include the area on each corner that is bounded by the line which connects the sight or “connecting” points located on each of the right-of-way lines of the intersecting street. The planting of trees, other plantings, signs, and structures exceeding three and one-half (3 ½) feet in height that would obstruct the clear sight across the area of the easements shall be prohibited. See Table 14-1 in this Section for required clear sight triangle dimensions as set forth by this Chapter. See Figure 14.1 Typical Clear Sight Triangle.

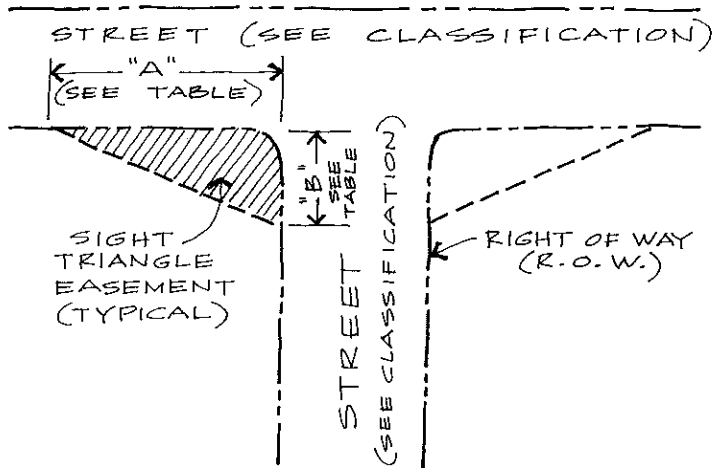


Figure 14.1 Typical Clear Sight Triangle  
(Source: The New Illustrated Book of Development Definitions, 1993)

TABLE 14-1  
CLEAR SIGHT TRIANGLE

| “A”<br>Distance in Feet |                  | “B” Distance in Feet |              |                  |                 |
|-------------------------|------------------|----------------------|--------------|------------------|-----------------|
|                         |                  | Alley                | Local Street | Collector Street | Arterial Street |
| 15 ft.                  | Alley            | 15 ft.               | 30 ft.       | 100 ft.          | 150 ft.         |
| 30 ft.                  | Local Street     | 15 ft.               | 30 ft.       | 100 ft.          | 150 ft.         |
| 100 ft.                 | Collector Street | 15 ft.               | 30 ft.       | 100 ft.          | 150 ft.         |
| 150 ft.                 | Arterial Street  | 15 ft.               | 30 ft.       | 100 ft.          | 150 ft.         |

Section 1403.     **Parking Requirements.**

A.            See Tables 14-2 to 14-4 for various Parking Schedules for minimum required parking spaces:

TABLE 14-2  
PARKING SCHEDULE - RESIDENTIAL

| Residential Uses   | Minimum Required Spaces  |
|--|--|
| Apartment Conversion   | 2 per dwelling unit  |
| Bed and Breakfast  | 2 per dwelling unit of owner/resident manager and other permanent residents of the dwelling, plus 1 for each guest/sleeping room   |
|  | Other uses beyond the dwelling unit and guest/sleeping rooms, and open to the public: Number of spaces normally required for similar uses listed elsewhere within this schedule  |
| Continuing Care Retirement Facility or Long Term Care Nursing Facility or Personal Care Facility, individual or in combination of: | Personal care or nursing care centers: 1 space for each 4 beds plus 1 space per employee on largest shift.   |
|  | Apartment units: 1.25 spaces per dwelling unit.  |
|  | Cottage units (single family units): 1 space per dwelling unit plus 1 space per 5 units for guest parking.   |
|  | Other uses not specified not specified in this parking schedule: Number of spaces normally required for uses listed elsewhere within this schedule   |
| Group Care   | 2 per dwelling unit, plus 1 for each 4 residents   |
| Group Home   | 2 per dwelling unit, plus 1 for each 4 residents   |
| Lodging and/or Boarding Home   | 2 per dwelling unit of owner/resident manager and other permanent residents, plus 1 space for each tenant/guest room/unit for let  |
| Mobile / Manufactured Home Park  | 2 per dwelling unit, plus if on-street parking is not provided, additional ½ space per dwelling unit shall be provided in a common visitor parking compound. Such visitor parking lots shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to any unit served. |

| Residential Uses                     | Minimum Required Spaces  |
|--------------------------------------|--|
| Multi-Family Dwelling                | 2 per dwelling unit, plus if on-street parking is not provided, additional ½ space per dwelling unit shall be provided in a common visitor parking compound. Such visitor parking lots shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to any unit served. |
| Single Family Attached Dwelling      | 2 per dwelling unit, plus if on-street parking is not provided, additional ½ space per dwelling unit shall be provided in a common visitor parking compound. Such visitor parking lots shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to any unit served. |
| Single Family Detached Dwelling      | 2 per dwelling unit  |
| Single Family Semi-Detached Dwelling | 2 per dwelling unit  |
| Two Family Detached Dwelling         | 2 per dwelling unit  |
| Other Residential Uses               | Other residential uses not specified in this parking schedule:<br>Number of spaces normally required for similar uses listed elsewhere within this parking schedule Table  |

**TABLE 14-3**  
**PARKING SCHEDULE – NON-RESIDENTIAL**

| Non-Residential Use   | Minimum Required Spaces   |
|---|---|
| Agricultural Operation  | 2 per dwelling unit, plus 1 for each non-resident employee on the peak shift  |
| Animal Hospital, Veterinary Office  | 2 per exam table, plus 1 per employee on the peak shift   |
| Automobile, Boat, Heavy Equipment, Mobile / Manufactured Home, Recreational Vehicle and Similar Motor Vehicle Rental / Sales, Repair / Service, Washing and/or Fuel / Gas Sales, individual or in combination of the following: | 1 per employee on the peak shift plus:  |
|   | Rental/Sales: 1 per 15 vehicles or units of motor vehicle equipment   |
|   | Repair/Service: 2 per service bay   |
|   | Washing: 1 per 200 square feet of office floor area, plus 3 stacking spaces per wash bay)   |
|   | Fuel/Gasoline Sales/Distribution: 1 per fuel pump which may be provided at fuel pumps at a ratio of not more than 2 per each pump (one [1] on each side), plus 1 for each employee on the peak shift.                             |
| Automobile Wrecking, Junk and Scrap Storage and Sales   | 1 per ½ acre, plus 1 per employee on the peak shift   |
| Bank  | 1 per 400 square feet of gross floor area, plus 1 per employee on the peak shift  |
| Billboard   | 1 per billboard   |
| B.Y.O.B. Club   | 1 per 200 square feet of gross floor area, plus 1 per employee on the peak shift.   |
| Cemetery  | 5, plus 1 per employee on the peak shift  |
| Clinic, Medical   | 4 per patient examination room, plus 1 per employee on the peak shift   |
| Clubhouse or Lodge, Private   | 1 per 200 square feet of gross floor area, plus 1 per employee on the peak shift.   |
| Commercial Recreation, Indoor   | 1 per 200 square feet of gross floor area, plus 1 per employee on the peak shift.   |
| Commercial Recreation, Outdoor  | 1 per 200 square feet of gross floor area for enclosed buildings, plus 1 per employee on the peak shift; or if completely outside of a structure 1 per each 3 users at maximum utilization, plus 1 per employee on the peak shift |
| Communication Antenna, Tower and Equipment Transmitting & Receiving Facility  | 1 per lot   |

| Non-Residential Use   | Minimum Required Spaces   |
|---|---|
| Community Garden  | no minimum required   |
| Convenience Store   | 1 per 100 square feet of net floor area, plus 1 per fuel pump, plus 1 per employee on the peak shift  |
| Copy Shop / Business Service  | 1 per 200 square feet of net floor area, plus 1 per employee on the peak shift  |
| Craftsman / Artisan Studio  | 1 per 300 square feet of gross floor area, plus 1 per employee on the peak shift  |
| Daycare, Commercial   | 1 per employee on the peak shift plus 1 per 6 client (adult or child) enrolled  |
| Farmers' / Flea Market, Outdoor                                     | 1 per 400 square feet of gross floor area open to and accessible to the public, plus 1 per employee on the peak shift   |
| Financial Service, Other  | 1 per 400 square feet of gross floor area, plus 1 per employee on the peak shift  |
| Food Service  | 1 per employee on the peak shift plus:  |
|   | Delivery: 1 per vehicle stored on site  |
|   | Direct Patron Food Sales/Consumption: 1 per 6 seats if restaurant is provided or 1 per 200 square feet of gross floor area open to and accessible to the public, whichever is greater   |
| Forestry  | 1 per employee on the peak shift  |
| Funeral Home  | 25 for 1st parlor, plus 10 for each additional parlor   |
| Home Improvement Center, Lumber Sales, and Building Materials Sales | 1 per 500 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 per employee on the peak shift  |
| Hospital  | 2 per 3 beds, plus 1 per employee on the peak shift   |
| Hotel   | 1 per guest/sleeping room, plus 1 per employee on the peak shift, plus one-half (½) of the spaces normally required for accessory uses listed elsewhere within this schedule  |
| Industrial Use, General   | 1 per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths. |
| Industrial Use, Light   | 1 per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths. |
| Kennel, Commercial  | 1 per each 15 animals based on maximum animal capacity, plus 1 per employee on the peak shift   |
| Laundry & Dry Cleaning Facility, Industrial                         | 1 per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths. |
| Laundry & Dry Cleaning, Personal                                    | 1 per 300 square feet of net floor area, plus 1 per employee on the peak shift  |
| Library   | 1 per 400 square feet of gross floor area, plus 1 per employee on the peak shift  |
| Liquor Store  | 1 per 200 square feet of net floor area, plus 1 per employee on the peak shift  |

| Non-Residential Use   | Minimum Required Spaces   |
|---|---|
| Mini-Storage Warehouse  | 1 per 25 storage units, plus 1 per employee on the peak shift   |
| Motel   | 1 per guest/sleeping room, plus 1 per employee on the peak shift, plus one-half (½) of the spaces normally required for accessory uses listed elsewhere within this schedule      |
| Municipal Owned Use   | Number of spaces normally required for similar uses listed elsewhere within this schedule   |
| Museum  | 1 per 400 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 per employee on the peak shift  |
| Natural Area or Wildlife Refuge                                     | 1 per acre or portion thereof   |
| Nightclub   | 1 per 100 square feet of net floor area, plus 1 per employee on the peak shift  |
| Office, Business and Professional                                   | 1 per 300 square feet of gross floor area, plus 1 per employee on the peak shift  |
| Office, Medical   | 2 per patient examination room, plus 1 per employee on the peak shift   |
| Parking Lot   | 1 per employee on the peak shift  |
| Parking Structure   | 1 per employee on the peak shift  |
| Park, Playground, and Other Non-Commercial Outdoor Recreational Use | 3 per acre or portion thereof   |
| Personal Service  | 1 per 300 square feet of net floor area, plus 1 per employee on the peak shift  |
| Place of Worship  | 1 per 3 seats based on maximum seating capacity, or 1 per 250 square feet of gross floor area, whichever is larger  |
| Plant Nursery   | 1 per 500 square feet of gross floor area (indoor and outdoor) open to and accessible to the public, plus 1 per employee on the peak shift  |
| Post Office   | 1 per 200 square feet of net floor area, plus 1 per employee on the peak shift  |
| Public / Private Utility Facility                                   | 1 per employee on the peak shift, plus 1 per vehicle stored on site   |
| Restaurant, Fast Food   | 1 per 2 seats, plus 1 for each 2 employees on the peak shift  |
| Restaurant, Sit Down  | 1 per 4 seats, plus 1 for each 2 employees on the peak shift  |
| Retail Business   | 1 per 200 square feet of net floor area, plus 1 per employee on the peak shift  |
| Sawmill   | 1 per employee on the peak shift  |
| School, Commercial  | 1 per 4 students, plus 1 per employee on the peak shift   |
| School, Public or Private, Primary - grades K – 6                   | 1 per each 30 students enrolled, plus 1 per employee, plus 1 per each 30 seats for auditorium, gymnasium, or multipurpose room  |
| School, Public or Private, Secondary- Grade 7+                      | 1 per each 5 students enrolled, plus 1 per employee, plus 1 per each 30 seats for auditorium, gymnasium, or multipurpose room   |
| School, Vocational  | 1 per 4 students, plus 1 per employee on the peak shift   |
| Sexually Oriented Business and/or Related Use                       | 1 per 200 square feet of net floor area, plus 1 per employee on the peak shift  |
| Tavern / Bar  | 1 per 4 seats, plus 1 for each 2 employees on the peak shift  |
| Theater, Indoor   | 1 per 3 seats based on maximum seating capacity, or 1 per 250 square feet of gross floor area, whichever is larger  |
| Therapeutic Massage Establishment                                   | 1 per table, plus 1 per employee on the peak shift  |
| Treatment Center  | 1 for each 3 patients/clients, plus 1 per employee on the peak shift  |
| University / College  | 1 per five 5 students enrolled, plus 1 space per employee, plus 1 per every 30 seats for auditorium, gymnasium, or multipurpose room plus, 1 space per 4 occupants in a dormitory |

| Non-Residential Use                        | Minimum Required Spaces   |
|--|---|
| Warehousing, Distribution, and Wholesaling | 1 per 1,000 square feet of gross floor area of the building up to 20,000 square feet, plus 1 for each 2,000 square feet gross floor area of the building up between 20,000 square feet and 40,000 square feet, plus 1 for each 3,000 square feet gross floor area of the building in excess of 40,000 square feet. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths. |
| Other Non-Residential Uses                 | Other non-residential uses not specified in this parking schedule:<br>Number of spaces normally required for similar uses listed elsewhere within this parking schedule Table   |

TABLE 14-4  
PARKING SCHEDULE - ACCESSORY

| Accessory Use                         | Minimum Required Spaces   |
|---------------------------------------|---|
| Accessory Apartment                   | 2 per dwelling unit   |
| Automated Banking Facility            | 2 when not associated with on-site principal bank or other financial service, otherwise no minimum required |
| Community Garden                      | no minimum required   |
| Daycare, Accessory                    | 2 per dwelling unit as part of principal use  |
| Daycare, Commercial                   | 1 per employee on the peak shift plus 1 per 6 client (adult or child) enrolled                              |
| Daycare, Family                       | 2 per dwelling unit as part of principal use, plus 1 per non-resident employee, plus 1 for patron use       |
| Drive-Thru Facility for Permitted Use | no minimum required   |
| Essential Services                    | no minimum required   |
| Home Occupation                       | 2 per dwelling unit as part of principal use, plus 1 per non-resident employee                              |
| No-Impact Home Occupation             | 2 per dwelling unit as part of principal use  |
| Outdoor Café / Dining                 | no minimum required   |
| Outside Display and Sales             | no minimum required   |

- B.      ADA Handicapped Accessible Parking Facilities. The required number of handicapped accessible parking spaces required by the Americans with Disabilities Act (ADA) shall be in accordance with the most recent version of the ADA Standards for Accessible Design of the United States Department of Justice and Chapter 133 relating to buildings, whichever is more restrictive. The applicant shall certify in writing or plan note that the application for development complies with all relevant ADA requirements. ADA handicapped accessible parking spaces may count toward the total number of required parking spaces for uses.
- C.      Computation of Spaces. When determination of the number of required parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (½) may be disregarded, and fractions over one-half (½) shall be interpreted as one (1) parking space.
- D.      Mixed Uses and More than One (1) Use per Lot. Except as otherwise provided in this Part 14 of this Chapter relating to *Parking Reductions or Alterations*, for mixed uses and lots with more than one (1) use provided, the total requirements shall be the sum of the requirements of the component uses computed separately.

**Section 1404.      Location and Design of Parking Areas.**

- A.      Single Family and Two Family Dwellings
1.      Lot access and off-street parking spaces for single family and two family dwellings shall consist of an improved and stabilized parking area, driveway, garage, carport, or combination thereof and shall be located on the lot it is intended to serve.
  2.      Off-street parking shall not be located between the principal building and the public street right-of-way, except for that part of the front yard that is occupied by a driveway leading to a garage or an improved and stabilized parking area, including turnaround.



3. No parking area shall be designed to require parked vehicles to back into a street right-of-way of an arterial or a collector street in order to access a parking space.
- B. Unless the applicant meets the requirements for shared parking provided in this Part 14 of this Chapter relating to *Parking Reductions or Alterations*, required parking spaces for single family attached dwellings on a common lot(s), multi-family dwelling uses, mixed uses, and non-residential uses shall be on the same lot and in the same zoning district as the principal use conforming to the following regulations.
1. Setbacks for parking areas shall be provided as follows:
    - a. All parking spaces and access drives shall be at least five (5) feet from any single family attached dwellings on a common lot(s), multi-family dwelling use, mixed use and non-residential use buildings located on a lot. The five (5) foot corridor thus established between the parking area and building shall be for the purpose of providing a pedestrian access walkway.
    - b. Except as set forth elsewhere in this Chapter, parking lots and areas for single family attached dwellings on a common lot(s), multi-family dwellings uses, mixed uses, and non-residential uses permitted in residential zoning districts shall:
      - (1). To the maximum extent feasible, be provided behind the rear building line of the principal building first (1<sup>st</sup>) and if not feasible, then may be located in the side yard behind the front building line of the principal building.
      - (2). Not be located in the front yard between the principal building and the public street, excluding alleys.
      - (3). Not be located on corner lots, on or adjacent to the intersection of two (2) streets.
      - (4). Be provided with a planting strip at least five (5) feet wide between the edge of the street right-of-way, including alleys, and/or abutting lot lines, and any off-street parking area authorized in all applicable yards which are adjacent to a public street, alley, and/or abutting lot. Planting strips between the right-of-way and the parking area shall be landscaped in accordance with Part 12 of this Chapter relating to *Landscaping and Vegetation Preservation*, across the entire lot in order to prohibit vehicular and pedestrian access, except at approved ingress and egress points, or unless permitted as part of an approved joint use and/or interconnected parking facility. Unless otherwise provided in this Chapter, including Part 12 of this Chapter relating to *Buffer and Screening Regulations*, parking areas shall be provided with screening of no less than eighty (80) percent opacity.
    - c. No parking area shall be designed to require motor vehicles to back into a street, excluding alleys, in order to exit the parking area.
    - d. Except for single family and two-family dwellings or in the case of valet parking when approved by a Conditional Use by the Borough Council, parking spaces and areas 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 motor vehicle.
    - e. Unless the applicant meets the requirements for shared parking provided in this Part 14 of this Chapter relating to *Parking Reductions or Alterations*, required parking spaces shall be located in the same zoning district as the principal use.
    - f. For institutional / civic uses:
      - (1). Off-street parking areas shall be provided and arranged so that persons do not have to cross arterial or collector streets abutting the site.
      - (2). Primary passenger “drop-off” and “pickup” areas should be provided on site and arranged so that the passengers do not have to cross traffic streets abutting the site, and passenger “drop-off” and “pickup” areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
  2. In addition to all standards for parking facilities provided in accordance Chapter 370 relating to subdivision and land development, parking facilities shall also comply with the following:
    - a. Internal Landscaped Islands. In parking areas or lots containing more than ten (10) new spaces, or expansion of existing parking areas containing more than four thousand (4,000) square feet or more than ten (10) parking spaces, whichever is lesser, internal landscaped islands shall be provided in accordance with the following:

- (1). One (1) internal landscape island shall be provided for every ten (10) parking spaces (or twenty [20] double loaded spaces).
- (2). Internal landscaped islands shall have a minimum width of four (4) feet.
- (3). Internal landscape islands shall be placed at between double loaded parking spaces and at each end of rows of parking, between parking spaces and adjacent drives and access aisles.
- (4). No more than ten (10) parking spaces shall be provided in an unbroken row without the provision of an internal landscape island designed to be parallel to the direction of the adjacent parking spaces, and which connects into the perpendicular internal landscaped island. Each internal landscape island shall have a minimum width of nine (9) feet and minimum length of eighteen (18) feet.
- (5). Internal parking islands shall be landscaped with plantings including one (1) shade tree, a minimum diameter of two and one-half (2 ½) inches measured at four and one-half (4 ½) feet above the finished grade, for each five (5) parking spaces.
- (6). The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with turf grass, shrubs or perennials either of which should not exceed two (2) feet in height, or with another material acceptable to the Borough Engineer.
- (7). Unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 360 relating to stormwater management, Chapter 370 relating to subdivision and land development, or any other construction materials specifications adopted by the Borough, and approved by the Borough Engineer for promoting sustainable stormwater management practices, all landscape islands and planting strip areas shall be enclosed by appropriate curbing in accordance with Chapter 360 relating to stormwater management, Chapter 366 relating to streets and sidewalks and Chapter 370 relating to subdivision and land development, or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface (e.g. wheel stops / bumpers, bollards, etc.), and shall be acceptable to the Borough Engineer.

b. Additionally, parking lot landscaping, trees, plantings, and screening shall be:

- (1). Planted with adequate unpaved surface around each for water and air.
- (2). Free of insect pests and diseases.
- (3). Perpetually maintained in a healthy condition by the property owner. Any required planting that dies, is removed, or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of one hundred fifty (150) days.
- (4). Parking lot screening shall be provided in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*.

c. Lighting.

