

Chapter 27

Zoning

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Zoning Map

Part 1**General Provisions****§27-101. Title.**

This Chapter shall be known and may be cited as the “Red Lion Borough Zoning Ordinance.”

(*Ord. 8811-14, 11/18/1988, §215-1*)

§27-102. Purpose.

The purpose of these regulations is to provide for the harmonious development of the Borough by facilitating:

- A. The orderly and efficient integration of land development within the Borough.
- B. Proper density of population.
- C. Adequate water and sewerage.
- D. Adequate police protection, fire protection, schools, parks, and other public grounds and buildings.
- E. The protection of water resources and drainageways.
- F. Adequate light and air.
- G. Adequate transportation, parking, and loading space.
- H. The greater health, safety, and welfare of the citizens of the Borough.
- I. Protection of the agricultural resources of the Borough.
- J. Adequate sites for recreation, conservation, scenic and other space purposes.
- K. The prevention of blight and overcrowding of land.

(*Ord. 8811-14, 11/18/1988, §215-2*)

§27-103. Community Development Objectives.

This Chapter is enacted as part of the overall plan for the orderly growth and development of Red Lion Borough. As such, this Chapter is based upon the expressed or implied community development objectives as contained in the Tri-Boro Area Comprehensive Plan which includes the Borough of Red Lion.

(*Ord. 8811-14, 11/18/1988, §215-3*)

Part 2**Terminology****§27-201. Intent.**

Words and phrases as used in this Chapter shall be presumed to be used in their ordinary context unless such word or phrase is differently defined or interpreted in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, or within this Chapter.

(*Ord. 8811-14*, 11/18/1988, §215-4; as amended by *Ord. 924-5*, 4/8/1992, §1)

§27-202. Word Usage.

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

- A. Words used in the present tense imply the future tense.
- B. Words used in the singular imply the plural.
- C. The word “person” includes a partnership or corporation as well as an individual.
- D. The word “shall” is to be interpreted as mandatory, the word “may” as directory and complied with unless waived.
- E. The word “lot” includes the words “plot,” “parcel,” or “tract” and any other term referring to a portion of land.

(*Ord. 8811-14*, 11/18/1988, §215-5)

§27-203. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings given herein:

Access drive—a paved surface, other than a street, which provides vehicular access from a street or a private road to a lot.

Adult facility—an establishment open to the general public or a private club open to members which is used and occupied for one or more of the following activities:

- (1) *Adult bookstore*—an establishment in which 20 percent or more of the occupied sales or display area offers for sale, for rent or lease, for loan or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion-picture film, videotape or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter, or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or which offers sexual devices for sale.

- (2) *Adult theater*—a building, or a room within a building, used for presenting motion-picture film, videotape, or similar visual representation of

materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

(3) *Adult cabaret*—an establishment, club, tavern, restaurant, theater, or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

(4) *Adult massage parlor*—an establishment whose business is the administration of massage to the anatomy of patrons, regardless of whether the same includes sexual conduct.

Agriculture—the tilling of the soil, the raising of crops, horticulture and gardening.

Alterations—as applied to a building or structure, any change or rearrangement in the total floor area or an enlargement, whether by extending on a side or by increasing in height.

Alterations, structural—any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Amendment—a change which includes revisions to the zoning text and/or the Official Zoning Map; the authority for any amendment lies solely with the Borough Council.

Animal hospital—a building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. Boarding of such animals shall be for medical or surgical treatment only.

Apartment house—a building occupied by three or more dwelling units.

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

Automobile—a self-propelled motor vehicle designed for the conveyance of persons or property requiring a registration plate by the Commonwealth of Pennsylvania for operation upon public highways, including trucks, motor homes, and motorcycles.

Automobile and/or trailer sales lot—an open lot for the outdoor display of new or used automobiles or trailers when accessory to an automobile or trailer sales or display building.

Automobile body shop—a building on a lot that is used for the repair of bodies, chassis, fenders, bumpers and/or accessories of automobiles and other vehicles for conveyance.

Automobile garage, major—a building on a lot used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks and similar motor vehicles.

Automobile garage, minor—an accessory building for the storage only of one or more automobiles and/or vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation or service is conducted for profit therein.

Automobile or trailer sales building—a building for the display and sale of new or used automobiles or trailers.

Automobile washing facility—a building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services related to washing and polishing.

Automobile wrecking—the dismantling or wrecking of used automobiles or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement—a story partly underground, but having one-half or more of its height above the average level of the adjoining ground.

Bed-and-breakfast inn—a single-family residence or portion thereof containing not more than two guest rooms which are used by not more than five guests where rent is paid in money, goods, labor, or otherwise. (See also, “boardinghouse” and “rooming house.”)

Boardinghouse—a building where, for compensation, provisions are made for lodging and meals for at least three but not more than 15 persons. (See also, “bed-and-breakfast inn” and “rooming house.”)

Building—any fully enclosed structure on a lot, having a roof supported by walls and intended for the shelter, housing or enclosure of persons, animals or chattels. (See “structure.”) [Ord. 957-4]

(1) *Detached building*—a building which has no party wall.

(2) *Semidetached building*—a building which has only one party wall in common.

(3) *Attached building*—a building which has two or more party walls in common.

Building, accessory—a building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the principal building.

Building area—the total area taken on a horizontal plane at the mean level of the ground surrounding the principal building and all accessory buildings.

Building height—the total overall height of a building measured from the grade level to the highest point of the roof.

Building line—a line parallel to the front, side or rear lot line set so as to provide the required yard.

Building, principal—a building in which is conducted the primary use of the lot on which it is located.

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

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

(2) *Day-care center*—a facility licensed by the State that provides a wide

range of formal day-care services for remuneration to seven or more children or adults, but not both children and adults, who are supervised by a qualified staff.

(3) *Day-care home*—a facility located in a single-family residence which provides for supervised care for remuneration to not more than six children or adults, but not both children and adults, who are not relatives of the caregiver.

(4) *Domiciliary care home*—an existing building or structure designated as a dwelling unit for one family which provides 24-hour supervised protective living arrangements by the family residing therein for not more than three unrelated persons 18 years of age and above who are disabled physically, mentally or emotionally or who are aged persons.

(5) *Group home*—a type of group quarters, specifically a dwelling designed for a group of mentally and/or physically disabled persons living and cooking together in a single dwelling unit. The maximum number of occupants, including any resident staff personnel, shall not exceed 16. A group home shall be directly affiliated with a parent institution which provides for the administration of the residents, who are required to reside on the premises to benefit from the service, through the direction of a professional staff and for supervision of residents by full-time resident staff.

(6) *Personal care boarding home*—a type of group quarters, specifically a premises in which food, shelter, and personal assistance or supervision are provided on a State or Federal licensed basis, for a period exceeding 24 consecutive hours for at least four but not more than 16 persons who are over the age of 18, who are not relatives of the operator and who are aged, blind, disabled, infirm or dependent but do not require skilled or intermediate nursing care.

Carport—a freestanding accessory structure not totally enclosed which is primarily designed or used for parking automobiles (must meet setbacks, but is not a part of lot coverage computations). A carport that is attached to the principal structure must meet all requirements pertaining thereto, including lot coverage. [Ord. 957-4]

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

Certificate of use and/or occupancy—a certificate that is issued by the Zoning Officer. It permits the use of a building in accordance with the approved plans and specifications and certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the zoning permit.

Commercial communications antenna—an antenna or series of antennas, not exceeding six, used for the transmission of wireless radio or telephone communications, which are attached to an existing smokestack, water tank, church steeple, commercial building with two or more stories or other commercial communications tower currently existing, and which do not exceed the height of the existing structure by more than 10 feet. 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. [Ord. 996-8]

Commercial communications tower and antenna site—a tract or parcel of land used for a wireless radio or telephone communication tower, its support structure and any ancillary or accessory buildings needed for the operation of the communications. 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. [Ord. 996-8]

Commercial recreation establishment—a business such as a theater, bowling alley, skating rink, gymnasium/fitness facility, or pool hall, which offers these uses to the general public. [Ord. 2000-06-3]

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

Contractor's office or shop—offices and shops for tradesmen, such as building, cement, electrical, masonry, painting and roofing contractors.

County Planning Commission—the York County Planning Commission, being the planning agency for the County. (See also, "Planning Commission.") [Ord. 924-5]

Court—an unoccupied open space, other than a yard, on the same lot with a building which is bounded on two or more sides by the walls of such building.

Curb level—the officially established grade of the curb in front of the midpoint of the lot.

Dairy—a commercial establishment for the manufacture or processing of dairy products.

Decision—final adjudication by any board or other body granted jurisdiction under this Chapter or the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of York County. [Ord. 924-5]

Deck—an uncovered platform of wooden construction that stands above ground level and is attached to a building. A deck shall be considered a structure for purposes of setback.

Determination—final action by an officer, body, or agency charged with the administration of this Chapter or applications thereunder, except the following: [Ord. 924-5]

- (1) The Council.
- (2) The Zoning Hearing Board.

(3) The planning agency, only and to the extent that the planning agency is charged with final decision on planned residential development provisions.

Drive-in business—a commercial establishment, including a drive-in eating establishment, primarily offering stand-up counter, vending machine, window or in-car service, and/or offering prepared or standardized food for either on- or off-premises consumption.

Driveway—a minor vehicle right-of-way providing access between a street and a parking area or garage within a lot or property. (See also, “access drive.”)

Dump—a parcel of land or part thereof used primarily for the disposal, by abandonment, dumping, burial, burning or other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof or waste material of any kind.

Dwelling—a building or structure designed for living quarters for one or more families, including mobile homes which are supported by a foundation of mortared masonry or concrete construction and permanently affixed to the land and which have the area between the ground and body of the mobile home completely enclosed to prevent the accumulation of debris and to provide additional stability and safety to the mobile home; but shall not include hotels, rooming houses, convalescent homes or other accommodations used for transient occupancy.

(1) *Single-family detached dwelling*—a building used by one family, having only one dwelling unit, and having two side yards.

(2) *Single-family semidetached dwelling*—a building used by one family, having one side yard, and one fire wall in common with another building.

(3) *Single-family attached dwelling (row)*—a dwelling used by one family and having two firewalls (one firewall if an end unit) in common with other dwellings, such as row houses or townhouses. [Ord. 2008-07-03]

(4) *Two-family detached dwellings*—a building used by two families, with one dwelling unit arranged over the other, and having two side yards.

(5) *Two-family semidetached dwelling*—a building used by two families with the dwelling units arranged side by side, having two side yards, and one fire wall in common between the two units.

(6) *Multiple-family dwelling*—a single building containing three or more dwelling units without party walls between units, and at least one of the dwelling units located above or below the remaining unit(s). [Ord. 2008-07-03]

Dwelling unit—one or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one family.

Family—one person or two or more persons, related by blood, foster relationship, marriage, or adoption, and in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder, or lodger shall not be considered a member of the family. Sororities, fraternities, and clubs shall not be considered a single housekeeping unit. [Ord. 9711-6]

Farm—any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purpose of this Chapter, a farm shall not include the raising of fur bearing animals, riding academy, livery, boarding stables, or dog kennels.

Firewall—any wall built for the purpose of restricting or preventing the spread

of fire in a building. Such a wall begins at the foundation of the building and extends continuously through all stories to the roof and must be constructed of 2-hour separation materials.

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

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

Group child day-care home—a facility licensed by the State that provides supervised care for more than six but not more than 12 children located in a single-family residence. [Ord. 9712-7]

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

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

Hearing—see “public hearing.” [Ord. 924-5]

Holiday—any of the following legal holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day. [Ord. 924-5]

Home occupation or profession—a special type of accessory use, it is an occupation or profession which:

- (1) Is carried on only in a dwelling unit or accessory structure.
- (2) Is carried on by a member of the family residing in the dwelling unit.
- (3) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- (4) Is limited to items produced on site or items incidental to the home occupation.

Home office—an office established in a dwelling unit within which only the following business activities may be conducted: telecommunications (telephone, fax, etc.), computer processing, typing, keeping of files or similar word/data transmissions, processing, or storage. Excluded from this definition are home occupations

and professional or business offices. [Ord. 972-1]

Hospital—a place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care, including such establishments as a sanitarium, sanatorium or preventorium.

Hotel—a building for portion thereof in which 10 or more guest rooms are provided for occupancy, with or without meals, for compensation, by transient or semipermanent guests, or both, and in which no provision is made for cooking in any individual room or suite. (See “hotel, residential”; “motel.”)

Hotel, residential—a building or portion thereof containing 10 or more rooms in which lodging is provided, with or without meals, for compensation, and which is open to semipermanent or permanent guests, or both, and where no provisions are made for cooking in individual rooms or suites. (See also, “hotel”; “motel.”)

Industrialized housing—any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on the building site, i.e., modular homes.

Industrial park—a tract of land:

(1) Organized and laid out in accordance with an overall plan for a community of industries including the servicing of those industries.

(2) Designed to ensure comparability between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

Inoperable motor vehicle—a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection.

Junked motor vehicle—a motor vehicle from which parts or accessories have been removed or that shall be inoperable as a result of damage thereto.

Junkyard—any lot, land or structure, or part thereof, used primarily for the collection, storage, and/or sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof.

Kenel—any building or buildings and/or land used for the sheltering, boarding, breeding or training of four or more dogs, cats, fowl or other small domestic animals at least 4 months of age and kept for purposes of profit, show, hunting or as pets, but not to include a riding academy or the keeping of livestock.

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

Land use ordinance—any ordinance or map adopted pursuant to the authority granted by any of the following articles of the Municipalities Planning Code: Article IV, “Official Map”; Article V, “Subdivision and Land Development”; Article VI, “Zoning”; and Article VII, “Planned Residential Development.” [Ord. 924-5]

Lane—a public thoroughfare, other than a side street, which affords only a

secondary means of access to abutting property and not intended for general traffic circulation.

Livestock—any domestic farm animal such as cattle, donkeys, horses, mules, burros, sheep, hogs, or goats kept for agricultural use, commercial purposes or pleasure.

Lot—a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit; land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under provisions of this Chapter, having not less than the minimum area and width required by this Chapter for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land. [Ord. 924-5]

(1) *Corner lot*—a lot at the junction of and fronting on two streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages. However, for purposes of this definition only, a service street shall not be considered a street in determining if a lot is a corner lot (see Attachments 27-A through 27-D). [Ord. 9411-8]

(2) *Double frontage lots*—a lot extending between and having frontage on two streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages. However, for purposes of this definition only, a service street shall not be considered a street in determining if a lot is a double frontage lot (see Attachments 27-A through 27-D). [Ord. 9411-8]

(3) *Interior lots*—a lot having frontage on one street and adjoining on the sides and rear by other lots or by a service street (see Attachments 27-A through 27-D). [Ord. 9411-8]

(4) *Reverse frontage lot*—a lot extending between and having frontage on a minor street and either an arterial or collector street with vehicular access solely from the minor street. The front setback regulations of the zone in which the lot is located shall apply to both street frontages (see Attachments 27-A through 27-D). [Ord. 9411-8]

(5) *Triple frontage lot*—a lot fronting on three streets. The front setback regulations of the zone in which the lot is located shall apply to all street frontages. However, for purposes of this definition only, a service street shall not be considered a street in determining if a lot is a triple frontage lot (see Attachments 27-A through 27-D). [Ord. 9411-8]

Lot area—the area contained within the property line of the individual parcels of land as shown on a land development plan, excluding any area within a street right-of-way but including the area of any easement.

Lot coverage—a percentage which, when multiplied by the lot area, will determine the permitted building coverage area.

Lot lines—the lines bounding a lot as described in the recorded title; also referred to as “property lines.”

Lot width—the required distance between the side property lines measured

along the required building setback line.

Major thoroughfare—a street or highway designated in the Thoroughfare Classification Plan as an existing or planned arterial or collector street.

Mini-storage—a facility providing for the enclosed storage of household items, recreational equipment and/or classic or antique automobiles 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.

Minor utility structure—a structure such as an electrical transformer, mailbox, traffic signal control device, or telephone junction box placed and maintained by: (1) a utility coming under the jurisdiction of the Pennsylvania Public Utility Commission or (2) the United States of America, Commonwealth of Pennsylvania, the Borough of Red Lion or the Red Lion Municipal Authority. [Ord. 2008-07-03]

Mobile home—a transportable single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrived at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 924-5]

Mobile home lot—a parcel of land in a mobile home park, improved with necessary utility connections and other appurtenances necessary for the erection thereon of a mobile home. [Ord. 924-5]

Mobile home park—a parcel or continuous parcels of land which has been improved for the placement of mobile homes for nontransient use, so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. [Ord. 924-5]

Mobile home sales lot—an open lot for the outdoor display of new or used mobile homes.

Motel—a group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients, including auto courts, motor lodges and similar establishments. (See also, “hotel”; “hotel, residential.”)

Multi-family or two-family conversion—a multi-family or two-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

Multi-use building—two or more independent nonresidential uses, or not more than one residential and one or more nonresidential use, all uses of which are permitted in the zone and which are established within a single principal building, provided that the regulations established in this Chapter for each individual use are satisfied, i.e., parking and special exception standards. The principal building itself, however, shall be considered as a single use for purposes of access, lot area, sign regulation, lot width and setback requirements, and such provisions shall not be cumulative for the individual uses established within the building. [Ord. 2000-06-3]

Nonconformity—a use, structure, lot or dimension in conflict with the regulations of this Chapter, existing on the effective date of this Chapter; existing

at any subsequent amendment of this Chapter; or created by variance. Specifically, the following types of nonconformities are distinguished:

(1) *Nonconforming structure*—a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Chapter or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 924-5]

(2) *Nonconforming use*—a use, whether of land or of a structure, which does not comply with the applicable use provisions in this Chapter or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation.

(3) *Dimensional nonconformity*—a lot or structure which is nonconforming because it is not in compliance with the extent-of-use or dimensional regulations of this Chapter.

Nursery, horticulture—any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines, flowers and vegetables and to store equipment customarily incidental and accessory to the primary use.

Official Map—a map adopted by ordinance pursuant to Article IV of the Municipalities Planning Code, 53 P.S. §10101 *et seq.* [Ord. 924-5]

Open area—a percentage which, when multiplied by the lot area, will determine the required unbuildable area of the lot. However, paved area is to be considered as part of the required open area.

Outdoor commercial recreation establishment—a use of open land for leisure time activities, such as a beach, swimming pool, tennis court, riding stable, golf course, or drive-in theater.

Owner—the owner of record of a parcel of land.

Parcel—a unit of land which meets all of the following criteria:

(1) Owned by the same owner or owners on November 18, 1988.

(2) Obtained by its owner or owners at the same time and by the same instrument (deed, will, etc.).

(3) Is contiguous; land shall be considered contiguous even though separated by public or private roads.

Parking garage—a building where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

Parking lot—an open lot where passenger vehicles may be stored for short-term, daily, overnight off-street parking.

Parking space—an off-street space available for the parking of one motor vehicle and having direct usable access to a street or lane.

Passive solar energy system—a solar energy system that uses natural properties of materials and architectural components to collect and store solar energy without

using any external mechanical power.

Patio—an unenclosed, unroofed area intended for outdoor use that is paved or covered with brick or similar material and is flush with the ground.

Paved area—a percentage which, when multiplied by the lot area, will determine the permitted open area which may be paved with an impervious surface (e.g., driveways, parking areas).

Personal care assisted living facility—a type of group quarters providing food preparation in a common kitchen for consumption in a common dining area, shelter, and personal assistance on a regular basis for more than 16 resident individuals who do not require hospital or skilled nursing care, but who, because of mental or physical condition, require the supervision of daily living activities under a plan of care licensed by the Federal or State government. Personal services such as barber shops and beauty shops restricted to residents only may also be included as accessory uses [Ord. 987-3]

Personal service business—personal service businesses shall include barber and beauty shops; self-service laundry and dry-cleaning establishments; laundromats; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes, and watches; tailor and dressmaking shops; or any other establishment of similar nature providing personalized service to customers.

