

ARTICLE V  
SUPPLEMENTAL PROVISIONS

**§500-25    Introduction**

The standards that follow shall be applied to the specific situations indicated and are intended to supplement the other standards in this chapter. Standards contained in a specific section regulating a specific use shall not exempt said use from other applicable regulations contained in this chapter.

**§500-26    Deviations from Required Sizes**

Except in accord with this §500-26, no part of any structure, whether attached to the principal structure or not; including but not limited to, porches, carports, decks, balconies, chimneys, bay windows or overhangs, shall project into any required setback; and no lot, required setback, or other space shall be so reduced in area or dimension as to make it less than the minimum required by this chapter.

A. Nonconforming Lots of Record. See §500-143.

B. Access Drives. Access drives serving a permitted use shall be permitted in all required setbacks except as may be otherwise regulated by this chapter and provided a buffer of five feet is maintained from side property lines and the rear property line if not fronting an alley or street except for a shared driveway approved per Chapter 390 (Subdivision and Land Development). **NEW**

C. Front Setback Exceptions.

- (1) When an unimproved lot is situated between two improved lots, each having a principal building within 20 feet of the side lot line of the unimproved lot, the front setback may be reduced to a depth equal to that of the greater front setback of the two adjoining lots; provided, however, that it may not be reduced to below 10 feet. **Same as old §500-33B**
- (2) When an unimproved corner lot is situated adjacent to two improved lots, then the front and side setbacks of the corner lot which abut the street right-of-way may be reduced to a depth equal to the respective front and side setbacks of the adjoining lots; provided, however, that each yard may not be reduced to below 10 feet. **Same as old §500-33C**

D. Height Limitations. **Updated old §500-33A**

- (1) Appurtenances. Height regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, utility poles, solar collectors, or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, places of worship, and similar establishments. Such appurtenances shall however be erected only to such height as necessary to accomplish their intended purpose. Any such structure which exceeds a height of 60 feet shall be considered a conditional use.
- (2) Industrial. Industrial structures, such as silos, storage tanks or similar types of structures, may be erected above the height limits specified in the District Development Standards where the function or process involved requires a greater height. Any such industrial structure which exceeds a height of 70 feet shall be considered a conditional use.
- (3) Towers. Accessory wind turbine generators, commercial wind energy facilities and wireless communications facilities may also exceed the height regulations contained in the District Development Standards but only as provided in §500-28N, §500-131 and §500-132, respectively.

- (4) Other Regulations. The location and height of all structures shall comply with all applicable rules, regulations, standards and criteria of the Federal Aviation Administration and PennDOT Bureau of Aviation.

E. Projections into Required Setbacks. Same as old §500-33D

- (1) Projections into required setbacks shall be permitted as follows, except that in residential districts in no case shall a structure or projection, except for patios, be located closer than four feet to any side or rear lot line or 10 feet to any front lot line.
- (2) Bay windows, carports, fireplaces, fire escapes, chimneys, uncovered stairs and landings, and balconies and cornices, canopies, marquees, eaves, or other architectural features not required for structural support may project into the required side, front, or rear setback not more than a total of three feet.
- (3) Patios may be located in the required side and rear setbacks not closer than three feet to any adjacent property line and may project into front setbacks not closer than 10 feet to the street right-of-way line.

F. Reduction of Required Area or Space. The area or dimension of any existing lot, setback, parking area or other space shall not be reduced to less than the minimum required unless specifically permitted by this chapter. NEW

G. Marquees and Awnings. Marquees and awnings which are designed to provide shelter or which are designed to enhance the appearance of a nonresidential or multi-family building may project out over a public sidewalk for a distance of up to six feet, but in no case beyond the curb line. If a sign or symbol is attached to the marquee or awning then Article XI shall also apply. Same as old §500-34G

§500-27 Miscellaneous Provisions

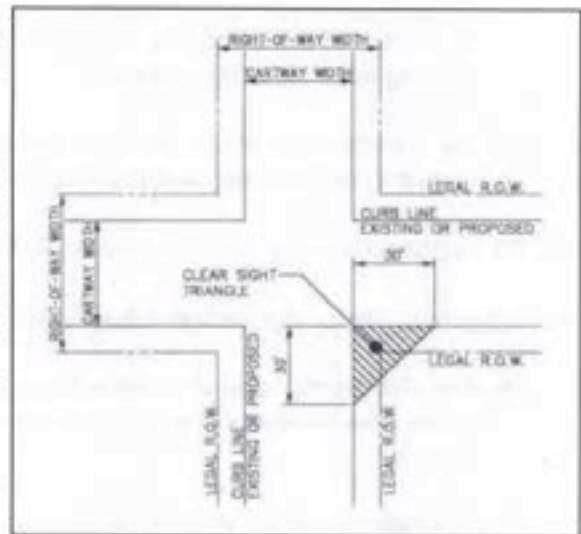
A. Two or More Uses or Buildings on a Lot. Replaces old §500-32A

- (1) Development Standards. With the exception of lot size as permitted by this §500-27A, two or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this chapter which would normally apply to each building or use if each were on a separate lot, including but not limited to setbacks, parking, and lot coverage.
- (2) Residential Density. For the purposes of density of dwellings, lot size shall be increased to maintain the density required by this chapter. For example, the parcel size required for three single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one dwelling by a factor of three.
- (3) Nonresidential Uses. In the case of nonresidential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this chapter are satisfied. This shall not apply to adult businesses, junkyards, solid waste facilities, or other uses with a special minimum parcel size requirement listed in this chapter, in which case the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
- (4) Structure Separation. Principal structures located on the same lot shall be separated by a distance at least equal to twice the required district side setback. (See §500-28A for accessory structures.)



- B. Street Frontage. A building shall be permitted only upon a lot with frontage on a public road right-of-way or private road right-of-way with access to a public road. **NEW**

- C. Clear View at Street Intersections. At all street intersections, nothing shall be erected (except street or traffic signs and utility poles) placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2.5 and 10 feet above the grade of the triangular area defined by the accompanying clear sight triangle diagram. **Updated old §500-32E – changed 50 feet to 30 feet**



Clear Sight Triangle

- D. Corner Lot Setbacks. Each setback of a lot which abuts a street shall be equal in size to the front setback required for the district. Any other setbacks may be considered side setbacks. **Updated old §500-32D**
- E. Through Lots. Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the owner(s) shall decide which street will be considered as the principal street, upon which principal use structures will be required to front. The decision of such owner(s) shall be in writing, shall be filed with the zoning officer, and shall bind all future owners of the lot. **Same as old §500-32B**
- F. Lots Fronting on an Alley. Individual lots existing at the effective date of this chapter fronting on an alley shall comply with all the requirements of this chapter and the district in which said lots are located. **Same as old §500-32C**
- G. Pervious Surfaces and Lot Coverage. **NEW**
- (1) Pervious surfaces proposed in the development of a lot shall be reviewed by the **Borough stormwater management engineer Zoning-Officer** and, if found acceptable, approved on a case-by-case basis.
  - (2) The percentage of the pervious surface to be counted as lot coverage shall be based upon actual field performance data provided by the manufacturer.
  - (3) A detailed design and surface specifications shall be submitted to the **Borough stormwater management engineer Zoning-Officer** who shall be notified three days prior to construction so that the Zoning Officer may observe the installation.
  - (4) Pervious surface design, installation, testing, maintenance, and cleaning shall be performed in accord with generally accepted practice, manufacturer standards and any applicable professional/manufacturer association standards or required installer certification.
  - (5) Upon completion, initial permeability testing shall be performed in the presence of the Zoning Officer and a written report shall be submitted to the Zoning Officer documenting the testing method and results.
  - (6) The pervious surface shall be tested annually for permeability with a written report submitted to the

Borough stormwater management engineer Zoning Officer. If the permeability is reduced to a level of 75 percent of the initial rate, the owner shall restore the permeability to the initial rate using accepted cleaning methods or reinstallation.