- (1). Parking lots and structures shall be lit during evening, nighttime, and early morning operating hours as applicable.
- (2). All lighting standards shall be located on interior landscaped islands and not on the parking lot surface.
- (3). All on-site, outdoor lighting of off-street parking areas shall comply with Part 12 of this Chapter relating to *Performance Standards for All Uses*.

d. Surfacing and Maintenance Standards for Parking Facilities.

- (1). Parking facilities shall be so arranged as to provide for orderly and safe parking and short term storage of motor vehicles.
- (2). All parking spaces shall be marked with paint, provided with wheel stops / bumpers, or other methods so as to indicate their location.
- (3). Parking facilities shall be kept clean and free from rubbish and debris.

3. Motorized Vehicle Parking Facilities.

a. Size Standards.

- (1). See Table 14-6 in this Section for minimum required parking space, access aisle, and other design standards:

TABLE 14-6  
PARKING STANDARDS

| Angle        | Minimum Required Parking Space Width - Measured from inside edge of any parking space striping | Minimum Required Parking Space Depth | Minimum Required Access Aisle Width: One (1) Way Traffic | Minimum Required Access Aisle Width: Two (2) Way Traffic |
|--------------|--|--------------------------------------|--|--|
| Parallel     | 8 ft.  | 22 ft.                               | 12 ft.   | 20 ft.   |
| 0.1 – 34.99° | 10 ft.   | 19 ft.                               | 12 ft.   | 20 ft.   |
| 35 – 54.99°  | 10 ft.   | 21 ft.                               | 15 ft.   | 20 ft.   |
| 55 – 89.99°  | 10 ft.   | 22 ft.                               | 18 ft.   | 22 ft.   |
| 90°          | 9 ft.  | 18 ft.                               | 20 ft.   | 22 ft.   |

- (2). Parking space length and width can be increased from minimum sizes where appropriate in accordance with location, use, and turn-over rate.
- (3). Tractor and trailer minimum required parking space sizes
- (a). Tractor only parking shall be a minimum width of twelve (12) feet and a minimum length of thirty one (31) feet.
- (b). Tractor and trailer parking shall be a minimum width of twelve (12) feet and a minimum length of seventy (70) feet.

b. General Standards.

- (1). Angled parking may be pull in or reverse (back-in).
- (2). On-street parking on at least one (1) side of the street is permitted on access drives and proposed streets with speeds equal to or less than thirty (30) mph.
- (3). Where provided, on-street parking shall not be located within twenty-five (25) feet of a cartway intersection in order to provide safe sight distance and adequate turning radius for large vehicles.
- (4). Off-street parking areas shall be oriented to, and within a reasonable walking distance of, the uses they are designed for, and shall be designed to be consistent with adjacent neighborhoods.
- (5). Parked vehicles adjacent to sidewalks and pedestrian walkways shall not overhang or extend over the sidewalk or pedestrian walkways in a manner that restricts pedestrian circulation. Where such overhang is not restricted by a wheel stop or other device, sidewalks shall have a four (4) foot minimum clearance width from any obstacles.
- (6). Not less than a two (2) foot radius of curvature shall be permitted for horizontal curves in parking areas.
- (7). All dead end parking lots shall be designed to provide sufficient back-up area for all end stalls.
- (8). Painted solid lines at least four (4) inches in width on the pavement, arrows, dividers, and/or other methods acceptable to the Borough shall be provided and maintained to control parking, and when necessary to direct vehicular circulation.

c. Parking Garages and Structures.

- (1). To the maximum extent feasible, inside lighting and reflective materials / flat paint shall be used inside the parking garage or structure and within all pedestrian areas to increase the feeling of safety. Glossy or semi-gloss paint shall not be permitted.

- (2). To the maximum extent feasible, indoor lighting design shall address glare and light trespass onto adjacent properties and street rights-of-way, and reduction of shadows.
  - (3). All on-site, outdoor lighting of off-street parking areas shall comply with Part 12 of this Chapter relating to *Performance Standards for All Uses*.
  - (4). Directional and related warning signage shall be provided at exits of the parking garages and structures.
  - (5). To the maximum extent feasible, open-structure wall areas for natural ventilation or mechanical ventilation shall be provided.
  - (6). Interaction between vehicles and pedestrians shall be provided in a safe manner.
  - (7). Traffic flow by vehicles entering the parking garage or structure shall be mitigated by either on site or external deceleration lanes based on the traffic impact study if required by Chapter 370 relating to subdivision and land development.
  - (8). To the maximum extent feasible, parking garage and structure entries shall be internalized in building groupings or oriented away from public streets, excluding alleys.
  - (9). Preferred access to below grade parking shall be either from the side or rear of buildings / structures.
4. ADA Handicapped Accessible Parking Facilities. The design and location of all required ADA handicapped accessible parking facilities shall be in accordance to the most recent version of the ADA Standards for Accessible Design of the United States Department of Justice and Chapter 133 relating to buildings, whichever is more restrictive. The applicant shall certify in writing or plan note that the application for development complies with all relevant ADA requirements.
  5. Bicycle Parking Facilities. The design and location of bicycle parking facilities shall be provided in accordance with the following regulations:
    - a. Bicycle parking facilities and areas may be located within any required front or side yard area.
    - b. Each bicycle space shall be equipped with a device to which a bicycle frame and one (1) wheel can be attached using a chain or cable. There shall be adequate separation between adjacent devices to allow bicycles to be attached or removed without moving other bicycles. The devices shall also be suitable for use by bicycles not equipped with kickstands, and the appearance of the device shall be generally consistent with nearby urban design features.
    - c. The location of bicycle parking spaces shall be in close proximity to the structure or use for which they are provided. They shall be visible from at least one (1) entrance to the structure.
    - d. Bicycle parking spaces shall be at least two (2) feet by six (6) feet.

**Section 1405. Parking Reductions or Alterations.**

- A. Except as provided in subsection 2. below relating to shared parking and residential uses, this Section is a means for applicants for non-residential uses and mixed uses to meet the parking requirements by alternative means other than providing parking via paved off-street parking spaces located on the same lot.
  1. Borough Parking Facilities. Within the MNB and DT Zoning Districts for all uses located within a six hundred (600) foot radius of a public parking facility owned and/or operated by Paxtang Borough, its authority, or authorized agent, may include the parking spaces provided in said public parking facility as a part of the parking requirements.
  2. On-Street Parking. Within the MNB and DT Zoning Districts where on-street parking is proposed, the following on-street parking standards shall apply:
    - a. On-street parking may be provided within street rights-of-ways parallel to the curb line, only when parking on that street right-of-way has been approved by PennDOT, for all state owned streets, or the Paxtang Borough Council for Borough owned streets.
    - b. Such on-street parking may be counted toward the required parking for permitted uses as set forth in Part 14 of this Chapter relating to *Parking Requirements*.
    - c. On-street parking areas may only be counted within the street rights-of-way abutting the lot lines of the lot owned by the applicant or landowner, exclusive of any driveway,

access drive, or other curb cut, and exclusive of any existing cartway and perpendicular street, alley, or access drive.

- d. A bona-fide on-street parking space, parallel to the curb line, shall measure at least eight (8) feet in width and twenty-two (22) feet in length, exclusive of any street cartway. Otherwise if angled parking is permitted along the street by the Borough or PennDOT, then dimensions and number of on-street parking spaces shall be acceptable to the Borough Engineer and/or PennDOT.
  - e. All eligible on-street parking areas shall be graphically depicted and other indicated upon any permits and/or plans required by the Borough. Such parking areas shall not conflict with any turning movements off the cartway or obstruct access to any street, access drive, driveway, sidewalk, crosswalk, other access way, or fire hydrant.
3. Shared Parking. Within the Mixed Use and General Business Districts where shared parking is proposed, the following shared parking standards shall apply:
- a. If parking is proposed to be shared by two (2) or more uses, both uses shall be located upon the same lot, upon lots which are abutting, or adjacent lots meeting the distance requirements subsection b. herein below. An agreement in a form acceptable to the Borough and recorded in the Dauphin County Recorder of Deeds shall be presented assuring use of the required parking spaces until or unless the required parking spaces are located on the same lot as the use they serve. See subsection d. below.
  - b. Users of shared parking facilities shall be required to show that some portion of the shared off-street parking area is within distance of an entrance, regularly used by patrons and/or occupants into the buildings served by the shared parking facilities in accordance with the following standards:
    - (1). Less than two hundred (250) feet for uses within the General Business Districts; and
    - (2). Less than five hundred (500) feet for uses within the Mixed Use Districts.
  - c. The minimum amount of shared parking required to be calculated according to the following:
    - (1). Calculate the required amount of parking required for each use as if it were a separate use.
    - (2). To determine the peak parking requirements, multiply the minimum parking required for each proposed use by the corresponding percentage in Table 14-7 Shared Parking Calculations below for each of the six (6) time periods:

TABLE 14-7  
SHARED PARKING CALCULATIONS

| Uses  | Monday – Friday |                    |                    | Saturday and Sunday |                    |                    |
|---|-----------------|--------------------|--------------------|---------------------|--------------------|--------------------|
|   | 8 am –<br>6 pm  | 6 pm –<br>Midnight | Midnight –<br>8 am | 8 am –<br>6 pm      | 6 pm –<br>Midnight | Midnight –<br>8 am |
| Residential   | 60%             | 100%               | 100%               | 80%                 | 100%               | 100%               |
| Office  | 100%            | 10%                | 5%                 | 5%                  | 5%                 | 5%                 |
| Retail  | 90%             | 80%                | 5%                 | 100%                | 60%                | 5%                 |
| Hotel   | 70%             | 100%               | 100%               | 70%                 | 100%               | 100%               |
| Restaurant  | 70%             | 100%               | 10%                | 70%                 | 100%               | 20%                |
| Theatre   | 40%             | 80%                | 10%                | 80%                 | 100%               | 10%                |
| Entertainment (including<br>clubhouses, and lodges)         | 40%             | 100%               | 10%                | 80%                 | 100%               | 50%                |
| Public / Institutional<br>/School (Non-Place of<br>Worship) | 100%            | 40%                | 5%                 | 10%                 | 10%                | 5%                 |
| Places of Worship   | 20%             | 40%                | 5%                 | 100%                | 50%                | 5%                 |

- (3). Calculate the column total for each of the six (6) time periods
- (4). The column total (time period) with the highest value shall be the minimum parking requirement.

- d. **Written Agreement between Property Owners to Share Parking**
  - (1). Shared parking between more than one use and/or more than one property may be permitted when the Zoning Officer has made a determination of the minimum number of required parking spaces for the applicable property(ies) and/or use(s), and the owner(s) and/or operator(s) of the property(ies) and/or use(s) and the Borough have entered into a legal agreement in a recordable form approved to by the Borough and recorded in the Dauphin County Recorder of Deeds setting forth the ownership, access, use, management, maintenance, and repair of the shared parking facilities. In the event the property(ies) and/or use(s) undergo change of ownership, the agreement shall be updated to reflect current owner(s) of the use(s) and/or the property(ies). No agreement shall be terminable by any party except upon cessation of the use(s).
4. **Overflow Parking Held In Reserve.** Where overflow parking held in reserve is proposed, the following overflow parking standards shall apply:
  - a. Overflow parking held in reserve, which shall include areas of required parking facilities that may remain unpaved, but shall be leveled and stabilized in a grass condition, but that also may be constructed with other pervious surfaces acceptable to the Borough, so as to provide for possible “overflow” parking for other, seasonal or event peak times, shall be permitted subject to the following:
    - (1). The applicant shall submit a plan showing all required parking spaces, access aisles, maneuvering and turn around areas, access drives, buffer yards, landscaping, lighting, and stormwater management facilities designed in strict conformance with all requirements of this Chapter, Chapter 360 relating to stormwater management, and Chapter 370 relating to subdivision and land development; and
      - (a). All those required parking facilities and related improvements that are to be constructed.
      - (b). All stormwater engineering shall be designed based on total parking requirements, including the overflow parking reservation areas.
      - (c). All overflow parking reservation spaces which shall be delineated on the plan and designated as “reserved for future use,” required to meet the number of required parking spaces but otherwise not to be constructed in full compliance with the requirements of this Part 14 of this Chapter.
  - b. Overflow parking reservation spaces shall not exceed twenty-five (25) percent of the required parking spaces.
  - c. No designated overflow parking reservation area shall count toward any required open space, yard or buffer yard requirements.
  - d. The Borough may require installation of the remaining overflow parking related improvements, including all related stormwater management improvements, which have not been previously constructed, under the following conditions:
    - (1). When there is evidence of continued or repeated use of the reserved overflow of parking spaces.
    - (2). When a re-evaluation of the parking capacity by the Borough shows that future parking needs will not be met. The parking capacity shall be re-evaluated whenever there is a change in use, ownership, number of employees, number of residents, building size, and/ or land area.
  - e. The applicant shall enter into an agreement with the Borough agreeing to design and construct all parking related improvements, including all related stormwater management improvements, which have not been previously constructed within six (6) months of notification from the Borough. Such agreement shall be in a form acceptable to the Borough and recorded in the Dauphin County Recorder of Deeds.
5. **Compact Vehicle Parking.** Where compact vehicle parking is proposed, the following compact vehicle parking standards shall apply:
  - a. Where more than ten (10) parking spaces are required and provided in an off-street lot or structure, a maximum of forty (40) percent of the required parking spaces may be provided for compact vehicles. Each such compact parking space shall be not less than eight (8) feet wide by seventeen (17) feet long. All compact parking spaces shall be

located in the same area of the off-street parking lot and be marked to indicate spaces designated for compact parking.

6. Bicycle Parking Facilities.

a. Where bicycle parking is proposed, the following bicycle parking standards shall apply:

(1). Bicycle Parking Facilities: Bicycle parking facilities for non-residential and mixed land uses shall be provided in accordance with the following regulations:

(a). Such bicycle parking may be counted toward the required parking for permitted uses as set forth in Part 14 of this Chapter relating to *Parking Reductions or Alterations* in accordance with the following standard:

i. For every four (4) bona fide bicycle parking spaces provided, the number of total number of required parking spaces for motor vehicles maybe be reduced by one (1), but not to exceed three (3) required parking spaces for motor vehicles.

**Section 1406. Off-Street Parking Interconnections for Parking Lots with Non-Residential Uses, Mixed Uses, and Residential Uses on Common Lot(s).**

- A. In accordance with Chapter 370 relating to subdivision and land development to the maximum extent feasible where non-residential uses, mixed uses, and multi-family dwelling uses off-street parking lots abut another, similar non-residential use, mixed use, and multi-family dwelling use off-street parking lot, such parking facilities are strongly encouraged to be interconnected via internal vehicular connections or via alleys. This Section shall also apply to developments involving single family attached dwelling uses on a common lot(s) abutting other single family attached dwelling uses on the same common lot(s).
- B. In accordance with Chapter 370 relating to subdivision and land development to the maximum extent feasible, each non-residential use, mixed use, and multi-family dwelling use off-street parking lot are strongly encouraged to provide cross-access easements for its parking areas and access drives guaranteeing access to a similar, abutting non-residential use, mixed use, and multi-family dwelling use off-street parking lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow. This Section shall also apply developments involving single family attached dwelling uses on a common lot(s) abutting other single family attached dwelling uses on the same common lot(s).
- C. Where vehicle interconnections and cross access easements are proposed, the owner(s) and/or operator(s) of the property(ies) and/or use(s) and the Borough have entered into a legal agreement in a recordable form approved to by the Borough and recorded in the Dauphin County Recorder of Deeds setting forth the ownership, access, use, management, maintenance, and repair of the interconnected parking and access facilities. In the event the property(ies) and/or use(s) undergo change of ownership, the agreement shall be updated to reflect current owner(s) of the use(s) and/or the property(ies). No agreement shall be terminable by any party except upon cessation of the use(s).

**Section 1407. Parking and Storage of Certain Motor Vehicles.**

- A. Buses, Commercial Trucks, Truck Tractors, Truck Trailers, and Other Similar Large Motor Vehicles. In all zoning districts, unless provided in elsewhere in the Codified Ordinances of the Borough of Paxtang Chapter 310 relating to property maintenance and Chapter 400 relating to motor vehicles, the temporary unenclosed he parking of buses and commercial trucks, truck tractors, truck trailers, and other similar large motor vehicles shall be permitted subject to the following criteria:
1. The temporary unenclosed parking of buses and commercial trucks, truck tractors, truck trailers, and other similar large motor vehicles shall be permitted on residential lots and within the Residential Districts, Mixed Use Districts, and Other Districts in accordance with the following:
- a. Such vehicle is used by residents of the dwelling pursuant to their occupation and/or to travel to and from work.
- b. The maximum number of vehicles per lot shall be two (2) vehicles; and
- c. The maximum aggregate gross vehicle weight of the vehicle shall be ten thousand (10,000) pounds.
2. The temporary unenclosed parking of buses and commercial trucks, truck tractors, truck trailers, and other similar large motor vehicles shall be permitted on:
- a. Non-residential lots in the Commercial / Industrial Districts; and
- b. All lots with agricultural uses where the parking of said vehicles is incidental to the agricultural operation(s).
- B. Class I and Class II Recreational Vehicles (Including Towable Utility and Cargo Trailers). In all zoning districts, unless provided in elsewhere in the Codified Ordinances of the Borough of Paxtang Chapter 310



relating to property maintenance and Chapter 400 relating to motor vehicles, the temporary unenclosed parking and long term unenclosed storage of Class I and II recreational vehicles (which also include towable utility and cargo trailers) registered to the owner and/or occupant of the lot are permitted subject to the following criteria:

1. On residential lots in the Residential Districts, Mixed Use Districts, and Other Districts:
  - a. The temporary, unenclosed parking and long term unenclosed storage of one (1) Class I and Class II vehicles shall be maintained with current, valid license plates and inspection stickers (when applicable).
  - b. The temporary, unenclosed parking (as opposed to long term unenclosed storage) of Class I and Class II vehicles for a period not to exceed seventy-two (72) consecutive hours in a seven (7) day period, shall be permitted so long as all vehicles are set back at least one (1) foot from any lot line.
  - c. The long term, unenclosed storage (as opposed to temporary parking) of Class I and Class II vehicles shall be permitted on the basis of one (1) vehicle per one half (1/2) acre of lot area up to a maximum of two (2) vehicles.
  - d. The long term, unenclosed storage of Class I and Class II vehicles shall not be permitted in the front yard between the principal building and the public street, excluding alleys, or within any required front setback.
  - e. The long term, unenclosed storage of Class I and Class II recreation vehicles shall be provided with screening of no less than eighty (80) percent opacity which shall be provided along any abutting side or rear lot lines, excluding alleys, in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*.
  - f. The temporary unenclosed parking and/or long term unenclosed storage of any trailer other than those that are accessory to a principal residential use shall be prohibited.
2. The long term, unenclosed storage of Class I and Class II recreation vehicles shall comply with the yard and setback requirements of the applicable zoning district relating to accessory buildings and similar structures.
3. In order to prevent dust, erosion, and excessive water flow across streets or abutting property, all areas used for the long term, unenclosed storage of Class I and Class II vehicles shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 360 relating to stormwater management, Chapter 370 relating to subdivision and land development, or any other construction materials specifications adopted by the Borough, and approved by the Borough Engineer.
4. The long term, unenclosed storage of Class I and Class II vehicles shall not displace otherwise required off-street parking spaces provided on the lot.
5. All areas used for long term, unenclosed storage of Class I and II recreation vehicles shall be maintained so to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain current, valid license plates and inspection stickers (when applicable), shall be in operable condition, and shall not be permitted to leak of fuels or lubricants onto the ground.
6. The temporary unenclosed parking and/or long term unenclosed storage of any trailer other than those that are accessory to a principal residential use shall be prohibited.
7. The temporary unenclosed parking and/or long term unenclosed storage of Class I and Class II vehicles shall comply with all other applicable standards in this Chapter.