Planned developments—a planned and unified development of a tract of land, for more than a single residential lot and/or for a specified and approved use or combination of uses, including group dwellings, commercial, industrial and public or semipublic uses, whether previously subdivided or not, and with or without the customary individual properties.

Planned residential development—an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond to lot size, bulk, type, or dwelling, or use, density, or intensity, lot coverage and required open space to be the regulations established in any one district created from time to time, under the provisions of this Chapter. [Ord. 924-5]

Planning agency—the Borough Planning Commission. [Ord. 924-5]

Planning Code—the Pennsylvania Municipalities Planning Code, being the Act of July 31, 1968, P.L. 805, No. 247, 53 P.S. §10101 *et seq.*, as amended. [Ord. 924-5]

Planning Commission—the Borough Planning Commission, being the planning agency for the Borough. (See also, “County Planning Commission.”) [Ord. 924-5]

Plat—the map or plan or a subdivision or land development, whether preliminary or final, indicating the location and boundaries of individual properties. [Ord. 924-5]

Porch—a roofed, open structure, supported by columns, in excess of 4 feet by 5 feet in area at a front, side or rear door of a building. A railing or barrier may be erected around the perimeter of the porch floor, provided that it does not exceed 36 inches in height. A porch shall be considered a structure for purposes of setback. Before totally enclosing a porch, the property owner should contact the Borough Zoning Officer to determine whether building area requirements will be satisfied.

Private—not publicly owned, operated or controlled.

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

Public—owned, operated or controlled by a government agency (Federal, State, or local, including a corporation created by law for the performance of certain specialized governmental functions and the Board of Public Education).

Public hearing—a formal meeting held pursuant to public notice by Borough Council or the planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and/or this Chapter. [Ord. 924-5]

Public meeting—a forum held pursuant to notice under the Act of October 15, 1998, P.L. 729, No. 93, 65 Pa.C.S.A. §701 *et seq.*, known as the “Sunshine Act.”

Public notice—a notice published once each week for 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 publication shall not be more than 30 days nor less than 7 days from the date of the hearing. [Ord. 924-5]

Public sewer—a Borough sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection.

Public water—a Borough water supply system, or a comparable public water facility approved and permitted by the Pennsylvania Department of Environmental Protection.

Quarrying—the searching for or removal of rock, soil, or mineral from the earth by excavating, stripping, mining, leveling, or any other process, but exclusive of excavations or grading involved in the construction of a building. Also includes any processing operations in connection with the above activities. Permitted quarry operations must comply with all current applicable State regulations.

Recreational vehicle—any portable or mobile vehicle used or designed to be used for travel, recreation and/or temporary living purposes and with its wheels, rollers or skids in place. A recreational vehicle shall include trailer, house trailer, camper, snowmobile, golf cart, boat, boat trailer, airplane or other similar vehicle providing partial and usually temporary living and sleeping quarters and which may or may not include kitchen and bathroom convenience.

Retail store or shop—any shop or store whose primary activities involve the sale or lease of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture,

gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies, leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio-television and sound equipment, self-propelled lawn mowers, lawn and garden tractors and equipment and mopeds or motorized bicycles with pedals and a motor not exceeding 1.5 horsepower, a maximum 50 cc engine, and a maximum design speed of 25 mph, sporting and camping goods, stationery, tobacco, toys and wearing apparel. The wholesale distribution or manufacture of the foregoing products are not included herein and are permitted only as provided in other appropriate sections of this Chapter. Among the uses not to be interpreted as retail stores or shops are uses specifically provided for elsewhere in this Chapter including, but not limited to, service stations, sales and rental of any automobiles or motor vehicles except as permitted above, restaurants, taverns, nightclubs, hotels and motels, business services, mortuaries, contractor's offices, mills and lumberyards. [Ord. 2002-08-06]

Report—any letter, review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency, nor shall any appeal lie therefrom. Any report used, received, or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 924-5]

Restaurant—a public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption.

Riding academy—an establishment where horses are kept for riding or driving or are stabled for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

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

Rooming house—a building or a portion thereof, other than a hotel or residential hotel, containing not more than one dwelling unit where lodging is provided with or without meals for compensation, for at least three but not more than 15 persons in addition to the family unit. (See also, “bed-and-breakfast inn”; “boardinghouse.”)

Sanitary landfill—a facility licensed and approved by the Pennsylvania Department of Environmental Protection for the disposal of solid waste where there is no reasonable probability of adverse effects on the public health or the environment from such disposal.

Satellite dish antenna—any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

School—any place offering instruction in any branch of knowledge under the

supervision of the Commonwealth of Pennsylvania or a lawfully or constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

School, commercial—a school conducted for profit for such special instruction as business, art, music, trades, handicraft, dancing, or riding.

Screen planting—an evergreen vegetative material of sufficient height and density to conceal from the view of property owners in adjoining zones the structures and uses on the premises on which the screen planting is located.

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

Setback—the horizontal distance between a structure and a property or street line.

(1) *Front setback*—the required distance between a street line, except for a service street line (regardless whether the same is also a front, side, or rear lot line) and the front setback line projected the full width of the lot (see Attachments 27-A through 27-D). [Ord. 9411-8]

(2) *Rear setback*—the required distance between the rear lot line, unless such line is also a street line other than a service street line, and the rear setback line projected the full width of the lot (see Attachments 27-A through 27-D). [Ord. 9411-8]

(3) *Side setback*—the required distance between the side lot line, unless such line is also a street line other than a service street line, and the side setback line projected from the front setback line to the opposite setback line. However, in the case of corner lots, the second side setback shall be the required distance between the rear lot line and the side setback line projected from the side lot line to the opposite front setback line (see Attachments 27-A through 27-D). [Ord. 9411-8]

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

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

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

Shopping mall; shopping center; shopping plaza—a group of stores planned and designed to function as a unit for the site on which it is located with off-street parking and landscaping provided as an integral part of the unit.

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

(1) *Advertising sign*—a sign whose major purpose is for directing attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.

(2) *Business sign*—a sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot.

(3) *Directional sign*—a sign which directs people to a community; an event of public interest; public uses and buildings; uses and buildings of service and charitable organizations; and uses and buildings of commercial nature, provided that no advertising matter other than identifying name or symbol shall be contained on signs of this type.

(4) *Freestanding sign*—a sign supported by uprights or braces placed upon or in the ground and not attached to a building.

(5) *Parallel sign*—a sign attached, painted or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed.

(6) *Portable sign*—a sign of any material, with or without changeable type lettering, illuminated or nonilluminated, mounted or transported on a vehicle, trailer or similar structure, with or without wheels, and not permanently attached to the ground; often referred to as a “mobile sign.”

(7) *Projecting sign*—a sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which it is attached.

(8) *Sidewalk sign*—an A-frame, inverted V-shaped or similar structure resting on the ground with no permanent attachment and used for display as a temporary business sign.

Small animal farm—any lot or premises on which four or more chinchillas, ferrets, rabbits and/or other small animals are kept for breeding, commercial use or as pets.

Solar collector—any device, absorbent surface, structure or window (double glazing or greater) which is oriented in such a fashion that it can be utilized for the collection of solar energy and conversion of such energy into thermal, chemical or electrical energy to supply a significant fraction of the energy needed for space heating or for domestic hot water.

Solar energy—radiant energy (direct, diffuse and reflected) received from the sun.

Solar energy system—any system, design, assembly or device which is used to collect, store and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Solar energy systems may include but are not limited to solar collectors, solar reflectors, heat storage tanks, south-facing double-glazed window walls, attached south-facing greenhouses utilizing double glazing and architectural overhangs for blocking sunlight on south-facing windows.

Solar skyspace—the space between a solar energy collector and the sun which must be free of significant obstructions to ensure enough incident sunlight to permit the cost effective operation of the system at least between the hours of 9 a.m. and 3 p.m. on the winter solstice (December 21) of each year.

Solar skyspace easement—a right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three-dimensional space in which obstruction is prohibited or limited, as well as the time of day during which direct sunlight to the solar energy collector may not be obstructed.

South—the orientation of any building or structure shall be considered as facing south if its longest axis has a maximum deviation of 20° north of due east to 20° south of due east.

Special exception—a use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Municipalities Planning Code, 53 P.S. §§10601 *et seq.*, 10901 *et seq.*, and §27-504 and Part 6 of this Chapter, comprising the granting of the right to use land or the right to deviate from stated requirements which the Zoning Hearing Board is permitted to authorize in specific instances listed in this Chapter under the terms, procedures, and conditions prescribed in applicable provisions of this Chapter. [Ord. 924-5]

Stoop—a covered or uncovered broad platform step at a front or rear entrance to a building that is not greater than 4 feet by 5 feet in area. All stoops must meet setback requirements.

Story—that portion of a building, excluding cellar, included between the surface of any floor and the surface of the floor next above it; if there is no floor above it, then the space between any floor and the ceiling next above it.

(1) *Story, half*—a story under a gable, hip or gable roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor.

Street—a strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. “Street” includes avenue, boulevard, road, highway, freeway, parkway, land, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further classified as follows: [Ord. 9411-8]

(1) *Arterial street*—a street or road which is used primarily for through traffic, including all roads defined in the Thoroughfare Classification Plan as

arterial streets. [Ord. 924-5]

(2) *Collector street*—a street or road which carries traffic from minor streets to the major system of arterial streets, including all roads identified in the Thoroughfare Classification Plan as collector streets. [Ord. 924-5]

(3) *Cul-de-sac street*—a street with one end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

(4) *Dead-end street*—a road or portion of a street with only one vehicular traffic outlet.

(5) *Half or partial street*—a street parallel and adjacent to a property line having a lesser right-of-way width than that required for a satisfactory improvement and use of the street.

(6) *Marginal access street*—a minor street which is parallel to and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

(7) *Minor street*—a street which is used primarily for local access to the abutting properties and which discourages through traffic.

(8) *Service street*—a minor right-of-way which is used to provide secondary vehicular access to the rear or side of two or more properties; also referred to as a “lane” or “alley.” For purposes of this Chapter, a service street shall not be considered a street when determining front setback or corner, double frontage, reverse frontage or triple frontage lots.

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

Street line—a line defining the edge of a street right-of-way and separating the street from abutting property or lots; commonly known as the street “right-of-way line.”

Structure—any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, but excluding patios, driveways, walkways, and parking areas. All structures must meet setback requirements. (See also, “building.”)

(1) *Accessory structure*—a subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure.

(2) *Permanent structure*—a structure which cannot readily be removed.

(3) *Temporary structure*—a structure which can readily be removed.

Swimming pool—any structure intended for swimming, therapeutic, or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas. [Ord. 2008-07-03]

Tavern—an establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control

Board. Taverns may also serve food.

Thoroughfare Classification Plan—the map or plan comprising Attachment 27-E of this Chapter identifying streets and roads as arterial or collector streets for the purpose of this Chapter. [Ord. 924-5]

Two-hour separation—a wall or ceiling designed to prevent or retard the passage of fire, excessive heat or hot gases for a period of 2 hours.

Use—the specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

(1) *Accessory use*—a use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

(2) *Principal use*—the main or primary use of property or structures measured in terms of net floor area or, where no net floor area exists, measured in terms of net land area.

Utility shed—a small building designed primarily for storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a dwelling and of the type customarily made of prefabricated materials, purchased, assembled and erected by the property owner.

Variance—relief granted pursuant to the provisions of Articles VI and IX of the Municipalities Planning Code, 53 P.S. §§10601 *et seq.*, 10901 *et seq.*, and §27-503 of this Chapter. [Ord. 924-5]

Warehouse—a structure to be used for storage only of equipment and merchandise.

Wholesale establishment—a business devoted to the sale of commodities in quantity chiefly to retailers, other merchants or industrial, institutional and commercial users mainly for resale or business use. Such commodities shall be limited to durable goods, sundries, dry goods and nonperishable items.

Wind energy conversion system (WECS)—a device which converts the wind energy to mechanical or electrical energy.

Yard—a prescribed open area on a lot, unobstructed from the ground upward except as modified in §27-301 of this Chapter.

(1) *Front yard*—an area bounded by the street line of the street of address; the wall of the principal building facing the street of address (which for purposes of this Chapter shall be considered the front wall) projected to the side lot lines; and the side lot lines (one of which is also a street line in the case of corner and triple frontage lots) (see Attachments 27-A through 27-D). [Ord. 9411-8]

(2) *Rear yard*—an area bounded by the rear lot line (which is also a street line in the case of double, reverse and triple frontage lots); the rear wall of the principal building projected to the side lot lines; and the side lot lines (one of which is also a street line in the case of triple frontage and corner lots) (see Attachments 27-A through 27-D). [Ord. 9411-8]

(3) *Side yard*—an area bounded by a side lot line (which may also be a street line in the case of triple frontage and corner lots); side wall of the

principal building; and the front and rear walls of the principal building projected to the side lot lines. [*Ord. 9411-8*]

(*Ord. 8811-14*, 11/18/1988, §215-6; as amended by *Ord. 924-5*, 4/8/1992, §2; by *Ord. 9411-8*, 11/9/1994; by *Ord. 957-4*, 7/12/1995; by *Ord. 972-1*, 2/12/1997; by *Ord. 9711-6*, 11/12/1997, §215-6; by *Ord. 9712-7*, 12/10/1997; by *Ord. 987-3*, 7/13/1998; by *Ord. 996-8*, 6/14/1999; by *Ord. 2000-06-3*, 6/12/2000; by *Ord. 2002-08-06*, 8/12/2002; by *Ord. 2008-07-03*, 7/14/2008, §§1 and 2)

Part 3**Zone Regulations****§27-301. Zones and Boundaries.**

1. *Establishment of Zones.* The Borough of Red Lion is divided into zones enumerated below and shown on the map entitled “Zoning Map of Red Lion Borough,” which map is part of this Chapter. [Ord. 2000-06-3]

- A. R-O - Residential-Outlying Zone.
- B. R-T - Residential-Town Zone.
- C. BC - Borough Center Zone.
- D. C - Commercial Zone.
- E. I - Industrial Zone.

2. *Boundaries of Zones.* Where uncertainty exists as to the boundaries of the zones as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such line.
- C. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections .2.A through .2.E shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by subsections .2.A through .2.F, the Zoning Hearing Board shall interpret the district boundaries.

3. Where a lot held in single and separate ownership is divided by a zoning boundary, the use proposed for the less restrictive district may be extended onto land included in the more restrictive district by special exception. In addition to the general requirements of a special exception, the Zoning Hearing Board must find that the extension will comply with the dimensional requirements of the use or the more restrictive zone, whichever is greater, and the extension will be in harmony with and not detract from the adjoining uses. The Zoning Hearing Board may require buffers and screening as it may deem appropriate to protect adjoining uses from any negative effects of the proposed use. [Ord. 987-3]

4. For the purposes of this Chapter, the order of districts, from most restrictive

to least restrictive, is as follows: [Ord. 2000-06-3]

- A. R-O - Residential Outlying.
- B. R-T - Residential Town.
- C. BC - Borough Center.
- D. C - Commercial.
- E. I - Industrial.

(Ord. 8811-14, 11/18/1988, §215-7; as amended by Ord. 987-3, 7/13/1998; and by Ord. 2000-06-3, 6/12/2000)

§27-302. Use Regulations.

1. *Uses Permitted.* The uses permitted in the zones established by this Chapter and the permitted extent of these uses are as shown in §§27-303 through 27-307. The uses shown as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However:

- A. Additional general provisions are set forth in Part 4.
- B. Modifications to the use or dimensional requirements are set forth in Part 4.
- C. Standards for special exception uses are set forth in Parts 5 and 6.

2. *All Other Uses.* Any use not specifically allowed elsewhere in this Chapter shall be allowed by special exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by special exception, provided that said use meets the requirements for a special exception and does not constitute a public or private nuisance.

3. *Accessory Uses and Structures.* Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Chapter and shall be further subject to the requirements for accessory uses and structures as set forth in §27-401.

4. *Uses with Nuisance Effect.* In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.

(Ord. 8811-14, 11/18/1988, §215-8)

§27-303. Residential-Outlying Zone (R-O).

1. *Purpose.* The Residential-Outlying Zone provides space for day-to-day living activities. The purpose of this residential zone is to provide for the orderly expansion of suburban-type residential development; to provide for the public health and to prevent the overcrowding of land through the application of moderate housing densities; to provide standards which will encourage the installation of public facilities and the preservation of open space; to exclude any activities not compatible with residential development; to provide for the public convenience and avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this Chapter.

2. *Uses by Right.* The following principal uses are permitted by right in the R-O Zone:

- A. Single-family detached dwelling.
- B. Hospital.
- C. Home office. [Ord. 972-1]
- D. School. [Ord. 2004-08-08]

3. *Uses by Special Exception.* The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Parts 5 and 6 of this Chapter.

- A. House of worship.
- B. Cemetery.
- C. Park or other recreation area of a nonprofit nature.
- D. Home occupation.
- E. Public utility building.
- F. Public buildings and facilities.
- G. Bed-and-breakfast inn.
- H. Cluster development.
- I. Group home or group quarters.
- J. Domiciliary care home.
- K. Day-care home.
- L. Keeping of livestock.
- M. Group child day-care home. [Ord. 9712-7]
- N. Convalescent or nursing home. [Ord. 991-1]
- O. Personal care assisted living facility. [Ord. 991-1]

4. *Lot Area and Width.* Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

Type	Public Water and Public Sewer	Public Water/ No Public Sewer
Minimum lot area	10,000 square feet	12,000 square feet
Minimum lot width	80 feet	90 feet

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

- A. Front setback: 25 feet.
- B. Each side setback: 10 feet; except for single-family detached dwellings which shall have a setback of not less than 8 feet.
- C. Rear setback: 40 feet.

6. *Building Height.* The height limit for a principal building shall be two and half stories, but not over 30 feet. The height limit for an accessory building shall be two stories, but not over 25 feet. No building or structure shall be constructed which will

cast a shadow on the south-facing wall of any dwelling measured at the first floor between the hours of 9 a.m. and 3 p.m. on any winter solstice day (December 21).

7. *Lot Coverage.* Not more than 30 percent of the lot area may be covered by buildings, including accessory buildings.

8. *Open Area.* Not less than 70 percent of the lot area shall be devoted to open area, as defined in this Chapter.

9. *Paved Area.* Not more than 15 percent of the lot area may be paved with an impervious surface (e.g., driveways, parking areas, walkways).

10. *Required Utilities.* Each principal use shall be provided with public water and public sewer service if it is determined by the Borough Manager that water and sewer capacity is available and that it is feasible to have the service extended to serve the principal use or if the construction of a community system is feasible. If public sewer is not feasible, soil percolation tests must be conducted and it must be determined by the Pennsylvania Department of Environmental Protection that the use will pose no sanitation or health hazard in the area involved.

(*Ord. 8811-14*, 11/18/1988, §215-9; as amended by *Ord. 972-1*, 2/12/1997; by *Ord. 9712-7*, 12/10/1997; by *Ord. 991-1*, 1/11/1999; and by *Ord. 2004-08-08*, 8/9/2004)

§27-304. Residential-Town Zone (R-T).

1. *Purpose.* The purpose of the Residential-Town Zone is to encourage orderly development and preservation of a variety of housing types compatible with existing dwellings in established medium-density residential areas of the community by providing public facilities necessary for the health, welfare, and general convenience of the populations; to prevent overcrowding of the land through application of maximum housing densities; to preserve public open space; and to exclude any activities not compatible with the residential environment.

2. *Uses by Right.* The following principal uses are permitted by right in the R-T Zone:

- A. Single-family detached dwelling.
- B. Single-family semidetached dwelling.
- C. Two-family dwelling.
- D. Single-family attached dwelling.
- E. House of worship.
- F. Home office. [*Ord. 972-1*]
- G. Commercial communications antenna. [*Ord. 996-8*]
- H. School. [*Ord. 2004-08-08*]
- I. Single-family attached dwelling. [*Ord. 2008-07-03*]

3. *Uses by Special Exception.* The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Parts 5 and 6 of this Chapter.

- A. Multi-family dwelling.
- B. Multi-family or two-family conversion.