- (7) The maintenance of the pervious surface shall be governed by a written and recorded agreement between the landowner and the Borough in a form prescribed by Resolution of the Borough Council.
- (8) Approved pervious surfaces shall not be replaced with any impervious surface material.

~~H. Changes to Conforming Uses and Buildings.~~ **Same as old §500-33E**

- ~~(1) Any conforming use or building may be repaired, maintained, restored, or rebuilt to the same dimensions existing at the time that the use or building was originally constructed or started. **Isn't this a given?**~~
- ~~(2) Any enlargement or addition to any conforming use must comply in all respects with the regulations of this chapter, **except that in the case of an enlargement or addition to a building legally existing on the effective date of this chapter, the maximum building coverage requirements of this chapter shall not apply; ?????** provided, however, that all of the off-street parking and loading requirements of this chapter shall be complied with. In such a case, the maximum building coverage for the enlarged section shall not exceed 75 percent of the building coverage area of the original structure for commercial and manufacturing buildings, or 50 percent for residential buildings.~~

**§500-28 Accessory Structures and Uses**

A. Accessory Structures. All accessory structures, unless otherwise permitted by this chapter, shall conform to the minimum setbacks established in Article IV.

- (1) Attached Accessory Structures. An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures. **NEW**
- (2) Unattached Structures Accessory to Residential Buildings.

(a) Structures accessory to residential buildings which are not attached to a principal structure and exceed 700 square feet in gross floor area shall comply with setbacks required for principal structures.

(b) Structures accessory to residential buildings which are not attached to a principal structure and which are 700 square feet or less in gross floor area may be erected within the required side and rear setbacks of the principal structure only in conformance with the following: **Updated old §500-34A(1)**

[1] Maximum Height. 1.5 stories but not exceeding 15 feet.

[2] Side Setback. Not less than four feet, except in the case of corner lots where the setback required by §500-27D shall be maintained.

[3] Rear Setback. Not less than four feet.



- (c) Distance from Principal Structure. Structures accessory to residential buildings which are not attached to a principal structure shall not be less than 10 feet from the principal structure. **NEW**
- (3) Unattached Structures Accessory to Nonresidential Buildings. Such accessory structures shall comply with ~~front-and-side~~ setback requirements for the principal structure ~~except that for such structures with a gross floor area of 1,000 square feet or less~~ the minimum rear setback shall be 10 feet. **Updated old §500-34A(2)**
- (4) Playhouses. Child playhouses shall be considered accessory structures and shall comply with the requirements. However, a permit shall not be required for a child playhouse under 100 square feet in total floor area. **NEW**
- (5) Utilities. Well houses and other accessory structures housing/supporting utilities and electricity generators, whether or not housed in a structure, shall comply with this §500-28A. **NEW**
- (6) Disability Ramps and Outdoor Elevators. Temporary ramps or temporary outdoor elevators accessory to single-family dwellings or two-family dwellings to provide access for a disabled person shall not be required to meet required setbacks provided the landowner provides a written agreement that the ramp or elevator will be removed when the person needing it no longer occupies the dwelling. **NEW**
- (7) Construction Standards. An accessory structure shall be either prefabricated or custom built. A manufactured house, box or other type trailer, any unit which was originally designed with wheels and axle(s), truck body, cargo container, or other similar unit not originally designed for accessory ~~on-lot residential~~ storage shall not be used as an accessory building in any district except the Land C-2 Districts. **NEW**
- (8) Marquees in Commercial Districts. Marquees which are designed to provide shelter or which are designed to enhance the appearance of a commercial structure may project out over a public sidewalk area for a distance of up to six feet, but in no case shall they extend beyond the curb line. **Same as old §500-34G**
- B. Fences, Walls, and Hedges. Notwithstanding other provisions of this chapter, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any yard shall obstruct vision at any street corner, in violation of the provisions of §500-27C, and in no case shall any fence, wall or hedge exceed six feet in height. **Same as old §500-34A(3)**
- C. Home Occupations. It is the intent of this §500-28C to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed home occupation not specifically permitted by this section, the Zoning Hearing Board may determine that a specific type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not adequate. The following standards shall apply: **Update of old §500-40**
- (1) Single Occupation; Incidental and Secondary. A single home occupation per dwelling unit may be conducted within a room or rooms of a dwelling and must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.

- (2) Total Area. The home occupation may be conducted in the dwelling and/or an accessory building, but the total area of all areas used for all home occupations on the premises shall not exceed 25 percent of the gross floor area of the dwelling unit including basement.
- (3) Display. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation shall be permitted.
- (4) Exterior. A home occupation shall not require or cause any exterior alteration to the residence, structure or to the property and there shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for a sign, as permitted by §500-28C(10), and required parking area.
- (5) Employees. The home occupation shall be conducted only by members of the family residing in the dwelling and not more than one person other than residents of the dwelling shall be employed on the premises.
- (6) Parking. Off-street parking shall be provided on the premises as required by this chapter to prevent parking on any public or private street right-of-way. A minimum of two additional off-street parking spaces shall be provided for all home occupations.
- (7) Nuisances; Noise.
  - (a) No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
  - (b) A home occupation shall not involve noise which will be audible to neighboring residents between the hours of 6:00 p.m. and 7:00 a.m. The Borough may also require the applicant to use insulation to minimize any audible noise or may disapprove the application where, in their opinion, the proposed activity will involve unreasonable noise.
- (8) Retail or Wholesale Sale. No goods or items for retail or wholesale sale shall be permitted except for items produced on the premises or goods and items incidental to the operation of an approved home occupation. The total display and/or storage area limited to indoors and not more than 200 square feet.
- (9) Traffic. The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood nor cause a substantial increase in the volume of traffic in the neighborhood. For the purposes of this chapter, a 20 percent increase shall be considered substantial.
- (10) Sign. One sign may be erected in accord with Article XI to advertise the home occupation and shall not be larger than 12 inches by 24 inches. The sign may include the name, occupation, and logotype or trademark, if appropriate, of the practitioner. Such signs shall not be illuminated. ~~with the exception of medical offices during the hours such offices are open for the care of patients.~~
- (11) Performance Standards. Article VII, Part 2, Performance Standards, shall also apply to home occupations.
- (12) Prohibited Uses. The following uses shall not be permitted as home occupations: commercial stables, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurants, crematoria, funeral parlors or other uses not meeting the requirements of this §500-



28C(1).

- (13) Accessory Uses. The following types of uses with no nonresident employees shall be permitted as accessory uses in all districts:

- (a) Professional offices for individual practitioners
- (b) Custom dressmaking or tailoring.
- (c) Foster family care for not more than four children simultaneously.
- (d) Day care that provides care for six or fewer children at any one time who are not relatives of the care giver.
- (e) Tutoring for not more than four children simultaneously.
- (f) Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises
- (g) Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
- (h) Single chair beauty shops and barbershops.
- (i) No-impact home-based businesses as defined in Article III.

- (14) Special Exception. All applications for home occupations not specifically enumerated as permitted in §500-28C(13), excluding those prohibited by §500-28C(12), shall be considered special exceptions.