**Section 1408. Prohibited Uses of Off-Street Parking Facilities.**

- A. Off-street parking facilities are for the sole purposes of accommodating the passenger vehicles of persons associated with the use that requires them. Parking facilities shall not be used for the following:
  1. The sale, display, or storage of automobiles or other merchandise, other than an approved temporary use.
  2. Parking / storage of vehicles accessory to the use, except during hours when business operations are suspended.
  3. Performing services (including services to vehicles).
  4. Loading / unloading purposes, except during hours when business operations are suspended.
  5. Temporary storage units and trash / waste disposal (e.g. pallets, cardboard).

6. Recreational vehicle parking / storage, except during regular business hours of operation.

**Section 1409. Loading and Unloading Standards.**

- A. Loading facilities, including loading spaces are subject to the following criteria:
1. Off-street loading spaces shall be not less than twelve (12) feet wide, and thirty five (35) feet in length, and when covered, no less than thirteen (13) feet in height. For warehouse buildings or buildings accommodating tractor-trailers, the minimum off-street loading space size shall be increased to fourteen (14) feet wide and seventy (70) feet long; when covered, no less than fifteen (15) feet in height; and no less than a sixty (60) foot turn around and maneuvering area.
  2. Off-street loading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, sidewalk, designated fire lane, or adjacent property.
  3. Off-street loading spaces shall not be located so that vehicles entering or leaving the spaces would conflict with parking spaces and require backing maneuvers in areas of customer or public circulation during hours of operation.
  4. See Table 14-8 in this Section for Off-Street Loading Space Requirements for specific uses listed below:

**TABLE 14-8  
OFF-STREET LOADING SPACE REQUIREMENTS**

| Type of Use   | Gross Floor Area                     | Number of Loading Spaces |
|---|--------------------------------------|--------------------------|
| Commercial - Retail/Service<br>Wholesale<br>Industrial/Manufacturing<br>Hospitals<br>Laundry<br>Institutional<br>and Similar Uses | < 10,000 sq. ft.                     | 0                        |
|   | 10,000 sq. ft. to 50,000 sq. ft.     | 1                        |
|   | > 50,000 sq. ft. to 100,000 sq. ft.  | 2                        |
|   | > 100,000 sq. ft. to 250,000 sq. ft. | 3                        |
|   | each additional 250,000 sq. ft.      | 1                        |
| Office Buildings and Hotels   | < 10,000 sq. ft.                     | 0                        |
|   | 10,000 sq. ft. to 100,000 sq. ft.    | 1                        |
|   | > 100,000 sq. ft. to 300,000 sq. ft. | 2                        |
|   | > 300,000 sq. ft.                    | 3                        |

5. When determination of the number of required off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half (½) may be disregarded, and fractions over one-half (½) shall be interpreted as one (1) off-street loading space.
6. Where there are multiple uses within a development or on the same lot, shared loading spaces shall be used among as many uses as practical. Loading spaces shall be adjacent to the use or building served except that in a group of buildings in the same use on the same lot, one (1) building may be designated to receive and dispatch goods, provided the total applicable floor area in all buildings on the lot is aggregated in determining the total required loading spaces.
7. In all zoning districts except for the Commercial / Industrial Districts, off-street loading facilities shall not be permitted within any front yard between the principal building and the public street, excluding alleys.
8. Off-street loading facilities shall be located on the side(s) of the building not facing an abutting Residential District or existing residential use in the Mixed Use District.
9. No off-street loading facilities shall be permitted within any required building setback, yard, and/or buffer yard area.
10. Off-street loading facilities shall comply with all applicable standards of Part 12 of this Chapter relating to *Buffer and Screening Regulations*.
11. For all off-street loading facilities, a planting strip at least ten (10) feet wide shall be provided between the edge of the street right-of-way, including alleys, and/or abutting lot lines, and any off-street loading facility authorized in all applicable yards which are adjacent to a public street, alley, and/or abutting lot. Planting strips between the right-of-way and the loading facility shall be landscaped and maintained in accordance with Part 12 of this Chapter relating to *Landscaping and Vegetation Preservation*, across the entire lot in order to prohibit vehicular and pedestrian access, except at approved ingress and egress points, or unless permitted as part of an approved joint use and/or interconnected loading facility. Unless otherwise provided in this Chapter, including Part

12 of this relating to *Buffer and Screening Regulations*, loading facility shall be provided with screening of no less than eighty (80) percent opacity.

12. Surfacing. All off-street loading facilities shall be constructed and maintained with the same paved concrete or bituminous surface material required for access drives in the this Part 14 of this Chapter relating to *General Provisions*, Chapter 370 relating to subdivision and land development, and/or any applicable Borough construction and materials specifications.
13. All on-site, outdoor lighting of off-street loading facilities shall comply with Part 12 of this Chapter relating to *Performance Standards for All Uses*.

**Section 1410.     Stacking Standards.**

Stacking spaces and lanes are subject to the following criteria:

- A. Stacking facilities associated with any use having a drive-thru and/or drive up facilities or other uses provided in Table 14-9 in this Section Stacking Lane Requirements, shall be provided to prevent vehicle backups on adjoining streets.
- B. Stacking lanes shall begin at the window or communication/mechanical device (e.g. menu board) first encountered by the vehicle user.
- C. Stacking lanes shall have on-site directional signs, indicator lights or pavement markings identifying the direction of travel and lane status (e.g. open vs. closed).
- D. Stacking spaces and lanes shall not impede on and off site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
- E. Stacking lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
- F. The minimum required dimensions of one (1) stacking space shall be not less than twelve (12) feet wide, twenty (20) feet in length.
- G. The following stacking space requirements for specific uses shall be provided as listed in Table 14-9 Stacking Lane Requirements:

**TABLE 14-9  
STACKING LANE REQUIREMENTS**

| Use   | Required Stacking Space  |
|---|--|
| Bank and Other Financial Institution with Drive Thru / Drive Up Window and/or ATM | 4 vehicles / lane or kiosk   |
| Restaurant or Food Service, Fast Food   | 4 vehicle lengths behind menu board; and 4 vehicle lengths behind first window   |
| Photo Processing / Pharmacy   | 2 vehicles / window or kiosk   |
| Laundry and Dry Cleaning  | 2 vehicles / window or kiosk   |
| Motor Vehicle Service Stations/fueling pumps                                      | 2 vehicles / pump  |
| Gated Parking Lot Entrance  | 1 vehicle / gate   |
| Gated Unit or Overhead Door   | 1 vehicle / door   |
| Hospital  | 4 emergency vehicles   |
| Motor Vehicle Washing Facility  | 2 vehicle lengths per bay; and 2 vehicle lengths for drying  |
| Other Uses Requiring Stacking   | Other uses not specified in this Table: Number of spaces normally required for similar uses listed elsewhere within this Table |

**PART 15  
NON-CONFORMITIES**

**Section 1501.     Continuation of Non-Conformities.**

- A. Unless otherwise specified in this Part 15 of this Chapter, all lawful uses existing on the effective date of this Chapter may be continued, altered, extended, expanded, and/or enlarged, restored, reconstructed, sold, or maintained in accordance with the provisions of this Chapter.

- B. All lawful non-conforming lots of record, due to lot areas and/or dimensions, existing on the effective date of this Chapter or created by an amendment to this Chapter, may be continued although such lots do not conform to the lot requirements for the zoning district in which they are located.

**Section 1502. Registration of Non-Conformities.**

- A. Non-conformities may be reported to the Zoning Officer by the owner, user, lessor, or lessee, and be registered by the Zoning Officer within one (1) year of the effective date of this Chapter. The Zoning Officer, upon proof of a legal non-conformity, may certify the existence of the non-conformities.
- B. Should a non-conformity not be reported or identified within one (1) year, the owner of the non-conformity shall have the right to show by a preponderance of the evidence to the Zoning Officer that the non-conformity existed upon the effective date of this Chapter.

**Section 1503. Existing Non-Conforming Lots of Record.**

- A. Any existing lot of record held in sole and separate ownership different from the ownership of abutting lots may be used for the establishment of a use and/or erection of a structure which will contain a use permitted by the applicable zoning district in which it is located, even though its dimensions are less than the minimum requirements of this Chapter, except as set forth in this Part 15 of this Chapter.
- B. Otherwise, the following requirements apply to the development and use of a non-conforming lot.
  - 1. Where possible, contiguous non-conforming parcels under common ownership should be combined to create conforming lots.
  - 2. No provision of this Chapter relating to front, side and/or rear setback requirements shall prevent the reasonable use of a non-conforming lot of record. The Zoning Officer may grant a reduction in the requirement for side and/or rear setbacks for lots of record which lack required lot width or depth. However, in no event may such setback dimensions be reduced by more than twenty (20) percent of which is required without the approval of the Zoning Hearing Board.
  - 3. For front setback reductions for lots of record which lack required lot depth see Part 12 of this Chapter relating to *Yard and Setback Exceptions and Alterations*.

**Section 1504. Existing Non-Conforming Uses and Structures.**

- A. Alterations and Reconstruction
  - 1. Repairs, routine maintenance, and/or structural alterations not constituting an extension, expansion, and/or enlargement may be made to a non-conforming use or structure or to a structure occupied by a non-conforming use provided such repairs, maintenance, and/or structural alterations do not change the use or the exterior dimensions of the structure, building, or use.
- B. Restoration of Structure or Use
  - 1. Where the applicant of a non-conforming use or structure can demonstrate the non-conforming use or structure has been damaged or destroyed whereby the cost of restoring the structure or use to the before damaged condition would equal or exceed fifty (50) percent of the market value of the structure or use before the damage occurred shall not be restored except in conformity with the regulations of the zoning district in which it is located and all other applicable standards of this Chapter.
  - 2. Where the applicant of a non-conforming use or structure can demonstrate the non-conforming use or structure which has been damaged or destroyed whereby the cost of restoring the structure or use to its before damaged condition would be less than fifty (50) percent of the market value of the structure or use before the damage occurred, may be restored and used as before the time of the damage, provided that:
    - a. Said repairs or reconstruction are commenced within one (1) year of the date of such damage; and
    - b. The reconstructed use or structure does not exceed the height, area, and volume of the use or structure destroyed.
- C. Extensions, Expansions, and Enlargements
  - 1. The Zoning Officer may permit the extension, expansion, and/or enlargement of lawful non-conforming uses and structures if the applicant proves to the satisfaction of the Zoning Officer that all of the terms and conditions set forth below are satisfactorily addressed:
    - a. Any extension, expansion, or enlargement of a non-conforming structure or use shall be permitted as long as the maximum impervious lot coverage is not exceeded.

- b. Any extension, expansion, or enlargement of a non-conforming structure or use shall not exceed twenty (20) percent of the total gross floor area of the non-conforming structure or total gross lot area of the use (as applicable) at the time it became non-conforming.
- c. Any extension, expansion, or enlargement shall conform to the building height, area / footprint, setback, and impervious lot coverage regulations of the zoning district in which it is located.
  - (1). If an existing structure or use has a lawfully non-conforming setback, additions, and expansions may occur to increase the height above such setback or to extend other portions of the structure or use out to the non-conforming front, side, and/or rear setback line, provided that:
    - (a). The use or structure shall not be extended beyond the existing non-conforming setback line.
    - (b). No additional non-conformity shall be created.
    - (c). The new non-conforming extension shall not be greater than twenty (20) percent of the existing floor area or lot area (as applicable).
    - (d). All other requirements of this Part 15 of this Chapter are met.
    - (e). Such addition shall not be permitted for a structure proposed for use by a non-residential use on a lot that abuts a lot with an existing permitted residential use in the Residential Districts.
- d. All loading and parking spaces for any extension, expansion, or enlargement shall comply with the requirements of Part 14 of this Chapter.
- e. Any extension, expansion, or enlargement of a non-conforming structure or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the non-conforming structure or use, where such vacant parcels have been separately recorded or acquired prior to the effective date of this Chapter.
- f. Extensions, expansions, or extensions of non-conforming signs shall be prohibited, except as provided in subsection 1505.C. below and this Part 15 of this Chapter relating to *Non-Conforming Signs*.
- g. The intensity of a non-conforming use, and resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc., shall not be increased.

**Section 1505. Change of Non-Conforming Use.**

- A. Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.
- B. Whenever a non-conforming use has been changed to a more restricted classification (e.g. business office to single family residential) or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification (e.g. single family residential to retail store) unless in compliance with the rules for such change as outlined by this Part 15 of this Chapter.
- C. A non-conforming use may be changed to another non-conforming use only by the granting of a Special Exception by the Zoning Hearing Board in compliance with this Part 17 of this Chapter relating to the *Zoning Hearing Board*. Where a Special Exception approval is required, the Zoning Hearing Board shall determine whether the applicant has provided sufficient proof to show the following:
  - 1. The proposed use is in general conformity with the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough, and will be in harmony with the zoning district, neighborhood, and area in which it is proposed to be located.
  - 2. The external impacts associated with the proposed use would be equal to or less intensive than the external impacts associated with the existing non-conforming use.
  - 3. The character of the proposed use would be similar to the character of the existing non-conforming use.
  - 4. The location of the proposed use would not endanger the public health and safety, and the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
  - 5. The applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with Part 12 of this Chapter relating to *Non-Residential and Other Uses Waste Handling Requirements*, and all with state and federal regulations.

6. The proposed use shall comply with Borough building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licensed, certificates, and permits shall have been obtained and presented to the Borough, or shall be a condition of approval.
7. The applicant shall provide:
  - a. A hours of operation and management plan as required in Part 12 of this Chapter relating to *Hours of Operation and Management Plan*.
  - b. A detailed description of how the proposed use and development complies with items 1. – 6. in this subsection above.
  - c. A plot / site plans required in Part 17 of this Chapter relating to *Applications for Zoning Permits*.
  - d. A schematic architectural drawing of the principal building(s) front façade(s).

**Section 1506. Abandonment and Discontinuance of Non-Conformities.**

- A. A non-conforming use shall be presumed abandoned when operations associated with the non-conforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped and the use is not actively advertised for sale or lease. Such non-conforming use shall not thereafter be reinstated except in conformance with this Chapter.
- B. A non-conforming use, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The applicant shall be responsible to provide evidence that the non-conformity was not abandoned
- C. Except for in a mobile / manufactured home park, the removal of a non-conforming mobile / manufactured home from the site it occupied, and if such site is not leased, actively marketed, or purchased within one (1) year or less, shall constitute abandonment of the site, and any occupation or subsequent use of said site shall conform with the provisions of this Chapter.
- D. The removal of a mobile / manufactured home from a residential lot already occupied by a residential structure shall constitute abandonment of the non-conforming use and such use shall not thereafter be permitted.
- E. Mobile / manufactured home parks which are non-conforming under the terms of this Chapter shall be operated in accordance with Public Health Regulations, Commonwealth of Pennsylvania, DEP, under the provisions of Act 175 of April 9, 1929, P.L. 177, as amended, and all other applicable laws.

**Section 1507. Non-Conforming Signs.**

- A. Unless otherwise provided in this Section, signs legally existing as of enactment of this Chapter and which do not conform to the requirements of this Chapter shall be considered non-conforming signs, and shall comply with all other Sections in this Part 15 of this Chapter, except that a non-conforming sign shall not be extended, expanded, or enlarged in any manner that would increase the degree of the non-conformity.
- B. The sign area (sign face surface area) of an existing lawful non-conforming sign may be replaced with a new sign area (sign face surface area), provided the new sign area (sign face surface area) is not more non-conforming in any manner than the previous non-conforming sign area (sign face surface area). Add clarification for sign face or area, but not structure/posts.

## PART 16

### SPECIFIC USE REGULATIONS

**Section 1601. Applicability.**

- A. In addition to the general provisions that are established in Parts 4 through 10 of this Chapter for principal, accessory, or temporary uses, buildings, and structures within a specific zoning district; the additional general provisions for uses, buildings, and structures established in the Part 12 and elsewhere in the Chapter; and Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*, this Part sets forth the specific standards and supplemental regulations that shall be applied to each principal, accessory, and temporary use identified in this Part 16 of this Chapter. These specific use standards and supplemental regulations shall be satisfied prior to approval of any application for a zoning permit, building permit, occupancy permit, temporary permit, special exception, or conditional use. The applicant shall be required to demonstrate compliance with these standards and regulations and shall furnish whatever evidence is necessary to demonstrate such compliance.
- B. All principal, accessory, or temporary uses subsequently identified in this Part 16 of this Chapter, shall comply with the general provisions for uses within a specific zoning district in which the use is to be

located, unless different standards are established in Parts 4 through 10 and Part 11 of this Chapter; in which case, the more restrictive shall apply.

- C. For uses that are permitted within a specific zoning district as conditional uses or special exceptions, see also the procedures and standards in Part 17 of this Chapter.

**Section 1602. Additional Supplemental Standards and Requirements for Specific Principal Residential Uses.**

- A. Apartment Conversion: Apartment conversions are permitted subject to the following criteria:

1. The building shall be a single family detached dwelling that existed on the effective date of this Chapter, and contained at that time, at least two thousand four hundred (2,400) square feet of habitable floor area. Additionally, the gross floor area, building footprint, and building height that existed on the effective date of this Chapter shall not be increased to accommodate the proposed apartment conversion.
2. All apartment conversions shall comply with the minimum lot area, and all other area and design requirements for the applicable use in the applicable zoning district (e.g. an apartment conversion resulting in not more than two (2) total dwelling units [including the original dwelling unit], then two (2) family detached dwelling area and design requirements apply; an apartment conversion resulting in not more than three (3) or more total dwelling units [including the original dwelling unit], then multi-family dwelling area and design requirements apply).
3. The total number dwelling units per lot shall be limited to the following:
  - a. In the TN Zoning District, the total number of dwelling units per lot shall be two (2).
  - b. In the MNB Zoning District, the total number of dwelling units per lot shall be three (3).
4. All units contained on floors above or below grade shall have a direct means of escape to ground level.
5. All dwelling units shall be located within the principal building.
6. All dwelling units shall have separate kitchen and bathroom facilities as well as living/sleeping spaces.

- B. Bed and Breakfast: Bed and breakfasts are permitted subject to the following criteria:

1. The lot proposed for development shall contain a single family detached dwelling.
2. Accommodations shall be limited to the following:
  - a. In the PAC and TN Zoning Districts, the total number of guest bedrooms for rent shall be three (3).
  - b. In the MNB and DT Zoning Districts, the total number of guest bedrooms for rent shall be six (6).
3. In no case shall more than four (4) guest bedrooms for rent be permitted in any one (1) structure, and no more than eight (8) total guest bedrooms for rent shall be permitted per lot.
4. The owner of the facility or resident manager shall reside upon the premises. Proof of residency shall be provided.
5. Overnight guests shall not occupy the facility for more than fourteen (14) consecutive nights in a thirty (30) day period.
6. No cooking facilities shall be provided or permitted in individual guest bedrooms.
7. Accessory uses, customarily incidental to the use of a bed and breakfast, shall be permitted as long as they are permitted accessory and/or principal uses in the applicable zoning district, complement the bed and breakfast use, and do not encumber activities of surrounding lots.

- C. Continuing Care Retirement Facility: Continuing care retirement facilities are permitted subject to the following criteria:

1. Whenever a party or parties seeks to establish a continuing care retirement facility, the party or parties shall file a detailed statement of intent with the Borough describing the proposed use and development of the lot. Such statement shall detail the proposed number and nature of the anticipated occupants and uses. The statement shall identify how said use satisfies a demonstrated need and how it will be conducted in a responsible manner without detriment to surrounding properties and neighborhood.