- C. Cluster development.
- D. Day-care center or nursery school.
- E. Day-care home.
- F. Domiciliary care home.
- G. Group home or group quarters.
- H. Rooming house; boardinghouse.
- I. Personal care boarding home.
- J. Convalescent or nursing home.
- K. Hospital.
- L. Medical clinics; laboratories.
- M. Funeral home.
- N. Bed-and-breakfast inn.
- O. Public or semipublic parking lot.
- P. Park or other recreation area of a nonprofit nature.
- Q. Public utility building.
- R. Public buildings and facilities.
- S. Home occupation.
- T. Group child day-care home. [Ord. 9712-7]
- U. Personal care assisted living facility. [Ord. 987-3]
- V. Commercial communications tower and antenna site. [Ord. 996-8]

4. *Lot Area and Width.* Lot area and width not less than the following dimensions shall be provided for each of the following principal uses hereafter established in this zone:

Type	Public Water and Public Sewer		Public Water/ No Public Sewer	
	Lot Area	Lot Width	Lot Area	Lot Width
Single-family detached dwelling	6,000 sq. ft. per unit	60 ft. per unit	12,000 sq. ft. per unit	90 ft. per unit
Single-family semidetached and two-family dwellings	4,000 sq. ft. per unit	20 ft. per unit	8,000 sq. ft. per unit	40 ft. per unit
Single-family attached dwelling	2,400 sq. ft. per unit	20 ft. per unit	not allowed [Ord. 2008-07-03]	not allowed [Ord. 2008-07-03]
All other uses	10,000 sq. ft. [Ord. 2008-07-03]	80 ft.	12,000 sq. ft. [Ord. 2008-07-03]	90 ft. [Ord. 2008-07-03]

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

- A. Front setback: 25 feet.
- B. Side setbacks are established for the following dwellings and other uses as follows: [Ord. 917-9]
 - (1) Single-family detached dwellings: 8 feet.

(2) Single-family attached dwellings and multi-family dwellings: 20 feet at the end of each row. (See subsection .11 below and Attachments 27-A through 27-D.)

(3) All other uses and buildings: 10 feet. (Semidetached dwellings shall be considered as one building for this purpose.)

(4) Single-family attached dwellings and multi-family dwellings shall have 20 feet at the end of each row, shall not have more than 10 dwelling units in any one row and between each row or group there must be at least 40 feet. (See example diagrams on file in the Borough office.) [Ord. 2008-07-03]

C. Rear setback: 40 feet.

6. *Building Height.* The height limit for a principal building shall be two and a half stories, but not over 30 feet. The height limit for an accessory building shall be two stories, but not over 25 feet. No building or structure shall be constructed which will cast a shadow on the south-facing wall of any dwelling measured at the first floor between the hours of 9 a.m. and 3 p.m. on any winter solstice day (December 21).

7. *Lot Coverage.* Not more than 40 percent of the lot area may be covered by buildings, including accessory buildings, except that lots with a lot width of 40 feet or less may have a coverage of up to 50 percent.

8. *Open Area.* Not less than 60 percent of the lot area shall be devoted to open area, as defined in this Chapter, except that lots with a lot width of 40 feet or less may decrease the required open area to not less than 50 percent.

9. *Paved Area.* Not more than 20 percent of the lot area may be paved with an impervious surface (e.g., driveways, parking areas, walkways).

10. *Required Utilities.* Each principal use shall be provided with public water and public sewer service if it is determined by the Borough Manager that water and sewer capacity is available and that it is feasible to have the service extended to serve the principal use or if the construction of a community system is feasible. If public sewage is not feasible, soil percolation tests must be conducted and it must be determined by the Pennsylvania Department of Environmental Protection that the use will pose no sanitation or health hazard in the area involved.

11. *Additional Requirements for Single-Family Attached Dwellings and Multi-family dwellings.* There shall be not more than 10 dwelling units in any one row and between each row group there must be at least 40 feet. (See Attachments 27-A through 27-D) [Ord. 917-9]

(Ord. 8811-14, 11/18/1988, §215-10; as amended by Ord. 917-9, 7/10/1991; by Ord. 972-1, 2/12/1997; by Ord. 9712-7, 12/10/1997; by Ord. 987-3, 7/13/1998; by Ord. 996-8, 6/14/1999; by Ord. 2004-08-08, 8/9/2004; and by Ord. 2008-07-03, 7/14/2008, §§3, 4, and 5)

§27-305. Commercial Zone (C).

1. *Purpose.* The purpose of the Commercial Zone is to provide reasonable standards for the development of commercial uses which serve the day-to-day shopping needs of the residents as well as those establishments which cater primarily to the motoring public. The standards of this district are designed to encourage neighborhood shopping areas and provide for a community shopping center where needed.

2. *Uses by Right.* The following principal uses are permitted by right in the C Zone:

- A. Retail store or shop.
- B. Personal service business.
- C. Professional or business office.
- D. Eating establishment (drive-in or restaurant).
- E. House of worship.
- F. Coin-operated laundromat. [Ord. 2000-06-3]
- G. Small-type processing establishment, i.e., with 2,000 square feet or less of gross ground floor (e.g., optician, shoe repair shop).
- H. Day-care center or nursery school.
- I. Public utility building.
- J. Commercial communications antenna. [Ord. 996-6]

3. *Uses by Special Exception.* The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Parts 5 and 6 of this Chapter.

- A. Multi-family dwelling.
- B. Multi-family or two-family conversion.
- C. Rooming house; boardinghouse.
- D. Group quarters.
- E. Personal care boarding home.
- F. Convalescent home, nursing home, or hospital.
- G. Medical clinic; laboratories.
- H. Motel; hotel; residential hotel.
- I. Service station or convenience store dispensing food.
- J. Shopping center, shopping mall, or shopping plaza.
- K. Public buildings and facilities.
- L. Commercial recreation establishment.
- M. Public or semipublic parking lot.
- N. Funeral home.
- O. Automobile and/or trailer sales; automobile body shop and/or automobile garage (major).
- P. Commercial parking lot or building.
- Q. Automobile washing facility.
- R. Adult facilities.
- S. Tavern.
- T. Commercial school.
- U. Club room; club grounds; meeting hall.

- V. Building materials sales and service.
- W. Mobile home sales lot.
- X. Mini-storage facility.
- Y. Personal care assisted living facility. [Ord. 987-3]
- Z. Commercial communications tower and antenna site. [Ord. 996-8]
- AA. Multi-use building. [Ord. 2000-06-3]

4. *Lot Area and Width.* Lot area and width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

Type	Public Water and Public Sewer
Minimum lot area	6,000 square feet
Minimum lot width	60 feet

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

- A. Front setback: not less than adjacent buildings.
- B. Each side setback: 10 feet.
- C. Rear setback: 20 feet.

6. *Building Height.* The building height limit for a principal building shall be two and a half stories, but not more than 30 feet. The height limit for an accessory building shall be two stories, but not over 25 feet.

7. *Lot Coverage.* Not more than 60 percent of the lot area shall be devoted to buildings, including accessory buildings. At least 15 percent of the lot shall be landscaped.

8. *Open Area.* Not less than 40 percent of the lot area shall be devoted to open area, as defined in this Chapter.

9. *Required Utilities.* Each principal use shall be provided with public water and public sewer service.

(Ord. 8811-14, 11/18/1988, §215-11; as amended by Ord. 987-3, 7/13/1998; by Ord. 996-6, 6/14/1999; by Ord. 996-8, 6/14/1999; by Ord. 2000-06-3, 6/12/2000; and by Ord. 2008-07-03, 7/14/2008, §6)

§27-306. Borough Center Zone (BC).

1. *Purpose.* The purpose of the Borough Center Zone is to retain existing businesses and attract new businesses to the Borough Center by providing a centralized, convenient, and pleasant area for public gatherings and community interaction by concentrating certain commercial uses in the zone.

2. *Uses by Right.* The following principal uses are permitted by right in the BC Zone:

- A. Retail store or shop.
- B. Personal service business.
- C. Professional or business office.

- D. Eating establishment (drive-in or restaurant).
- E. Laundry and dry-cleaning establishment (non-coin-operated).
- F. Small-type processing establishment, i.e., with 2,000 square feet or less of gross ground floor (e.g., optician, shoe repair shop).
- G. Multi-use building.
- H. Public buildings and facilities.
- I. Public utility buildings.
- J. School. [Ord. 2004-08-08]

3. *Uses by Special Exception.* The following principal uses shall be permitted as special exceptions:

- A. Medical clinic; laboratories.
- B. Bed-and-breakfast inn.
- C. Shopping center, shopping mall, or shopping plaza.
- D. Commercial recreation establishment.
- E. Public or semipublic parking lot.
- F. Funeral home.
- G. Commercial parking lot or building.
- H. Tavern.
- I. Commercial school.
- J. Club room; club grounds; meeting hall.
- K. Motel; hotel.
- L. Residential reversion. [Ord. 2005-10-05]

4. *Lot Area and Width.* Lot area and width not less than the following dimensions shall be provided for each principal use hereafter established in this zone: [Ord. 2000-09-6]

Type	Public Water and Public Sewer
Minimum lot area	6,000 square feet
Minimum lot width	60 feet

5. *Setbacks.* Each lot shall provide front, side, and rear setbacks not less than the following: [Ord. 2000-09-6]

- A. Front setback: not less than adjacent buildings.
- B. Each side setback: 5 feet.
- C. Rear setback: 10 feet.
- D. Accessory buildings: all accessory buildings in this zone shall have side setbacks not less than the principal buildings and rear setbacks not less than adjacent buildings.

6. *Building Height.* The building height limit for a principal building shall be not more than 75 feet. The height limit for an accessory building shall not be over 25 feet. [Ord. 2000-09-6]

7. *Lot Coverage.* Lot coverage shall not be limited, provided that adequate stormwater management plans are approved by the Borough Engineer. [Ord. 2000-09-6]

8. *Required Utilities.* Each principal use shall be provided with public water and public sewer service. [Ord. 2000-09-6]

(Ord. 8811-14, 11/18/1988; as added by Ord. 2000-06-3, 6/12/2000; as amended by Ord. 2000-09-6, 9/11/2000; by Ord. 2004-08-08, 8/9/2004; by Ord. 2005-10-05, 10/10/2005; and by Ord. 2008-07-03, 7/14/2008, §6)

§27-307. Industrial Zone (I).

1. *Purpose.* The purpose of the Industrial Zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the Borough and otherwise further the purposes of this Chapter. The specific intent of this zone is to establish reasonable standards for buildings and other structures, for lot areas and dimensions of yards and for the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration, and fire and safety hazards and, furthermore, to prohibit any use which would substantially interfere with the development, continuation, or expansion of industrial uses in the district.

2. *Use by Right.* The following principal uses are permitted by right in the I Zone:

A. Public utility building.

B. Large enclosed processing establishment, i.e., with over 2,000 square feet of gross ground floor area (e.g., industrial laundry, large appliance or equipment repair shop).

C. Heavy storage service (e.g., warehouse, building material yard).

D. Research laboratory.

E. Light manufacturing: manufacturing and storage use that does not cause dust, smoke, fumes, gas, or offensive odors to be disseminated beyond the boundaries of the lot; does not cause vibration beyond the boundaries of the lot; does not cause noise exceeding that of street traffic at the front, side, and rear lot lines; and does not cause glare observable beyond the boundaries of the lot. Such uses include, but are not limited to:

(1) Printing and publishing.

(2) Soft drink bottling; packaging products in the form of powder or other dry state.

(3) Lace manufacture; sewing apparel.

(4) Assembly of electronic apparatus.

(5) Instrument making; tool and die making; cabinetmaking.

(6) Electroplating metals; molding plastics.

F. General manufacturing: manufacturing use which does not constitute an unusual fire or explosion hazard and does not create a nuisance by reason of smoke, odor, dust, noise, or glare. Such uses include but are not limited to:

(1) Food processing, except meat packing.

- (2) Furniture.
- (3) Textiles; leather; rubber; paper.
- (4) Fabricated metals; machinery.
- (5) Stone, clay, and glass.
- G. Business or professional office.
- H. Retail store or shop.
- I. Personal service business.
- J. Contractor's office or shop.
- K. Automobile washing facility.
- L. Nursery (horticultural); greenhouse.
- M. Commercial communications antenna. [*Ord. 996-8*]

3. *Uses by Special Exception.* The following principal uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Parts 5 and 6 of this Chapter.

- A. Public or semipublic parking lot.
 - B. Automobile dismantling plant; junkyard.
 - C. Park or other recreation area of nonprofit nature.
 - D. Industrial park.
 - E. Shopping center, shopping mall, or shopping plaza.
 - F. Eating establishment (drive-in or restaurant).
 - G. Commercial recreation establishment.
 - H. Commercial parking lot or building.
 - I. Service station or convenience store dispensing fuel.
 - J. Truck or motor freight terminal.
 - K. Wholesale establishment.
 - L. Sanitary landfill.
 - M. Quarrying.
 - N. Animal hospital, kennel, or small animal farm.
 - O. Riding academy.
 - P. Keeping of livestock.
 - Q. Mobile home park.
 - R. Adult facilities.
 - S. Mini-storage facility.
 - T. Multi-family dwelling.
 - U. Multi-family or two-family conversion. [*Ord. 981-1*]
 - V. Personal care assisted living facility. [*Ord. 987-3*]
 - W. Commercial communications tower and antenna site. [*Ord. 996-8*]
4. *Lot Area and Width.* Lot area and lot width not less than the following

dimensions shall be provided for each principal use hereafter established in this zone:

Type	Public Water and Public Sewer
Minimum lot area	10,000 square feet
Minimum lot width	100 feet

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

- A. Front setback: 35 feet.
- B. Each side setback: 25 feet.
- C. Rear setback: 30 feet.

6. *Building Height.* The building height limit shall be three stories, but not more than 35 feet. The height limit for an accessory building shall be two stories, but not over 25 feet.

7. *Lot Coverage.* Not more than 60 percent of the lot area may be covered by buildings including accessory buildings.

8. *Open Area.* Not less than 40 percent of the lot area shall be devoted to open area as defined in this Chapter.

9. *Required Utilities.* Each principal use shall be provided with public sewer and public water service.

(Ord. 8811-14, 11/18/1988, §215-12; as amended by Ord. 981-1, 1/14/1998; by Ord. 987-3, 7/13/1998; and by Ord. 996-8, 6/14/1999)

Part 4**General Use Regulations****§27-401. Accessory Uses and Structures.**

1. *Attached Structures.* An accessory structure attached to the principal structure is considered a part of the principal structure for all regulatory purposes. [Ord. 9411-8]

2. *Nonattached Structures.* An accessory structure standing apart from the principal structure is permitted only in a rear yard; provided, however, that it is at least 3 feet from the rear lot line, 3 feet from one side lot line and at least 10 feet from the principal structure. For all other requirements, a nonattached structure is considered the same as a principal structure. [Ord. 2008-07-03]

3. *Fences and Walls.* In an R-O, R-T, or C Zone, no fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Chapter) shall be erected to a height of more than 4 feet in a front or side yard area and more than 6 feet in the rear yard area. In an I Zone, no fence may exceed 8 feet in height in any yard area. [Ord. 987-3]

A. Fences may be located up to, but not on, the lot line.

B. No electric fence or fence with electrical induction shall be permitted as a property line perimeter fence, unless sensor activated, nor shall any barbed wire be permitted on any fence unless the barbed wire is at least 6 feet from ground level.

C. A clear sight triangle must be maintained at all street intersections.

4. *Solar and Wind Energy Facilities.* Solar or wind energy systems either as part of a structure or as an independent structure providing a significant fraction of the electricity, space heating, space cooling, or domestic hot-water heating for a permitted use in any zone shall be permitted as accessory uses subject to the following constraints:

A. No solar energy system located on the ground shall exceed a height of 8 feet. No solar energy system mounted on a roof shall exceed the peak of the roof.

B. The maximum ground coverage of a structure supporting a solar collector shall not exceed 25 percent of the area of the ground floor of the principal building.

C. All solar and wind energy facilities must be located in a side or rear yard. Flush-mounted units however may be mounted on any side of the structure.

D. Solar energy systems must be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as a part of a structure or incidental to a structure or group of structures nearby.

5. *Satellite Dish Antenna.* Any accessory structure capable of receiving, for the sole benefit of the principal use, radio, or television signals from a transmitter or transmitter relay located in planetary orbit shall be subject to the following constraints:

A. Such devices shall not be placed within any required setback area.

B. Satellite dish antenna must be located in a side or rear yard only.

C. No ground-mounted dish antenna on any residential lot can exceed an overall diameter of 12 feet or an overall height of 15 feet.

D. Only one antenna is permitted per building lot.

(*Ord. 8811-14*, 11/18/1988, §215-13; as amended by *Ord. 9411-8*, 11/9/1994; by *Ord. 987-3*, 7/13/1998; and by *Ord. 2008-07-03*, 7/14/2008, §7)

§27-402. Outdoor Swimming Pools.

All outdoor swimming pools must conform to all applicable requirements of State law. No permanent swimming pool shall be permitted without an operable filtration system utilizing an antibacterial agent, in addition, all swimming pools must be secured as follows to prevent unauthorized access:

A. Swimming pools above, at or below grade must be completely enclosed with a minimum 4-foot height chain link, stockade, picket (not exceeding 2-inch spacing) or solid wooden fence, building wall, or such other material as may be approved by the Zoning Officer.

B. Above-ground swimming pools equipped with surrounding elevated walkways that are at least 4 feet above ground need not be fenced if the construction is such that it prevents access to the water by small children, and ladders or steps from the ground are removed or the pool is made inaccessible when not attended.

(*Ord. 8811-14*, 11/18/1988, §215-14; as amended by *Ord. 2008-07-03*, 7/14/2008, §8)

§27-403. Unenclosed Storage.

1. *Inoperable Motor Vehicles.* No inoperable or junked motor vehicle shall be parked, stored, placed, or allowed to remain on any lot within any zoning district within the Borough for a period of time in excess of 30 days unless such vehicle shall be contained within a completely enclosed building or be located on a lot permitted as a junkyard or automobile wrecking facility pursuant to this Chapter. [*Ord. 9512-10*]

2. *Recreational Vehicles.* In a residential zone, on-street parking of recreational vehicles is permitted for a period not to exceed 24 hours for purposes of loading and unloading. Recreational vehicles shall not be stored in the area between the street line and the line formed by the front wall of the principal building unless parked in a driveway which has adequate space available in addition to the required parking spaces for the principal use. If stored in a side or rear yard, all setback requirements must be met.

3. *Outdoor Stockpiling:* See Chapter 20, Solid Waste, Part 1, Collection and Disposal.

(*Ord. 8811-14*, 11/18/1988, §215-15; as amended by *Ord. 9512-10*, 12/13/1995)

§27-404. Sale of Agricultural Products.

The sale at retail of agricultural products is permitted in any zone on the property where they were produced.

(*Ord. 8811-14*, 11/18/1988, §215-16)

§27-405. Setback Modifications.

1. *Front Setbacks from Major Thoroughfares.* For the purpose of protecting residential use from adverse influences of traffic and for the purpose of protecting major

thoroughfares for their traffic functions, buildings (including residential and nonresidential buildings) along these thoroughfares must be set back at least 50 feet from the right-of-way line of the thoroughfare. Major thoroughfares are or will be the following arterial streets and collector streets as specified in the Borough’s Thoroughfare Classification Plan, plus any street constructed to meet the arterial or collector street design standards as set forth in the Thoroughfare Classification Plan:

- A. East and West Broadway.
- B. East and West High Street.
- C. East Gay Street.
- D. East Prospect Street.
- E. Country Club Road.
- F. First Avenue.
- G. Horace Mann Avenue.
- H. North and South Charles Street.
- I. North and South Franklin Street.
- J. North and South Main Street.