- D. Home Gardening, Nurseries and Greenhouses. Home gardening and accessory structures used for nurseries or as greenhouses are permitted accessory to residential uses provided, they are used by the residents thereof for noncommercial purposes, are not located in any required front setback, and do not involve the outdoor storage of equipment and supplies. **Same as old §500-34E**

- E. Private Outdoor Swimming Pools and Hot Tubs. **Replaces old §500-34D and links to the UCC**

- (1) A single private in-ground or above ground outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests and provided that the pool is not located closer than six feet to any side or rear lot line or 10 feet to any front lot line and does not occupy more than 10 percent of the lot area and that a four-foot high fence, wall or similar enclosure, shall completely surround the area of the swimming pool.
- (2) All swimming pools shall comply with PA UCC **fencing and other** requirements.
- (3) No swimming pool shall be so located as to interfere with the operation of a well or on-site septic system, or to be located where there is potential danger of a septic system discharging into the pool or onto the adjacent area around the pool.

- F. Reserved.

- G. Temporary Uses. **NEW**

- (1) Definition. A use accessory to another permitted principal use that operates at a fixed location for a **specified temporary** period of time.
- (2) Zoning Permit Required. No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this §500-28G and other applicable provisions of this

chapter shall have first been issued.

- (3) Particular Temporary Uses Permitted by Right. The following are temporary uses allowed by right which are subject to the following specific regulations and standards, in addition to the other requirements specified in this chapter. [See §500-28G(4) for conditional uses.]

(a) Contractor's Office and Construction Equipment Sheds.

- [1] Permitted in any district where use is incidental to a construction project in the same zoning district. The office or the shed shall not contain sleeping or cooking accommodations.
- [2] Maximum length of permit shall be one year.
- [3] Office or shed shall be removed upon completion of construction project.
- [4] Required water supply and sanitary facilities shall be provided.

(b) Real Estate Sales Office.

- [1] Permitted in any district for any new approved subdivision. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.
- [2] Maximum length of permit shall be two years.
- ~~[3] The office shall be removed upon completion of the development of the subdivision. Addressed by Item [2] above.~~
- [3] Required water supply and sanitary facilities shall be provided.

(c) Temporary Shelter.

- [1] When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a manufactured house or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
- [2] Required water supply and sanitary facilities per PA DEP requirements and electrical service per the PA Uniform Construction Code shall be provided.
- [3] Maximum length of permit shall be 12 months, but the zoning officer may extend the permit for a period or periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least 15 days prior to expiration of the original permit.
- [4] Prior to issuance of any occupancy permit for the new or rehabilitated residence, the manufactured house shall be removed from the property, or the recreational vehicle shall be removed from the property or be discontinued as the temporary shelter

- (4) Temporary Uses by Conditional Use. For temporary structures or uses that are not specifically permitted by right by this chapter, and other than customary accessory uses and other than those uses



that were lawfully occurring on a periodic basis prior to the adoption of this chapter, a temporary permit may be issued by the Borough Council as a conditional use for a structure or use ~~that would not otherwise be permitted~~, subject to the following additional provisions:

- (a) Duration. The Borough Council shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of seven days in any 60-day period. The Borough Council may grant a single approval once for numerous occurrences of an event.
- (b) Statement from Owner. The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
- (c) Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Borough. If the structure or use is not removed in a timely fashion after proper notification, the Borough may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
- (d) Conditions. The temporary use or structure shall be compatible with adjacent uses and clearly be of a temporary nature.
- ~~(e) Fee. The Borough Council may waive and/or return the required application fee if the applicant is an Internal Revenue Service-recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.~~
- (e) Nonprofit. Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.
- (f) Special Events. For a special event that will attract significant numbers of the public, the Borough Council may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

(5) Additional Regulations

- (a) Documentation must be provided to the Borough that adequate arrangement for temporary sanitary facilities has been made.
- (b) All uses shall be confined to the dates specified in the permit.
- (c) Hours of operation shall be confined to those specified in the permit.
- (d) Access and parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained with a minimum of six inches or as otherwise needed, of bank-run gravel or equal material.

H. Yard, Lawn, Garage, Tag or Estate Sale. Yard, lawn, garage, tag, or estate sales shall not exceed more than three consecutive days and not more than three times per year. **NEW**

- I. Reserved. ~~Helistops as an Accessory Use.~~ ~~Helistops as accessory uses, in addition to all other applicable requirements, shall comply with the following standards: (This section shall not apply to helicopter land sites for emergency services.)~~ **NEW**
- ~~(1) Allowed only in the I-District as a special exception.~~
- ~~(2) The applicant shall document compliance with all applicable state and federal regulations.~~
- ~~(3) The runway and/or landing pad shall be a minimum of 250 feet from any residential district or any existing dwelling not located on the parcel for which the airport and/or heliport is proposed.~~
- J. Accessory Parking. **Same as old §500-34B & C**
- (1) Off-Street Parking Areas or Garages. Accessory off street parking areas or garages serving the residential or nonresidential parking demand created by the principal use are permitted in accord with §500-29. ~~Said parking areas may be located in any required front, side, or rear setback.~~
- (2) Parking, Storage and Use of Major Recreation Equipment.
- (a) For purposes of this section, *major recreational equipment* is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.
- (b) No more than ~~two~~ **one** pieces of major recreational equipment shall be parked or stored on any lot in a residential district.
- (c) No such equipment shall be parked or stored on any lot in a residential district in such a manner as to prevent ingress of fire-fighting equipment, or fire fighters acting in event of crises, except in a carport or enclosed building or behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises for a period of time not to exceed 24 hours during loading or unloading.
- (d) No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use, except by the owner, or by occupants having the approval of the owner(s) to do so, for noncommercial purposes. Such use by or with the approval of the owner may not exceed a period of two weeks during any calendar year.
- K. Satellite Antennas. All private satellite antennas shall be considered structures and shall maintain the setbacks required for accessory structures; however, a permit shall not be required for such antennas 30 inches or less in diameter. No building-mounted satellite antenna shall extend beyond the perimeter of the building or extend more than four feet above the height of the building. **NEW**
- L. Tennis Courts. A tennis court accessory to a residential use shall only be located in a rear or side yard and shall not be closer to a property line than 10 feet. **NEW**
- M. Private Flea Markets and Similar Events. Private flea markets, craft fairs, bazaars, celebration and similar community events conducted by a service, nonprofit, religious or charitable organization are permitted as accessory uses provided that the same are conducted upon lands owned by such organizations or conducted upon land situated in a commercial district leased to such organization. Any such organization may not



conduct a private flea market for more than seven successive days and not more than two such periods in any one calendar year. **NEW**

N. Wind Turbines, Accessory. Wind turbines when authorized by the Zoning Hearing Board, shall be permitted by special exception in accord with the Schedule of Uses in §500-17 all zoning districts, subject to the following conditions: **Same as old §500-34H with noted changes above**

- (1) The wind turbine shall be independent of any structure and shall be located a minimum distance of 110 percent times the turbine height from any property line.
- (2) No part of the wind turbine shall be located within or above any required front, side or rear setback.
- (3) The minimum height of the lowest position of the wind rotor shall be 25 feet above the ground.
- (4) Wind turbines shall not be climbable up to 15 feet above the ground surface.
- (5) To the extent applicable, the wind turbine shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.
- (6) The design of the wind turbine shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- (7) Wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (8) All electrical components of the wind turbine shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- (9) Wind turbines shall be a nonobtrusive color such as white, off-white or gray.
- (10) Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (11) Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, which sign shall have an area of less than 200 square inches.
- (12) On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.
- (13) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (14) Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

- (15) The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind turbine.
- (16) When a building is necessary for storage cells or related mechanical equipment, the building must not exceed 150 square feet in area and 15 feet in height, and must not be located within any required front, side, or rear setback.
- (17) The resultant energy harnessed from the wind shall primarily be used on the property on which the wind turbine is located.
- (18) The wind turbine shall comply with all other applicable regulations and requirements as set forth in this chapter. However, land development approval shall not be required under Chapter 390 (Subdivision and Land Development) for a single wind turbine.
- (19) The landowner shall, at his/her expense, complete decommissioning of the wind turbine within 12 months after the end of the useful life of the wind turbine. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of 12 months.
- (20) Decommissioning of the wind turbine shall include removal of the wind turbine, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities. Disturbed earth shall be graded and reseeded, unless the landowner requests, in writing, that the access roads or other land surface areas not be restored.
- (21) The wind turbine shall be subordinate to and located on the same lot occupied by the principal use to which it relates.
- (22) No more than one wind turbine shall be located on any one lot.