2. The continuing care retirement facility is designed primarily for persons aged fifty five (55) and over.
3. The continuing care retirement facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration of the residents of the continuing care retirement facility.
4. The following uses shall be permitted as principal uses within a continuing care retirement facility.
  - a. Residential uses:
    - (1). Long-term care nursing centers.
    - (2). Personal care facilities and centers.
    - (3). Single family attached dwellings.
    - (4). Single family detached dwellings.
    - (5). Single family semi-detached dwellings.
    - (6). Two family detached dwellings.
    - (7). Multi-family dwellings.
  - b. Public-Semi-Public uses:
    - (1). Parks, Other Outdoor Non-Commercial Outdoor Recreational Uses.
    - (2). Libraries and community activity buildings.
    - (3). Indoor recreation uses and structures.
    - (4). Post office.
  - c. Institutional uses:
    - (1). Places of worship.
5. The following uses shall be permitted as accessory uses in the continuing care retirement facility for the use of residents and guests:
  - a. Accessory service uses:
    - (1). Daycare.
    - (2). Medical offices and clinics.
    - (3). Common dining.
    - (4). Indoor recreation.
  - b. Accessory commercial uses:
    - (1). Banks.
    - (2). Food services.
    - (3). Retail businesses.
    - (4). Personal services.
    - (5). Restaurants, no drive in or drive thru facilities.
  - c. Each accessory use shall be located in a building occupied by residential uses or in a community activities building.
  - d. Each accessory commercial use shall not exceed two thousand five hundred (2,500) square feet of net floor area.
  - e. The total area reserved of accessory commercial uses shall not exceed four (4) percent of the total gross land area of the original tract/lot, or no more than twenty-five thousand (25,000) square feet, whichever is less.

6. In addition to the standards set forth in this subsection, all continuing care retirement facilities shall comply with the following lot area, and all other area and design requirements for applicable use in the applicable zoning district:
  - a. The maximum density shall be twelve (12) units per acre.
  - b. The maximum impervious lot coverage shall be sixty (60) percent.
  - c. The minimum vegetative coverage shall be forty (40) percent.
  - d. No building shall be within twenty-five (25) feet of the lot or property line of the continuing care retirement facility, or within thirty-five (35) feet of a public street right-of-way.
  - e. In instances where there is more than one (1) building on a single lot, the following minimum building separation requirements shall apply:
    - (1). Front to front: Seventy (70) feet.
    - (2). Front to side: Fifty (50) feet.
    - (3). Front to rear: Forty (40) feet.
    - (4). Side to rear: Twenty (20) feet.
    - (5). Side to side: Fifteen (15) feet.
    - (6). Rear to rear: Thirty (30) feet.
    - (7). Corner to corner: Twenty (20) feet.

D. Group Care: Group care facilities are permitted subject to the following criteria:

1. Whenever a party or parties seeks to occupy a dwelling or other building as a group care facility, the party or parties shall file a detailed statement of intent with the Borough describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrated need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
2. A group care facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the group care facility.
3. Under no circumstances shall any uses qualifying for or falling under the definition of a “halfway house” or “treatment center” be considered a group care facility

E. Lodging and/or Boarding Home: Lodging and/or boarding homes are permitted subject to the following criteria:

1. Accommodations shall be limited to the following:
  - a. In the MNB Zoning District, the total number of tenant/guest rooms/units for rent shall be two (2) and the boarding house shall not accommodate not more than four (4) tenants/guests total.
  - b. In the DT Zoning District, the total number of tenant/guest rooms/units for rent shall be four (4) and the boarding house shall not accommodate not more than eight (8) tenants/guests total.
2. All tenant/guest rooms/units shall be limited to two (2) tenants/guests each.
3. The owner of the facility or resident manager shall reside in the lodging and/or boarding home. Proof of residency shall be provided.
4. All tenant/guest rooms/units available for rooming and/or boarding shall be located within the principal building.
5. Access to all tenant/guest rooms/units shall be through the interior of the building. No exit doors from individual tenant/guest rooms/units shall lead directly to the exterior of the building.
6. Tenants/guests on-site shall have access to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on site shall be available to the residents, or daily meals shall be provided on site for the residents of the lodging and/or boarding home.

7. Meals for compensation shall be provided only to registered tenants/guests of the lodging and/or boarding home. No cooking facilities shall be provided or permitted in the individual tenant/guest rooms/units.
  8. All tenants/guests shall execute a lease before occupancy.
  9. Tenants/guest rooms shall be leased to the same tenant/guest for at least seven (7) consecutive days.
- F. Long Term Care Nursing Facility or Personal Care Facility: Long term care nursing facility or personal care facilities are permitted subject to the following criteria:
1. Whenever a party or parties seeks to establish a long term care nursing facility or personal care facility on a lot or occupy a dwelling or other building as a long term care nursing facility or personal care facility, the party or parties shall file a detailed statement of intent with the Borough describing the proposed use and development of the lot or dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrated need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
  2. In addition to residential units' living and sleeping quarters with or without kitchen facilities, the following accessory uses may be provided for the use of residents and their guests:
    - a. Medical offices and clinics.
    - b. Common dining facilities.
    - c. Community gardens.
    - d. Parks and other non-commercial outdoor recreation uses.
    - e. Indoor recreation uses.
    - f. Daycare.
    - g. Bank.
    - h. Retail business.
    - i. Food services.
    - j. Personal services.
    - k. Place of worship.
  3. In instances where there is more than one (1) building on the a single lot, the following minimum building separation requirements shall apply:
    - a. Front to front: Seventy (70) feet.
    - b. Front to side: Fifty (50) feet.
    - c. Front to rear: Forty (40) feet.
    - d. Side to rear: Twenty (20) feet.
    - e. Side to side: Fifteen (15) feet.
    - f. Rear to rear: Thirty (30) feet.
    - g. Corner to corner: Twenty (20) feet.
  4. Minimum vegetative coverage shall be forty (40) percent.
  5. A long term care nursing facility or personal care facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the long term care nursing facility or personal care facility.
- G. Mobile / Manufactured Home Park: Mobile / manufactured home parks are permitted subject to the following criteria:
1. Mobile / manufactured home parks and individual mobile / manufactured homes within mobile / manufactured home parks shall comply with the provisions set forth in Chapter 133 relating to buildings and Chapter 370 relating to subdivision and land development respectively, as well as the following:

- a. Maximum density in a mobile / manufactured home park shall be six (6) units per acre.
- b. Each individual mobile / manufactured home within a mobile / manufactured home park shall comply with the following area and design features as if said mobile / manufactured home was located on an individual lot. In addition the standards set forth in Table 16-1 Mobile / Manufactured Home Area and Design Standards, each individual mobile / manufactured home shall comply with all other area, and design requirements of applicable zoning district:

**TABLE 16-1**  
**MOBILE / MANUFACTURED HOME**  
**AREA AND DESIGN STANDARDS**

| AREA / DESIGN FEATURES            | PERMITTED USES                        |
|-----------------------------------|---------------------------------------|
|                                   | Mobile / Manufactured Home Lot / Area |
| Minimum Lot Width                 | 50 ft.                                |
| Setback - Front Minimum / Maximum | 15 ft. / 25 ft.                       |
| Setback – Side Minimum            | 10 ft.                                |
| Setback – Rear Minimum            | 15 ft.                                |

- c. In no case shall the distance between any two (2) mobile / manufactured homes be less than twenty (20) feet. These setbacks shall also apply to the mobile / manufactured home park office, service, utility, or other buildings.
- d. No mobile / manufactured home lot shall be within twenty-five (25) feet of the mobile / manufactured home park boundary, nor within thirty-five (35) feet of an outside street right-of-way.
- e. Each mobile / manufactured home space shall contain no more than one (1) mobile / manufactured home, nor shall it contain more than one (1) family.
- f. Individual mobile / manufactured homes shall have pitched roofs instead of a flat roof, in accordance with Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*.
- g. Individual mobile / manufactured home owners may install accessory or storage sheds, extensions and additions to mobile / manufactured homes, and exterior patio areas. All such facilities so installed shall not intrude into any required front, side, or rear setback, and, in every case, shall substantially conform in style, quality, and color to the existing mobile / manufactured homes.
- h. Parking shall be provided in accordance with Part 14 of this Chapter.
- i. Buffering and screening shall be provided in accordance with Part 12 of this Chapter *Buffering and Screening Regulations*.
- j. All on-site, outdoor lighting shall be provided in accordance with Part 12 of this Chapter relating to *Performance Standards for All Uses* and Chapter 370 relating to subdivision and land development.
- k. Each mobile / manufactured home shall be erected and connected to utilities in accordance with Chapter 133 relating to buildings, Chapter 370 relating to subdivision and land development, and all applicable Borough, state, and federal requirements.
- l. All mobile / manufactured homes shall abut a street right-of-way or approved access easement of the mobile / manufactured home park’s internal private street system. In no case shall access to such mobile / manufactured homes and mobile / manufactured home lots be provided directly onto, have frontage, or otherwise abut an external public street right-of-way.
- m. All internal streets shall, as a minimum, comply with local street standards of Chapter 370 relating to subdivision and land development and Chapter 366 relating to street and sidewalks.
- n. Curbs, gutters, and sidewalks shall be constructed and installed on both sides of each street within the mobile / manufactured home park (whether public or private) in accordance with Chapter 366 relating to street and sidewalks and Chapter 370 relating to subdivision and land development, in addition to the installation of shade trees, in

accordance with the Chapter 370 relating to subdivision and land development and Chapter 392 relating to shade trees.

H. Multi-Family Dwelling: Multi-family dwellings are permitted subject to the following criteria:

1. Dwelling units shall be limited to the following:
  - a. In the TN Zoning District, the total number of dwelling units permitted on a lot shall be four (4).
  - b. In the MNB Zoning District, the total number of dwelling units permitted on a lot shall be five (5).
  - c. In the DT Zoning District, the total number of dwelling units permitted on a lot shall be six (6).
2. Multi-family dwellings shall comply with the area and design features set forth in Table 16-2 Multi-Family Attached Dwelling Area and Design Standards, otherwise they shall comply with the standards of the applicable zoning district:

**TABLE 16-2  
MULTI-FAMILY DWELLING  
AREA AND DESIGN STANDARDS**

| AREA / DESIGN FEATURES                             | PERMITTED USES         |
|--|------------------------|
|  | Multi-Family Dwellings |
| Lot Area Per Unit - Minimum                        | 2,000 sq. ft. per DU   |
| Minimum Lot Width at Front Lot Line – Interior Lot | 85 ft.                 |
| Minimum Lot Width at Lot Frontage – Corner Lot     | 100 ft.                |
| Impervious Lot Coverage - Maximum                  | 60%                    |
| Vegetative Coverage - Minimum                      | 20%                    |

3. In those instances where more than one (1) multi-family dwelling building is located on the same lot, the following separation distances will be provided between each building:
  - a. Front-to-front or rear-to-rear parallel buildings shall have at least forty-five (45) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one (1) end if increased by similar or greater distance to the other end.
  - b. A minimum distance of twenty-five (25) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of fifteen (15) feet.
  - c. A minimum distance of twenty-five (25) feet is required between end walls and front or rear faces of buildings.
  - d. All multi-family dwelling buildings shall be set back a minimum of fifteen (15) feet from any interior access drives or parking facilities contained on commonly held lands.

I. Single Family Attached Dwelling: Single family attached dwellings are permitted subject to the following criteria:

1. Single family attached dwellings shall comply with the area and design features set forth in Table 16-3 Single Family Attached Dwelling Area and Design Standards, otherwise they shall comply with the standards of the applicable zoning district:

**TABLE 16-3  
SINGLE FAMILY ATTACHED DWELLING  
AREA AND DESIGN STANDARDS**

| AREA / DESIGN FEATURES                             | PERMITTED USES  |
|--|---|
|  | Single Family<br>Attached Dwellings   |
| Lot Area Per Unit - Minimum                        | 2,400 sq. ft. per DU  |
| Minimum Lot Width at Front Lot Line - Interior Lot | 24 ft.  |
| Minimum Lot Width at Front Lot Line – Corner Lot   | 39 ft.  |
| Setback – Side (Minimum)                           | 5 ft. except 0 ft. at the shared lot line of lawfully attached dwellings constructed with a shared common party wall and the written consent of the owner of the abutting lot and building. |
| Impervious Lot Coverage (Maximum)                  | 60%   |
| Vegetative Coverage (Minimum)                      | 20%   |

- 2. The maximum number of single family attached dwelling units in a row shall be six (6).
  - 3. No more than two (2) abutting single family attached dwelling units shall have the same front building setbacks, front building lines, and rooflines.
  - 4. In addition, each single family attached dwelling unit shall be distinguished from the adjacent single family attached dwelling unit in some appropriate manner such as by varying unit width, use of different exterior materials, or varying arrangements of entrances or windows.
  - 5. The minimum variation of the front building setback and front building line between single family attached dwelling units shall be four (4) feet.
  - 6. For buildings located on corner lots with single family attached dwelling units, there shall be at least one (1) single family attached dwelling unit with its primary front façade and orientation and/or location of the main or everyday entrance, and its address, on each of the intersecting streets, excluding alleys.
- J. Two Family Detached Dwelling: Two family detached dwellings are permitted subject to the following criteria:
- 1. For those proposed two family detached dwelling buildings containing side-by-side dwelling units and located on corner lots, there shall be at least one (1) dwelling unit with its primary front façade and orientation and/or location of the main or everyday entrance, and its address, on each of the intersecting streets, excluding alleys.

**Section 1603. Additional Supplemental Standards and Requirements for Specific Principal Non-Residential Uses.**

- A. Agricultural Operation: Agricultural operations are permitted subject to the following criteria:
- 1. The raising and/or keeping of livestock and poultry shall only be permitted in the Commercial / Industrial Districts.
    - a. All areas utilized for grazing or pasture areas shall be fenced a minimum of ten (10) feet from all lot lines.
    - b. The applicant shall demonstrate that the methods of disposing of dead animals are in strict compliance with applicable standards established by PA DEP. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.
  - 2. The following setbacks shall be required:
    - a. Dwellings and residential accessory uses and structures which shall comply with the area and design requirements of the applicable zoning district, and except for fences and the special setback requirements set forth in subsection b. below, all agricultural related structures shall be setback a minimum of fifty (50) feet from any lot line.
    - b. Special setback requirements. Slaughter areas and buildings and areas used in the housing and raising of livestock shall be setback a minimum of three hundred (300) feet from any adjacent property in the Residential Districts or existing residential use in the Mixed Use Districts. The special setback requirements may be reduced by special exception, where

the applicant demonstrates that because of nature of the agricultural operation, prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect abutting lands from odor, dust, or other hazards; or that the agricultural operation is in accordance with the Pennsylvania “Right-to-Farm” law. In no case, however, shall the special setback requirements be reduced to less than seventy-five (75) feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.

- c. Any manure storage facility shall be located in accordance with the building / structure setback requirements established by Act 38 of 2005 known as ACRE.
  3. The maximum height of any agricultural operation structure shall be one hundred fifty (150) feet provided each structure is setback a distance at least equal to its height from all property lines.
  4. Maximum impervious lot coverage shall be twenty (20) percent.
  5. The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater run-off and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 360 relating to stormwater management and approved by the Borough Engineer. At a minimum, surface water and stormwater run-off from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 12 of this Chapter relating to *Performance Standards for All Uses*.
- B. Animal Hospital: Animal hospitals or veterinary offices are permitted subject to the following criteria:
  1. Unless animals are kept inside at all times, all structures and areas where animals are kept that are not completely enclosed, and also including any outdoor animal pens, stalls, and runways shall be located within the rear yard, and shall be a minimum of:
    - a. Special yard and setback requirements. All animal shelters, buildings, outdoor stalls and/or runways shall be set back from the lot line at least three hundred (300) feet.
    - b. The Zoning Hearing Board may as a special exception, however, reduce the above special yard and setback requirements where it is shown that, because of nature of the operation, design and construction of the structures proposed to accommodate animals, relating prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from noise, odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special yard and setback requirement to less than seventy-five (75) feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.
    - c. Otherwise, the setback requirements of the applicable zoning district shall apply.
  2. All areas utilized for outdoor exercise of animals and outdoor stalls and/or runways to which animals have access shall be completely enclosed by a six (6) foot high fence to prevent the escape of animals.
  3. No animals shall be permitted to use outdoor exercise areas or outdoor stalls and/or runs that are located within three hundred (300) feet of a lot line between the hours of 8:00 p.m. to 8:00 a.m.
  4. All other areas utilized for grazing or pasture areas shall be securely fenced to prevent the escape of animals, and setback a minimum of ten (10) feet from all lot lines.
  5. The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater run-off and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 360 relating to stormwater management and approved by the Borough Engineer. At a minimum, surface water and stormwater run-off from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 12 of this Chapter relating to *Performance Standards for All Uses*.
- C. Automobile, Boat, Heavy Equipment, Mobile / Manufactured Home, Recreational Vehicle, and Other Similar Motor Vehicle Rental / Sales, Repair / Servicing, Washing, and/or Fuel / Gasoline Sales. Automobile, boat, heavy equipment, mobile / manufactured home, recreational vehicle and other similar motor vehicle rental / sales, repair / servicing, washing and/or fuel / gasoline sales are permitted subject to the following criteria:
  1. Automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles, or other similar motor vehicles offered for rent / sale, in any state of being fixed / serviced, or



washed/dried, or otherwise stored, displayed or serviced shall not occupy any part of the existing or future street right-of-way (including sidewalks and alleys) or required off-street parking areas.

2. All buildings and structures (including fuel / gasoline pumps, but excluding permitted signs) shall be set back at least twenty five (25) feet from any street right-of-way or lot line.
  3. All permitted activities except for the inventory / display / sales, parking, and those activities normally required to be performed at the gasoline / fuel pumps, air pumps, and washing and vacuuming areas shall be performed within a completely enclosed building.
  4. All outdoor display and sales areas shall comply with Part 12 of this Chapter relating to *Outside Display and Sales*.
  5. No more than three (3) vehicles may be stored per repair/service bay.
  6. The demolition or junking of automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles, or other similar motor vehicles is prohibited. The storage of inoperable automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles, or other similar motor vehicles and related parts shall be within a completely enclosed building.
  7. The outdoor storage of automobiles, boats, heavy equipment, mobile / manufactured home, recreational vehicles, and other similar motor vehicles on the property without current registration is prohibited.
  8. No automobile, boat, heavy equipment, mobile / manufactured home, recreational vehicle, or other similar motor vehicle, except those with current registration and offered for sale / rental, shall be stored upon the site for more than thirty (30) days.
  9. Automobile, boat, heavy equipment, mobile / manufactured home, recreational vehicle, or other similar motor vehicle washing facilities are permitted, subject to the following additional criteria:
    - a. All uses shall provide sufficient stacking areas for waiting motor vehicles, which shall include the minimum number of stacking spaces as set forth in Part 14 of this Chapter relating to *Stacking Standards*.
    - b. 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 that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
    - c. Gray water recycling is mandatory.
    - d. Water from the vehicle wash operation shall not flow onto sidewalks or streets.
- D. Automobile Wrecking, Junk and Scrap Storage and Sales: Automobile wrecking, junk and scrap storage and sales are permitted subject to the following criteria:
1. All junk, scrap, machinery or equipment stored outside shall be at least:
    - a. Fifty (50) feet from any abutting lot line; and
    - b. Two hundred (200) feet from any adjacent property in the Residential Districts or existing residential use in the Mixed Use Districts.
  2. All completely enclosed buildings used to store junk, scrap, machinery, and equipment shall be set back at least fifty (50) feet from all lot lines.
  3. No junk, scrap, machinery or equipment of any kind shall be stored in a required front, side, or rear setback. All unpaved setbacks shall be covered with grass or similar vegetative material and shall at all times be kept clean, vacant, and well maintained.
  4. In addition to screening and buffering requirements set forth in Part 12 of this Chapter relating to *Buffer and Screening Regulations*, all materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height with no less than one hundred (100) percent opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
  5. No material shall be placed in any establishment in such a manner that it is capable of being transferred off the premises by wind, water or other natural causes. All paper, cloth, rags and other fibers, and activities involving the same other than loading and unloading, shall be within fully enclosed building.
  6. All junk shall be stored or arranged so as to permit access by emergency responders and to prevent the accumulation of water, and no junk, scrap, machinery or equipment piled to a height greater than ten (10) feet.