2. *Front Setback of Buildings or Built-up Streets.* Where at least two buildings fronting on the same side of the street within 100 feet of the subject property are set back a lesser distance than required, the lesser distance becomes the required minimum front setback for the property. [Ord. 957-4]

3. *Setback on Corner, Double Frontage, Reverse Frontage, and Triple Frontage Lots.* In the case of corner, double frontage, and reverse frontage lots, a front setback shall be provided from each street and a side setback shall be provided from the remaining property lines. In the case of a triple frontage lot, a front setback shall be provided from each street and the remaining setback shall be a side setback. [Ord. 9411-8]

4. *Accessory or Appurtenant Structures.* The setback regulations do not apply to the following, provided that they are not located within the clear sight triangle:

- A. School bus shelters; telephone booths; minor utility structures.
- B. Cornices, eaves, chimneys, steps, canopies, and similar structures.
- C. Open fire escapes.
- D. Articles of ornamentation or decoration.
- E. Fences; retaining walls.

5. *Sight Distances.*

A. Proper sight lines must be maintained at all street intersections. Measured along the center line of the street, there must be a clear sight triangle with sides as follows:

Street	Clear Sight Triangle Side (feet)
Major thoroughfares	150
Minor streets	75

- B. No building or construction is permitted in this area except as follows:
- (1) Obstructions or plantings less than 3 feet in height.
 - (2) If not obstructing view of traffic, post columns and trees not exceeding 1 foot in diameter.

(*Ord. 8811-14*, 11/18/1988, §215-17; as amended by *Ord. 9411-8*, 11/9/1994; and by *Ord. 957-4*, 7/12/1995)

§27-406. Height Modifications.

The height regulations do not apply to the following projections, provided that the height of any such projection above its base shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line:

- A. Structures such as chimneys, standpipes, flagpoles, television antennas, or radio towers.
- B. Structures on buildings such as clock towers, cupolas, water tanks and other mechanical appurtenances, if such structures, at any level, do not cover more than 25 percent of the roof on which they are located.
- C. Parapet walls or cornices solely for ornamental purposes if not in excess of 5 feet in height.

(*Ord. 8811-14*, 11/18/1988, §215-18)

§27-407. Solar and Wind Energy Facilities Modifications.

1. *Solar Energy Systems.* Solar energy systems shall be permitted relief from previously stated limitations to the following extent:

A. *Setbacks.*

(1) Architectural features needed for the operation of active or passive solar energy systems including, but not limited to, canopies, eaves, overhangs, detached solar collectors, reflectors, piping and movable insulation, may be permitted to extend up to 10 feet into required yard areas when these devices are a functional component of the space heating or domestic hot water system of the principal building lot.

(2) The rear or side yard setbacks required may be reduced to 8 feet in order to allow the siting of solar energy systems; provided, that:

(a) No portion of the structure or architectural features projects over the property lines.

(b) Exposure protection between structures is provided according to the specifications of all applicable fire and safety regulations guaranteeing emergency access, light, and ventilation.

(c) The placement of all structures, building materials and finished wall construction along the lot line does not interfere with traffic along adjacent or intersecting rights-of-way or with the sight distance at intersections.

(d) No other design can be shown to meet the requirements of this Chapter and provide the same solar energy utilization.

(e) Existing solar energy systems will not be substantially impaired by shadowing more than 10 percent of the collector area between 9 a.m. and 3 p.m. on a clear winter solstice (December 21) day.

B. *Lot Coverage.* Solar collectors and/or solar energy systems shall not be included in the lot coverage calculations provided that their installation will not create adverse stormwater problems and will not significantly detract from the groundwater recharge potential of the immediate vicinity.

2. *Wind Energy Systems.* Wind energy systems shall be permitted relief from previously stated limitations to the following extent:

A. *Setbacks.* The setbacks from any lot line must be equal to the height of the tower, plus the length of the longest extension of the rotor plus 10 feet.

B. *Access.* Climbing access to the tower is secured from use by unauthorized persons.

(Ord. 8811-14, 11/18/1988, §215-19)

§27-408. Minimum Habitable Floor Area.

All dwelling units must conform to the minimum habitable floor area as follows; provided, however, that each unit shall provide at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet of habitable floor space for each additional occupant or that the total number of persons to occupy the unit does not exceed two times the number of habitable rooms as per §11-108 of Chapter 11, Housing:

A. Single-family detached dwellings: 900 square feet per dwelling unit.

B. For each two-family dwelling, semidetached, attached, or multi-family dwelling and for each two-family or multi-family conversion:

(1) One bedroom: 500 square feet per dwelling unit.

(2) Two bedroom: 650 square feet per dwelling unit.

(3) Three or more bedrooms: 800 square feet per dwelling unit.

(Ord. 8811-14, 11/18/1988, §215-20)

§27-409. Outdoor Signs.

1. *Signs Permitted and Extent of Use.* Nothing in this subsection shall be construed to include signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a window announcing a sale or similar features. Such signs shall be permitted in addition to any of the specific signs mentioned above.

A. *Drive-in Business.* For a drive-in business, business signs are permitted as long as their number does not exceed two per street frontage and their combined area does not exceed 30 square feet per street frontage.

B. *Other Uses.* For other uses, one sign is permitted on each street frontage of a lot for each occupancy or purpose and an additional sign for each occupancy or purpose is permitted for every 100 feet of street frontage or major fraction thereof all in accordance with subsection .1.E. However, for business signs, any number of signs are permitted as long as their total area does not exceed the maximum under subsection .1.E.

C. *All Uses.* For all uses, an advertising and a business sign must be at least 60 feet apart, and no sign exceeding 30 square feet in area may be located within 75 feet of a residential zone.

D. *Determination of Size.* The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs, the space between such letters, figures and designs shall be included. A back-to-back sign may be erected, the size of which shall be determined by the dimensions of one sign face, not both faces.

E. *Type, Location, and Size of Sign.* [Ord. 2000-06-3]

Type of Sign	Where Permitted	Maximum Size
Traffic	Any zone	—
Home occupation or home profession	Any zone	1 square foot
Trespassing	Any zone	1 square foot
Utility	Any zone	2 square feet
For sale, for rent, sold, rented, and public auction	Any zone	6 square feet
Work sign of builders, painters and other artisans performing work on the premises	R-O or R-T Zone BC, C, or I Zone	6 square feet 32 square feet
Directional	BC, C, or I Zone	6 square feet
Identification and information of churches, schools, and other nonprofit institutions	Any zone	30 square feet
Apartment development, subdivision	Where use is permitted	20 square feet
Temporary sign for sale of agricultural products	R-O or R-T Zone BC, C, or I Zone	6 square feet 20 square feet
Parallel business	BC or C Zone	25% of the total wall area to which the sign is affixed, not to exceed 50 square feet in area.
Projecting and/or freestanding business	BC or C Zone	30 square feet
Business	I Zone	160 square feet or 3 square feet for each linear foot of building frontage, whichever is greater; maximum of 4 signs not to exceed 40 square feet per sign.
Advertising	I Zone	300 square feet

Type of Sign	Where Permitted	Maximum Size
Industrial park shopping center	Permitted by special exception where use is permitted	

F. Electronic changeable copy signs and electronic message center signs are prohibited. [Ord. 2005-10-05]

2. *Projection of Signs.* No sign may project:

A. Over a public sidewalk area except in a Commercial or Borough Center Zone. [Ord. 2000-06-3]

B. Over a public highway or street unless specifically authorized by other Borough or State regulations.

C. More than 12 inches beyond a building facade or side wall.

D. Above the roof of the building.

E. Within less than 2 feet of an existing curbline.

3. *Illumination of Signs.*

A. Flashing, rotating, and intermittent lights are prohibited. [Ord. 2005-10-05]

B. Signs permitted in the R-O, R-T, BC, and C Zones shall be illuminated only by indirect lighting. [Ord. 2000-06-3]

C. A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any residence within 100 feet or so it does not obstruct the vision of motorists.

D. Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass may not be located within a radius of 100 feet of a highway traffic light or similar safety device or from the center of any street intersection.

4. *Buntings and Pennants.* Buntings and pennants are permitted only to announce the opening or closing of a business or industry or in connection with a special sale of civic event and must be removed within 7 days after the event.

5. *Temporary Signs.* The following provisions shall apply to all types of temporary signs except for portable signs and sidewalk signs which must comply with the regulations set forth in subsections .6 and .7, respectively.

A. A temporary sign for the sale of agricultural and horticultural products may be erected for a period not exceeding 60 days.

B. A temporary sign for a construction project may be erected and maintained for as long as the project is under construction.

C. A temporary sign such as those advertising activities of churches and nonprofit organizations may be erected for a period not exceeding 60 days.

D. A temporary sign may be erected for a political election and shall be removed by the political party or candidate within 10 days after the primary or general election to which it refers.

6. *Portable Signs.* Portable signs shall be permitted in the Commercial, Borough

Center, and Industrial Zones subject to the following requirements: [Ord. 2000-06-3]

- A. A sign permit must be obtained from the Borough Zoning Officer.
- B. The sign may be illuminated only by indirect lighting.
- C. The sign shall not be located on the lot for more than 30 days within a 90-day period.
- D. Only one portable sign shall be permitted per lot.
- E. The maximum size permitted shall be 32 square feet; such area shall not be included in the computation of maximum surface area for any other type of permitted sign.
- F. The placement of such sign shall not interfere with traffic or with sight distance at street intersections and accesses to public rights-of-way.

7. *Sidewalk Signs.* Sidewalk signs shall be permitted in the Commercial, Borough Center, and Industrial Zones, provided that the following provisions are satisfied: [Ord. 2000-06-3]

- A. The sign must be associated with a commercial establishment.
- B. Only one sidewalk sign is permitted per street frontage.
- C. The maximum size permitted shall be 6 square feet; such area shall not be included in the computation of maximum surface area for any other type of permitted sign.
- D. The sign shall be placed in such manner so as not to extend more than 3 feet from the building line and be not more than 4 feet in height. In any event, a minimum 4-foot pedestrian area must be maintained from the curb to the sign so as not to obstruct pedestrian traffic.
- E. The sign shall be temporary in nature and only displayed during business hours.

8. *Construction and Maintenance.* Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.

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

(Ord. 8811-14, 11/18/1988, §215-21; as amended by Ord. 2000-06-3, 6/12/2000; and by Ord. 2005-10-05, 10/10/2005)

§27-410. Parking.

1. *Size of Parking Space.* The parking space must have an area of not less than 200 square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five or more parking spaces are required, the total parking area including passageways and driveways must average 300 square feet per required parking space.

2. *Spaces Required.* Off-street parking spaces must be provided for each building erected, altered, enlarged, or converted in accordance with the following schedule, except that if a use in the Borough Center or Commercial Zone not involving or containing a dwelling or dwelling unit(s) is located in a metered area or within 300 feet of a municipal parking facility, no off-street parking shall be required. [Ord. 2000-06-3]

Type of Use	Minimum of 1 Parking Space for Each
Residential dwelling (except multi-family)	½ dwelling unit (i.e., 2 spaces per dwelling unit)
Multi-family	½ dwelling unit (i.e., 2 spaces per dwelling unit) plus 1 additional space for every 5 dwelling units or additional fraction thereof
Rooming house	Bedroom
Hotel, residential hotel, motel	Guest sleeping room
Office building	300 square feet of gross floor area
Retail store or shop	200 square feet of gross floor area
Eating establishments	4 seats
Tavern	2 seats
Bowling alley	1/5 lane (i.e., 5 spaces per lane)
Other recreational establishments	100 square feet of gross floor area
Automotive repair, service station	400 square feet of gross floor area and ground area devoted to repair and service facilities
Other commercial buildings	400 square feet of gross floor area
Hospital, sanitarium	½ bed (i.e., 2 spaces per bed)
Auditorium, church, theater, and other such places of public assembly	2 seats
School [Ord. 2004-08-08]	classroom in an elementary or junior high school and 1 space per 5 students of projected building capacity in a senior high school or college
Industrial and heavy commercial establishments	1½ employees on major shift but at least 1 space for each 5,000 square feet of gross floor area
Shopping center	50 square feet of gross floor area
Funeral home	100 square feet of gross floor area
Outdoor sales	20 percent of sales are to be reserved for customer parking
Clubs, lodges, and other similar places	100 square feet of gross floor area
Personal care assisted living facility [Ord. 996-8]	staff member or employee present plus 1 space per every 6 residents

3. *Location.* The parking area must be on the same or nearby premises. If on nearby premises:

A. The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: 200 feet in the case of a commercial use; 300 feet in the case of a residential use; and 400 feet in the case of an industrial use.

B. The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.

4. *Layout.* Parking areas must be arranged so there will be no need for motorists to back over:

- A. Local streets, except in cases of residential uses.
- B. Major thoroughfares.
- C. Any other parking spaces. [Ord. 987-3]

5. *Parking Area Adjacent to Street.* For multi-family and nonresidential uses where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, a pipe railing, post and chain barricade, raised curbs, or equally effective devices satisfactory to the Borough Engineer must line the public right-of-way except at access points so that parked vehicles will not extend into the street right-of-way.

6. *Paving.* For commercial, industrial, and multi-family residential uses, all required parking areas shall be paved with concrete or bituminous paving material. A parking area for more than five vehicles must be approved by the Borough Engineer, relative to paving, grading, and drainage.

(Ord. 8811-14, 11/18/1988, §215-22; as amended by Ord. 987-3, 7/13/1998; by Ord. 996-8, 6/14/1999; by Ord. 2000-06-3, 6/12/2000; and by Ord. 2004-08-08, 8/9/2004)

§27-411. Loading.

1. *Size; Surfacing.* The loading space must be not less than 10 feet wide and 25 feet long. It must be surfaced with a bituminous or concrete paving material.

2. *Spaces Required.* Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

Type of Use	Number of Loading Spaces
Manufacturing, storage, display or sale of hospitals and sanitariums	1 for a gross floor area of 5,000 to 25,000 square feet and 1 additional for each 10,000 square feet of gross floor area in excess of 25,000 square feet
Offices, hotels, theaters, or similar uses	1 for a gross floor area of from 20,000 to 100,000 square feet and 1 additional for each 40,000 square feet of gross floor area in excess of 100,000 square feet

3. *Layout.* The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard area.

(Ord. 8811-14, 11/18/1988, §215-23)

§27-412. Driveways.

1. *Width.* Within 10 feet of the street right-of-way, driveways may not exceed 35 feet in width.

2. *Number.* The number of driveways may not exceed two per lot on any one street

frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.

3. *Location.* Driveways may not enter a public street:

- A. Within 40 feet of the street right-of-way line of an intersecting street.
- B. Within 5 feet of a fire hydrant.
- C. Within 50 feet of another access drive on the same property.

4. *Sight Distance; Slope; Cut.* A driveway must be located in safe relationship to a sight distance and barriers to vision. The drive may not exceed a slope of 10 percent within 25 feet of the street right-of-way line. Where a drive enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed 50 percent in slope within 25 feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed 3 feet within 10 feet of the street right-of-way line. Cuts for a driveway at curbs must be 2 inches above gutter-grade and must not have more than a 10 percent slope across walks.

5. *Paving.* An access drive must be paved with a concrete or bituminous paving material to prevent gravel or other loose material from being carried onto the street. (Ord. 8811-14, 11/18/1988, §215-24)

§27-413. Screens and Buffers.

Where an industrial or commercial use is proposed in a C or I Zone and it abuts a residential zone, except for street or alley frontage:

A. A fence, screen, or buffer planting acceptable to the Borough is required to be erected in the Commercial or Industrial Zone to screen from view (if the residential zone) the industrial or commercial use.

B. The space along the side lot line in the Industrial Zone abutting a residential zone for 50 feet in depth may not be used for commercial or industrial operations. This area must be suitably landscaped and maintained; however, parking is permitted within the interior 25 feet of the 50-foot buffer strip.

(Ord. 8811-14, 11/18/1988, §215-25)

§27-414. Drainage.

1. *Adequate Drainage Required.* No principal building may be erected, structurally altered, or relocated on land:

- A. Which is not adequately drained at all times.
- B. Which is subject to periodic flooding.

2. *Building Restricted Adjacent to Drainage Channels and Watercourses.* No building may be erected, structurally altered, or relocated:

- A. Within 20 feet of the ordinary high-water line of any surface water drainage channel or natural watercourse.
- B. So that its lowest floor is less than 3 feet above the high-water line.

3. *Drainage Upon Streets.* In order to prevent improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveways,

must be at a grade in satisfactory relationship:

A. With the established street grade.

B. With the existing street grade where none is established. Satisfactory evidence to this effect must be presented to the Borough Engineer.

4. *Drainage Upon Adjoining Properties.*

A. In order to protect adjoining property owners and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would:

(1) Result in a slope of more than 70 percent within 20 percent of a property line (height divided by length equals percentage of slope).

(2) Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.

B. In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

5. *Obstruction to Drainage Prohibited.* The damming, filling, or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Borough Engineer.

(Ord. 8811-14, 11/18/1988, §215-26)

§27-415. Illumination.

Where a use involves exterior lighting, the lighting must be so located and shielded that no objectionable illumination or glare is cast upon adjoining property.

(Ord. 8811-14, 11/18/1988, §215-27)

§27-416. Demolition.

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

(Ord. 8811-14, 11/18/1988, §215-28)

§27-417. Buildings Under Construction

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

(Ord. 8811-14, 11/18/1988, §215-29)

§27-418. Division of Built-on Lots.

No lot may be formed from part of a lot occupied by a building unless such newly

created lot will meet all the applicable provisions of this Chapter except in the case where a lot is occupied by a two-family dwelling and the subdivision shall create two new lots with each lot occupied by a single-family semidetached dwelling created from the original two-family dwelling and with each lot separately serviced by public water and public sewer facilities.

(*Ord. 8811-14*, 11/18/1988, §215-30; as amended by *Ord. 9411-8*, 11/9/1994)

§27-419. Lots of Record.

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

(*Ord. 8811-14*, 11/18/1988, §215-31)

§27-420. Nonconformities.

1. *Continuance.*

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

B. Except as otherwise provided in this Section, any dimensional nonconformities existing at the date of the adoption of this Chapter may be continued.

2. *Expansion or Alteration.* [*Ord. 996-8*]

A. Upon application for a special exception and in accordance with the provisions of §§27-504 and 27-635, the Zoning Hearing Board may approve the expansion or the alteration of an existing nonconforming use. Changed or one nonconforming use to another nonconforming use is not permitted.

B. An existing dimensional nonconformity may be expanded or altered as a matter of right if the expansion or alteration:

(1) Does not increase the existing nonconformity.

(2) does not create any additional dimensional nonconformity where none currently exists.

(3) Reduces the extent of any nonconformity currently existing without increasing or creating any other nonconformity.

3. *Replacement.*

A. A nonconforming use, if discontinued or abandoned for a period of 1 year, may be replaced only by a conforming use.

B. A dimensional nonconformity may be replaced only in conformance with the provisions of this Chapter.

4. *Restoration.* If any nonconformity is destroyed in part or in whole by reason of windstorm, fire, explosion, or other act of God or a public enemy, the nonconformity may be rebuilt, restored, or repaired to the extent of the nonconformity prior to

destruction, provided that restoration is begun within 1 year following said destruction. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition any wall, floor, or roof which has been declared unsafe.

5. *Discontinuance or Abandonment.* A nonconforming use shall be adjudged as discontinued or abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of 1 year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be re-occupied except in conformance with this Chapter.

6. *Reversion.* No nonconformity shall, if once changed to conform to the regulations of this Chapter, be changed back again to a nonconformity.

7. *Zone Changes.* Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.

8. *Certificate of Nonconformity.* Within 90 days after the adoption of this Chapter or 90 days after any amendment or variance creating a nonconformity, a person with a certificate application must contain all the nonconforming conditions of the applicant's property. This certificate affirms the legality of the nonconformity. [Ord. 924-5]

(Ord. 8811-14, 11/18/1988, §215-32; as amended by Ord. 924-5, 4/8/1992, §3; and by Ord. 996-8, 6/14/1999)

§27-421. Home Office.

Home offices shall be used and operated in accordance with the following requirements:

A. The use shall be operated exclusively by the occupant or occupants of the dwelling unit, and no outside employees are permitted.