O. **NEW Solar Collectors, Accessory.** An accessory solar collector is a freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

- (1) Districts; Standards. Accessory solar collectors and associated energy storage facilities are permitted in all districts only in compliance with this §500-280 and other applicable standards of this chapter.
- (2) Excess Electricity. Accessory solar collectors shall provide power for the principal use and/or accessory use of the property on which it is located.
- (3) Mounting. A solar energy system may be roof mounted or ground mounted.
- (4) Height
  - (a) Roof Mounted. A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system whether mounted on the principal building or accessory building, shall not exceed the maximum building height or accessory building height specified for the underlying zoning district.
  - (b) Freestanding. A freestanding system shall not exceed the maximum building height for accessory buildings.



(5) Setback

- (a) Roof Mounted. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
  - (b) Freestanding. Freestanding solar collectors shall comply with the setbacks specified for accessory structures in the underlying zoning district.
- (6) Power Lines. All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.
- (7) Uniform Construction Code; Manufacturer's Standards. The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.
- (8) Removal. The solar collectors and all associated equipment and facilities shall be immediately removed when it is no longer in service and failure to do so shall constitute a zoning violation.
- (9) Decommissioning. The landowner shall, at his/her expense, complete decommissioning of the solar system within 12 months after the end of the useful life of the solar system. It shall be presumed that the solar is at the end of its useful life if no electricity is generated for a continuous period of 12 months. Decommissioning of the solar system shall include removal of the solar collectors, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities. Disturbed earth shall be graded and reseeded, unless the landowner requests, in writing, that the access roads or other land surface areas not be restored.
- (10) Accessory. The solar system shall be subordinate to and located on the same lot occupied by the principal use to which it relates.
- (11) Lot Coverage. Detached solar collectors used solely for such purpose shall not be included in computing lot coverage.

**§500-29 Off-Street Parking and Loading Update of old §500-31**

This §500-29 shall apply to all new and expanded uses and to changes of use and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use. Any proposal which is considered a land development as defined by Chapter 196 (Subdivision and Land Development) shall be governed by the parking and loading area design standards in that Chapter. Following the establishment of any land development and for existing uses, the ongoing operation and maintenance of the off-street parking and loading facilities shall comply with the requirements of this §500-29 and violations shall be subject to the enforcement provisions of this chapter.

**A. Availability and Use of Facilities.**

- (1) Availability. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term *parking space* includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- (2) Location of Parking.
  - (a) Required off-street parking spaces shall be on the same lot with the principal use served, except as

approved in §500-29K.

(b) Driveways, garages, and carports not in the public right-of-way may be considered parking spaces.

(c) Outdoor parking areas may also be provided on the roofs of buildings especially designed to support such use.

(3) Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this chapter.

(4) Non-Parking Use. Required off-street parking, loading, and unloading facilities and access ways shall not be used for any other purpose, including, but not limited to, sales, display or storage areas, or the parking of any vehicles for which the area was not approved (e.g., parking of tractor trailers in required passenger vehicle areas).

(5) Existing Parking. Any parking spaces serving such pre-existing structures or uses at the time of the adoption of this chapter shall not in the future be reduced in number below the number required by this chapter. If a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this chapter, including, but not limited to, required parking and areas reserved for additional parking if needed, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

B. Site Plan; Design.

(1) Site Plan. The project application shall include a site plan that shows the parking, loading and unloading area, and access design.

(2) General. Parking spaces, loading and unloading areas, and access ways shall be laid out to result in safe and orderly use and to fully address all of the following: vehicular access onto and off the site, vehicular movement within the site, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic on or off the lot.

(3) Pedestrian Access and Circulation. The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.

(4) Design. Off-street parking areas, access ways, fire lanes, traffic flow signs, pavement markings, and other necessary facilities shall be designed and provided in accord with the most current Institute of Transportation Engineers Traffic Engineering Handbook, or other generally accepted methodology approved by the Borough. The Applicant shall provide copies of the methodology used for the design. Notwithstanding the above, all parking spaces and the overall design shall be ample in size for the vehicles for which use is intended and stalls shall be a minimum of nine feet by 20 feet. ~~with aisles of not less than 24 feet unless designed as required above.~~

C. Illumination. All driveways, aisles, maneuvering spaces, vehicular service areas, and spaces between or around buildings, designed for use by more than four cars other than those accessory to a single dwelling, shall be illuminated according to §500-67.



- D. **Public Rights-of-Way.** Parking, loading, and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with municipal parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street.
- E. **Parking and Loading in C-3 District.** The following provisions shall apply in the C-3 Local Commercial District:
- (1) **Nonresidential.** No additional off-street parking or loading and unloading areas shall be required for any proposed, expanded or changed nonresidential use except as required in §500-29E(2).
  - (2) **Overnight Accommodations.** Off-street parking and loading and unloading areas shall be provided for new or expanded nonresidential uses offering overnight accommodations including, but not limited to, hotels, bed and breakfast establishments, and short-term rentals.
  - (3) **Residential Buildings.** Off-street parking and loading and unloading areas shall be provided for new or expanded residential buildings. **CONVERSIONS ????**
- F. **Number of Spaces.** Any structure or building which is hereafter erected, converted, or enlarged, or any open area used for commercial purposes, shall be provided with off-street parking spaces adequate to serve such use. The number of parking spaces required by this §500-29F shall be considered the minimum and maximum requirements unless modified in accord with this §500-29F.

#### Updated table from old §500-31A(6)

Note: SFGFA means *square feet of gross floor area*. Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

USE	PARKING SPACES REQUIRED
<b>A. Dwellings</b>	
1. Single-family and two-family	2 per unit
2. Multi-family	1.5 per dwelling unit
3. Residential conversion	Same as dwelling type proposed
4. Home occupation	In addition to dwelling requirements: 1 per employee plus 1 for a visitor per 200 sq ft of home occupation area
B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses, and similar uses	3 per every 5 beds
<b>C. <u>Overnight accommodations</u></b>	
1. <u>Hotels, motels, and other uses providing overnight accommodations not otherwise listed</u>	<u>1.1 per bedroom</u>
2. <u>Boarding homes, bed and breakfast establishments and short-term rentals</u>	<u>1 per bedroom</u>
<b>D. Sales and rental of goods, merchandise, and equipment</b>	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Food markets and grocery stores	1 per 100 SFGFA open to the public
3. Wholesale establishments	1 per 800 SFGFA
4. Outdoor flea markets	1 per 200 square feet of lot area designated for display or sales

E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance, and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 250 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing and industry, distribution centers, truck terminals, warehousing, and storage	1 per employee on largest shift, plus 10 for nonemployees
G. Educational, cultural religious social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFGFA open to the public
3. Churches, synagogues, and temples	1 per every 3 seats used for services
4. Libraries and museums, social, fraternal clubs, and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement, and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums, and similar uses with seating accommodations	1 per every 3 seats available for assembly
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 2 persons of fully utilized design capacity
I. Hospitals, clinics, and other medical treatment facilities; personal care homes	1 per 3 beds plus 1 for each employee on largest shift
J. Restaurants, bars, taverns, and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses (See definition of "vehicle" in Article III.)	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car or truck wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
L. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 150 SFGFA open to the public
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 200 SFGFA open to the public