7. No material may be stored or stacked so that it is visible from abutting properties or adjoining street rights-of-way.
  8. No material shall be burned or incinerated at any time.
  9. No automotive wrecking, junk, scrap storage and sales establishments shall be located on land with a slope in excess of five (5) percent.
  10. All vehicles within the automotive wrecking, junk, scrap storage and sales establishments shall be completely drained of fuel, lubricants, battery fluid, transmission fluid, brake fluids, coolants, and air conditioning fluids.
- E. B.Y.O.B. Club: B.Y.O.B. clubs are permitted subject to the following:
1. A B.Y.O.B. club shall be located in accordance and otherwise comply with the provisions of the Chapter 115 relating to alcohol.
  2. A B.Y.O.B. club shall not remain open and/or transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time of each day. No club located within five hundred (500) feet of an existing residential use or place of worship, nor shall be open or operated on Sunday.
  3. Broad form general liability coverage of one million dollars (\$1,000,000) per single limit occurrence shall be obtained and maintained for the entire period the club is in operation; proof of insurance and all renewals shall be submitted to the Zoning Officer.
  4. The hours of operation shall be conspicuously posted at the business premises such that patrons are sufficiently apprised of the same.
  5. Windows capable of being open, and ventilation equipment outlets and other similar equipment associated with such uses shall not be located or oriented directly toward any abutting property in the Residential Districts or existing residential use in the Mixed Use Districts.
  6. The owner(s) and operator(s) of a B.Y.O.B. club shall be responsible for the conduct and safety of the patrons.
- F. Cemetery: Cemeteries are permitted subject to the following criteria:
1. The total impervious lot coverage shall not exceed ten (10) percent of the lot area.
  2. All burial plots and all structures shall be located at least twenty-five (25) feet from any lot line or street right-of-way line.
  3. No burial plot shall be permitted in any floodplain or flood fringe area identified in Part 11 of this Chapter relating to *Floodplain Overlay Zoning District (FPO)*.
  4. Where permitted, any materials not within completely enclosed buildings shall in addition to the requirements set forth in Part 12 of this Chapter relating to *Buffer and Screening Regulations*, be surrounded by a fence or wall at least six (6) feet in height, and provided with screening of not less than eighty (80) percent opacity.
  5. The owner(s) and operator(s) of a cemetery shall incorporate Best Managements Practices as outlined in the Pennsylvania Stormwater Best Management Practices Manual as published by the Department of Environmental Protection (PADEP), Bureau of Watershed Management, document number: 363-0300-002, effective date: December 30, 2006, and as revised to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
  6. At no time shall a corpse be exposed or visible from a public right-of-way or adjacent property.
  7. Any escrow account provided for by state or federal law shall be established in favor of the Borough.
- G. Clubhouse or Lodge, Private: Private clubs, clubhouses or lodges are permitted subject to the following criteria:
1. Where permitted, all outdoor recreation/activity areas shall be set back at least fifty (50) feet from any lot line.
- H. Commercial Recreation, Outdoor: Outdoor commercial recreation facilities are permitted subject to the following criteria:
1. The required setbacks shall be as follows:

- a. All outdoor recreation and related activity areas shall be set back at least fifty (50) feet from the street right-of-way and any adjacent property in the Residential Districts or existing residential use in the Mixed Use Districts.
- b. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all lot lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet.
- c. Otherwise all structures shall comply with the applicable zoning district setbacks.

I. Communication Antenna, Tower, and Equipment Building Transmitting & Receiving Facility: Communication antennas, towers, and equipment buildings transmitting & receiving facilities are permitted subject to the following criteria:

1. Applications for the construction of communication antennas, support structures, and related facilities shall include a written report containing the following:
  - a. Information describing the tower height and design.
  - b. A cross section of the structure.
  - c. Engineering specifications detailing construction of tower, base, and guy wire anchorage.
  - d. Information describing the proposed painting and lighting schemes.
  - e. Information describing the tower's capacity, including the number and type of antennas that it can accommodate.
  - f. All tower structure information shall be certified by a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania.
  - g. Certification that there is not suitable space on existing sites or structures where the intended facility can be accommodated and function as required without reasonable modification.
  - h. Technological evidence that the facility shall go where proposed in order to satisfy its function in the grid system and provide the quality of service required by law.
  - i. Written authorization from the property owner of the proposed site.
  - j. Inventory of existing towers and potential antenna support structures within a two (2) mile radius of the proposed site, discussing the unavailability of sites and reasons therefore.
  - k. Evidence of the applicant's good faith efforts to locate the antenna on an existing structure.
  - l. Applicant shall demonstrate that they are licensed by the FCC to operate a communications tower and/or communications antenna.
2. Communication towers and related buildings shall not be permitted in the Residential Districts or and the Mixed Use Districts.
3. Communication antennas located in the Residential Districts, Mixed Use Districts, and Other Districts shall employ "stealth" siting and design solutions.
4. All other uses ancillary to the antenna, tower, and associated equipment are prohibited, except accessory equipment buildings, unless otherwise permitted in the applicable zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depots and vehicle storage.
5. Any utilities extended to the tower site shall be placed underground.
6. Other standards of approval for antenna support structures and antenna-related facilities include the following:
  - a. The required setbacks shall be as follows:
    - (1). Antenna support structures shall be set back from all lot lines a distance equal to the height of the antenna.
    - (2). The structure shall be self-collapsing or have a clear fall area setback equal to the height of the structure and any attached antennas.
  - b. Antenna support structure height is subject to the following criteria:

- (1). The maximum height of any single antenna support structure located at a single site for one (1) antenna shall be at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure, to be supplied to the applicant.
  - (2). An antenna support structure may exceed the maximum allowable height to allow for the collocation of another antenna, provided that the applicant shows evidence that the antenna support structure will be a shared location site.
- c. Landscaping and screening are subject to the following criteria:
  - (1). If the antenna support structure site is located in an area of existing trees and vegetation, the existing trees and vegetation shall be in accordance with Part 16 of this Chapter relating to *Landscaping & Vegetation Preservation*, preserved to the maximum extent feasible to keep the area as close to its original condition. The existing trees and vegetation shall be supplemented as needed to fully screen the antenna support base.
  - (2). If the site lacks adequate trees and vegetation, the entire perimeter of the fence surrounding the antenna support structure compound shall be provided with screening with no less than ninety (90) percent opacity.
- d. Equipment or accessory buildings for towers. Accessory buildings shall conform to the applicable building requirements for the applicable zoning district in which the tower is located.
- e. Security, maintenance, and fencing are subject to the following criteria:
  - (1). The site shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the climbing apparatus shall be fully contained and locked within the tower structure.
  - (2). All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.
  - (3). All equipment and buildings shall comply with Borough building, health, safety, property and other applicable local ordinances.
- f. Lighting and signs are subject to the following criteria:
  - (1). No signs shall be mounted on a communications tower except as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), or other governmental agency which has jurisdiction.
  - (2). All communications towers shall have lights as may be required by the FCC, FAA, or other governmental agencies which have jurisdiction. If lighting is not required by other agencies, then lighting acceptable to the Borough shall be required.
- g. Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise required by the FAA regulations. The use of grays, blues, and greens may be appropriate.
  - (1). Antenna support structure design and structural integrity. The owner of the antenna or antenna support structure shall provide a report conducted by a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania, documenting that the structure meets the structural standards of the Chapter 133 relating to buildings.
- h. Other Provisions.
  - (1). Prior to issuance of a zoning permit for the erection of an antenna or antenna support structure, the applicant shall obtain any required land development approvals.
  - (2). A formal land development plan is not required if the antenna is to be mounted on an existing structure.
  - (3). Evidence shall be submitted from a professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with location.
  - (4). The applicant, owner, or operator of the antenna shall be licensed by the FCC.

- (5). The tower shall comply with all applicable FAA and PennDOT Bureau of Aviation regulations.
- (6). Certification of insurance evidencing general liability in the minimum amount of one million dollars (\$1,000,000) per incident and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per incident is required to cover the tower, antenna and structures.

i. Abandonment.

- (1). If an antenna support structure is unused, as evidenced by notice to the FCC of intent to cease operations, for a continuous period of twelve (12) months after said notice, it shall be deemed abandoned.
- (2). Any antenna support structure or antenna that is deemed to be “abandoned” shall be removed within ninety (90) days.
- (3). Removal of the antenna support structure shall be the responsibility of the owner of the antenna support structure. At the time of land development plan approval, the owner and/or his successors and assigns of the antenna support structure shall enter into an agreement with the Borough regarding the removal of an abandoned antenna support structure, as defined in this subsection above.
- (4). In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.

J. Community Garden: Community gardens are permitted subject to the following criteria:

1. The following shall be permitted as part of a community garden:

- a. Greenhouses, hoophouses, cold-frames, and similar structures used to extend the growing season.
- b. Open space associated with and intended for use as garden areas.
- c. Signs limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign.
- d. Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops limited to the Commercial / Industrial Districts, beehives, and children's play areas.
- e. Buildings, limited to tool or utility/storage sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.
- f. Off-street parking and walkways.
- g. Uses and structures shall be developed and maintained in accordance with the following regulations.
  - (1). Location. Buildings shall be set back at least five (5) feet from any abutting property in the Residential Districts or existing residential use in the Mixed Use District.
  - (2). Height. No building or other structure shall be greater than twenty-five (25) feet in height.
  - (3). Building Footprint. The combined area of all buildings, excluding greenhouses and hoophouses, shall not exceed fifteen (15) percent of the garden site lot area.
  - (4). Parking and Walkways. Off-street parking shall be required only for those garden sites exceeding fifteen thousand (15,000) square feet in lot area. In addition to the parking reduction and alternative accommodations (especially for drainage, surface, and maintenance) and provided for in Part 14 of this Chapter relating to relating to *Parking Reductions and Alterations*, such parking shall be limited in size to ten (10) percent of the garden site lot area and shall be either unpaved or provided with an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 360 relating to stormwater management or any other construction materials specifications adopted by the Borough, and approved by the Borough Engineer. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.

- (5). Signs. Signs shall not exceed four (4) square feet in area per side and shall not exceed four (4) feet in height, and shall otherwise comply with Part 13 of this Chapter.
    - (6). Seasonal Farm Stands. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
  2. The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater run-off and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 360 relating to stormwater management and approved by the Borough Engineer. At a minimum, surface water and stormwater run-off from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 12 of this Chapter relating to *Performance Standards for All Uses*.
- K. Convenience Store: Convenience stores are permitted subject to the following criteria:
1. If motor vehicle washing and/or fuel / gasoline sales are provided as part of the general convenience store, then such use shall comply with all applicable provisions of automobile, heavy equipment and similar motor vehicle washing, and/or fuel / gasoline sales contained in this Part 13 of this Chapter 10 relating to *Automobile, Boat, Heavy Equipment, Mobile / Manufactured Home, Recreational Vehicle, and Other Similar Motor Vehicle Rental / Sales, Repair / Servicing, Washing, and/or Fuel / Gasoline Sales*, except that no sale / rental or repair / servicing of motor vehicles shall occur.
  2. All activities except parking and those normally required to be performed at the fuel pumps and air pumps, and washing and vacuuming areas shall be performed within a completely enclosed building.
  3. If restaurant and food service facilities are provided as part of the general convenience store, then such use shall comply with all applicable provisions of restaurants and food services.
- L. Daycare, Commercial: Commercial daycares are permitted subject to the following criteria:
1. An outdoor play area for children shall be provided. Off street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located in the front yard between the principal building and the public street, excluding alleys. All outdoor play areas shall be provided with a means of shade, such as a shade tree(s) or pavilion(s). Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.).
    - a. Additionally, outdoor play areas shall be located at least twenty (20) feet from any abutting property in the Residential Districts or existing residential use in the Mixed Use Districts, provided with a fence of at least four (4) feet in height, and screened in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.
- N. Farmers' / Flea Market, Outdoor: Outdoor farmers' / flea markets are permitted subject to the following criteria:
1. All outdoor display and sales area shall comply with Outside Display and Sales areas set forth in Part 16 of this Chapter relating to *Outside Display and Sales*.
  2. All outdoor display and sales of merchandise shall begin no earlier than one (1) hour before the official sunrise, and be completed no later than official sunset.
- O. Forestry: Forestry or commercial timber harvesting operations where the value of the trees, logs, or other timber products removed exceeds one thousand dollars (\$1,000), but excluding the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement are permitted, subject to the following criteria:
1. All forestry and commercial timber harvesting operations shall comply with the following:
    - a. Timber harvesting practices shall protect nearby structures and utility lines.
    - b. Felling or skidding on or across any public street right-of-way is prohibited without the express written consent of the Borough or PennDOT, whichever is responsible for maintenance of the public street.
    - c. No tops or slash shall be left within twenty-five (25) feet of any public or private street right-of-way or easement (as applicable) providing access to abutting residential property.

- d. All tops and slash shall be lopped to a maximum height of four (4) feet above the ground in the following circumstances:
    - (1). Between twenty-five (25) and fifty (50) feet from a public or private street right-of-way or easement (as applicable) providing access to adjacent residential property; and
    - (2). Within fifty (50) feet of an abutting residential property.
  - e. No tops or slash shall be left on or across any property line of any abutting property without the consent of the owner thereof.
  - f. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
2. All applications for timber harvesting shall include the information required for approval pursuant to Part 17 of this Chapter relating to *Applications for Zoning Permits*. In addition, the applicant shall specify the land on which harvesting will occur, the expected size of the harvest area and, as applicable, the anticipated starting or completion date of the operation. This written notification shall also specify any roads affected, dates of affect, plans to restore any damages to roads and contact information for the logging operations submitted to owners abutting the street right-of-way used to access the logging site.
3. Preparation of a Logging Plan. Every landowner on whose land timber harvesting is to occur shall prepare and submit a written logging plan as set forth in this subsection below, and shall submit the logging plan as part of the information required for approval pursuant to Part 17 of this Chapter relating to *Applications for Zoning Permits*. The provisions of this plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request.
4. Responsibility for Compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
5. Contents of the Logging Plan.
- a. As a minimum, the logging plan shall include the following:
    - (1). Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.
    - (2). Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars.
    - (3). Design, construction and maintenance of stream and wetland crossings.
    - (4). The general location of the proposed operation in relation Borough streets and state highways, including any accesses to those streets and highways.
  - b. Each logging plan shall include a site map containing the following information:
    - (1). Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property.
    - (2). Significant topographic features related to potential environmental problems.
    - (3). Location of all earth disturbance activities such as roads, landings and water control measures and structures.
    - (4). Location of all crossing of waters of the Commonwealth.
    - (5). The general location of the proposed operation to Borough streets and state highways, including any accesses to those streets and highways.
6. Compliance with State Laws and Regulations. The logging plan shall address and comply with the requirements of all applicable state laws and regulations, including, but not, limited to, the following:
- a. Soil Erosion and Sedimentation control regulations and standards of the County Conservation District and/or PA DEP requirements.
  - b. Stream crossing and wetlands protection regulations of PA DEP and/or the U.S. Army Corps of Engineers.



7. Relationship of State Laws, Regulations, and Permits to the Logging Plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. A soil erosion and sedimentation control plan that satisfies the requirements of Section 25 Pennsylvania Code, Chapter 102 shall also satisfy the minimum requirements for the logging plan and associated site map, provided that all information required by these subsections is included or attached.
  8. Responsibility for Road Maintenance and Repair; Road Bonding. The landowner and/or the operator shall be responsible for repairing any damage to Borough streets caused by traffic associated with the timber harvest operation pursuant to the provisions of Section 67 Pennsylvania Code, Chapter 189, hauling in excess of posted weight limit. The Borough may require the landowner and/or operator to furnish a bond to guarantee the repair of any such damage, pursuant to the said provisions of the Pennsylvania Code.
- P. Funeral Home: Funeral homes are permitted subject to the following criteria:
1. All rooms available for funerals and viewing shall be located within the principal building.
  2. There shall be no receiving vault, preparation room, or display of merchandise visible from outside of any building.
- Q. Home Improvement Center, Lumber Sales, and Building Materials Sales: Home improvement centers, lumber sales, and building materials sales are permitted subject to the following criteria:
1. All outdoor display and sales areas shall comply with Part 16 of this Chapter relating to *Outside Display and Sales*.
  2. All permitted activities, including drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, except for the inventory/display/sales, parking, shall be conducted within a completely-enclosed building.
- R. Hospital: Hospitals are permitted subject to the following criteria:
1. Emergency entrances shall not be located or oriented directly toward any adjacent property in the Residential Districts or existing residential use in the Mixed Use Districts.
- S. Kennel, Commercial: Commercial kennels are permitted subject to the following criteria:
1. Unless animals are kept inside at all times, all structures and areas where animals are kept that are not completely enclosed, and also including any outdoor animal pens, stalls, and runways shall be located within the rear yard, and shall be a minimum of:
    - a. Special yard and setback requirements. All animal shelters, buildings, outdoor stalls and/or runways shall be set back from the lot line at least three hundred (300) feet.
    - b. The Zoning Hearing Board may as a special exception, however, reduce the above special yard and setback requirements where it is shown that, because of nature of the operation, design and construction of the structures proposed to accommodate animals, relating prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from noise, odor, dust, or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special yard and setback requirement to less than seventy-five (75) feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.
    - c. Otherwise, the setback requirements of the applicable zoning district shall apply.
  2. All areas utilized for outdoor exercise of animals and outdoor stalls and/or runways to which animals have access shall be completely enclosed by a six (6) foot high fence to prevent the escape of animals.
  3. No animals shall be permitted to use outdoor exercise areas or outdoor stalls and/or runs that are located within three hundred (300) feet of a lot line between the hours of 8:00 p.m. to 8:00 a.m.
  4. The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater run-off and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 360 relating to stormwater management and approved by the Borough Engineer. At a minimum, surface water and stormwater run-off from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 12 of this Chapter relating to *Performance Standards for All Uses*.

5. The applicant shall also demonstrate that the facility will comply with all applicable Commonwealth of Pennsylvania requirements for such uses.
- T. Mini-Storage Warehouse: Mini-storage warehouses are permitted subject to the following criteria:
1. Parking may be provided along interior traffic aisles adjacent to the buildings. These aisles shall be at least twenty-six (26) feet wide when storage units open onto one side of the aisle only and at least thirty (30) feet wide when storage units open onto both sides of the aisle.
  2. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
  3. All recreational vehicles, boats and trailers stored outside of an unenclosed building shall be:
    - a. Maintained with current, valid license plates inspection stickers, (when applicable), and be in operable condition.
    - b. Surrounded by a fence or wall at least six (6) feet in height.
  4. Mini-storage units shall be used solely for the storage of property. The following uses are expressly prohibited within mini-storage units upon the site:
    - a. Auctions, commercial wholesale or retail sales, or garage / yard sales.
    - b. Offices or residential dwellings.
    - c. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
    - d. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
    - e. The establishment of a warehousing, distribution, and wholesaling business.
    - f. The storage of trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items that are dangerous, noxious or offensive because of odors, dust, noise, fumes, or vibrations.
    - g. The applicant shall adequately demonstrate that all mini-storage/ rental and/or use contracts shall specifically prohibit the uses listed in subsections a. through f. above.
  5. All “overhead” or “rollup” doors on mini-storage units or outdoor storage areas shall not be located directly facing toward abutting property in the Residential Districts or existing residential use in the Mixed Use Districts.
- U. Nightclub: Nightclubs are permitted subject to the following criteria
1. A nightclub serving alcohol shall be located in accordance and otherwise comply with the provisions of the Pennsylvania Liquor Control Board.
- V. Parking Lot/Parking Structure: Parking lots/parking structures are permitted subject to the following criteria
1. Off-street surface parking lots abutting public street right-of-way including alleys, shall be provided with a continuous street-fronting three and one-half (3 ½) foot high masonry wall or a perimeter planting at least five (5) feet in depth measured from all sides of the parking area towards the property/street line with a mix of high and low level screening in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*. Wall breaks for access drives and driveways shall be not more than twenty-four (24) feet in width.
  2. In no case shall parking lots be permitted as a principal use or as an accessory use on a lot without a permitted principal use on the lot in the Residential Districts, or in any zoning district where parking lots are not permitted principal uses. In order to provide for additional accessory parking for a permitted principal use, such parking shall be located on the same lot as the permitted principal use.
  3. All above ground, off-street parking garages and structures shall comply with all provisions for principal buildings and uses in the zoning district where the parking structures and building is proposed.
  4. In the Mixed Use Districts:
    - a. Driveways, access drives or other points of ingress/egress for motor vehicles shall generally be taken from alleys, but in no case shall access be taken from Derry Street.