B. The use shall not generate any additional traffic, vehicular or pedestrian.

C. There shall be no visible evidence of the use from the street or adjoining properties, and no signs may be erected or displayed.

D. The use shall be contained within a principal and/or accessory residential structure.

E. Office equipment shall be limited to computers, typewriters, calculators, telephone, fax machines, file cabinets, checks, or drafting tables. A photocopier is permitted if it is not used for a reproduction service business but accessory to the home office use.

(Ord. 8811-14, 11/18/1988, §215-33; as added by Ord. 972-1, 2/12/1997)

§27-422. Commercial Communications Antennas.

Commercial communications antennas which meet the following requirements shall be allowed in the zones in which they are permitted under the use schedule and shall not be considered as a separate principal use for purposes of the dimensional requirements of this Chapter.

A. The antenna must be attached to an existing smokestack, water tank, church steeple, commercial building with two or more stories or other tower lawfully in existence at the time this Section is enacted into law, or subsequently erected pursuant to this Chapter.

B. The antenna does not exceed the height of the existing structure to which it is attached by more than 10 feet.

C. The antenna is fully automated and does not require any support structure or on-site personnel to maintain or operate the antenna.

D. The owner of the antenna must provide a written lease agreement which specifies that the owner of the antenna shall remove it within 90 days after cessation of use.

(*Ord. 8811-14*, 11/18/1988, §215-34; as added by *Ord. 996-8*, 6/14/1999)

Part 5**Zoning Hearing Board****§27-501. Membership; Organization; General Powers and Duties.**

1. *Membership of Board.* The membership of the Zoning Hearing Board, hereinafter referred to as the "Board," shall, upon the determination of Borough Council, consist of either three or five residents of the Borough, appointed by resolution of Council. The terms of office of a three-member Board shall be 3 years, and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five-member Board shall be 5 years and shall be so fixed that the term of office of one member shall expire each year. If a three-member Board shall be changed to a five-member Board, the members of the existing three-member Board shall continue in office until their term of office would expire as herein above provided. Council shall appoint the two additional members to the five-member Board with terms scheduled to expire promptly notify Council of any vacancies which shall occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough. At its discretion, the Council may appoint by resolution at least one, but not more than three, residents of the Borough to serve as alternate members of the Board, pursuant to the provisions of subsection (b) of §903 of the Municipalities Planning Code, as added by the Act of 1988, P.L. 1329, No. 170, 53 P.S. §10903(b). [Ord. 9711-6]

2. *Organization of Board.* [Ord. 924-5]

A. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and may waive further action by the Board as provided in §908 of the Municipalities Planning Code and §27-502 of this Chapter.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this paragraph shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

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

3. *Powers.* The powers of the Zoning Hearing Board shall include the following:
[Ord. 924-5]

A. *Special Exceptions.* To hear and decide special exceptions upon which the Board is required to pass under the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and §27-504 of this Chapter.

B. *Variances.* To authorize, upon application, in specific cases, variances from the terms of this Chapter, under the provisions of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and §27-503 of this Chapter.

C. *Appeals.* To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Officer in the enforcement or interpretation of this Chapter.

D. *Challenges to the Validity of the Ordinance or Map.* The Board shall hear challenges to the validity of any land use ordinance of the Borough, including this Chapter, which include: (1) substantive challenges except for those brought before Borough Council pursuant to §§609.1 and 916.1(a, b) of the Municipalities Planning Code, 53 P.S. §§10609.1, 10916.1(a, b); and (2) challenges raising procedural questions or alleged defects in the process of enactment of adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of that ordinance. In all challenges, the Board shall take evidence and make a record as provided in §27-502 of this Chapter. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

E. *Unified Appeals.* Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Borough ordinance or requirement pertaining to the same development plan or development. In any such case the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon as provided in §27-502. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

F. In exercising the powers referred to in this subsection, the Board, in conformity with the provisions of this Chapter, may reverse, affirm, or modify the order, requirement, decision, or determination appealed from or requested, and may make any order, requirement, decision, or determination as ought to be made.

4. *Board Calendar.* Each application or appeal filed in the proper form with the required data must be numbered serially and be placed upon the calendar of the Board by the Zoning Officer. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. The Board must fix a reasonable time for hearings.

(*Ord. 8811-14*, 11/18/1988, §215-34; as amended by *Ord. 924-5*, 4/8/1992, §4; and by *Ord. 9711-6*, 11/12/1997, §215-34)

§27-502. Public Hearings.

1. *Notices.* [*Ord. 924-5*]

A. The Zoning Hearing Board shall give public notice, as defined in §27-203 of this Chapter, of every hearing on an application or appeal and shall also give written notice of that hearing and posted notice as required in this subsection. In

all instances, the notice shall state the nature of the request for the hearing, the location of the property and the time and place set for the hearing. In addition to the public notice, the following are required:

(1) Notice by ordinary first-class mail to the applicant, the Borough planning agency, and to any person or persons who have made timely request to be notified.

(2) Notice by mail to the owner of each property located within 200 feet of the exterior limits of the property involved. Provided, however, the failure to give notice in this manner shall not invalidate any action by the Board on the action or appeal.

(3) Posting a notice (a) in the Borough offices; and (b) in a conspicuous location on the property involved.

B. Council may establish reasonable fees, based on cost of notice, to be paid by the applicant and by persons requesting any notice to them not required by this Chapter.

2. *Conduct of Hearings.* [Ord. 924-5]

A. Every hearing shall be held within 60 days from the date of the applicant request, unless the applicant has agreed in writing to an extension of time.

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

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

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

3. *Representation; Statements.*

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

B. 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.

C. Statements are to be given in the following order or as the Chairman may

direct:

- (1) Applicant or appellant.
- (2) Zoning Officer and other officials.
- (3) Any private citizen.

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

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

5. *Decision Procedure.* [Ord. 924-5]

A. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provision of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision of findings is final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection .1 of this Section. If the Board fails to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

B. 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 no later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

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

it was granted or the conditions imposed by this Chapter are adhered to.

6. *Records.*

A. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board of the hearing officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof. [*Ord. 924-5*]

B. A verbatim record of the hearing shall be taken when:

(1) By written letter to the Secretary of the Zoning Hearing Board in advance of a public hearing, a person requests that a verbatim record of all testimony be taken. He must agree to pay all costs involved.

(2) A person requests to have such testimony taken at a hearing at his own expense.

(3) The legality of this Chapter is in issue. If this Chapter is subsequently legal, the appellant pays the cost of the recording.

(4) The Board, on its own motion, requests verbatim record of testimony be taken at a hearing.

C. The Board must provide for the taking of a verbatim records of testimony by electronic or other means and by rules drawn to protect the integrity of these records. However, the Board may adopt, as the official record, a verbatim record of testimony made by a court reporter or other verbatim reporter considered qualified by the Board. Where the Board has made a verbatim record of testimony at a public hearing, it must provide copies at cost to any person who requests the record within 48 hours after the hearing.

D. Any costs assessed under the authority of this Section are in addition to the fees for application or appeal. The Board must keep all materials and decision relating to each case as part of its record. These records, however, are open to public inspection.

(*Ord. 8811-14, 11/18/1988, §215-35; as amended by Ord. 924-5, 4/8/1992, §5*)

§27-503. Variances.

1. *Filing of Variance.*

A. An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Borough Planning Commission. The applicant must provide all the information and data that may be required to advise the Board of the variance, whether such information is called for by the official form or not.

B. Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a zoning permit or use certificate within

6 months from the date of authorization of the variance.

2. *Referral to Planning Commission.* All applications for a variance shall be referred to the Planning Commission for a report.

3. *Standards for Variance.* Where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant, the Board may grant a variance, provided that all of the following findings are made where relevant in a given case: [Ord. 924-5]

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

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

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

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

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

4. *Conditions.* In granting any variance, the Board may attach such conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter. [Ord. 924-5]

(Ord. 8811-14, 11/18/1988, §215-36; as amended by Ord. 924-5, 4/8/1992, §6)

§27-504. Special Exceptions.

1. *Filing of Special Exceptions.*

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

- (1) Ground floor plans and elevations of proposed structures.
- (2) Names and addresses of adjoining owners.

B. Unless otherwise specified or extended by the Zoning Hearing Board, a special extension authorized by the Board expires if the applicant fails to obtain, where required to do so, a zoning permit or use certificate within 6 months of the date of the authorization of the special exception.

2. *Temporary Special Exceptions.*

A. A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity which is or will be seasonal or is or will be in the

public interest. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which:

- (1) Is beneficial to the public health or general welfare.
- (2) Is necessary to promote the proper development of the community.
- (3) Is seasonal in nature.

B. The temporary special exception may be issued for a period not exceeding 1 year and may be renewed for an aggregate period not exceeding 3 years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the Borough.

3. *Referral to Planning Commission.* All applications for a special exception must be referred to the Borough Planning Commission.

4. *Conditions.* The Zoning Hearing Board, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.

5. *Application of Extent-of-Use Regulations.* The extent-of-use regulations as set forth in this Chapter must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.

6. *General Standards.* A special exception may be granted when the Zoning Hearing Board finds, from a preponderance of the evidence produced at a hearing, that:

A. The proposed use, including its nature, intensity, and location, is in harmony with the orderly and appropriate development of the zone.

B. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use.

C. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature, and height of buildings, walls, and fences.

D. That the use will have proper location with respect to existing or future streets giving access to it and will not create traffic congestion or cause industrial or commercial traffic to use residential streets.

E. That the specific standards set forth for each particular use for which a special exception may be granted have been met. The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

7. *Special Standards.* In addition to the general standards for all special exceptions as contained in subsection .6 of this Section, the specific standards for particular uses as listed in Part 6 must be met prior to the granting of a special exception.

(Ord. 8811-14, 11/18/1988, §215-37)

Part 6**Standards for Special Exception Uses****§27-601. Requirement of Specific Standards.**

In addition to the general standards for all special exceptions, as contained in §27-504.6, the specific standards for the particular uses allowed by special exceptions are set forth in this Chapter. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones.

(Ord. 8811-14, 11/18/1988, §215-38)

§27-602. Adult Facilities.

In the C or I Zone and subject to the requirements of the zone in which located, except as herein modified and provided:

A. An adult regulated facility shall not be located within 300 feet of any residential zone or use.

B. An adult regulated facility shall not be located within 700 feet of any church, school, library, park, playground, or day-care center or within 500 feet of any other adult regulated facility.

C. Any building or structure used and occupied as an adult regulated facility shall have an opaque covering over all windows or doors of any area in which materials, merchandise, film, or service are exhibited or displayed; and no sale materials, merchandise, film, or other offered items of service shall be visible from outside the building or structure.

D. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, or service offered therein.

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

(Ord. 8811-14, 11/18/1988, §215-39)

§27-603. Animal Hospital, Kennel, or Small Animal Farm.

In the I Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. Lot area shall be 2 acres, minimum.

B. *Setback.* All animal runs, fenced enclosures and similar structures shall be located at least 25 feet from all property or street lines.

C. All animals must be housed within a structure except while exercising.

D. All outdoor running or activity areas must be enclosed to prevent the escape of the animals.

E. Satisfactory evidence must be presented to indicate that adequate disposal of animal waste will be provided in a manner that will not create a public health

hazard or nuisance.

(*Ord. 8811-14, 11/18/1988, §215-40*)

§27-604. Apartment in Conjunction with Commercial Establishment.

In the BC or C Zone, and subject to the requirements of that zone, except as herein modified and provided: [*Ord. 2005-10-05*]

A. An apartment is permitted as an accessory use in the same building with a principal use which is permitted in the Commercial or Borough-Center Zone.

B. A separate entrance must be provided for the residential use.

C. Lot area shall be 6,000 square feet, minimum.

D. Lot width shall be 60 feet, minimum.

E. A minimum of 400 square feet of open area must be provided for each dwelling unit.

F. All parking, habitable floor area and other applicable requirements of this Chapter shall be satisfied in addition to those required for the commercial use.

(*Ord. 8811-14, 11/18/1988, §215-41; as amended by Ord. 2000-06-3, 6/12/2000; and by Ord. 2005-10-05, 10/10/2005*)

§27-605. Automobile and/or Trailer Sales; Automobile Body Shop and/or Automobile Garage (Major).

In the C Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. Lot area shall be 12,000 square feet, minimum.

B. Lot width shall be 80 feet, minimum.

C. For automobile or trailer sales, the lot must be improved with an automobile or trailer display building having not less than 1,600 square feet devoted exclusively to the display of automobiles or trailers.

D. All service and/or repair facilities shall be conducted within a wholly enclosed building.

E. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded as part of the service repair operation shall be permitted.

F. All exterior vehicle storage areas shall be screened from adjoining residentially zoned properties.

G. The demolition or junking of automobiles is prohibited.

H. All vehicles shall be repaired and removed from the premises within a 2-week period.

(*Ord. 8811-14, 11/18/1988, §215-42*)

§27-606. Automobile Dismantling Plant; Junkyard.

In the I Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. Lot area shall be 5 acres, minimum.

B. Lot width shall be 300 feet, minimum.

C. *Setbacks.* Any area used for this purpose must be at least 75 feet from any property line and 100 feet from any street line.

D. The area to be used must be completely enclosed within a 6-foot-high fence so constructed as not to have openings greater than 6 inches in any direction and should include appropriate screening.

E. It must comply with all applicable State regulations.

(*Ord. 8811-14, 11/18/1988, §215-43*)

§27-607. Automobile Washing Facility.

In the C Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. Lot area shall be 15,000 square feet, minimum.

B. Lot width shall be 100 feet, minimum.

C. All structures housing washing apparatus shall be set back at least 50 feet from any street right-of-way line and 20 feet from any side or rear lot line.

(*Ord. 8811-14, 11/18/1988, §215-44*)

§27-608. Bed-and-Breakfast Inn.

In the BC, R-O, and R-T Zones, and subject to the requirements of the zone in which located, except as herein modified and provided: [*Ord. 2000-06-3*]

A. Guest stays shall be limited to a maximum of 7 days.

B. There shall be a maximum of four guest rooms.

C. Breakfast shall be the only meal served to overnight lodgers.

D. A minimum of one off-street parking space per guest room shall be provided in addition to the required parking for the dwelling unit. Existing minor automobile garages and carports, at least 9 feet by 18 feet, may be used as the required parking spaces for the dwelling unit.

E. One sign may be erected on the property. The maximum size shall be 2 square feet, and it may be illuminated only by indirect lighting.

F. The inn must comply with local regulations including, but not limited to, fire, health, and building codes.

G. Bed-and-breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single-family dwelling.

(*Ord. 8811-14, 11/18/1988, §215-45; as amended by Ord. 9411-8, 11/9/1994; and by Ord. 2000-06-3, 6/12/2000*)

§27-609. Building Materials Sales and Service.

In the C Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. Lot area shall be 20,000 square feet, minimum.

B. Lot width shall be 100 feet, minimum.

C. Access shall be via an arterial or collector street as designated by the Borough's Thoroughfare Classification Plan.

D. All outdoor storage and display areas shall be screened from adjoining roads and properties.

(*Ord. 8811-14, 11/18/1988, §215-46*)

§27-610. Cemetery.

In the R-O Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. All burial plots or facilities shall be located at least 50 feet from all property or street lines.

B. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

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

D. Pet cemeteries must meet all of the above applicable requirements.

(*Ord. 8811-14, 11/18/1988, §215-47*)

§27-611. Club Room; Club Grounds; Meeting Rooms.

In the BC or C Zone, and subject to the requirements of that zone, except as herein modified and provided: [*Ord. 2000-06-3*]

A. Lot area shall be 10,000 square feet, minimum.

B. Lot width shall be 80 feet, minimum.

C. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

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

E. The use shall not constitute a public or private nuisance.

(*Ord. 8811-14, 11/18/1988, §215-48; as amended by Ord. 2000-06-3, 6/12/2000*)

§27-612. Cluster Development.

In the R-O or R-T Zone, and subject to the requirements of the zone in which located, except as herein modified and provided, in the case of residential developments of 10 acres or more, an added degree of flexibility in the placement, bulk, and interrelationship of the buildings and uses within the development may be approved by the Borough Council. The overall intensity of use and density of population shall be maintained while providing for new or additional design concepts. The gross area requirement may be waived if the proposed tract abuts an existing cluster development, is within an appropriate zoning classification and will enable a compatible extension of the existing development. The following guidelines shall be followed:

A. Minimum lot area, lot width, lot coverage, open area, and paved area requirements may be waived for individual lots. These standards shall be applied to the total tract area, exclusive of highway and utility rights-of-way, to determine the total number of permitted dwelling units.

B. Setbacks and building height shall remain as required in the appropriate zoning district.

C. Public water and public sewer are required.

D. Provisions for the future maintenance of all common areas including, but not limited to, parking and recreation, shall be explicitly provided with the proposed project. The provisions and any agreements, such as by-laws for a property owners association, shall be subject to the approval of the Borough Council.

E. These provisions shall not apply to mobile home parks.

F. All other provisions of this Chapter and any other applicable ordinance of the Borough shall apply to cluster developments. Housing types include only those permitted by right or special exception in the zone in which located. Special exception procedures and requirements also apply to multi-family dwellings (except for lot area and lot width) when included with a cluster development.

(Ord. 8811-14, 11/18/1988, §215-49)

§27-613. Commercial Communications Tower and Antenna Sites.

Commercial communications tower and antenna sites which meet the following requirements shall be allowed in the zones in which they are permitted under the use schedule.

A. The applicant must demonstrate that it has contacted the owners of all properties containing a smokestack, water tank, church steeple, commercial building with two or more stories, or other existing tower located within a ¼-mile radius of the proposed site, asked for permission to install the antenna on those facilities and was denied for non-economic reasons.

B. The applicant must demonstrate that the height of the tower is the minimum necessary to function satisfactorily.

C. The applicant must demonstrate that the proposed antenna and tower are safe and that the surrounding area will not be affected by antenna or tower failure, collapse or falling ice.

D. All towers shall be fitted with anti-climbing devices.

E. A fence shall be required around the tower and guy wire anchors of not less than 6 feet in height.

F. Landscaping shall screen all fences.

G. Off-street parking shall not be required unless on-site personnel are required to operate or maintain the site.

H. In order to reduce the number of towers needed, the proposed tower shall be required to accommodate other users, including local fire, police and ambulance companies. The owner of the land and the operator of the tower and antenna must provide a written statement that neither will prohibit collocation of additional

antennas on the tower.

I. The proposed antenna and tower shall not be considered as a separate principal use for purposes of the dimensional requirements of this Chapter. However, the minimum distance between the base of the tower and all adjoining property boundary lines shall be a distance equivalent to the height of the tower and antenna plus 15 feet (e.g., 150 feet from ground to top of tower and antenna needs 165 feet distance from base of tower to all property lines).

J. No advertising or attached signs shall be permitted.

K. The tower shall be painted noncontrast gray unless camouflaged in a manner directed by the Zoning Hearing Board to blend with existing trees and vegetation to minimize the visual impact.

L. The owner of the tower and antenna must provide a written agreement which specifies that the owner shall remove it within 90 days after cessation of use.

M. With the exception of holiday lighting between Thanksgiving and the following January 10, no lights are permitted to be mounted on the tower or antenna, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

(*Ord. 8811-14*, 11/18/1988, §215-49.1; as added by *Ord. 996-8*, 6/14/1999)

§27-614. Commercial Parking Lot or Building.

In the BC, C, or I Zone, and subject to the requirements of the zone in which located, except as herein modified and provided: [*Ord. 2000-06-3*]

A. Lot area shall be 10,000 square feet.

B. Lot width shall be 80 feet, minimum.

C. Not more than 80 percent of the lot area may be covered with impervious surfaces.

D. No sale, rental, service, or repair operation is permitted.

E. The design of the parking facility must be approved by the Borough Engineer with regards to layout, access, drainage and dimensions of aisles.

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

(*Ord. 8811-14*, 11/18/1988, §215-50; as amended by *Ord. 2000-06-3*, 6/12/2000)

§27-615. Commercial Recreation Establishment.