Note: SFGFA means *square feet of gross floor area*. Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

- (1) Fractional Numbers. Fractional numbers of parking spaces shall be increased to the next whole number.
- (2) Unidentified Uses. For uses not specifically provided in the Table, the Zoning Officer shall determine the required number of spaces based upon the similarity of the proposed use to the uses in the most current Parking Generation Manual published by the Institute of Transportation Engineers.
- (3) NEW Borough Required Reduction. In the case of parking for conditional uses and special exceptions, if the Borough Council/Zoning Hearing Board determines that the number of parking spaces required by this §500-29F is not necessarily required to meet the immediate needs of the proposed use, the Borough may require the number of spaces provided to be reduced by a maximum of 25 percent. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this §500-29F.
- (4) NEW Applicant Proposed Reduction/Increase. The required number of parking spaces may be reduced or increased subject to conditional use approval by the Borough Council for uses classified as principal permitted uses and conditional uses and by the Zoning Hearing Board for uses classified as principal permitted uses and special exceptions. The applicant shall provide evidence justifying the proposed reduction or increase of spaces, such as studies of similar developments during peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any approval to permit such decrease or increase shall be subject to the following:
  - (a) Ordinance and Plan Consistency. The project design and parking space decrease shall be consistent with the purposes contained in this chapter and the goals and objectives of the Comprehensive Plan.
  - (b) Quality of Design. The applicant shall demonstrate to the Borough Council that the proposed decrease will result in an adequate number of parking spaces, or the increase will not produce an excess number of spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.
  - (c) Local Conditions. In making its determination the Borough Council or the Zoning Hearing Board shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.
  - (d) Burden; Conditions.
    - [1] If the Borough Council or the Zoning Hearing Board, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use for the decrease or increase.
    - [2] In no case shall parking be reduced by more than 30 percent nor be increased by more than 20 percent of the minimum parking requirement.

- [3] If the applicant provides more parking spaces than the minimum required, the additional parking spaces shall not result in the removal of specimen trees.
- [4] The Borough Council or the Zoning Hearing Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this chapter, including, but not limited to, reserving parking.
- (5) Form of Reservation. Each parking reservation shall be in a form acceptable to the Borough Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and, if the Borough determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Borough before the issuance of a zoning permit for the project.
- (6) Reserved Parking Disturbance and Stormwater. The reserve parking areas shall remain undisturbed or shall be landscaped but shall be included in the calculations of lot coverage area and for stormwater management and for the requirement of a NPDES permit. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.
- (7) Multiple Uses. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
- (8) Handicapped Parking. Parking for the handicapped shall be provided in accord with current Pennsylvania regulations governing accessible and useable buildings and facilities and the spaces shall count as part of the spaces required for the use by this §500-29.

G. Off-Street Loading and Unloading Areas. **Updated old §500-31B**

- (1) Required.
  - (a) In connection with any building or structure which ~~is erected or substantially altered and which~~ requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, ~~or which requires the entry and exit of persons which are dropped off and picked up at the entry/exit (e.g., day care centers, schools)~~, off-street loading and unloading berths shall be provided as specified in this §500-29G. For the purposes of this section, the words "loading" and "unloading" are used interchangeably.
  - (b) This requirement shall not apply in the C-3 Local Commercial District.
- (2) Number. Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use and the maximum sized vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed during off-peak hours for loading and unloading along an alley, rear service lane or parking area. Loading areas shall not be used to satisfy parking requirements.
- (3) Location. All required loading areas shall be located on the same lot as the use to be served. No loading area for vehicles of more than two-ton capacity shall be located closer than 100 feet from any residential district. No loading area shall be located within 50 feet of a property line unless the lot is less than 200 feet wide, in which case such setback may be reduced to not less than 25 feet at the discretion of the Borough. No loading facilities shall be constructed within any required setback areas. Loading facilities shall be located on either the side or rear of the building and screened in accord with §500-60.



- (4) Access. Each required off-street loading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements and shall be subject to the approval of the Borough. Such access shall have paved surfaces to provide safe and convenient access during all seasons.
  - (5) Repair and Service. No storage of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.
  - (6) Hours of Operation. ~~The limitation of hours of operation for loading or unloading activities may be established as a condition of approval for conditional uses and special exceptions to address impacts on nearby residential uses. Where the use requiring loading and unloading activities is located within 500 feet of a residential use or district, the hours of operation for loading or unloading activities shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.~~
  - (7) Fire Lanes. All buildings shall be accessible to emergency vehicles and shall meet applicable requirements and all related Jim Thorpe Fire Codes.
- H. Access to Off-Street Parking and Loading Areas. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, salespeople and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:
- (1) Parking Spaces. ~~Parking spaces shall be accessed directly by a Borough or State Road, or by a driveway serving the use. Access shall not be through and/or across a parking space located on a Borough or State Road. (per Ord. 2021-01)~~
  - (2) Width. Unless otherwise required by Penn DOT for access to a state road, the width of the driveway/access way onto a public street at the right-of-way shall comply with the most current Institute of Transportation Engineers design standards for the type and volume of vehicles anticipated and shall meet applicable requirements.
  - (3) Controlled Access. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping, or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
  - (4) Highway Occupancy Permit. All new uses shall be required to obtain a highway occupancy permit from the Borough or PA DOT. In the case of a change in use or the expansion of an existing use, a highway occupancy permit or a revised highway occupancy permit shall be required if there will be increase in average daily traffic based on the most recent edition of the International Traffic Engineers Traffic Generation Manual. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection.
  - (5) Interior Travelways. The applicant shall demonstrate that travelways within the property are adequate to safely and efficiently serve vehicles which are reasonably expected to visit the property. Turning radius templates developed by the American Association of State Highway Transportation Officials (AASHTO) shall serve as the design standard.
  - (6) Curbing. Access drives and landscaping shall be defined with concrete curbing, or such alternate material as may be approved by the Borough.

**I. Parking and Loading Area Setbacks. NEW**

- (1) Roads and Property Lines. Unless other provisions of this chapter require a greater buffer, all proposed or required parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way by a landscaped buffer not less than 10 feet in width and five feet in width along other property lines.
- (2) Uses Prohibited. The buffer area shall be maintained in natural vegetative ground cover and shall not include:
  - (a) Paving except for approved driveway/access way crossings
  - (b) Fences unless integral to landscaping
  - (c) Parking, storage or display of vehicles
  - (d) Items for sale or rent
- (3) Uses Permitted. The buffer area may include the following:
  - (a) Permitted freestanding signs
  - (b) Pervious storm water facilities
  - (c) Approved driveway/access way crossings
- (4) Buildings. Parking spaces serving principal nonresidential buildings and multi-family dwellings shall be located a minimum of five feet from any building wall, unless a larger distance is required by another ordinance provision. This distance does not apply at vehicle entrances into or under a building.

**J. Grading and Drainage; Paving. Updates old §500-31A(3)**

- (1) Grading and Drainage. Parking and loading facilities, including driveways, shall be graded, and adequately drained away from building areas, to prevent erosion and to avoid increased or altered flow of stormwater runoff into streets or onto adjacent properties.
- (2) Grade. All areas provided for the parking of vehicles shall have a minimum grade of 0.5 percent and a maximum grade of six percent.
- (3) Paving. Except for single-family dwellings, all portions of required or proposed parking areas, loading areas and access ways (except for landscaped areas) shall be surfaced with a minimum of 2.5 inches of compacted asphalt paving on a six-inch compacted stone base or equivalent as determined by the Zoning Officer. (See §500-27G for use of pervious surfaces.) CURRENT: Such areas shall also be provided with a durable and dustless surface, such as gravel, asphalt, or concrete, to provide for the safe storage and smooth transit of vehicles.