- b. Off-street surface parking lots shall not be located along, have frontage on, or otherwise abut Derry Street.
- c. Off-street surface parking lots shall not be located on corner lots, or on, or adjacent to the intersection of two (2) streets.
- d. Above ground parking garages and structures located along any street right-of-way line, excluding alleys, shall be provided with continuous, usable, street-fronting, ground-level, non-residential facades, space, or uses along the entire length of the structure, except for ingress and egress points necessary for retail store entrances and pedestrian entrances to stairs and elevator lobbies into the garage or structure.

W. Park, Playground, and Other Non-Commercial Outdoor Recreational Use: Parks, playgrounds and other non-commercial outdoor recreational uses are permitted subject to the following criteria:

- 1. Parks, playgrounds, and other non-commercial outdoor recreational uses shall be developed in a manner that preserves natural features, watercourses, unique rock outcrops, slopes of greater than fifteen (15) percent, and vegetation.

Y. Public / Private Utility Facility: Public / private utility facilities are permitted subject to the following criteria:

- 1. The applicant shall demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.
- 2. In the Residential Districts and Mixed Use Districts, any permitted public building shall maintain an exterior appearance that resembles and is compatible with any existing dwellings and buildings in the neighborhood, and building height and setbacks shall be consistent with surrounding development in the neighborhood. In all other districts, all height, area, setback and impervious lot coverage standards within the applicable zoning district shall apply.
- 3. In the Residential Districts and Mixed Use Districts, the outdoor storage of vehicles, materials, and equipment shall not be permitted.
- 4. Principal buildings and structures shall be setback fifty (50) feet from an abutting property in the Residential Districts or existing residential use in the Mixed Use Districts.

Z. Sawmill: Sawmills are permitted subject to the following criteria:

- 1 All cutting, sawing, grinding, or other processing shall be conducted within a completely-enclosed building.
- 2. All storage and loading areas shall be a minimum of fifty (50) feet from any adjacent property in the Residential Districts or existing residential use in the Mixed Use Districts.

AA. Sexually Oriented Business and/or Related Uses. Sexually oriented businesses and/or related uses are permitted subject to the following criteria:

- 1. No portion of a building occupied by a sexually oriented business or related use shall be located within:
  - a. Five hundred (500) feet of any sexually oriented business or related use, but in no case shall more than one (1) sexually oriented business and/or related use be located within the same block;
  - b. Two hundred fifty (250) feet of any adjacent property in the Residential Districts or existing residential use in the Mixed Use Districts; and
  - c. Five hundred (500) feet of any property which contains any one (1) or more of the following specified land uses where minors may congregate;
    - (1). Commercial Recreation Facility, Indoor/Outdoor;
    - (2). Daycare facility primarily for children;
    - (3). Library;
    - (4). Park, Playground, Playfield;
    - (5). Place of Worship;
    - (6). School, Private/Public;
    - (7). Swimming Pool, Public; or

- (8). Other lands, buildings, and uses where minors are permitted to congregate.
  2. No materials, merchandise, or film offered for sale, rent lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
  3. Any building or structure used and occupied as a sexually oriented business or related use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
  4. All signs shall comply with Part 13 of this Chapter. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
  5. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
  6. No sexually oriented business or related use may change to another sexually oriented business or related use, except upon additional approval by the entity with jurisdiction for initial approval.
  7. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
  8. No unlawful sexual activity or conduct shall be permitted.
- BB. Tavern/Bar: Taverns/bars are permitted subject to the following criteria:
1. A tavern/bar shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- CC. Treatment Center: Treatment centers are permitted subject to the following criteria:
1. A treatment center shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the treatment center.
  2. A common cooking and eating area shall be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
  3. The residents of the treatment center shall reside on the premises.
  4. No portion of a building occupied by a treatment center shall be located within:
    - a. Two hundred fifty (250) feet of any adjacent property in the Residential Districts or existing residential use in the Mixed Use Districts.
    - b. Five hundred (500) feet of another treatment center, group home facility, group care facility, and/or halfway house, but in no case shall more than one (1) treatment center be located within the same block.
    - c. Five hundred (500) feet of any property which contains any one (1) or more of the following specified land uses where minors may congregate:
      - (1). Commercial Recreation Facility, Indoor/Outdoor;
      - (2). Daycare facility primarily for children;
      - (3). Library;
      - (4). Park, Playground, Playfield;
      - (5). Place of Worship;
      - (6). School, Private/Public;
      - (7). Swimming Pool, Public; or
      - (8). Other lands, buildings, and uses where minors congregate.
  5. Each application shall be accompanied by a statement describing the following:
    - a. The composition of the treatment center;

- b. The policies and goals of the treatment center and the means proposed to accomplish those goals;
- c. The characteristics of the residents and number of residents to be served;
- d. The operating methods and procedures to be used; and
- e. Any other facts relevant to the proposed operation of the treatment center.

**Section 1604. Additional Supplemental Standards and Requirements for Specific Accessory Uses.**

A. Accessory Apartment. Accessory apartments are permitted subject to the following criteria:

- 1. The principal use of the building and property shall be a single family detached dwelling.
- 2. No more than two (2) total dwelling units shall be permitted per lot.
- 3. The accessory apartment dwelling unit shall not be less than three hundred fifty (350) and not more than eight hundred (800) square feet.
- 4. The accessory apartment shall have separate kitchen and bathroom facilities, living/sleeping spaces, as well as access to the outside or a common hallway or balcony.
- 5. The owner shall reside on the premises. Proof of residency shall be required.
- 6. Accessory apartments within the principal single family detached building are permitted as long as there shall be no alterations to the exterior appearance of the building and that it continues to resemble and is compatible with any existing dwellings in the neighborhood. No modifications to the external appearance of the principal building, including additional door/wall openings, except fire escapes, which would alter its residential character shall be permitted.
- 7. Accessory apartments in accessory buildings shall not otherwise occupy ground floor, off-street garage floor area/space, thereby displacing required off-street parking spaces provided on the lot.
- 8. All new accessory structures constructed for the exclusive use as an accessory apartment shall be designed to have an appearance that is architecturally compatible with the principal building including design, materials, and colors, and roof pitch.

B. Automated Banking Facility. Automated banking facilities are permitted subject to the following criteria:

- 1. Within the Mixed Use Districts, drive-thru facilities shall be prohibited.
- 2. Otherwise, all drive thru automated banking facilities are permitted, subject to the criteria for drive-thrus set forth in this Chapter 16 relating to *Drive-Thru Facility for Permitted Use*.

C. Community Garden. Community gardens are permitted subject to the criteria for community gardens set forth in Part 16 of this Chapter relating to *Drive-Thru Facilities for Permitted Use*.

D. Daycare, Family. Family daycare uses are permitted subject to the following criteria:

- 1. All principal structures permitted to be family daycare facilities shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building, except fire and safety requirements, which would alter its residential character shall be permitted.
- 2. An outdoor play area for children shall be provided. Off street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located in the front yard between the principal building and the public street, excluding alleys. All outdoor play areas shall be provided with a means of shade, such as a shade tree(s) or pavilion(s). Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.).
  - a. Additionally, outdoor play areas shall be located at least ten (10) feet from any abutting property in the Residential Districts or existing residential use in the Mixed Use Districts, provided with a fence of at least four (4) feet in height, and screened in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.

E. Drive-Thru Facility for Permitted Use: Drive-thru facilities for permitted uses are permitted subject to the following criteria:

- 1. No part of the drive-thru facility shall be located within fifty (50) feet of any adjacent property in the Residential Districts or existing residential use in the Mixed Use Districts.

2. All drive-in facility buildings and structures shall be designed and planned to incorporate and be compatible with natural and built features of the site and area.
3. Drive-thru facilities, including intercom, stacking lanes and spaces, and service windows, shall be located along the side or rear faces of the building.
  - a. In no event shall the drive-through facility be permitted in the front yard between the principal building and the public street right-of-way, excluding alleys.
  - b. To the maximum extent feasible the drive-thru facility shall be located on a building wall facing away from an abutting property in the Residential Districts or existing residential use in the Mixed Use Districts.
4. Drive-thru facilities, including intercom, stacking lanes and spaces, and service windows, shall not be permitted within any required building setback, yard, nor buffer yard area.
5. Sufficient stacking facilities for drive-thru facilities shall be provided, in accordance with Part 14 of this Chapter relating to *Stacking Standards*.
6. All drive-thru facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.
7. A maximum of two (2) outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of forty (40) square feet each, if the words on such signs are not readable from beyond the lot line.
8. Within the Mixed Use Districts, drive thrus shall be prohibited.

F. Home Occupation: Home occupations are permitted subject to the following criteria:

1. Home occupations may involve a limited range of commercial uses such as:
  - a. Office, Business and Professional and Medical;
  - b. Personal Service Business;
  - c. Craftsman / Artisan Studio; and
  - d. Food Service, excluding direct retail sales of goods to customers / patrons visiting the business and on-site consumption of products;

as long as it remains secondary and clearly incidental to and compatible with the residential dwelling.
2. In the MNB and DT Zoning Districts, home occupations may involve the limited range of commercial uses set forth in the applicable zoning district, as long as it remains secondary and clearly incidental to and compatible with the residential dwelling.
3. No more than two (2) non-residents shall be employed by the home occupation.
4. The owner of the home occupation shall reside on the premises, and at least one (1) resident shall be engaged in the home occupation. Proof of residency shall be provided.
5. The home occupation may be located in the principal dwelling unit and/or an accessory building.
6. Any permitted home occupation use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modifications to the external appearance of the building, except fire escapes, which would alter its residential character shall be permitted.
7. All business activities shall take place in a completely enclosed building. No outdoor or outside display / sales, or unenclosed storage related to the home occupation shall be permitted.
8. Home occupations shall be limited to not more than twenty-five (25) percent of the gross floor area of the principal dwelling unit, or five hundred (500) square feet of gross floor area, whichever is less, even if the home occupation is conducted within an accessory building.
9. No sales of any goods or merchandise shall occur on the premises other than those goods or merchandise which are produced on the premises or are customarily incidental to the accessory home occupation and directly related thereto (e.g. hair care products by a barber or beautician).
10. No goods shall be displayed or stored so as to be visible from any property line.

11. Activities associated with the home occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line.
    - a. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and compliance with other performance standards in accordance with Part 12 of this Chapter relating to *Performance Standards for All Uses* is required.
  12. All parking areas shall comply with Part 14 of this Chapter and the applicable zoning districts, and shall be:
    - a. Located to the side or rear (behind) of the principal residential dwelling.
    - b. Provided with screening of not less than ninety (90) percent opacity in accordance with Part 12 of this Chapter relating to *Buffer and Screening Regulations*.
  13. The home occupation shall not require delivery or pickup by tractor-trailer trucks.
  14. In the Residential Districts, and the PAC and TN Zoning Districts, home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 8:00 p.m. and 8:00 a.m. Otherwise, the hours of operation and activities shall be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption. An hours of operations plan shall be submitted as part of any application for such home occupation in accordance with Part 12 of this Chapter relating to *Hours of Operation and Management Plan*.
  15. The home occupation shall not involve commercial repair of motor vehicles or similar type equipment.
  16. Drive-thru facilities shall be prohibited.
  17. The home occupation shall not involve any illegal activity.
- G. No-Impact Home Occupation: No-impact home occupations are permitted subject to the following criteria:
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, vibrations, 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 twenty-five (25) percent of the habitable floor area.
  8. The business may not involve any illegal activity.
- H. Outdoor Café / Dining. Outdoor cafés / dining are permitted subject to the following criteria:
1. Outdoor furnishings shall be limited to tables, chairs, umbrellas, benches, trash/recycling type facilities, outdoor heaters, and reservation podium.
  2. Outdoor furnishings shall be stored in an enclosed facility (which shall include fencing) after normal operating hours.
  3. The limits of the outdoor dining area shall be defined. In addition to decorative fencing and landscaping, decorative planters, posts with ropes, and other removable enclosures, as well as reservation podium are encouraged as a way of defining the area occupied by the outdoor dining area.
  4. Advertising or promotional signage, other than permitted signs in accordance with Part 13 of this Chapter, shall be limited to umbrellas and canopies.

5. Outdoor dining shall not impede public sidewalks. Where permission is granted by the entity having jurisdiction over the public right-of-way in which the outdoor dining is proposed, a minimum of six (6) feet of uninterrupted (obstacle free) pathway can be continuously maintained, public sidewalks may be utilized for outdoor dining areas.

I. Outside Display and Sales: Outside display and sales are permitted subject to the following criteria:

1. To be considered outside display and sales, the goods, material, and merchandise which are being displayed shall be offered for sale to customers. Otherwise, it shall be considered outdoor storage or stockpiling and shall comply with outdoor storage and outdoor stockpile provisions set forth elsewhere in Part 12 of this Chapter relating to *Outdoor Storage and Outdoor Stockpiling*.
2. Except as provided in this subsection below, outside display and sales of goods, material, and merchandise shall not occupy any public right-of-way (including public sidewalk areas), setbacks, buffer yards, or required parking and loading areas. In no case shall the location of such outside display and sales areas occur within any area used for pedestrian or vehicular circulation, parking or loading, or emergency vehicle access (e.g., fire lanes).
  - a. Within the MNB Zoning District, outside display and sales of goods, material, and merchandise shall be limited to front porches.
  - b. Within the DT and GB Zoning Districts, outside display and sales of goods, material, and merchandise may be located within the front yard and front setback.
3. Where permitted, automobile, boat, heavy equipment, mobile / manufactured home, recreational vehicle, and other similar motor vehicle rental / sales, repair / servicing, washing, and/or fuel / gasoline sales with outside sales/rental inventory/display areas for other similar motor vehicles, about a street right-of-way, a perimeter landscape strip, a minimum of five (5) feet in width planted with a hedge, masonry wall, and/or other desirable planting of at least two (2) feet in height, along with grass or other living ground cover shall be planted, mulched and maintained on all portions of the perimeter landscape strip, and shall be provided and protected by permanent curbing, or otherwise comply with Part 14 of this Chapter.
4. The location of the outside display and sales shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
  - a. Traveling within a public right-of-way including sidewalks and streets;
  - b. Entering or leaving the lot or adjacent lots (including access drives and driveways); and
  - c. Shall be not located within any required clear-sight triangle as required in Part 14 of this Chapter relating to *Driveways and Access Drives*.
5. No outside display and sales shall occur on areas with a slope in excess of fifteen (15) percent or within any area designated as the floodway or floodfringe as provided for in Part 11 of this Chapter relating to *Floodplain Overlay Zoning District (FPO)*.
6. In order to prevent dust, erosion, and excessive water flow across streets or abutting property, all areas used for the outside display and sales shall be graded for proper drainage and shall be improved with a durable and dustless surface, such as concrete or bituminous concrete surface unless an alternative material and/or design as part of a readily accepted stormwater BMP, in accordance with Chapter 360 relating to stormwater management or any other construction materials specifications adopted by the Borough, and approved by the Borough Engineer.
7. Outside display and sales areas shall be kept in an orderly fashion to maintain circulation for emergency response.
8. No signage, except as authorized by Part 13 of this Chapter, shall be permitted.
9. Outside display and sales areas shall be graphically depicted and otherwise indicated upon any required site plan as part of a permit application pursuant to Part 12 of this Chapter relating to *Applications for Zoning Permits*.



## PART 17

### ADMINISTRATION & ENFORCEMENT

#### Section 1701. Applicability of this Chapter.

This Chapter shall apply throughout Paxtang Borough, Dauphin County, PA. Any activity regulated by this Chapter shall only occur in such a way that conforms to the regulations of this Chapter.

#### Section 1702. Administration.

- A. The provisions of this Chapter shall be enforced by the Zoning Officer, appointed by the Paxtang Borough Council. The Zoning Officer may have designated an employee of the Borough as his Assistant, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
- B. The duties of the Zoning Officer shall be to:
  - 1. Administer this Chapter in accordance with its literal terms;
  - 2. Receive, examine and process all applications and permits as provided by the terms of this Chapter. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved by the body having the respective jurisdiction;
  - 3. Receive and process all requests for reasonable accommodation under the Fair Housing Amendments Act and/or the American Disabilities Act as applicable. Criteria and procedures for the handling of such requests shall be in accordance with subsection C. below;
  - 4. Review proposed subdivisions and land developments for compliance with this Chapter;
  - 5. Determine the date before which steps for compliance shall be commenced and the date before which the steps shall be completed. The Zoning Officer shall determine an appropriate duration of time for compliance of the specified activity, not to exceed thirty (30) days. Extensions up to a total of ninety (90) days from the date of receipt of the enforcement notice may be granted at the discretion of the Zoning Officer if applied for in writing;
  - 6. Record and file all applications for zoning permits, certificates of use and occupancy, and other permits as may be set forth in this Chapter and accompanying plans and documents, and keep them for public record;
  - 7. Inspect properties to determine compliance with all provisions of this Chapter as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;
  - 8. Upon the request of the Paxtang Borough Council or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
  - 9. Be responsible for keeping this Chapter and the official zoning map listed in Part 3 of this Chapter relating to *Zoning Map*, up-to-date, including any amendments thereto;
  - 10. Revoke a permit or approval issued under the provisions of this Chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in this Chapter, or otherwise permitted by law; and
  - 11. Take enforcement actions as provided by the Municipalities Planning Code (MPC) as amended.
- C. Reasonable Accommodation. The Borough complies with the Federal Fair Housing Act (FHA), as amended, and/or the Americans with Disabilities Act (ADA), as amended, to ensure that policies and regulations including but not limited to this Chapter, do not discriminate against persons on the basis of race, color, religion, national origin, disability, or family status.
  - 1. The Borough shall grant requests for reasonable accommodations if such requests provide equal housing and accessibility opportunities to persons with disabilities, and such requests do not constitute substantial changes or deviations to standards and provisions of this Chapter.
  - 2. Persons requesting reasonable accommodation under the Fair Housing Amendments Act and/or the Americans with Disabilities Act, shall submit a request in writing to the Zoning Officer, which shall, at a minimum, include the following information:
    - a. The name and address of the applicant.

- b. Specific sections, standards, and provisions of this Chapter from which reasonable accommodation is being requested.
  - c. The specific description of the reasonable accommodation being sought and the other pertinent information, including a detailed listing of any proposed structural or location related accommodations.
  - d. The specific condition(s) of the applicant for which reasonable accommodation is sought.
  - e. A description of the hardship, if any, that the applicant will incur should the request for reasonable accommodation being sought, not be granted.
  - f. A description of any alternative methods of relieving the claimed hardship that have been considered, as well as the reason, if any, why the applicant have rejected such alternatives.
  - g. A statement describing why the requested accommodation is necessary to afford the applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling, building, or structure in question.
  - h. A description of the manner in which the accommodation, if granted, will be removed, terminated, and/or discontinued if no longer necessary to afford equal opportunity to a non-handicapped or non-disabled person to use and enjoy the dwelling, building, or structure in question.
  - i. A statement of any facts indicating whether or not non-handicapped or non-disabled persons would be permitted to utilize the property in question in a manner similar to that which is sought by the applicant.
- 3. The Zoning Officer, at his discretion, may hold any meetings and/or hearings to solicit information or argument pertinent to the request for accommodation.
  - 4. The Zoning Officer's decision shall be in writing and state the reasons for the decision, including references to the specific sections of this Chapter, and any other relevant and related chapters of the Codified Ordinance of the Borough.
  - 5. The Zoning Officer shall issue his written decision to the applicant and the Borough within thirty (30) days of filing of the request for accommodation.
  - 6. A request for reasonable accommodation should be directed in the first (1st) instance to the Zoning Officer. In considering a request for reasonable accommodation, the Zoning Officer shall, with the advice of the counsel of the Borough Solicitor and/or Borough Engineer, apply the following criteria:
    - a. Whether the applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments and/or the Americans with Disabilities Act.
    - b. The degree to which the accommodation sought is related to the handicap or disability of the applicant.
    - c. A description of hardship, if any, that the applicant will incur should the request for reasonable accommodation being sought not be granted.
    - d. The extent to which the requested accommodation is necessary to afford the applicant opportunities equal to a non-handicapped or non-disabled person to use and enjoy the dwelling, building, or structure in question.
    - e. The extent to which the proposed accommodation may impact other property owners in immediate vicinity.
    - f. The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes of this promoted by Chapter, the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough, and the community development objectives set forth in this Part 1 of this Chapter relating to *Purpose of Enactment*.
    - g. The extent to which the requested accommodation would impose financial and administrative burdens upon the Borough.
    - h. The extent to which the requested accommodation would impose an undue hardship upon the Borough.
    - i. The extent to which the accommodation would require a fundamental alteration in the nature of the Borough's regulatory policies, objectives, and regulations.