In the BC, C, or I Zone, and subject to the requirements of the zone in which located, except as herein modified and provided: [*Ord. 2000-06-3*]

A. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

B. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.

C. However, when the outdoor recreational use adjoins a residential use or zone, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and the residential properties.

D. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties because of hours of operation, noise, light, litter, dust, and pollution.

(*Ord. 8811-14*, 11/18/1988, §215-51; as amended by *Ord. 2000-06-3*, 6/12/2000)

§27-616. Commercial School.

In the BC or C Zone, and subject to the requirements of that zone, except as herein modified and provided: [*Ord. 2000-06-3*]

A. Lot area shall be 14,000 square feet, minimum.

B. Lot width shall be 100 feet, minimum.

C. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

(*Ord. 8811-14*, 11/18/1988, §215-52; as amended by *Ord. 2000-06-3*, 6/12/2000)

§27-617. Convalescent Home, Nursing Home, or Hospital.

In the R-T, R-O, or C Zone, and subject to the requirements of the zone in which located, except as herein modified and provided:

A. Lot area shall be 1 acre, minimum, in the R-T and C Zones, 3 acres minimum in the R-O Zone. [*Ord. 991-1*]

B. Lot width shall be 150 feet, minimum.

C. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

D. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.

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

(*Ord. 8811-14*, 11/18/1988, §215-53; as amended by *Ord. 991-1*, 1/11/1999)

§27-618. Day-Care Center or Nursery School.

In the R-T Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and shall provide a copy of said certificate to the Borough prior to occupancy approval by Red Lion Borough.

B. Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board.

C. At least one parking space for each employee plus one space for each 100

square feet of habitable floor area shall be provided.

D. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

(Ord. 8811-14, 11/18/1988, §215-54)

§27-619. Day-Care Home.

In the R-O and R-T Zones, and subject to the requirements of the zone in which located, except as herein modified and provided:

A. The facility shall obtain a certificate of registration from Pennsylvania Department of Public Welfare and shall provide a copy of said certificate to the Borough.

B. Outdoor play areas for children must be located in a side or rear yard to provide for the health and safety of the children as determined by the Zoning Hearing Board.

C. No employees, other than residents of the dwelling, shall be permitted.

D. Day-care operations shall be conducted so as to be clearly incidental and accessory to the primary use of the property as a residential dwelling.

(Ord. 8811-14, 11/18/1988, §512-55)

§27-620. Domiciliary Care Home.

In the R-O or R-T Zone, and subject to the requirements of the zone in which located, except as herein modified and provided:

A. The facility must be certified by the York County Agency on Aging prior to occupancy approval by Red Lion Borough.

B. Domiciliary care operations shall be conducted as an accessory use to the primary use of the property as a single-family residence.

C. The domiciliary care home must be owner-occupied and only family members residing on the premises shall provide the care associated with a domiciliary care facility.

D. No facilities for cooking or dining shall be provided in individual rooms or suites.

E. The home must comply with all local regulations including, but is not limited to, fire, health, and building codes.

(Ord. 8811-14, 11/18/1988, §512-56)

§27-621. Eating Establishment.

In the C, BC, or I zone, and subject to the requirements of that zone, except as herein modified and provided:

A. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

B. All drive-through window lanes shall be separated from the parking lot's interior drives.

C. All exterior seating areas shall be completely enclosed by a 3-foot-high

fence.

D. Public water and public sewer must be utilized.

(*Ord. 8811-14*, 11/18/1988, §512-57; as amended by *Ord. 2000-06-3*, 6/12/2000; and by *Ord. 2008-07-03*, 7/14/2008, §9)

§27-622. Funeral Home.

In the R-T, BC, or C Zone, and subject to the requirements of the zone in which located, except as herein modified and provided: [*Ord. 2000-06-3*]

A. Lot area shall be 30,000 square feet, minimum.

B. Lot width shall be 100 feet, minimum.

C. Access must be on an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

D. In the R-T Zone, a buffer yard at least 20 feet in width must be located on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking or loading.

E. Public water and public sewer approved by the Pennsylvania Department of Environmental Protection must be utilized.

(*Ord. 8811-14*, 11/18/1988, §512-58; as amended by *Ord. 2000-06-3*, 6/12/2000)

§27-623. Group Home or Group Quarters.

In the R-O, R-T, or C Zone, and subject to the requirements of the zone in which located, except as herein modified and provided:

A. A minimum of 250 square feet of habitable floor area shall be provided for each occupant.

B. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.

C. All group quarters and group homes shall be connected to public water and public sanitary sewage facilities approved by the Pennsylvania Department of Environmental Protection.

D. Group homes shall be registered and licensed by the Commonwealth of Pennsylvania and shall be in compliance with all applicable rules and regulations of the licensing body.

E. Off-street parking shall be provided for each group quarters based upon one parking space for each occupant. Two off-street parking spaces shall be provided for each group home.

F. All group quarters and group homes shall comply with all applicable building, health, and fire codes of the local government.

(*Ord. 8811-14*, 11/18/1988, §512-59)

§27-624. Home Occupation and Profession.

1. Subject to the requirements below, the following home occupations and professions may be authorized only in a dwelling unit in an R-O or R-T Zone: physician, dentist, clergyman, lawyer, engineer, accountant, architect, teacher, artist, licensed insurance or real estate agent, seamstress, barber, beautician and similar service occupations and professions.

2. Regulations for permitted home occupations and professions:

A. *Employees.* No person other than a resident of the dwelling unit may practice the occupation. No more than one person shall be employed to provide secretarial, clerical, or other assistance.

B. *Pupils.* No more than two pupils may receive instruction at a time.

C. *Coverage.* Not more than 30 percent of the ground floor area of the dwelling unit may be devoted to a home occupation or profession.

D. *Appearance.* The character or external appearance of the dwelling unit must be that of a dwelling. No display of products may be shown so as to be visible from outside the dwelling. A name plate not larger than 2 square feet in area is permitted and may be illuminated only by indirect lighting.

E. *Parking.* Besides the required parking for the dwelling unit, additional off-street parking is required in accordance with the following: [Ord. 9411-8]

(1) Two spaces for the home occupation, plus one space for the nonresident employee, must be provided. The space for the nonresident employee may be waived by the Zoning Hearing Board if the applicant agrees to a condition that no outside employees will be permitted. [Ord. 987-3]

(2) Each space shall not have direct access to the street to avoid vehicles backing into the flow of traffic.

(3) Existing minor automobile garages and/or carports, at least 9 feet by 18 feet, may be used as the required parking for the dwelling unit but not for the home occupation or nonresident employee.

F. *Sales.* Only goods produced on the premises or used in connection with the permitted home occupation may be sold there.

(Ord. 8811-14, 11/18/1988, §215-60; as amended by Ord. 9411-8, 11/9/1994; and by Ord. 987-3, 7/13/1998)

§27-625. House of Worship.

In the R-O Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. *Side Setback.* Minimum side setbacks of 20 feet (each) must be provided.

B. Access shall be via an arterial or collector street as designated by the Borough's Thoroughfare Classification Plan.

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

(Ord. 8811-14, 11/18/1988, §215-61)

§27-626. Industrial Park.

In the I Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. *Permitted Uses.* All uses permitted in the Borough's Industrial Zone shall be permitted.

B. *Lot Area.* Minimum lot area must be provided equal to that total required if individual lots were to be subdivided and sold to tenants.

C. Lot width shall be 200 feet, minimum. Individual parcels within the park shall have a width of at least 100 feet.

D. Individual parcels within the park shall have minimum setbacks as follows:

- (1) Front: 35 feet.
- (2) Each side: 25 feet.
- (3) Rear: 30 feet.

E. *Access.* Primary access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan. Truck traffic going to and from the industrial park shall be permitted only on nonresidential streets.

F. *Buffers.* When adjacent to a residential zone, a buffer yard of not less than 150 feet shall be maintained on each side adjoining the residential zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for buildings, parking, or location.

G. Public water and public sewer facilities approved by the Pennsylvania Department of Environmental Protection must be provided to all tenants.

H. All internal streets providing access to parcels within the park shall be a minimum of 20 feet in width and be constructed to Borough specifications. Such streets shall remain private.

(Ord. 8811-14, 11/18/1988, §215-62)

§27-627. Keeping of Livestock.

In the R-O or I Zone, and subject to the requirements of the zone in which located, except as herein modified and provided:

A. *Lot Area.* A minimum lot size of 1 acre is required for the first animal, plus an additional ½ acre for each additional animal.

B. A maximum of 50 livestock may be kept.

C. Provision for restraining and protecting livestock shall be required in the form of a shelter and fence of such size, composition, and durability as to provide reasonable restraint and/or protection. Shelters and enclosures shall be located only in the rear yard. Shelters may be no closer than 100 feet to any existing principal building on adjacent land; however, in any event, all shelters and enclosures shall be setback a minimum of 25 feet from all property lines.

D. All animal wastes shall be properly stored and disposed of in a manner that will not create a public health hazard or nuisance.

E. All livestock shall, except while pasturing, grazing or exercising, be housed

in a building erected for the purpose.

(*Ord. 8811-14, 11/18/1988, §215-63*)

§27-628. Medical Clinic; Laboratories.

In the R-T, BC, or C Zone, and subject to the requirements of the zone in which located, except as herein modified and provided: [*Ord. 2000-06-3*]

A. Lot area shall be 20,000 square feet, minimum.

B. Lot width shall be 150 feet, minimum.

C. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.

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

E. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:

(1) All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.

(2) The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.

(3) Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited, except that there may be erected one sign not exceeding 2 square feet in area attached to the building, any illumination thereof being white, nonflashing and limited to an enclosed lamp design.

(*Ord. 8811-14, 11/18/1988, §215-64; as amended by Ord. 2000-06-3, 6/12/2000*)

§27-629. Mini-storage Facility.

In the C or I Zones and subject to the requirements of the zone in which located, except as herein modified and provided:

A. Lot area shall be 1 acre, minimum.

B. Lot width shall be 100 feet, minimum.

C. All lights shall be shielded to direct light onto the uses established and away from adjacent property.

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

E. The servicing or repair of stored equipment shall not be conducted on the premises. Also no business activities other than rental of storage units shall be conducted on the premises.

F. All storage shall be within the building area.

G. A 30-foot travel lane must be provided between parallel buildings.

(Ord. 8811-14, 11/18/1988, §215-65)

§27-630. Mobile Home Park.

In the I Zone and subject to the requirements of that zone, except as herein modified and provided:

A. The minimum tract area shall be 5 acres.

B. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each mobile home lot (not including street right-of-way) must be not less than 6,000 square feet in area and not less than 60 feet wide at the building setback line.

C. Regardless of lot size, the distance between any two mobile homes shall not be less than 30 feet and no one side yard distance shall be less than 12 feet. Front setbacks shall not be less than 20 feet and rear setbacks shall not be less than 10 feet. The total number of mobile homes shall not exceed an average density of five per acre.

D. The Zoning Hearing Board may require additional suitable screen planting or may further restrict the proximity of mobile homes or other improvements to adjoining properties or may attach such other conditions or safeguards to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.

E. A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

(Ord. 8811-14, 11/18/1988, §215-66)

§27-631. Mobile Home Sales Lot.

In the C Zone and subject to the requirements of that zone, except as herein modified and provided:

A. Lot area shall be 20,000 square feet, minimum.

B. Lot width shall be 100 feet, minimum.

C. The lot shall be improved with a building containing an office, display room and appurtenant facilities having an area of not less than 1,000 square feet.

D. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

(Ord. 8811-14, 11/18/1988, §215-67)

§27-632. Motel; Hotel; Residential Hotel.

In the C Zone and subject to the requirements of that zone, except as herein modified and provided:

A. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

B. Public water and public sewer approved by the Pennsylvania Department of Environmental Protection must be utilized.

C. All structures shall be set back at least 20 feet from the side property lines.

(Ord. 8811-14, 11/18/1988, §215-68)

§27-633. Multi-family Dwelling.

In the R-T, C, or I Zones and subject to the requirements of the zone in which located, except as herein modified and provided, in the case of a multi-family dwelling where individual dwelling units are located on a single lot and share with other units a common yard area (e.g., garden apartments), the following requirements shall apply:

A. Lot area shall be ½ acre, minimum.

B. Lot width shall be 100 feet, minimum.

C. Height shall be three stories maximum, except in the C Zone where the height limit may be increased, provided that the following stipulations are satisfied:

(1) Each setback is increased in width 1 foot for each additional foot of height over 35 feet.

(2) Adequate access for emergency vehicles must be provided.

(3) A sprinkler system must be installed.

D. *Setbacks.* A minimum front setback of 25 feet and a rear setback of 40 feet shall be provided for each dwelling unit.

E. *Density.* A minimum of 2,500 square feet of the lot area shall be provided for each dwelling unit.

F. *Paved Area.* Not more than 25 percent of the lot area shall be paved with an impervious surface (e.g., driveways, parking areas, walkways).

G. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.

H. *Distance Between Buildings.* Where two or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be 40 feet.

I. All parking areas shall be located at least 10 feet from any property line or street line.

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

(Ord. 8811-14, 11/18/1988, §215-69)

§27-634. Multi-family or Two-Family Conversion.

In an R-T, C, or I Zone, and subject to the requirements of the zone in which located, except as herein modified and provided: [Ord. 981-1]

A. There shall be a minimum of 4,000 square feet of lot area per dwelling except for a building primarily used for other than exclusive residential use which is converted into a multi-family dwelling, in which case the density shall be a minimum of 125 percent of the habitable floor area for each dwelling unit within the floor area of such a building.

B. Where an existing dwelling is converted to a multi-family or two-family

dwelling, the character of the existing structure shall be maintained.

C. Parking and all other applicable requirements of the Chapter shall be met.

D. The structure shall comply with all applicable rules and regulations including, but is not limited to, fire, health, safety, and building codes.

(*Ord. 8811-14*, 11/18/1988, §215-70; as amended by *Ord. 981-1*, 1/14/1998)

§27-635. Expansion or Alteration of Nonconforming Uses.

In all zones, and subject to the requirements of the zone in which located, except as herein modified and provided: [*Ord. 2000-06-3*]

A. Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Chapter, or any amendment thereto, creating the nonconformity.

B. The total of all such expansions or alterations of use shall not exceed an additional 35 percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.

C. Provision for access drives, off-street parking, and off-street loading shall be consistent with standards required by this Chapter.

D. Provision for yards, building height, and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.

E. Appearance should be harmonious with surrounding properties. This feature includes, but is not limited to, landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control, and maintenance in good condition of all improvements and open spaces.

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

G. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

(*Ord. 8811-14*, 11/18/1988, §215-71; as amended by *Ord. 2000-06-3*, 6/12/2000)

§27-636. Park or Other Recreation Areas of a Nonprofit Nature.

In the R-O, R-T, or I Zone and subject to the requirements of the zone in which located, except as herein modified and provided:

A. Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic, then access should be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

B. The Zoning Hearing Board shall decide the appropriateness of the design of parking, lighting, and similar features of the proposed use to minimize adverse impacts on adjacent properties.

(*Ord. 8811-14*, 11/18/1988, §215-72)

§27-637. Personal Care Boarding Home.

In the R-T or C Zones and subject to the requirements of the zone in which located, except as herein modified and provided:

A. The applicant must secure a license from the Pennsylvania Department of Public Welfare and submit a copy of said license to the Borough prior to occupancy approval by Red Lion Borough.

B. No kitchen or dining facilities shall be permitted in individual rooms or suites.

C. The facility must meet all applicable fire, health, safety, and building codes.

D. Public water and public sewer approved by the Pennsylvania Department of Environmental Protection must be utilized.

E. At least one parking space for each two bedrooms or fraction thereof occupied by clients, plus one space for each nonresident employee on the largest shift. If the facility is managed by a live-in resident(s), then two additional spaces must be provided. Existing minor automobile garages and/or carports, at least nine feet by 18 feet, may be used as the required parking spaces for the live-in resident(s)/manager(s). [Ord. 9411-8]

(Ord. 8811-14, 11/18/1988, §215-73; as amended by Ord. 9411-8, 11/9/1994)

§27-638. Public Buildings and Facilities.

In the R-O, R-T, and C Zones and subject to the requirements of the zone in which located, except as herein modified and provided:

A. Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic, then access should be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

B. Outdoor storage of materials shall be prohibited within the residential zone. Outdoor storage in the other zones shall be completely enclosed with a 6-foot-high fence and screened from adjoining streets and properties.

C. The storage of maintenance vehicles and related apparatus shall be within wholly enclosed buildings.

(Ord. 8811-14, 11/18/1988, §215-74)

§27-639. Public or Semipublic Parking Lot.

In the R-T, BC, C, or I Zone, and subject to the requirements of the zone in which located, except as herein modified and provided:

A. Lot area shall be 10,000 square feet, minimum.

B. Lot width shall be 80 feet, minimum.

C. Minimum setback shall be:

(1) Front: 25 feet.

(2) Rear: 40 feet.

D. Not more than 80 percent of the lot area may be covered with impervious

material.

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

(*Ord. 8811-14*, 11/18/1988, §215-75; as amended by *Ord. 2000-06-3*, 6/12/2000)

§27-640. Public Utility Buildings.

In the BC, R-O, or R-T Zone, and subject to the requirements of the zone in which located, except as herein modified and provided:

A. The permitted building shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.

B. Unhoused equipment shall be enclosed with a fence or wall not less than 6 feet in height which shall be so constructed as not to have openings, holes or gaps larger than 6 inches in any dimension. Such fence must be surrounded by evergreen plantings.

C. All buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.

D. There shall be no specific minimum lot size; however, each lot shall provide front, side, and rear setbacks at least equal to the height of the structure and comply with the maximum lot coverage requirements of the zone in which located.

(*Ord. 8811-14*, 11/18/1988, §215-76; as amended by *Ord. 2000-06-3*, 6/12/2000)

§27-641. Quarrying.

In the I Zone, and subject to the requirements of that zone and the regulations set forth in 52 P.S. §1396.1 *et seq.*, the Noncoal Mining and Conservation and Reclamation Act shall apply.

(*Ord. 8811-14*, 11/18/1988, §215-77; as amended by *Ord. 9711-6*, 11/12/1997, §215-77)

§27-642. Riding Academy.

In the I Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. Lot area shall be 5 acres, minimum.

B. Any structure used for the boarding of horses shall be set back at least 100 feet from all property lines; and all animals, except while exercising or pasturing, shall be confined to a building erected for that purpose.

C. All stables shall be maintained to minimize odors.

D. All outdoor training or show facilities or areas shall be set back 50 feet from all property lines.

E. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum 4-foot-high fence which shall be located at least 10 feet from all property lines.

F. Adequate off-street parking shall be provided as determined by a review

of the number of stalls and activities proposed.

G. All animal wastes shall be properly stored and disposed of in a manner that will not create a public health hazard or nuisance.

(Ord. 8811-14, 11/18/1988, §215-78)

§27-643. Rooming House; Boardinghouse.

In the R-T or C Zone, and subject to the requirements of the zone in which located, except as herein modified and provided:

A. Any structure proposed as a rooming or boardinghouse shall have a habitable floor area in addition to that required for the person or family operating the facility of at least 300 square feet for each roomer or boarder; provided, however, that each room to be occupied for sleeping purposes by a single person shall contain at least 72 square feet of floor area and each room to be occupied by two or more persons shall contain at least 68 square feet of floor area per occupant.

B. No facilities for cooking or dining shall be provided in individual rooms or suites.

C. All rooming and boardinghouses shall comply with all applicable local regulations including, but is not limited to, fire, health, safety, and building codes.

(Ord. 8811-14, 11/18/1988, §215-79)

§27-644. Sanitary Landfill.

In the I Zone, and subject to the requirements of that zone, except as herein modified and provided:

A. Such facility shall provide for the disposal only of municipal or residual solid waste as defined in the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, 35 P.S. §6018.101 *et seq.*, as amended, supplemented, or revised.

B. No solid waste shall be deposited, either temporarily or permanently, within 200 feet of the property line of any adjoining property or within 200 feet of the right-of-way line of any public highway.