**K. Off-Site or Shared Parking. Updates old §500-31A(2)(a)**

- (1) Off-Site. Required parking may be provided on a different lot than on the lot on which the principal use is located, provided the parking is not more than 300 feet from the principal use lot. Off-lot parking areas shall be permitted only in a district where the principal use is permitted. Both parcels shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of



Deeds requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

- (2) Shared Parking. In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for share parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The shared parking area may span the common property line thereby eliminating the required setback. The standards in §500-29F for number of spaces to be provided shall apply to shared parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

- L. Changes to Access and Parking Areas and Loading/Unloading Areas. A zoning permit shall be required for any changes to any access (including new curb cuts) and parking areas and loading/unloading areas. **NEW**
- M. Shopping Carts. Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets. Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets. **NEW**
- N. Snow Storage and Removal. All plans for proposed parking areas shall include details for adequate snow storage and removal. **NEW**
- O. Landscaping. All improved off-street parking areas not entirely contained in a garage or building shall comply with the buffering and landscaping requirements of §500-60 and §500-61, respectively. **NEW**

§500-30 to §500-32 Reserved

**Old section. DO NOT INCLUDE THIS.**

**§ 500-37. Conversions other than residential conversions.**

Where provided in commercial districts, structures may be redesigned and converted from any former use to any other use permitted in the district, subject to the following regulations:

- A. The design of said conversion shall be compatible with that of other structures in the neighborhood. In addition, both the structure and all uses to be located therein shall be in compliance with the performance standards of the appropriate section under Article IV.
- B. All driveways, vehicular access points and loading zones for the structure shall be designed in such a manner as to minimize conflict points between vehicles and pedestrians, and between vehicles with each other. Driveway access points shall be restricted to the minimum required to provide safe vehicular access, and loading zones, and wherever possible, shall be located in areas not adjacent to sidewalks used by pedestrians.

**ARTICLE VI  
RESIDENTIAL DEVELOPMENT**

**Part 1  
Conservation Subdivision Design NEW  
(DEVELOPER'S OPTION)**

**§500-33    Concept and Purposes    See discussion article beginning on the next page.**

- A. Concept. A key concept associated with conservation subdivision design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation design, which is based on unit density instead of minimum lot size, the size of individual lots sold can vary in size, provided the total number of lots does not exceed the density which is based on the underlying minimum lot size. In conservation design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved.
- B. Purpose. In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:
- (1) To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplain, and wetlands.
  - (2) To conserve areas critical to the visual integrity of the landscape by setting them aside from development.
  - (3) To conserve scenic views and elements of the landscape, and to minimize perceived density, by minimizing views of new development from public viewing points.
  - (4) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
  - (5) To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
  - (6) To provide for a diversity of lot sizes and housing choices at the underlying zoning district density to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
  - (7) To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Borough Comprehensive Plan.
  - (8) To implement adopted land use, transportation, and community policies as identified in the Borough Comprehensive Plan.
  - (9) To protect productive forest land in the Borough for continued use by conserving blocks of land large enough to allow for efficient forest management operations.
  - (10) To enable the creation of residential communities with direct visual access to open land and amenities in the form of open space.



- (11) To provide for the conservation and maintenance of open land to achieve the above-mentioned goals and for active or passive recreational use by residents.
- (12) To provide multiple options for landowners in order to minimize impacts on environmental resources and sensitive lands such as streams, water bodies, wetlands, floodplain, and steep slopes, and minimize the disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls.
- (13) To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.

#### **§500-34 Districts; Development Options**

- A. Optional in R-1, R-2, and S Districts. In all R-1, R-2, and S Districts on tracts of eight acres of gross tract area or larger, conservation subdivision design may be used at the developer's option in accord with this Article VI using Option 1, Option 2, or Option 3. In the alternative a standard subdivision may be developed in accord with the applicable provisions of this chapter.
- B. Development Options. To achieve the purposes in §500-33, this §500-34 provides for flexibility in designing new residential subdivisions by allowing the following forms of development referred to as *options*, as listed below:
  - (1) Conditional Use in R-1, R-2, and S Districts.
    - (a) Option 1. Basic Density and Basic Conservation providing for residential lots/units at the density permitted by the Density and Conservation Open Space Table in §500-37, with not less than 45 percent of the tract comprised of conservation open space.
    - (b) Option 2. Increased Density with Increased Conservation providing residential lots/units at the density permitted by the Density and Conservation Open Space Table in §500-37, with not less than 55 percent of the tract comprised of conservation open space.
    - (c) Option 3. Greater Density with Greater Conservation providing residential lots/units at the density permitted by the Density and Conservation Open Space Table in §500-37, with not less than 60 percent of the tract comprised of conservation open space.
- C. Conservation Design Process. All Conservation Subdivision Design Developments shall be designed using the Four-Step Conservation Design Process in accord with Chapter 390 (Subdivision and Land Development).

#### **§500-35 General Regulations**

The design of all Conservation Subdivision Design developments shall be governed by the following minimum standards:

- A. Ownership. The development tract shall be held in single ownership.
- B. Primary Conservation Areas. The proposed design shall conserve the Primary Conservation Areas. Demonstration by the applicant that these features are conserved by the proposed design shall be prerequisite to all preliminary and final plan approvals under Chapter 390 (Subdivision and Land Development). Primary Conservation Areas include:

- (1) Delineated wetlands.
- (2) Floodplain (including the floodway) as shown on the Borough Flood Insurance Rate Map.
- (3) Slopes of 25 percent or more.
- (4) Streams and water bodies.

C. Secondary Conservation Areas. The protection of Secondary Conservation Areas shall be addressed through the Four-Step Design Process detailed in Chapter 390 (Subdivision and Land Development).

**§500-36 Use Regulations for Options 1, 2 and 3**

The following uses shall be permitted in Option 1, Option 2 and Option 3 Conservation Subdivision Design Developments:

- A. Single-family detached dwellings.
- B. Two-family dwelling units, townhouses, quadruplexes, and multi-family dwellings.
- C. Conservation open space with the uses permitted by §500-40.
- D. No-impact home-based businesses and home occupations in accord with §500-28C(1).
- E. Accessory uses on the same lot with and in accord with applicable District regulations.

**§500-37 Maximum Dwelling Units and Minimum Conservation Open Space**

- A. Dwelling Units. The maximum number of dwelling units shall be determined by using the density factor in the Density and Conservation Open Space Table and the Adjusted Tract Area Approach in §500-37C.
- B. Conservation Open Space. The minimum conservation open space shall be as set forth in the Density and Conservation Open Space Table, regardless of which method is used to determine the maximum number of dwelling units.
  - (1) Delineation. Conservation open space shall be delineated to include all primary conservation areas and, in addition, enough secondary conservation areas that, when added to the primary conservation areas, shall not be less than the minimum required conservation open space.
  - (2) Common Greens. In Option 1, Option 2 and Option 3, part of the required conservation open space may be in the form of common greens as follows:
    - (a) A minimum of two percent of the required conservation open space when the average lot size is 15,000 square feet or more.
    - (b) A minimum of three percent of the required conservation open space when the average lot size is less than 15,000 square feet.
    - (c) A maximum of five percent of the required conservation open space.