- j. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or disabled persons.
  - k. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated, and/or discontinued when it is no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the dwelling, building, or structure in question.
7. Persons aggrieved by the Zoning Officer's determination may appeal to the Zoning Hearing Board in accordance with Part 17 of this Chapter relating to *Zoning Hearing Board*.

### **Section 1703. Permits & Certificates.**

- A. A zoning permit indicates that a zoning application complies with this Chapter to the best knowledge of the Zoning Officer or his designee. No zoning permit or certificate of use and occupancy shall be granted by him for any purpose except in compliance with the literal provisions of this Chapter. The Zoning Officer may be authorized to institute enforcement proceedings as set forth in this Part 17 relating to *Enforcement, Violations, and Penalties*.
- B. A zoning permit is required to be issued prior to the start of any of the following activities:
  - 1. Use, occupation, erection, construction, reconstruction, addition, conversion, alteration, movement, placement, or extension (vertical or horizontal) of any structure or building.
  - 2. Change in the type of use and expansion of the use of a structure, building, and/or area of land, including non-conformities.
  - 3. Creation or establishment of a new use of a structure and/or area of land.
  - 4. Other activities required to have a permit and/or approval by this Chapter.
  - 5. No zoning permit shall be required for repairs or routine maintenance of any structure, building, or land provided such repairs or maintenance do not change the use or the exterior dimensions of the structure, building, or otherwise violate the provisions of this Chapter.
- C. The Borough may, at its option, issue combined or separate building permits and zoning permits, and related Certificates of Use and Occupancy, and may utilize a single or separate application for the permits.
- D. The only determination by the Zoning Officer that shall be official shall be a written determination after the Zoning Officer receives a duly submitted written official application.
- E. Any zoning permit shall be issued or denied within ninety (90) days from the date of application.
- F. No zoning permit shall be issued except in conformity with:
  - 1. All applicable regulations of this Chapter;
  - 2. Any conditions imposed upon the site by the Zoning Hearing Board or the Paxtang Borough Council; and
  - 3. Any recorded subdivision or land development plan.
- G. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit may be denied.
- H. Application for a zoning permit shall be made by the owner or authorized agent of any building, structure, or land, provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization of the owner, that the proposed work is authorized by the owner. The full names and addresses of the owner, applicant, and responsible officers, if the owner is a corporate body, shall be stated in the application.
- I. The Zoning Officer may call upon other Borough staff and/or appointed consultants in the review of submitted materials for applications.
- J. The Zoning Officer may revoke a permit or approval issued under the provisions of this Chapter in case of any false statement or misrepresentation of fact in the application or plans on which the permit or approval was based or for any other cause set forth in this Chapter.
- K. Where a zoning permit is required by this Chapter, but the work is commenced or changed prior to obtaining such permit, and after notice by the Borough the fees set by ordinance or resolution of the Paxtang Borough Council for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Borough resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices, or process the application as soon as it

is received. The payment of such increased permit fees shall not relieve any person from complying with all requirements of this Chapter or any other applicable Borough chapters, ordinances, regulations, or from any penalties or enforcement actions authorized by this Chapter.

- L. Issuance of Permits. Upon receiving the application, the Zoning Officer shall examine the same within the required timeframe set forth in this subsection after filing. If the application or plans do not conform to the provisions of all applicable local laws, the Zoning Officer shall reject such application in writing, stating the reasons therefore. The Zoning Officer shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of this Chapter and all laws and ordinances applicable thereto, and that the zoning permit as required herein has been applied for, the Zoning Officer shall issue a permit therefore to the maximum extent feasible but not later than ninety (90) days from receipt of the application.
- M. Reconsideration of Application. An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. Additional fees may apply as set by the Paxtang Borough Council.
- N. Expiration of Zoning Permit. Should the applicant fail to commence work within six (6) months of the date of issuance of the zoning permit, the permit shall expire; provided, however, that the same may be extended one (1) time for six (6) additional months, upon written request by the applicant at least thirty (30) days prior to the permit expiration date, and upon subsequent approval by the Zoning Officer.
- O. Compliance with this Chapter. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions this Chapter, except as stipulated by the Zoning Hearing Board. This shall not relieve the applicant from obtaining any required building permit approvals as required under Chapter 133 relating to buildings.
- P. Compliance with Permit and Plot / Site Plan. All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot / site plan.
- Q. Display of Zoning Permit. All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first (1<sup>st</sup>). Such permit display shall be continuous until the site receives its certificate of use and occupancy.
- R. Inspections. Inspections of the property in question by the Zoning Officer or other duly appointed official may be required at various intervals during the construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements process. By submitting an application for a zoning permit, the landowner or applicant authorizes the Borough to perform such inspections as required.

#### **Section 1704. Certificate of Use and Occupancy.**

- A. It shall be unlawful to use and/or occupy any structure, sign, land area or portion thereof for which a zoning permit is required until a Certificate of Use and Occupancy for such activity has been issued by the Zoning Officer.
- B. The Borough staff may permit the building permit and zoning permit application to serve as the application for the Certificate of Use and Occupancy.
- C. The Certificate of Use and Occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Chapter, to the best knowledge of the Zoning Officer.
- D. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.
- E. Upon request of the applicant, the Zoning Officer may issue a temporary Certificate of Use and Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure or on all or part of the land before the entire work covered by the zoning permit has been completed.
  - 1. However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
  - 2. The temporary Certificate shall establish in writing a maximum time period under which it is valid. A six (6) month maximum time period shall apply if not otherwise specified.
  - 3. Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Chapter.
  - 4. The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
- F. The Zoning Officer shall inspect any structure, building, or land within fifteen (15) days upon notification that the proposed work that was listed under a zoning permit has been completed and if satisfied that the

work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a Certificate of Use and Occupancy for the intended use listed in the original application. Where a building permit is required under Chapter 133 relating to buildings, a certificate of use and occupancy shall not be issued until a final inspection by the Building Code Official is complete and found to be satisfactory.

**Section 1705. Zoning Permit(s) for Temporary Uses and Structures.**

- A. A zoning permit for a temporary use or structure (including signs) may be issued by the Zoning Officer for any of the following:
  - 1. Customary, routine, and accessory short-term special events, provided that only a well-established nonprofit organization or a permitted place of worship proposing a temporary use demonstrates clearly that the proposed use will primarily serve a charitable, public service or religious purpose in order to be eligible to receive approval for commercial or business type activities in a zoning district where the commercial or business use would not otherwise be permitted;
  - 2. Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway;
  - 3. Such other activities that the applicant proves are routine, customary and temporary, including those specific “temporary” uses and structures set forth in Part 12 of this Chapter relating to *Temporary Structures*.
- B. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated or otherwise specifically provided in Part 12 of this Chapter, then a one hundred eighty (180) day maximum period shall apply. A temporary permit may be renewed not more than one (1) additional time beyond the initial approval, for just cause.

**Section 1706. Types of Uses.**

- A. Use Permitted By Right. The Zoning Officer shall issue a zoning permit under this Chapter in response to an application for a use that is “permitted by right” if it meets all of the requirements of this Chapter.
- B. Special Exception Use. A zoning permit under this Chapter 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, and compliance with any conditions by the Zoning Hearing Board and any conditions required by this Chapter.
- C. Conditional Use. A zoning permit under this Chapter for a use requiring a conditional use shall be issued by the Zoning Officer only in response to a written approval by the Paxtang Borough Council, following a hearing, and compliance with any conditions by the Paxtang Borough Council and any conditions required by this Chapter.
- D. Application Requiring a Variance. A permit under this Chapter for a use requiring a variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and in compliance with any conditions set by the Zoning Hearing Board.

**Section 1707. Applications for Zoning Permits.**

- A. Submission. All applications for a zoning permit 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 official.
- B. Application Information. Any application under this Chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Chapter:
  - 1. Address of the lot.
  - 2. Name and address of the applicant, and of the owner of the property if different from the applicant.
  - 3. Description of the proposed use of the property.
  - 4. All other applicable information listed on the official Borough application form.
  - 5. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Chapter.
  - 6. Applications for zoning and/or building permits involving the construction of new principal buildings or additions / expansions to existing principal buildings, etc. in the Development Compatibility Standards Overlay Zoning District (DCSO) shall be submitted with the information required in Part 11 of this Chapter relating to *Development Compatibility Standards Overlay Zoning District (DCSO)*.

- C. Plot / Site Plan. The applicant shall submit a minimum of two (2) copies of a plot / site plan with the application. The plot / site plan shall be drawn to scale and show the following:
1. The approximate layout of the lot, with lot width, lot area and other applicable dimensional standards and requirements.
  2. The total number of lots, units of occupancy, density and proposed land use(s). If multiple land uses are proposed, the location of each land use shall be indicated.
  3. The approximate location and configuration of existing and proposed buildings, structures, parking compounds, loading areas, streets, access drives, driveways, alleys, sidewalks, easements, and general stormwater management facilities and locations, with existing features clearly distinguished from proposed features.
  4. Setback lines and yards with notes showing the dimensions of all structures and buildings from lot lines and street rights-of-way.
  5. Location of any watercourses and any one hundred (100) year floodplain.
- D. Application for Zoning Permits for Non-Residential Uses shall include the following, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Section:
1. A location map showing the tract to be developed, zoning district boundaries, adjoining tracts, significant natural features including wetlands, stands of trees, streams, etc., and streets for a distance of two hundred (200) feet from all tract boundaries;
  2. A plot / site plan, certified by a qualified professional land surveyor, engineer, or landscape architect licensed and registered to practice in the Commonwealth of Pennsylvania, of the lot showing the location of all existing and proposed buildings, structures, access drives, driveways, circulation patterns, curb cuts and lot access, parking and loading facilities, screening, fences and walls, buffer yards, waste disposal or other methods of sewage disposal, other construction and development features on the lot, and the location of all topographical features;
  3. A hours of operation and management plan as required in Part 12 of this Chapter relating to *Hours of Operation and Management Plan*, as applicable.
  4. A schematic architectural drawing of the principal building(s) front façade(s).
  5. Submission, approval, and recording information subdivision and/or land development plan in accordance with Chapter 370 relating to subdivision and land development, as required.
- E. Areas Subject to Flooding. If the proposed development, excavation or construction is located within an area subject Part 11 of this Chapter relating to *Floodplain Overlay Zoning District (FPO)* and to Chapter 220 relating to floodplain management, the information set forth in the applicable sections shall accompany all applications.
- F. The Borough Building Code Ordinance. Where the proposed use is regulated under Chapter 133 relating to buildings, the applicant may submit an application for a building permit concurrently with the zoning permit. A zoning permit will not be issued until satisfactorily meeting the requirements of Chapter 133 relating to buildings.

**Section 1708. Issuance of Permits.**

- A. At least one (1) copy of each zoning permit application and any other zoning approvals shall be retained in the Borough files.
- B. PennDOT Permit. Where necessary for access onto a state-owned street or road, a Borough zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

**Section 1709. Revocation of Permits; Appeal of Permit or Approval.**

- A. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this Chapter in the case of one (1) or more of the following:
1. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: Title 18 The Pennsylvania Crimes and Offences Code provides for penalties for providing false information to a municipal employee in the carrying out of his duties).
  2. Upon violation of any condition lawfully imposed by the Zoning Hearing Board for a special exception use or a variance.

3. Upon violation of any condition lawfully imposed by the Paxtang Borough Council for a conditional use.
  4. Any work being accomplished or use of land or structures in such a way that does not comply with this Chapter or an approved plot / site plan or approved permit application.
  5. Any other just cause set forth in this Chapter.
- B. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions made under this Chapter within the provisions of the MPC, as amended. Such appeal shall occur within the time period established by the MPC, as amended.

**Section 1710. Compliance with the Borough Subdivision and Land Development Ordinance.**

If an application under this Chapter is also regulated by Chapter 370 relating to subdivision and land development, then any permit or approval under this Chapter (Zoning Ordinance) shall automatically be conditioned upon compliance with the Chapter 370 relating to subdivision and land development. However, if the granting of a variance, special exception, or conditional use is necessary, such approval shall be obtained prior to submitting an application for subdivision and/or land development approval:

Example 1:

If an applicant applies for a permit for a single-family detached dwelling on a proposed new lot, the zoning and building permit for such dwelling shall not be valid until after the lot is granted final subdivision and land development approval and the lot is officially recorded by the Dauphin County Recorder of Deeds.

**Section 1711. General Procedure for Permits.**

- A. After receiving a proper application, the Zoning Officer within the prescribed timeframes set forth in Part 17 of this Chapter relating to *Permits & Certificates*, shall either:
  1. Issue the applicable permit(s); or
  2. Deny the application(s) as submitted, indicating one (1) or more reasons in writing to the applicant.
- B. The only determination by the Zoning Officer that shall be official shall be a written determination after the Zoning Officer receives a duly submitted written official application.
- C. Unless other approvals are required prior to the issuance of a permit, after the permit under this Chapter has been issued, the applicant may undertake the action specified in the permit, in compliance with other Borough codes and ordinances. However, it is recommended that applicants wait thirty (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 thirty (30) day appeal period shall be at the risk of the applicant.

**Section 1712. Interpretation.**

- A. Minimum Requirements. Where more than one (1) provision of this Chapter controls a particular matter, the provision that is more restrictive upon uses, structures, and buildings shall apply. The provisions of this Chapter are in addition to any other applicable Borough code or ordinance.
- B. Interpretation of This Chapter Text and Boundaries
  1. The Zoning Officer shall literally apply the wording of this Chapter and the location of all zoning district boundaries to applications, see Part 3 of this Chapter relating to *Zoning District Boundaries*. In any case, the Zoning Officer may also request an advisory opinion from the Borough Solicitor and/or Borough Engineer, or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.
  2. If an applicant disagrees with the Zoning Officer's determination and believes that the Chapter should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board.

**Section 1713. Enforcement, Violations and Penalties.**

All of the enforcement, violations and penalty provisions of the MPC, as amended, are hereby incorporated into this Chapter by reference.

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Chapter:
  1. Failure to secure a zoning permit prior to pursuing any activity listed in Part 17 of this Chapter relating to *Permits & Certificates*.

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 an approved zoning permit.
4. Violation of any conditions imposed by a decision of the Zoning Hearing Board in granting a variance, special exception, or other approval.
5. Violation of any condition imposed by a decision of the Borough Council in granting a conditional use.

B. Causes of Action; Enforcement; Remedies

1. Enforcement. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice. Prior to sending an official enforcement notice, the Zoning Officer may at his option informally request compliance.
2. Enforcement Notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. If the owner of record of the parcel of which the violation has occurred is not to whom the zoning permit was issued, then the enforcement notice shall also be sent to the person(s) whom the zoning permit was granted. An enforcement notice shall state the following, at minimum:
  - a. The name of the owner of record and any other person against whom the Borough intends to take action.
  - b. The location and address of the property in violation.
  - c. The specific violation with a description of the requirements which have not been met, citing in each instance, the applicable provisions of this Chapter.
  - d. The date before which the steps for compliance shall be commenced and the date before which the steps shall be completed.
  - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.
  - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
3. Evidence and Fees. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first (1<sup>st</sup>). Any filing fees paid by a party to an appeal of an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
4. Cause of Action. If the enforcement notice is not complied with, within the specified time period, the Zoning Officer shall notify the Paxtang Borough Council. With the consent of the Paxtang Borough Council, the Borough Solicitor or other officer of the Borough may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.
5. Violations and Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500) 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 Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5<sup>th</sup>) day following the date of the determination 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 Chapter shall be paid over to the Borough. Imprisonment shall not be authorized by this Chapter.



#### **Section 1714. Fees.**

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

#### **Section 1715. Amendments.**

All of the amendment provisions of the MPC, as amended, are hereby incorporated into this Chapter by reference.

- A. Power of Amendment. The Borough Council may from time to time, amend, supplement, change or repeal this Chapter including the official zoning map listed in Part 3 of this Chapter relating to *Zoning Map*. Any amendment, supplement, change or repeal may be initiated by the Borough Planning Commission, the Paxtang Borough Council, or by a petition to the Borough Council by an interested party;
- B. Hearing and Enactment Procedures for Zoning Amendments: Before conducting any hearing and considering enacting any amendment, supplement, change or repeal to this Chapter including any petitions for text and rezonings or map changes, the Borough shall comply with the procedures and timeframes established by the MPC, as amended.
  1. Public Notice. Before conducting a public hearing, the Paxtang Borough Council shall provide public notice as follows:
    - a. The notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. 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 (1<sup>st</sup>) publication shall not be more than thirty (30) days and the second (2<sup>nd</sup>) publication shall not be less than seven (7) days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail;
    - b. For official zoning map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, municipality, and location of the hearing;
    - c. In addition to the requirement, that notice be posted on the subject property, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least thirty (30) days prior to the date of the hearing by first (1<sup>st</sup>) class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. The provisions of this Section shall not apply when the rezoning constitutes a comprehensive rezoning;
    - d. For curative amendments, public notice shall also indicate that the validity of this Chapter and/or map is in question, and shall give the place where and the times when a copy of the request. including any plans, explanatory material or proposed amendments may be examined by the public; and,
    - e. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Paxtang Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
  2. Enactment Notice. In addition to the public notice requirements defined herein, the Paxtang Borough Council shall publish a reference to the time and place of the meeting at which passage of this Chapter or amendment will be considered, and a reference to a place within the borough where copies of the proposed Chapter or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one (1) newspaper of general circulation in the borough not more than sixty (60) days nor less than seven (7) days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection;
  3. Borough Planning Commission Referrals. For amendments proposed by interested parties other than the Borough Planning Commission, the Paxtang Borough Council shall submit each amendment at least thirty (30) days prior to public hearing to the Borough Planning Commission for review and comment. The Borough Planning Commission shall submit a report of its review, together with any recommendations, to the Paxtang Borough Council within forty-five (45) days from the date of said referral. The recommendation of the Borough Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Chapter and the most recent version of the Paxtang Borough comprehensive plan,

and/or other applicable plans adopted by Paxtang Borough. The Paxtang Borough Council cannot act upon the amendment until it has received a recommendation from the Borough Planning Commission; however, should the Borough Planning Commission fail to submit its recommendation within forty-five (45) days, the Paxtang Borough Council may proceed without its recommendation;

4. Dauphin County Planning Commission Referrals. All proposed amendments shall be submitted to the Dauphin County Planning Commission at least thirty (30) days prior to public hearing on such amendments. The Dauphin County Planning Commission may submit recommendations to the Paxtang Borough Council within thirty (30) days of such referral. The Paxtang Borough Council cannot act upon the amendment until it has received a recommendation from the Dauphin County Planning Commission; however, should the Dauphin County Planning Commission fail to submit its recommendation within thirty (30) days, the Paxtang Borough Council may proceed without its recommendation;
5. Adjournment of Public Hearing. If, during the public hearing process, the Borough needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a specific time and place; and,
6. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Dauphin County Planning Commission;

C. Amendment Initiated by a Petition from an Interested Party.

1. All petitions for amendment, supplement, change, or repeal for a portion of this Chapter shall include but not be limited to:
  - a. A statement of why proposed amendment would be in the best interests of the Borough.
  - b. A statement of how the proposed amendment is in accordance with the intent of this Chapter.
  - c. A statement of how the proposed amendment furthers the objectives of the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough.
  - d. All fee established by Paxtang Borough Council shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.
  - e. The Borough reserves the right to require duplicate sets of petition materials and request additional information in order to evaluate the applicability of the petition.
2. In addition to the requirements and procedures set forth in Part 17 of this Chapter relating to *Amendments* including specific timeframes and County Planning reviews, petitions involving rezoning or map change amendments shall also be processed in accordance with the following:
  - a. Purpose of Rezoning or Map Change Procedures and Requirements.
    - (1). The purpose of these rezoning or map change procedures and requirements is to protect the safety, capacity and efficiency of the Borough's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough.
    - (2). Borough rezoning or map change recommendations shall be based on the projected beneficial and/or detrimental effects not only on the immediate neighborhood, but also on the Borough as a whole.
  - b. Request for Rezoning or Map Change. All requests for rezoning or map change shall be accompanied by a package of the plans, analyses and reports required below, to demonstrate the compatibility of a rezoning or map change request.
  - c. Review of Request for Rezoning or Map Change Package.
    - (1). Upon receipt of a request for rezoning or map change package, the Zoning Officer will review the package for completeness. If the Zoning Officer finds the submission to be incomplete or insufficient, the rezoning or map change request package will be returned to the applicant. When the rezoning or map change request package is found to be complete by the Zoning Officer, one (1) copy shall be forwarded to each member of the Paxtang Borough Council, Borough Planning Commission, and the Dauphin County Planning Commission. As part of the rezoning or map change request package, the Borough shall consider the motivation and implications of each plan, analysis, and report.