C. No solid waste shall be deposited, either temporarily or permanently, within 500 feet of any dwelling, church, school, or any other building used for human occupancy.

D. The perimeter of a solid waste disposal site shall be screen planted.

E. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

F. During such time as any excavation shall be open and used for the disposal of solid waste, the site of the excavation shall be enclosed with a chain link fence or other structure adequate to contain windblown litter and to secure the site against intrusion by unauthorized personnel.

G. No use or occupancy permit shall be issued for a solid waste disposal facility until the operator shall have submitted to the Zoning Officer proof that the facility complies with the regulations of the Department of Environmental Protection and has been permitted, in writing, by said agency.

H. No disposal of hazardous waste shall be permitted.
(Ord. 8811-14, 11/18/1988, §215-80)

§27-645. Service Station or Convenience Store Dispensing Fuel.

In the C or I Zone, and subject to the requirements of the zone in which located, except as herein modified and provided:

- A. Lot area shall be 12,000 square feet, minimum.
- B. Buildings must be set back at least 40 feet from the street line.
- C. Gasoline pumps and all service equipment must be set back at least 15 feet from any lot line or street right-of-way line and located so that vehicles stopped for service will not extend over the property line.
- D. Access drives must be located as follows:
 - (1) Minimum offset from intersection of street right-of-way lines: 40 feet.
 - (2) Side lot line offset: 10 feet.
 - (3) Minimum width: 12 feet.
 - (4) Maximum width: 35 feet.
 - (5) Minimum separation of drives on same lot: 25 feet.
- E. Except along access drives, a concrete curb eight inches in height must be placed along all street right-of-way lines.
- F. All lights must be diverted toward the facility or downward on the lot.
- G. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence, or vegetative material and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- H. At least 10 percent of the lot on which the facility is situated must be devoted to natural landscaping.
- I. All merchandise, except vending machines and oil racks, shall be displayed within a building.

(Ord. 8811-14, 11/18/1988, §215-81)

§27-646. Shopping Center, Shopping Mall, or Shopping Plaza.

In the BC, C, or I Zone, and subject to the requirements of the zone in which located, except as herein modified and provided:

- A. Lot area shall be 1 acre, minimum.
- B. Lot width shall be 150 feet, minimum.
- C. All buildings must be set back at least 25 feet from any property line and 50 feet from a street line.
- D. Parking must be provided at the minimum rate of 5.5 parking spaces for each 1,000 square feet or part thereof of gross leasable floor area of building.
- E. Access must be via an arterial or collector street as designated on the Borough's Thoroughfare Classification Plan.
- F. A buffer yard at least 20 feet wide must be provided on the site in all

instances where the site adjoins a residential zone. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking, loading, or storage purposes.

(*Ord. 8811-14*, 11/18/1988, §215-82; as amended by *Ord. 2000-06-3*, 6/12/2000)

§27-647. Tavern.

In the BC or C Zone, and subject to the requirements of that zone, except as herein modified and provided: [*Ord. 2000-06-3*]

A. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

B. Buffers and screens shall be provided as necessary to adequately protect neighboring properties from any adverse effects of the use or vehicular traffic. This includes, but is not limited to, fences, walls, plantings, and open spaces.

C. The use shall not constitute a public or private nuisance.

D. The use must be more than 300 feet from any church, hospital, charitable organization, school or public playground.

E. The use must be more than 200 feet from any other facility licensed by the Pennsylvania Liquor Control Board.

F. The use must be more than 500 feet from any R-O or R-T zoned neighborhood.

G. The use shall meet all applicable State regulations.

(*Ord. 8811-14*, 11/18/1988, §215-83; as amended by *Ord. 2000-06-3*, 6/1/2000)

§27-648. Truck or Motor Freight Terminal.

In the I Zone and subject to the requirements of that zone, except as herein modified and provided:

A. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

B. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration, or smoke.

(*Ord. 8811-14*, 11/18/1988, §215-84)

§27-649. Wholesale Establishment.

In the I Zone and subject to the requirements of that zone, except as herein modified and provided:

A. Access shall be via an arterial or collector street as designated in the Borough's Thoroughfare Classification Plan.

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

C. Vehicle loading and unloading is prohibited between 11 p.m. and 6 a.m.

D. No outdoor storage of commodities is permitted.

(*Ord. 8811-14*, 11/18/1988, §215-85)

§27-650. Group Child Day-Care Home.

In the R-O and R-T Zones and subject to the requirements of those zones, except as herein modified and provided:

A. The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and shall provide a copy of said certificate to the Borough.

B. The facility shall obtain approval of the facility from the Department of Labor and Industry and present proof of such approval to the Borough.

C. Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed so as to provide for the health and safety of the children.

D. Only one nonresident employee may be engaged on the premises at one time.

E. Day-care operations shall be conducted so as to be clearly incidental and accessory to the primary use of the property as a residential dwelling.

F. Parking must be provided for the outside employee, and a loading/unloading zone in a site that is not on an arterial or collector street must be provided.

(*Ord. 8811-14, 11/18/1988, §215-85.1; as added by Ord. 9712-7, 12/10/1997*)

§27-651. Personal Care Assisted Living Facilities.

In the R-T, R-O, C, and I Zones, and subject to the requirements of those zones, except as herein modified and provided, the following shall apply:

A. The facility shall obtain a certificate of licensure from the Commonwealth of Pennsylvania.

B. On-site staff must be available to assist residents on a 24-hour basis.

C. A common dining area and common kitchen facility shall be provided.

D. A community activity room and recreation area shall be provided.

E. Rooms utilized for sleeping by residents shall provide a minimum of 100 square feet of habitable floor space for the first occupant and at least 100 square feet of habitable floor space for each additional occupant, not to exceed three occupants per room. [*Ord. 996-8*]

F. If in the Industrial Zone, this use shall be allowed only if it will utilize an existing building which is currently using or has previously used an industrial use but is now vacant. The applicant must provide the Board with specific evidence that the building is not desirable for other industrial uses permitted in the zone due to the obsolescence or other physical condition of the building.

G. If the use is to be in an existing building, the dimensional requirements of the zone shall not be applicable unless the applicant plans dimensional alterations or additions to the exterior of the building.

H. If the property to be utilized is divided by a zoning boundary, the required parking area may be permitted in a more restricted zoning district if the area within the more restricted zoning district is screened from any adjoining residential

uses by a vegetative buffer or screen.

I. In the R-O zone, the minimum lot area shall be 3 acres. [*Ord. 991-1*]

J. In the R-T and R-O Zones, buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings, and open spaces. [*Ord. 991-1*]

(*Ord. 8811-14*, 11/18/1988, §215-85.2; as added by *Ord. 987-3*, 7/13/1998; as amended by *Ord. 991-1*, 1/11/1999; and by *Ord. 996-8*, 6/14/1999)

§27-652. Residential Reversion.

In the BC Zone, a building originally built and/or used as a single-family detached dwelling or single-family semidetached dwelling which was converted to a use permitted in the BC Zone or a lawful nonconforming use prior to the establishment of the BC Zone may be reverted to a single-family detached dwelling or single-family semidetached dwelling if the following criteria are met:

A. The character and external appearance of the building must be that of a dwelling and the only exterior change required shall be the removal of all business signs.

B. Interior alterations are limited to reinstallation of doors, plumbing fixtures and a kitchen.

C. All off-street parking requirements of §27-410 are met.

(*Ord. 8811-14*, 11/18/1988, §215-85.3; as added by *Ord. 2005-10-05*, 10/10/2005)

Part 7**Administration and Enforcement****§27-701. Permits.**

1. *Zoning Permits.* Where required by Chapter 5, "Code Enforcement," for the erection, enlargement, repair, alteration, moving, or demolition of any structure, a zoning permit must be obtained from the Zoning Officer. A zoning permit expires 6 months from the date of issuance unless the work specified in the application shall have been begun within that time.

A. The permit application must be accompanied by a site plan showing, as necessary to demonstrate conformity to this Chapter:

(1) Lot: the location and dimensions of the lot.

(2) Streets: names and widths of abutting streets and highways.

(3) Structures and yards: locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within 100 feet of the proposed structure but off the lot.

(4) Improvements: proposed off-street parking and location areas, access drives and walks; proposed sewage disposal system. For lots less than ½ acre, the site plan must be at the scale of 1 inch equals 20 feet; for larger lots, the site plan must be at a scale of 1 inch equals 40 feet. The North point must be shown on all site plans.

B. *Final Plans.* All structures requiring stamped State approval must be approved by the Department of Labor and Industry prior to issuance of a zoning permit.

2. *Uses Certificates for New or Changed Uses of a Structure or Land.* A use certificate, certifying compliance with this Chapter, must be obtained from the Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established.

A. Uses of a structure erected, structurally altered or extended or moved after January 1, 1964.

B. Use of vacant land except for agricultural purposes.

C. Any change in a conforming use of a structure or land.

D. Any change from a nonconforming use of a structure or land to a conforming use.

3. Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board. The applications for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Chapter or until change of occupancy.

4. *Use Certificate for an Existing Use.* An owner may, in writing, request the Zoning Officer to issue a use certificate for any structure or land existing on January

1, 1964, or on the effective date of any amendment, and at that time in conformity with this Chapter.

5. *Temporary Permits; Application.* A person may request a temporary special exception for a nonconforming structure or use which is or will be seasonal or is or will be in the public interest. (See §27-504.2.)

(Ord. 8811-14, 11/18/1988, §215-86)

§27-702. Erroneous Permit.

A zoning permit or other permit or authorization issued or approved in violation of the provisions of this Chapter is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Borough purporting to validate such a violation.

(Ord. 8811-14, 11/18/1988, §215-87)

§27-703. Enforcement Officer.

1. *Appointment; Powers and Duties.*

A. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed by the Borough Council. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use for change of use which does not conform to this Chapter. The Zoning Officer shall have authority to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

B. The Zoning Officer shall identify and register nonconforming uses, structures, and lots, together with the reasons why he has identified them as nonconforming.

C. The Zoning Officer and Codes Enforcement Officer shall be the enforcement officers for this Chapter. They shall issue all zoning permits and use certificates and, at the direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer and Codes Enforcement Officer may, with the consent of the owner of each property involved, conduct inspections and surveys to determine compliance or noncompliance with the terms of this Chapter.

2. *Forms.* The Zoning Officer must provide a form or forms prepared by the Borough Solicitor for:

A. Zoning permits.

B. Special exceptions.

C. Use certificates.

D. Appeals.

E. Variances.

F. Registration of nonconforming uses, structures, and lots. [Ord. 924-5]

3. *Transmittal of Papers.* Upon receipt of an application for a special exception,

variance, or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Borough Planning Commission copies of all papers constituting the record upon the special exception, variance, or appeal.

4. *Stopping a Stay of Proceedings.* Where the Zoning Officer believes that a stay of Borough proceedings in furtherance of an action appealed from will cause imminent peril of life and property, the Zoning Officer may issue a cease and desist order to be complied with in 5 days and certify this opinion to the Zoning Hearing Board, citing the reasons. (See §27-709.)

5. *Action on Zoning Permits.* Within 10 days, except for holidays, after receipt of an application for a zoning permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of Chapter 5, "Code Enforcement." Zoning permits, and this Chapter, the Zoning Officer must grant a permit. If the permit is not granted, he must state, in writing, the grounds his refusal.

6. *Action on Use Certificates.* Within 10 days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Chapter, he must issue a certificate to that effect. Otherwise, he must state, in writing, the grounds of his refusal.

7. *Action on Certificates of Nonconformity.* Upon request, the Zoning Officer may certify the nature and extent of a nonconformity existing on the effective date of this Chapter or any amendment thereto.

8. *Enforcement Notice.* If it appears that a violation of any provision of this Chapter has occurred, the Zoning Officer is hereby granted authority to initiate enforcement proceedings by sending an enforcement notice as provided in §616.1 of the Municipalities Planning Code, 53 P.S. §10616.1, as added by the Act of 1988, P.L. 1329, No. 170. [Ord. 924-5]

9. *Records.*

A. The Zoning Officer must keep record of:

(1) All applications for zoning permits, use certificates, special exceptions, and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.

(2) All complaints or violations of provisions of this Chapter and the action taken on them.

(3) All plans submitted.

(4) All nonconforming uses, structures, and lots. The record must indicate the type of nonconformity, its location, ownership, and any changes in the use, structure, or lot. [Ord. 924-5]

B. All such records and plans shall be available for public inspection.

10. *Reports.* At intervals not greater than 6 months, the Zoning Officer must report to the Borough Council:

A. The number of zoning permits and use certificates issued.

B. The number of complaints or violations received and the action taken on these complaints.

(Ord. 8811-14, 11/18/1988, §215-88; as amended by Ord. 924-5, 4/8/1992, §7)

§27-704. Powers and Duties of Borough Engineer.

1. *Parking, Loading, Access Drives.* Wherever parking areas or other vehicular areas will abut a public street, the Borough Engineer must approve the device used to preclude traffic from entering at will or backing upon the public street. (See §27-410.5.) Where parking areas are for more than five vehicles, he must set forth specifications for the paving. (See §27-410.6). For commercial and industrial uses and structures, the Engineer must approve all parking areas, loading areas and access drives. (For access drives opening onto a State highway, a State highway occupancy permit must also be secured from the Pennsylvania Department of Transportation).

2. *Drainage upon Streets.* The Borough Engineer must review site plans or other data showing grades for buildings and driveways to see whether the grades will give proper surface water drainage upon adjoining streets. (See §27-414.3.) Depending on this factor, he must approve or disapprove the grades.

3. *Obstructions to Drainage.* Where damming, filling, relocating, or otherwise interfering with the natural flow of a watercourse is proposed, the Borough Engineer must review plans for the obstruction and approve or disapprove them depending upon whether the obstruction would interfere with proper drainage of the area. (See §27-414.5.)

4. *Zoning Hearing Board Cases.* Where the exercise of the above powers and duties involves an application or appeal to the Zoning Hearing Board, the Borough Engineer shall make recommendations to the Board. The approving authority in such cases shall be the Zoning Hearing Board.

(Ord. 8811-14, 11/18/1988, §215-89)

§27-705. Planning Commission, Powers and Duties.

1. *Special Exceptions.* Within 30 days of receiving an application for a special exception, the Planning Commission must give a written record on it to the Zoning Hearing Board. The Commission is governed by the same standards as the Board in making its recommendations plus its special knowledge garnered from planning for the Borough.

2. *Variance.* Within 30 days of receiving an application for a variance from the Zoning Hearing Board, the Planning Commission must give a written report on it to the Board. The Commission is governed by the same standards as the Board in making its recommendation plus its special knowledge garnered from planning for the Borough.

3. *Amendments.* The Planning Commission may recommend to Borough Council amendments to any of the regulations or other provisions contained in this Chapter. In the case of amendments submitted to Council by sources other than the Planning Commission, the Planning Commission must be given an opportunity to review every such proposed amendment and submit its recommendations to Council. For that purpose, Council shall submit every such proposed amendment to the Planning Commission sufficiently in advance of the date of Council's hearing on the proposed amendment, as to provide the Planning Commission with at least 30 days in which to review the proposed amendment and submit its recommendations. [Ord. 924-5]

4. *Screens Where C and I Zones Abut R-T or R-O Zones.* In reviewing plans for fences or hedges where a C or I Zone abuts a residential zone, the Planning Commission must accept or refuse plans, depending on their adequacy for this purpose. (See §27-

413.A.)

(*Ord. 8811-14*, 11/18/1988, §215-90; as amended by *Ord. 924-5*, 4/8/1992, §8)

§27-706. Modifications.

The regulations contained in this Chapter are the minimum standards for the protection of the public welfare. When special circumstances warrant, the Borough may impose stricter standards.

(*Ord. 8811-14*, 11/18/1988, §215-91)

§27-707. Amendments.

1. The Borough Council may from time to time amend, supplement or repeal any of the regulations and provisions of this Chapter.

2. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough as deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing. In case of an amendment other than that prepared by the planning agency, Council shall submit every such amendment to the planning agency at least 30 days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations. If, after any public hearing upon an amendment, the proposed amendment is changed substantially, or is revised, to include land not previously affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least 30 days prior to a public hearing on an amendment by Borough Council, the Borough shall submit the proposed amendment to County Planning Commission for recommendations. Within 30 days after enactment of an amendment, a copy of the amendment shall be forwarded by the Borough Council to the County Planning Commission. [*Ord. 924-5*]

(*Ord. 8811-14*, 11/18/1988, §215-92; as amended by *Ord. 924-5*, 4/8/1992, §9)

§27-708. Fees.

The Borough Council shall by resolution establish fees for all applications, permits, or appeals provided for by this Chapter to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, and use certificates. The fee schedule shall be available from the Zoning Officer or Borough Secretary for inspection.

(*Ord. 8811-14*, 11/18/1988, §215-93)

§27-709. Appeals.

Appeals shall be governed by pertinent provisions of the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (Exclusive jurisdiction to here and render final adjudications in specified land use matters is granted to the Zoning Hearing Board by certain clauses of §909.1 of the Municipalities Planning Code, 53 P.S. §10909.1, and to the Borough Council, or the planning agency if designated to do so, by §909.1(b) Article X-A of the Municipalities Planning Code, 53 P.S. §10909.1(b), relating to appeals to court,

sets forth the procedures that constitute the exclusive mode for securing review of any decision rendered pursuant to Article IX of the Municipalities Planning Code, or deemed to have been made under that Act. Appeals from land use decisions made pursuant to Article IX of the Municipalities Planning Code are to be taken to the Court of Common Pleas of the 19th Judicial District, York County.)

(*Ord. 8811-14*, 11/18/1988, §215-94; as amended by *Ord. 924-5*, 4/8/1992, §10)

§27-710. Conflicting Provisions.

Where this Chapter in any way imposes greater restrictions than are required by other rules, regulations, or permits or by easements, covenants, or agreements, the provisions of this Chapter govern.

(*Ord. 8811-14*, 11/18/1988, §215-95)

§27-711. Interpretation.

The provisions of this Chapter shall be held to be minimum requirements to meet the purposes of this Chapter. When provisions of this Chapter impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of this Chapter shall prevail. When provisions of any statute, other ordinance, or regulation impose greater restrictions than those of this Chapter, the provisions of such statute, ordinance, or regulation shall prevail.

(*Ord. 8811-14*, 11/18/1988, §215-96)

§27-712. Enforcement Remedies; Violations and Penalties.

1. Any person, partnership, or corporation who or which violates or permits the violation of any provision of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was 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 such violation until the fifth day following the date of the determination of a violation by the magisterial district judge, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.