C. Adjusted Tract Area. Determination of the maximum number of dwelling units shall be based upon the



following calculations:

- (1) Determine Gross Tract Area. Gross tract area shall equal the acreage within the legally described parcel.
- (2) Determine Constrained Land. Constrained land consists of the resources listed in the Constrained Land Table multiplied by a protection factor and totalled. If two or more resources overlap, only the resource with the highest protection factor shall be used.

CONSTRAINED LAND				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing public or private road rights-of-way and existing utility or other rights-of-way		X 1.00	=
B	that portion of lands under conservation easement that are restricted from further development		X 1.00	=
C	floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		X 1.00	
D	100-year floodplain (if not mapped by FEMA area is included in floodway above)		X 0.25	
E	wetlands as determined by a delineation		X 0.90	
F	steep slopes (25% or greater)		X 0.75	=
G	steep slopes (15% up to 25%)		X 0.10	=
H	ponds, lakes and streams to the high water mark		X 0.50	=
I	<b>CONSTRAINED LAND = SUM OF A through H =</b>			

- (3) Determine Adjusted Tract Area (ATA). Adjusted Tract Area equals the gross tract area minus the constrained land.
- (4) Maximum Number of Dwelling Units. In Options 1, 2 and 3, the maximum number of dwelling units equals the Adjusted Tract Area (ATA) divided by the applicable density factor set forth in the Density and Conservation Open Space Tables. Where calculations result in fractional numbers, the fraction shall be rounded down to the next whole number.

MAXIMUM NUMBER OF DWELLING UNITS		
A	Adjusted Tract Area (from the Adjusted Tract Area Table in §500-37C(3) converted to square feet	_____ sq ft
B	divided by density factor (from the Density and Conservation Open Space Table)	÷ _____
C	equals maximum number of dwelling units	= _____ dwelling units

DENSITY AND CONSERVATION OPEN SPACE					
R-1 - LOW-DENSITY RESIDENTIAL DISTRICT S - SPECIAL DISTRICT					
<b>OPTION 1</b> Basic Density and Basic Conservation <u>neutral density</u>		<b>OPTION 2</b> Increased Density with Increased Conservation <u>20% density bonus</u> (SF ATA/unit reduced by 20%)		<b>OPTION 3</b> Greater Density with Greater Conservation <u>30% density bonus</u> (SF ATA/unit reduced by 30%)	
Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>	Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>	Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>
<u>On-Lot Sewage System</u>					
43,560	45% ATA	34,850	55% ATA	30,490	60% ATA
<u>Central sewage disposal and on-site water supply</u>					
30,000	45% ATA	24,000	55% ATA	21,000	60% ATA
<u>Central sewage disposal and central water supply</u>					
20,000	45% ATA	16,000	55% ATA	14,000	60% ATA
<sup>1</sup> SF ATA = square feet of Adjusted Tract Area in §500-37C(3).					
<sup>2</sup> Plus Constrained Land calculated in §500-37C(2). (See Row I of Table.)					

DENSITY AND CONSERVATION OPEN SPACE					
R-2 - MEDIUM-DENSITY RESIDENTIAL DISTRICT					
<b>OPTION 1</b> Basic Density and Basic Conservation <u>neutral density</u>		<b>OPTION 2</b> Increased Density with Increased Conservation <u>20% density bonus</u> (SF ATA/unit reduced by 20%)		<b>OPTION 3</b> Greater Density with Greater Conservation <u>30% density bonus</u> (SF ATA/unit reduced by 30%)	
Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>	Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>	Density Factor (SF ATA / DU <sup>1</sup> )	Minimum Conservation Open Space Required <sup>2</sup>
<u>On-Lot Sewage System</u>					
43,560	45% ATA	34,850	55% ATA	30,490	60% ATA
<u>Central sewage disposal and on-site water supply</u>					
25,000	45% ATA	20,000	55% ATA	17,500	60% ATA
<u>Central sewage disposal and central water supply</u>					
20,000	45% ATA	16,000	55% ATA	14,000	60% ATA
<sup>1</sup> SF ATA = square feet of Adjusted Tract Area in §500-37C(3).					
<sup>2</sup> Plus Constrained Land calculated in §500-37C(2). (See Row I of Table.)					

- D. Preservation of Historic Dwellings. To encourage the preservation of historic dwellings, such preserved dwellings shall not count toward the permitted maximum number of dwelling units, provided:



- (1) Such dwellings are at least 75 years old;
- (2) The dwelling is preserved in accord with the National Park Service historic preservation standards; and
- (3) The dwelling is placed in a landscape context that respects its historical status and appearance, as determined by the Borough.

E. Fee for Density Calculation Review. The Borough Council may establish by Resolution a fee for review of the density calculation submitted by the Applicant.

**§500-38 Dimensional and Design Standards**

A. Option 1, Option 2 and Option 3. The standards in the Dimensional Standards for Single-Family Dwellings Option 1, Option 2 and Option 3 Table shall apply to Option 1, Option 2, and Option 3.

DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS Option 1, Option 2 and Option 3				
Type of water supply and sewage disposal ▶▶▶▶▶	central water and central sewage	on-lot water and central sewage	central water and on-lot sewage	on-lot water and on-lot sewage
Minimum individual lot area	5,500 square feet	20,000 square feet	30,000 square feet	43,560 square feet
Minimum lot width at required setback	40 feet	70 feet	85 feet	100 feet
Minimum street frontage	35 feet	50 feet	50 feet	50 feet
Maximum depth to width ratio	5 to 1			
Flag Lots	permitted per provisions of Chapter 390 (Subdivision and Land Development)			
Setback Regulations				
- minimum front	20 feet	40 feet		
- minimum rear	30 feet 20 feet where the rear setback adjoins conservation open space			
- minimum side	5 feet 30 feet aggregate	15 feet		

B. Maximum Lot Coverage. Maximum ground coverage for single-family dwellings in Options 1 through 3 shall be limited in accord with the following Maximum Lot Coverage Table.

MAXIMUM IMPERVIOUS COVER FOR SINGLE-FAMILY DWELLINGS Option 1, Option 2 and Option 3	
Lot Area	Maximum Impervious Coverage
less than 10,000 SF	50%
10,000 - 19,999 SF	40%
20,000 - 43,560 SF	30%
more than 43,560 SF	reduce limit by 1.5% for each additional acre or fraction thereof but not reduced to less than 5%

C. Dimensional Standards for Two-Family Dwellings, Townhouses, Quadruplexes, and Multi-Family. The standards in the Dimensional Standards for Two-Family Dwellings, Townhouses, Quadruplexes, and Multiple-Family Table shall apply:

DIMENSIONAL STANDARDS FOR TWO-FAMILY DWELLINGS, TOWNHOUSES, QUADRUPLEXES, AND MULTI-FAMILY Option 1, Option 2 and Option 3	
minimum individual lot area	none
separation of principal buildings	35 feet
if individual lots are provided: minimum lot width	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
setback from any adjoining internal street, street right-of-way, common parking area or sidewalk	20 feet

- D. Central Water Supply and Central Sewage Disposal. Two-family dwellings, townhouses, quadruplexes and other multiple-family dwellings shall be served by a central water system and a central sewage disposal system.
- E. Dwelling Lots / Conservation Open Space. No part of any dwelling lot shall encroach upon conservation open space.
- F. Setbacks. All new dwelling units shall meet the setback requirements in the following Dwelling Setbacks Table:

DWELLING SETBACKS from:	Single-Family	Two-Family, Townhouses, Quadruplexes	Other Multi-Family
Borough or State road rights-of-way	100 feet	150 feet	200 feet
other perimeter boundaries of the development tract	50 feet	100 feet	150 feet
crop land or pastureland not on the development parcel	100 feet	100 feet	100 feet
buildings or barnyards housing livestock not on the development parcel	300 feet	300 feet	300 feet
active recreation areas such as courts and play fields not on the development parcel (not including tot lots)	150 feet	150 feet	150 feet

- G. Building Height. Building height shall comply with the standards for the applicable district the Schedule of Development Standards (§500-17).