- (2). The Borough shall review and act on the rezoning or map change request in compliance with the following procedural guidelines:
  - (a). The Borough shall decide if the proposed rezoning or map change request is or is not generally consistent with the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough.
  - (b). If the rezoning or map change request is found to be generally consistent with the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough, the Borough shall consider any projected beneficial and/or detrimental effects not only on the immediate neighborhood, but also on the Borough as a whole.
  - (c). The Paxtang Borough Council shall render a decision in favor or not in favor of the rezoning or map change request proposal. The Borough shall compose a brief summary explanation of its decision and forward the decision and explanation to the Zoning Officer.

d. Rezoning or Map Change Request Criteria.

- (1). There are two (2) categories of rezoning or map change requests: minor and major. Minor and major rezoning or map change requests are differentiated based on the size of the area to be rezoned and the anticipated fiscal, physical, environmental and social impacts not only on the immediate neighborhood, but also on the Borough as a whole.
- (2). Minor Rezoning or Map Change Requests. Minor rezoning or map change requests are expected to have a lesser impact on the traffic, fiscal resources, and existing physical and environmental character of the Borough. The following situations constitute eligibility for the minor application:
  - (a). The rezoning of a non-residential parcel, or contiguous parcel(s), that totals one (1) acre or less and is located in a Mixed Use District.
  - (b). The rezoning of an existing residential parcel, or contiguous parcel(s), that totals three (3) acres or less in a Residential District.
- (3). Major Rezoning or Map Change Requests. Any rezoning project that does not meet either of the criteria in subsection d.(2). is a major application.
- (4). Rezoning or Map Change Requests Requirements. subsection e. outlines the plans, analyses and reports that a landowner and/or developer shall submit as part of minor or major rezoning applications.

e. Rezoning or Map Change Request Package: Plans, Analyses and Reports

- (1). All rezoning or map change requests shall include a signature by at least one (1) record owner of the property in question whose signature shall be notarized attesting the truth and correctness of all the facts and information presented in the petition.
- (2). Minor Rezoning or Map Change Requests. Plans, analyses and reports required to be submitted as part of a minor rezoning or map change requests shall include a scaled plot / site plan certified by a qualified professional land surveyor, engineer or landscape architect licensed and registered to practice in the Commonwealth of Pennsylvania and shall be submitted in accordance with the following:
  - (a). Location and Identification.
    - i. The name and address of the owner(s) of the tract, or authorized agent, the developer, and the firm that prepared the plan.
    - ii. A north arrow, a graphic scale and a written scale.
    - iii. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the subdivision and/or development to at least two (2) intersections of street centerlines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.

- iv. If the tract of land is located within two hundred (200) feet of a Borough or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
  - v. The source of title, including the deed, lot, and plan of record number, to the subject tract.
  - vi. Tax parcel identification number(s) for the subject tract.
- (b). Existing Features.
- i. Existing contours. Dauphin County Geographic Information System (GIS) topography may be accepted.
  - ii. The following items when located within the subject tract including: the name and approximate location and approximate dimensions of existing rights-of-way and/or easements relating to streets, cartways, access drives, driveways, alleys, sidewalks, railroads, public utilities, stormwater management facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location of building and development features including, building and structures, parking and loading areas, circulation patterns, curb cuts lot access, parking stalls, screening, fences and walls, buffer yards, waste disposal or other methods of sewage disposal, other features; and environmental and topographic features, including, but not limited to, floodplains, wetlands, mineral extraction sites, woodlands, habitats for threatened and endangered species, solid waste disposal areas, historic resources, cemetery or burial sites, archeological sites, or areas with highly erosive soils.
  - iii. When available, the following items when located within two hundred (200) feet of the subject tract: the names of adjacent landowners; names and approximate location and approximate dimensions of existing rights-of-way and/or easements relating to streets, cartways, access drives, driveways, alleys, sidewalks, railroads, public utilities, stormwater management facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location and general uses of land, buildings, parking and loading areas, floodplains, and wetlands.
  - iv. If applicable, existing and proposed protective covenants running with the land.
- (c). Proposed Features and Plan Information.
- i. The total approximate acreage of the entire existing tract.
  - ii. The zoning district and lot size and/or density, and other requirements of the applicable zoning regulations.
  - iii. The approximate layout of the lot(s), with approximate dimensions, setback lines, yards, etc.
  - iv. The total number of lots, units of occupancy, density and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
  - v. The approximate layout of streets, alleys, and sidewalks including cartway and right-of-way widths.
  - vi. The approximate location and configuration of proposed uses, building and structures, parking and loading areas, circulation patterns, curb cuts and lot access, parking stalls, screening, fences and walls, buffer yards, waste disposal or other methods of sewage disposal, general stormwater management facilities and locations, easements, and other features.
  - vii. A note on the plan indicating the types of sewer or water facilities to be provided.
- (d). A schematic architectural drawing of the principal building(s) front façade(s).

- (e). Additional Information. The Borough reserves the right to request additional information as part of the rezoning or map change request process in order to evaluate the applicability of the rezoning or map change request.
- (3). Major Rezoning or Map Change Requests. Plans, analyses and reports required to be submitted as part of a major rezoning or map change requests shall include:
- (a). All of the plans, analyses, and reports for set forth above for minor rezoning or map change requests.
  - (b). Site Conditions Report. The applicant shall describe the following existing characteristics about the site proposed for development.
    - i. Total site acreage.
    - ii. Existing zoning district(s), land use(s) and covenants.
    - iii. Existing land characteristics including general topographic form, site accessibility, length of public road frontage, pattern and density of vegetative cover, significant adjacent and long-range views to and from the site, hydrological patterns.
    - iv. Relationship of proposed development to adjacent, existing and proposed community facilities which serve or influence the site; available utilities; number of lots and acreage; business areas; playgrounds; main traffic thoroughfares; elementary and high schools; and street improvements.
    - v. Reservations, if any, by the landowner and/or developer of any area designed for use as public grounds shall be suitable size and location for designated uses.
    - vi. Land which is subject to flooding or subsidence either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for use which shall not endanger life or lot, or further aggravate or increase existing menace.
    - vii. A copy of the option agreement or certificate of title shall be submitted as evidence of the applicant's interest in the lot.
  - (c). Infrastructure Demand Statement. The infrastructure demand statement shall be submitted to the Borough, containing the following information:
    - i. Pre-development data for overall demand.
    - ii. Estimated gallons of sanitary sewage created per average day.
    - iii. Estimated gallons of potable water consumed / utilized per average day.
    - iv. Estimated number of school age children.
    - v. Estimated total residents, occupants, patrons, and/or employees as applicable.
  - (d). Post-development data for overall demand.
    - i. Estimated gallons of sanitary sewage created per average day.
    - ii. Estimated gallons of potable water consumed / utilized per average day.
    - iii. Estimated number of school age children.
    - iv. Estimated total residents, occupants, patrons, and/or employees.
  - (e). Fiscal Impact Analysis. An evaluation providing the following information shall be completed:

- i. Potential Borough and school district tax generation of the proposed development.
  - ii. Population projections including the number of school-aged children at build-out of the proposed development.
  - iii. Length of road to be dedicated to the Borough.
  - iv. Length of sewer and water lines to be dedicated to the Borough.
  - v. The Borough will evaluate the proposed development of the proposed zoning in relationship to the potential development in the existing zoning.
- (f). Additional Information. The Borough reserve the right to request additional information as part of the rezoning or map change request review and approval process in order to evaluate the applicability of the rezoning or map change request including but not limited to:
  - i. Environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.
  - ii. Traffic impact studies in accordance with Chapter 370 relating to subdivision and land development; and/or
  - iii. Phase I environmental assessments.
- D. Curative Amendments by a Landowner or by the Paxtang Borough Council. The procedures for curative amendments shall be in accordance with the MPC, as amended.
- E. Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a zoning district or a reclassification of the zoning district adopted in accordance with the above, the change on the official zoning map listed in Part 3 of this Chapter relating to *Zoning Map* shall be made, and shall be duly certified by the designated Borough official and shall thereafter be re-filed as part of the permanent records of the Borough.

#### **Section 1716. Zoning Hearing Board.**

All of the zoning hearing board provisions of the MPC, as amended, are hereby incorporated into this Chapter by reference.

- A. Establishment and Membership.
  - 1. There shall be a Zoning Hearing Board which shall consist of three (3) members who shall be appointed by resolution by the Paxtang Borough Council. The membership of the Zoning Hearing Board shall consist of residents of Paxtang Borough. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Borough of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Borough nor shall any member be an employee of the Borough.
  - 2. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Section, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Borough Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated, unless designated as a voting alternate member pursuant to this Part 17 of this Chapter.
  - 3. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or non-feasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

- B. Organization of Zoning Hearing Board. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 1716.D.2. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with codes or ordinances of the Borough and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the Borough Council upon request.
- C. Expenditures for Services. Within the limits of funds appropriated by the Paxtang Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Paxtang Borough Council. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Paxtang Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 1716.A., but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Paxtang Borough Council.
- D. Hearings.
1. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
    - a. Public notice shall be provided. In addition, the Zoning Hearing Board shall notify in writing by mail the applicant, Zoning Officer, and other such persons whether owners or tenants of property located within two hundred (200) feet of the subject property for which the application was submitted, and every other person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing;
    - b. The Borough Council may prescribe reasonable fees with respect to hearing before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs;
    - c. The first (1<sup>st</sup>) hearing before the Zoning Hearing Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of its case-in-chief within one hundred (100) days of the first (1<sup>st</sup>) hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearing within the one hundred (100) days, including the first (1<sup>st</sup>) hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first (1<sup>st</sup>) hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete its case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
  2. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decisions or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final;
  3. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person

including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose;

4. The Chairman or Acting Chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
6. Formal rules of evidence shall not apply, but irrelevant, immaterial, and unduly repetitious evidence may be excluded;
7. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer; or shall be paid by the person appealing the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof;
8. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present;
9. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by the findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Article IX of the MPC, as amended, where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 1716.D. of this Chapter, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision with ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1716.D. of this Chapter. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal.
10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the next business day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined; and,
11. Effect of Zoning Hearing Board's Decision.
  - a. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Zoning Hearing Board may at any time, upon application in writing, extend either of these deadlines;



- b. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board;
- c. Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Zoning Hearing Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified; and,
- d. As an alternative to the preceding, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed. In so doing, the applicant shall demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Zoning Hearing Board shall establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

E. Zoning Hearing Board's Functions. The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

- 1. Substantive Challenges to the Validity of this Chapter, except those brought before the Borough Council pursuant to Section 916.1(a)(2) of the MPC, as amended.
  - a. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Chapter which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
    - (1). The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
    - (2). If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or official zoning map;
    - (3). The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;
    - (4). The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and nature features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts; and,
    - (5). The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;
  - b. Public notice of the hearing shall be provided as specified in Section 1716.D. of this Chapter.
  - c. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time; and,
  - d. The Zoning Hearing Board, shall render its decision with forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the forty sixth (46<sup>th</sup>) day after the close of the last hearing.
- 2. Challenges to the Validity of this Chapter, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of this Chapter.

3. Special Exceptions as provided for in this Chapter and subject to all applicable requirements, including, but not limited to:
  - a. Filing Requirements. In addition to the required zoning permit information, each special exception application shall include the following:
    - (1). Ground floor plans and elevations of proposed structures;
    - (2). Names and address of abutting property owners including properties directly across a public right-of-way;
    - (3). A scaled drawing (plot / site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter; and,
    - (4). A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter;
  - b. General Criteria. Each applicant shall demonstrate compliance with the following:
    - (1). The proposed use shall be consistent with the purpose and intent of this Chapter;
    - (2). The proposed use shall not detract from the use and enjoyment of adjacent or nearby properties;
    - (3). The proposed use will not substantially change the character of the subject property's neighborhood;
    - (4). Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
    - (5). The proposed use complies with this Part 11 of this Chapter relating to *Floodplain Overlay Zoning District (FPO)* and Chapter 220 relating to floodplain management;
    - (6). The proposed use shall comply with those criteria specifically listed in Part 16 of this Chapter. In addition, the proposed use shall comply with all other applicable regulations contained in this Chapter; and,
    - (7). The proposed use will not substantially impair the integrity of the most recent version of the Paxtang Borough comprehensive plan and/or other applicable plans adopted by Paxtang Borough.
  - c. Conditions. The Zoning Hearing Board, in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zoning district. The conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter and,
  - d. Plot / Site Plan Approval. Any plot / site plan presented in support of the special exception pursuant to Section 1716.E.1.a(3) shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted plot / site plan; therefore, should a change in the plot / site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved plot / site plan, shall require the obtainment of another special exception approval.
4. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
  - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or zoning district in which the property is located;
  - b. That because of such physical circumstances or conditions, there is not a possibility that the property can be developed in strict conformity with the provisions of this Chapter and

that the authorization of a variance is therefore necessary to enable reasonable use of the property;

- c. That such unnecessary hardship has not been created by the appellant;
  - d. That the variance, if authorized, will not alter the essential character of the zoning district or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare;
  - e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;
  - f. The proposed use complies with Part 11 of this Chapter relating to *Floodplain Overlay Zoning District (FPO)* and Chapter 220 relating to floodplain management;
  - g. Filing Requirements. In addition to the required zoning permit each variance application shall include the following:
    - (1). Ground floor plans and elevations of existing and/or proposed structures;
    - (2). Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
    - (3). A scaled drawing (plot / site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter; and,
    - (4). A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.
  - h. Conditions. The Zoning Hearing Board, in approving variance applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zoning district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions will constitute a violation of this Chapter; and,
  - i. Plot / Site Plan Approval. Any site / plot plan presented in support of the variance pursuant to Section 1716.E.4.g.(3) shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted plot / site plan; therefore, should a change in the plot / site plan be required as part of the approval of the use, the applicant shall revise the plot / site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved plot / site plan, shall require the obtainment of another variance approval.
- 5. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure and/or lot;
  - 6. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter;
  - 7. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the MPC, as amended; and,
  - 8. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a subdivision / land development.
- F. Parties Appellant before the Zoning Hearing Board. Appeals under Sections 1716.E.5.; 1716.E.6.; 1716.E.7.; and 1716.E.8. and proceedings to challenge this Chapter under Section 1716.E. may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance or a special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:
- 1. The name and address of the appellant and applicant;
  - 2. The name and address of the landowner of the real estate to be affected;
  - 3. A brief description and location of the real estate to be affected by such proposed change together with a plot / site plan drawn to scale with sufficient clarity to show the nature and character of the request;

4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,
5. A statement of the Section of this Chapter under which the request may be allowed, and reasons why it should, or should not be granted.

G. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
2. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer a challenge to the validity of this Chapter or the official zoning map listed in Part 3 of this Chapter relating to *Zoning Map* pursuant to Section 916.2 of the MPC, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

H. Stay of Proceeding.

1. Upon filing of any proceeding referred to in Section 1716.F. above and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by person other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such person to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
2. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellant court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

- I. Appeal. Any person, taxpayer, or the Borough aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and the MPC as amended.

**Section 1717. Conditional Uses.**

- A. Filing of Conditional Use. For any use permitted by conditional use, a conditional use shall be obtained from the Paxtang Borough Council. In addition to the information required on the zoning permit application, the conditional use application shall show:
1. Ground floor plans and elevations of proposed structures;
  2. Names and address of abutting property owners including properties directly across a public right-of-way;
  3. A scaled drawing (plot / site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter; and,
  4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter;

5. General Criteria. Each applicant shall demonstrate compliance with the following:
  - a. The proposed use shall be consistent with the purpose and intent of this Chapter;
  - b. The proposed use shall not detract from the use and enjoyment of adjacent or nearby properties;
  - c. The proposed use will not substantially change the character of the subject property's neighborhood;
  - d. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
  - e. The proposed use complies with this Chapter including Part 11 of this Chapter relating to *Floodplain Overlay Zoning District (FPO)* and Chapter 220 relating to floodplain management;
  - f. The proposed use shall comply with those criteria specifically listed in Part 16 of this Chapter. In addition, the proposed use shall comply with all other applicable regulations contained in this Chapter; and,
  - g. The proposed use will not substantially impair the integrity of the most recent version of the Paxtang Borough comprehensive plan, and/or other applicable plans adopted by Paxtang Borough.
- B. Conditions. The Borough Council in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter;
- C. Plot / Site Plan Approval. Any plot / site plan presented in support of the conditional use pursuant to Section 1717.A.1. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted plot / site plan; therefore, should a change in the plot / site plan be required as part of the approval of the use, the applicant shall revise the plot / site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved plot / site plan shall require the obtainment of another conditional use approval;
- D. Hearing Procedures.
  1. Before voting on the approval of a conditional use, the Borough Council shall hold a public hearing thereon, pursuant to public notice. The Borough Council shall submit each such application to the Borough Planning Commission at least thirty (30) days prior to the hearing held upon an application to provide the Borough Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Paxtang Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.
  2. Public notice as defined herein, shall be provided. In addition, the Paxtang Borough Council shall notify in writing by mail the applicant, Zoning Officer, and other such persons whether owners or tenants of property located within two hundred (200) feet of the subject property for which the application was submitted, and every other person or organization who shall have registered with the Borough for the purposes of receiving such notices, and other persons as the Paxtang Borough Council shall designate by ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provisions, by rules of the Paxtang Borough Council. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
  3. The Borough Council may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs.
  4. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Paxtang Borough Council, and any other person, including civic or community organizations permitted to appear by the Paxtang Borough Council. The Borough Council shall have power to require that all persons who wish to be considered parties enter appearance in writing on forms provided by the Borough Council for that purpose.
  5. The President, Vice President, or acting President of the Borough Council shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties.

6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The Borough Council may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Paxtang Borough Council. The cost of the original transcript shall be paid by the Borough Council if the transcript is ordered by the Paxtang Borough Council; or shall be paid by the person appealing the decision of the Borough Council if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
9. The Borough Council shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
10. The hearing shall be conducted by the Paxtang Borough Council, or the Borough Council may appoint any member or an independent attorney as a hearing officer. The decision, or, where there is no decision, the findings shall be made by the Paxtang Borough Council. However, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Borough Council and accept the decision or findings of the hearing officer as final.
11. The Borough Council shall render a written decision or, when no decision is called for, make written finds on the conditional use application within forty-five (45) days after the last hearing before the Paxtang Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
12. Where the Borough Council fails to render the decision within the period required by this Part 17 of this Chapter or fails to commence, conduct or complete the required hearing as provided in Section 1717.E.2., the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record of an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Part 17 of this Chapter. If the Borough Council shall fail to provide such notice, the applicant may do so.

E. Time Limitation.

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Borough Council may at any time, upon application in writing, extend either of these deadlines;
2. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Paxtang Borough Council;
3. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Borough Council may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Borough Council finds that no good cause appears for the failure to complete within such three (3) year period, and if the Borough Council further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified; and,
4. As an alternative to the preceding, an applicant can request, as part of the original application before the Borough Council the granting of a timetable associated with the request which would supersede the deadlines imposed in this Part 17 of this Chapter. In so doing, the applicant shall demonstrate that the times requested are logically related to normal and expected progress of the

project. In approving a timetable under this Section, the Borough Council shall establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.