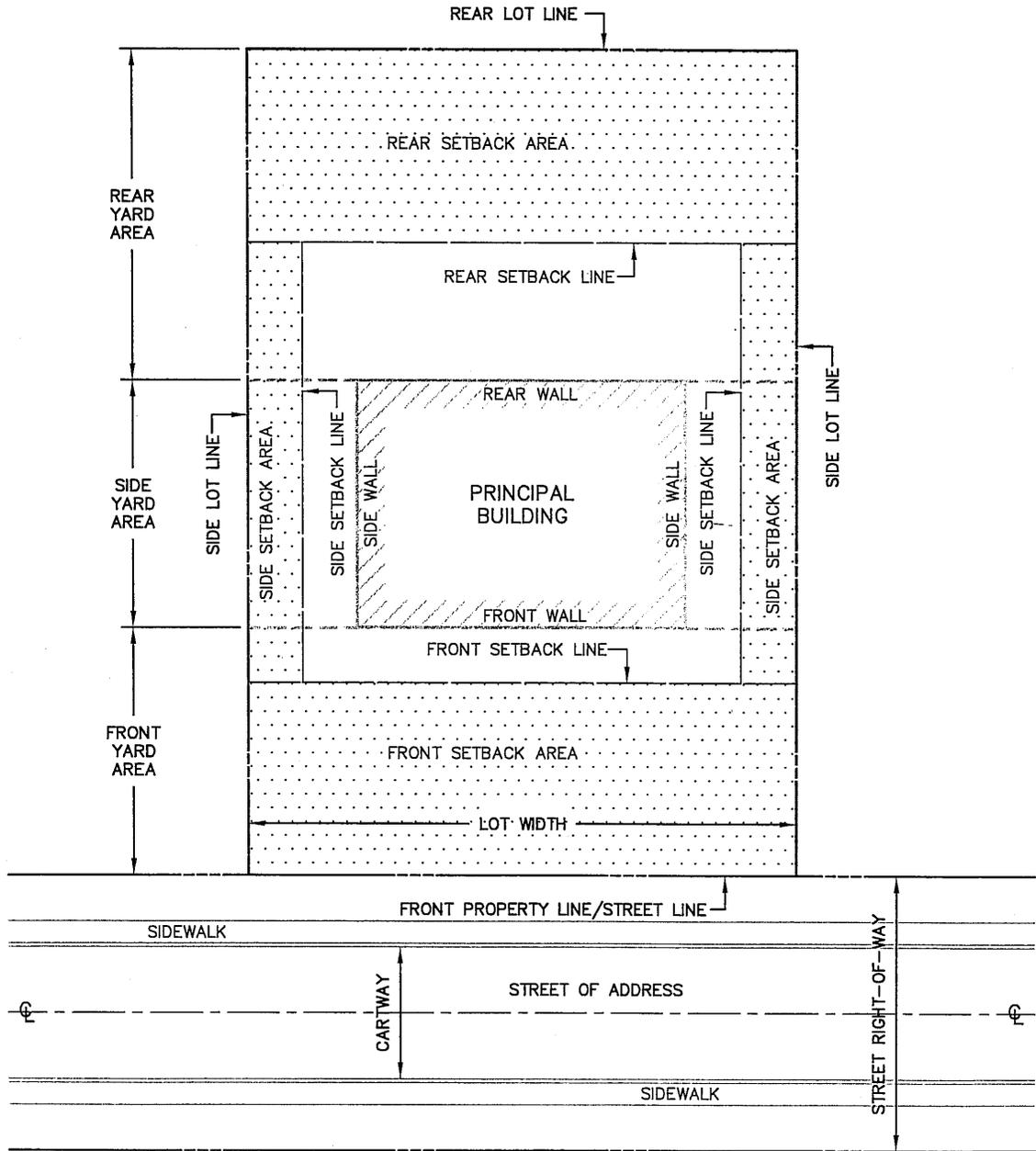
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. [*Ord. 924-5*]

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section. [*Ord. 924-5*]

(*Ord. 8811-14*, 11/18/1988, §215-97; as amended by *Ord. 924-5*, 4/8/1992, §11)

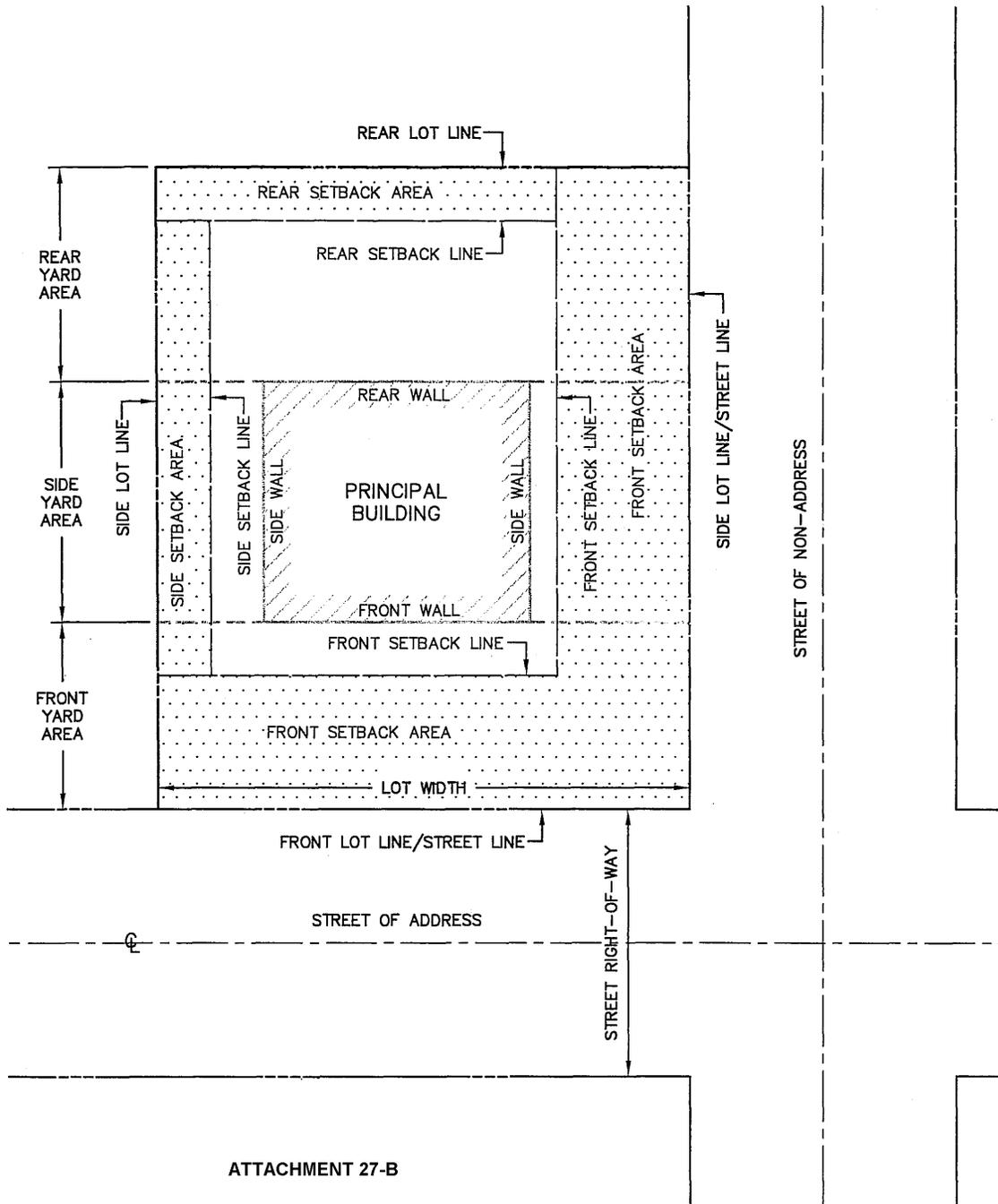
Zoning Map Amendments

Ord./Res.	Date	Description
Ord. 906-5	6/13/1990	<p>(1) Rezone property bounded by East Broadway, East Avenue, Newton Lane, and Maple Lane from Industrial to Residential Town.</p> <p>(2) Rezone property extending from Church Lane to Broadway; east of Birch Lane to former railroad except for small triangle at extreme southeast; and west to line between lot 2-220 and 2-221 from Industrial to Commercial.</p> <p>(3) Rezone property bounded by former railroad, Broadway, Maple Lane, and unnamed alley south of East Broadway from Industrial to Commercial.</p> <p>(4) Rezone property bounded by East Avenue, O'San Lane, East Lane, and line between lots 2-39 and 2-38 from Commercial to Residential Town.</p>
Ord. 917-10	7/29/1991	<p>(1) Rezone lots from 184, 185, and 186, 192 and 193 from Residential Town to Industrial.</p> <p>(2) Rezone property from Residential Town to Commercial.</p>
Ord. 2001-06-06	6/11/2001	Rezone property located at 107 East High Street currently zoned Residential-Town (R-T) to Industrial (I).
Ord. 2001-12-09	12/10/2001	Rezone property located at 148 through 154 West High Street currently zoned Residential-Town (R-T) to Commercial (C)
Ord. 2004-05-03	5/10/2004	Zone property located off West Avenue at Nitchkey Field to Residential-Outlying (R-O); and to rezone property bounded by Boxwood Road, lands now or formerly of William H. Lutz, the former Maryland and Pennsylvania Railroad right-of-way, East Lancaster Street, Vine Street, and East Elm Lane currently zoned Industrial (I) to Residential-Outlying (R-O)

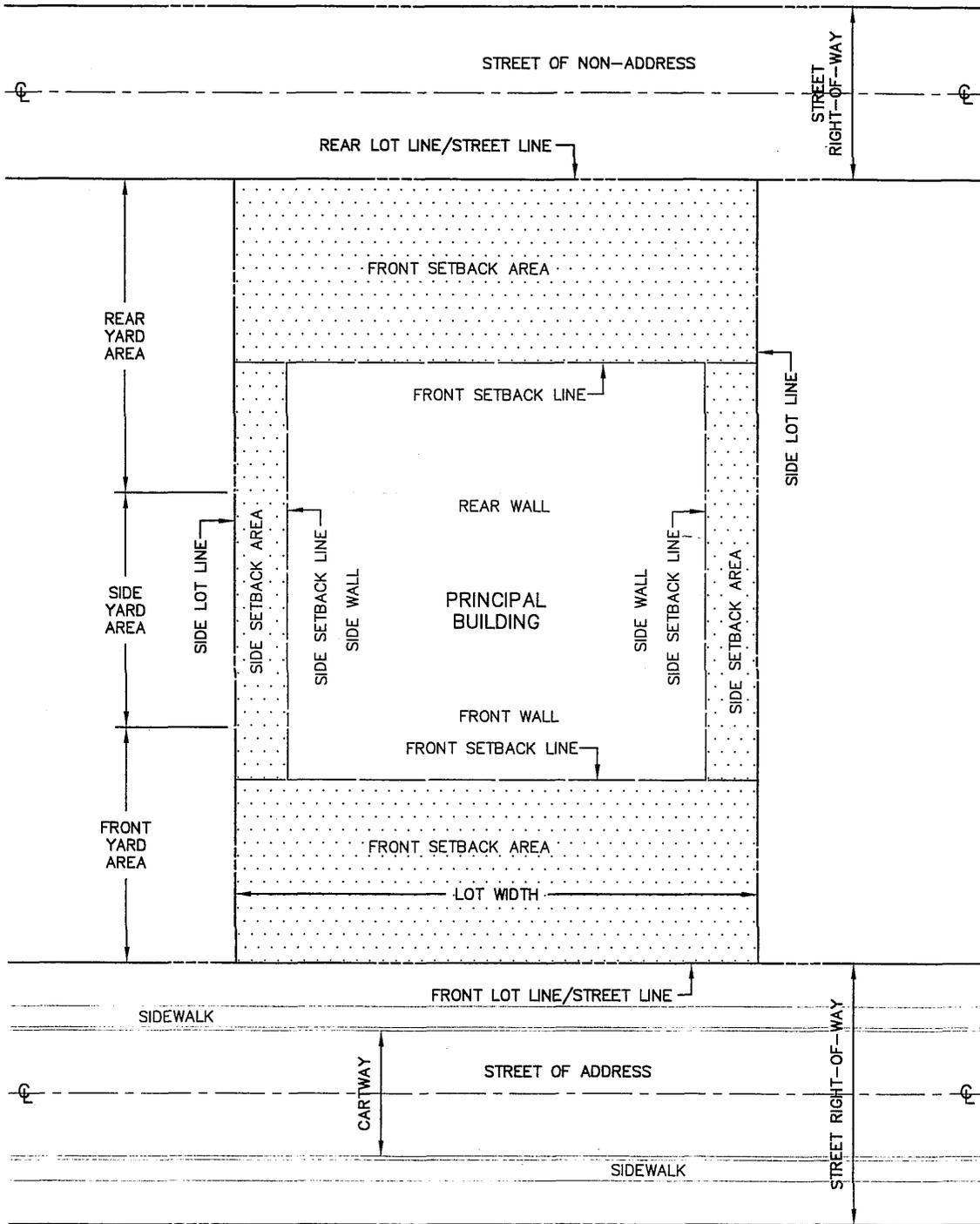


ATTACHMENT 27-A

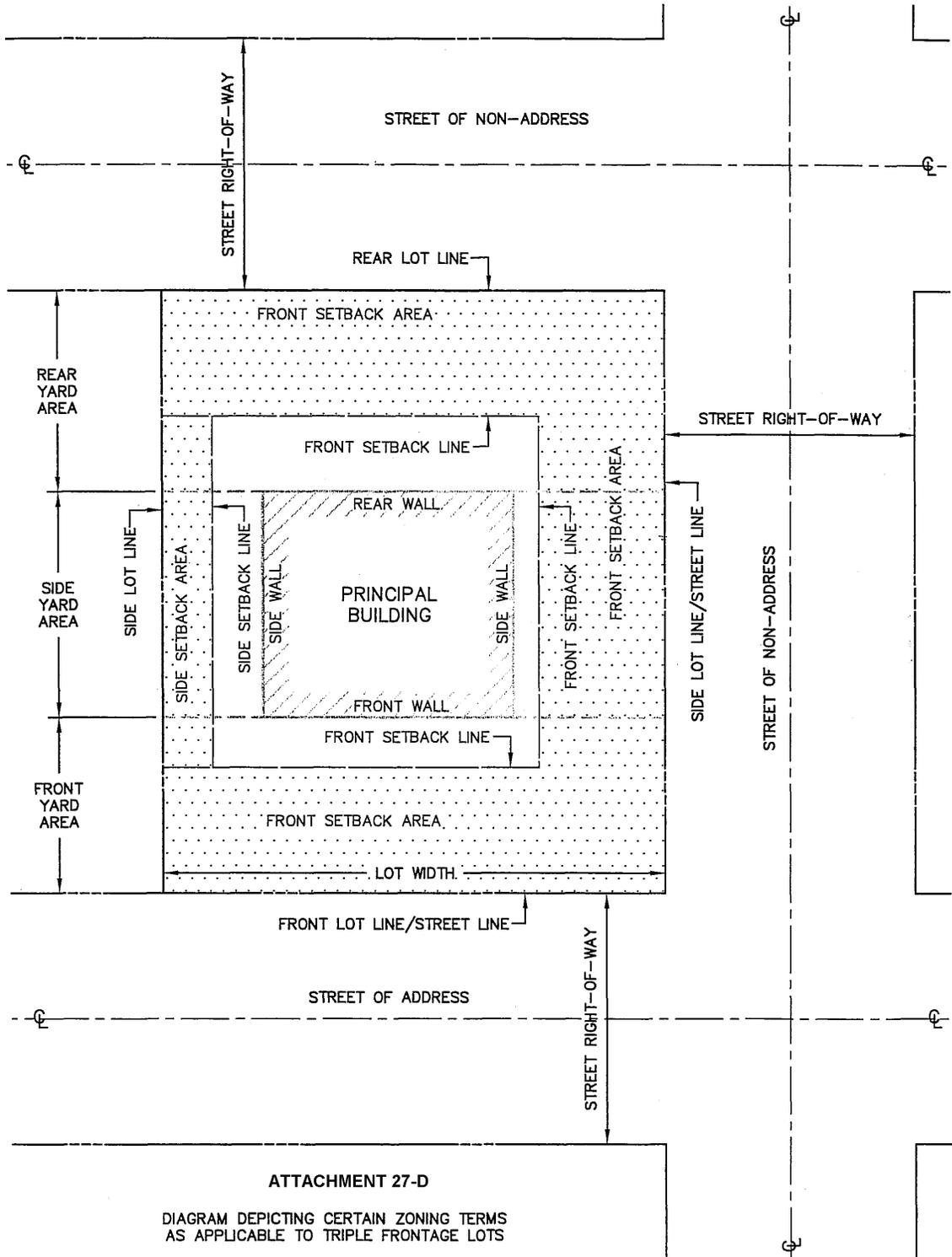
DIAGRAM DEPICTING SELECTED ZONING
TERMS AS APPLICABLE TO INTERIOR LOTS



ATTACHMENT 27-B
 DIAGRAM DEFINING CERTAIN ZONING TERMS
 AS APPLICABLE TO CORNER LOTS

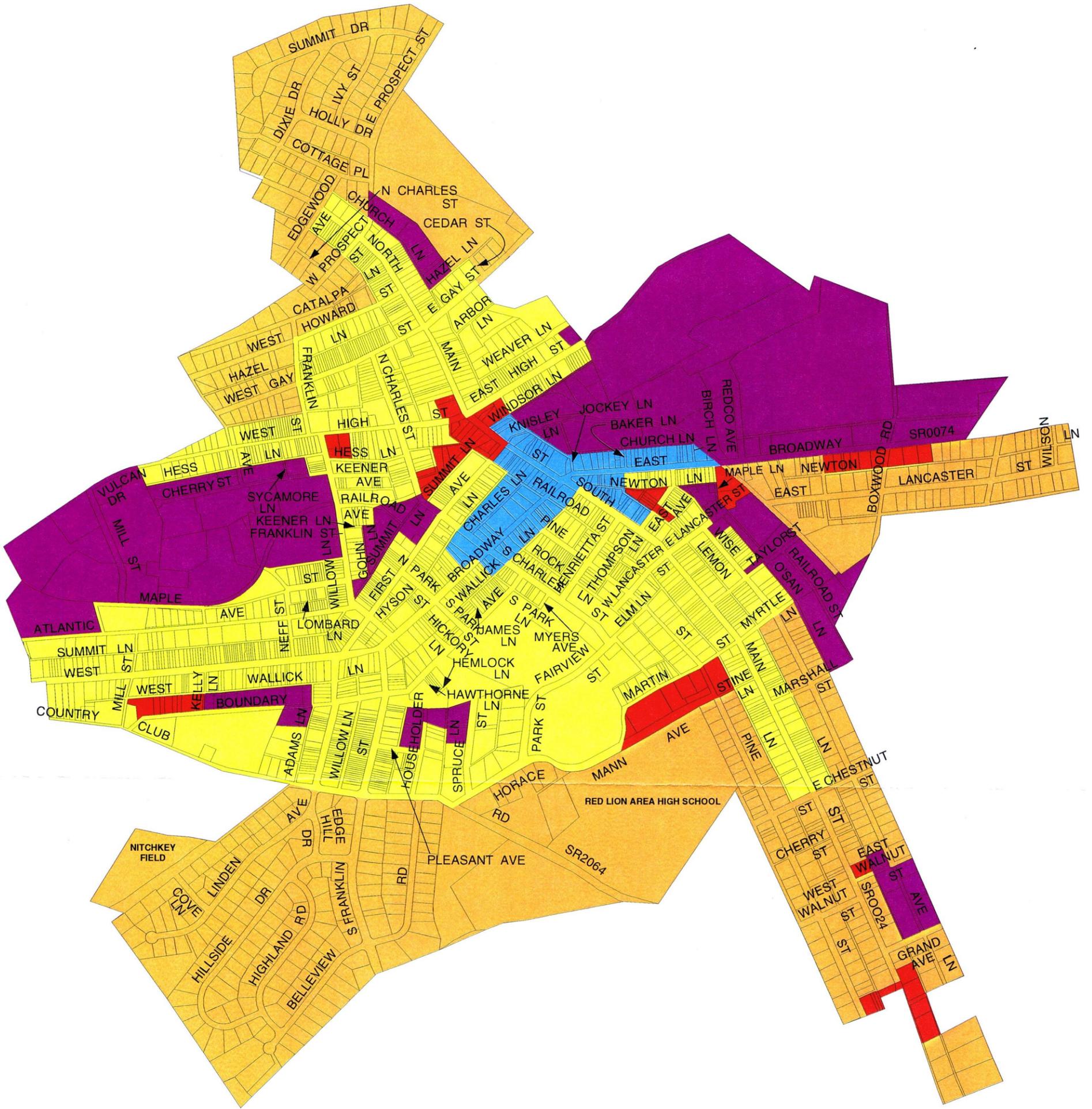


ATTACHMENT 27-C
 DIAGRAM DEPICTING CERTAIN ZONING TERMS AS
 APPLICABLE TO A DOUBLE OR REVERSE FRONTAGE LOT



ATTACHMENT 27-D

DIAGRAM DEPICTING CERTAIN ZONING TERMS AS APPLICABLE TO TRIPLE FRONTAGE LOTS



RED LION BOROUGH

York County, Pennsylvania



ZONING MAP

- Borough Center
- Commercial
- Industrial
- Residential Town
- Residential Outlying