#### §500-39 Reserved

#### §500-40 Uses Permitted on Conservation Open Space

The following uses are permitted in conservation open space areas:

- A. Open Land. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
- B. Agriculture and Horticulture. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings if such use complies with other applicable chapter requirements. Specifically excluded are dwellings, commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.



- C. Horses. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 50 percent of the minimum required conservation open space and shall comply with other applicable chapter requirements.
- D. Forestry. Forestry in keeping with established best management practices for selective harvesting and sustained yield forestry as published by the Pennsylvania Bureau of Forestry.
- E. Neighborhood Open Space. Uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational.
- F. Recreation. Active non-commercial recreation areas, such as playing fields, playgrounds, and bikeways, not requiring supporting structures. Such recreational uses shall meet the following standards:
- (1) Such areas shall not consume more than 50 percent of the minimum required conservation open space or five acres, whichever is less. The five-acre limit may be increased to 10 acres on development parcels 200 acres or larger.
  - (2) Playing fields and playgrounds shall not be located within 100 feet of the tract boundary or a dwelling unit within the development parcel.
  - (3) Minimum parking facilities for the same, as determined by the Borough Council, may also be permitted. Such lots may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress.
- G. Golf Courses. Audubon International Signature Golf Courses and their accessory facilities and parking areas, when permitted by the underlying zoning district, may comprise up to 50 percent of the minimum ATA of the required conservation open space. This use shall not include driving ranges or miniature golf. The gross floor area devoted to sales of golf equipment, clothing, food, and other similar items shall not exceed 1,200 square feet. Accessory facilities and parking areas shall not count toward the minimum conservation open space requirement.
- H. Water; Sewer; Stormwater. Water supply systems, sewage disposal systems, stormwater management systems and associated easements provided the total area does not exceed 20 percent of the minimum ATA required in the conservation open space. The following standards shall apply:
- (1) Water Supply Systems.
    - (a) Drainage easements for water lines may be counted toward the minimum conservation open space requirement.
    - (b) Land used for ground-level well structures and associated parking not exceeding 5,000 square feet shall not count toward the minimum conservation open space requirement.
  - (2) Sewage Disposal Systems.
    - (a) Sewage treatment lagoons, structures, structure access areas and parking lots shall not count toward the conservation open space requirement.
    - (b) Soil absorption fields shall be appropriate for active or passive recreation.

- (c) Sewage disposal areas in conservation open space shall be appropriate for active or passive recreation or shall be managed as meadows or forests; and may be counted toward the minimum conservation open space requirements.
  - (d) Absorption fields serving individual dwelling units may be located in the conservation open space, but individual treatment tanks shall be located within the lots they serve.
  - (e) Each proposed absorption field area located in the conservation open space shall be situated in the closest proximity to the lot served.
  - (f) The responsibility for the maintenance of any individual absorption field shall be clearly defined including adequate surety, and an easement for the installation and maintenance of any such system shall be provided.
  - (g) Drainage easements for sewer lines may be counted toward the minimum conservation open space requirement.
- (3) Stormwater Management Systems. The following stormwater management practices may be counted toward the minimum conservation open space requirement, provided they meet the guidelines in the Pennsylvania Stormwater Best Management Practices Manual:
- (a) Infiltration basin provided the berms do not exceed 36 inches in height;
  - (b) Subsurface infiltration bed;
  - (c) Infiltration trench;
  - (d) Rain garden;
  - (e) Vegetated swale;
  - (f) Infiltration berm provided the berm does not exceed 24 inches in height.
- I. Easements. Easements for drainage, access, sewer or water lines, or other public purposes.
- J. Utility Rights-of-Way. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.
- K. Hunting, Trapping and Fishing. Hunting, trapping, and fishing per applicable state law.

#### **§500-41    Conservation Open Space Design and Other Standards**

- A. Four-Step Design. Conservation open space in all options shall be identified and laid out in accord with the Four-Step Design Process and conservation open spaces design standards in Chapter 390 (Subdivision and Land Development) which begins with the identification of primary and secondary conservation areas.
- B. Comprehensive Plan. Conservation open space shall be laid out in accord with the Borough Comprehensive Plan, to ensure that, over time, an interconnected network of conservation open space will be created.
- C. Layout. The conservation open space shall be in the largest blocks possible and shall be laid out to ensure that an interconnected network of open space will be provided.
- D. Permanence, Ownership and Maintenance. The required conservation open space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space



requirements for any other development, and defining the range of permitted activities. The conservation open space shall be owned and maintained in accord with Chapter 390 (Subdivision and Land Development).

- E. Use by Development Residents. In no case shall the amount of land available for the common use and enjoyment of the subdivision residents be less than 20 percent of the Adjusted Tract Area. Not less than 15 percent of the conservation open space shall be free of wetlands, floodway, and slopes over 15 percent; and, this minimum percentage shall be included in the conservation open space set aside for the common use and enjoyment of the subdivision residents.
- F. Trails. When the Borough Council determines a benefit to residents of the development in the form of trails or open space links, the applicant shall provide such linkages. In establishing the need for such linkages, the Borough Council may consider:
- (1) Implementation of the Borough Comprehensive Plan;
  - (2) Trails integral to children's access to schools and parks;
  - (3) Impact on woodland and stream corridors.
- G. Buffers for Adjacent Public Park Land. Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least 150 feet in width shall be provided within the development along its common boundary with such public land, within which no new structures or other improvements shall be constructed, nor shall any clearing of trees or understory growth be permitted, except as may be necessary for street or trail construction or for the removal of invasive plant species.
- (1) Where existing vegetation provides an adequate buffer, as determined by the Borough Council, the depth may be reduced to 75 feet.
  - (2) Where the buffer is un-wooded, the Borough Council shall require vegetative screening to be planted, or that it be managed to encourage natural forest succession through restricted mowing policies and the periodic removal of invasive plant species.
- H. Building Lots.
- (1) The lot layout shall respect Secondary Conservation Areas.
  - (2) No portion of any building lot shall be used for meeting the minimum conservation open space requirement.
  - (3) Building lots shall generally be accessed from interior streets, rather than from roads bordering the tract, unless otherwise permitted as part of the approval under Chapter 390 (Subdivision and Land Development).
- I. Access. Pedestrian and maintenance access shall be provided to conservation open space in accord with the following requirements:
- (1) No more than 15 lots shall be contiguous to each other without a community access point meeting the following standards:
    - (a) The width of the access strip shall not be less than 20 feet.
    - (b) The access strip shall extend the full depth of the adjacent lots.

- (2) Access to conservation open space used for agriculture or horticulture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.
- J. Landscaping. Conservation open space that is not wooded or farmed shall be landscaped in accord with the landscaping requirements and conservation open space management plan standards.
- K. Exterior Views. Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of this chapter and Chapter 390 (Subdivision and Land Development).

**§500-42 Commercial Uses in Developments with 250 or More Dwelling Units**

If a subdivision includes a minimum of 250 dwelling units, then as a conditional use, a maximum of two acres within the subdivision may be used for retail businesses and service establishments meeting the requirements of the C-1 Neighborhood Commercial District. The applicant shall prove to the Borough Council that the commercial development has been designed and located with traffic access that is fully coordinated with the residential development and with adjacent development.

**Part 2  
Additional Residential Standards**

**§500-43 Cottage Housing Development (Developer's option in R-1, R-2, and S Districts.) NEW**  
(Diagrams are illustrative only.)

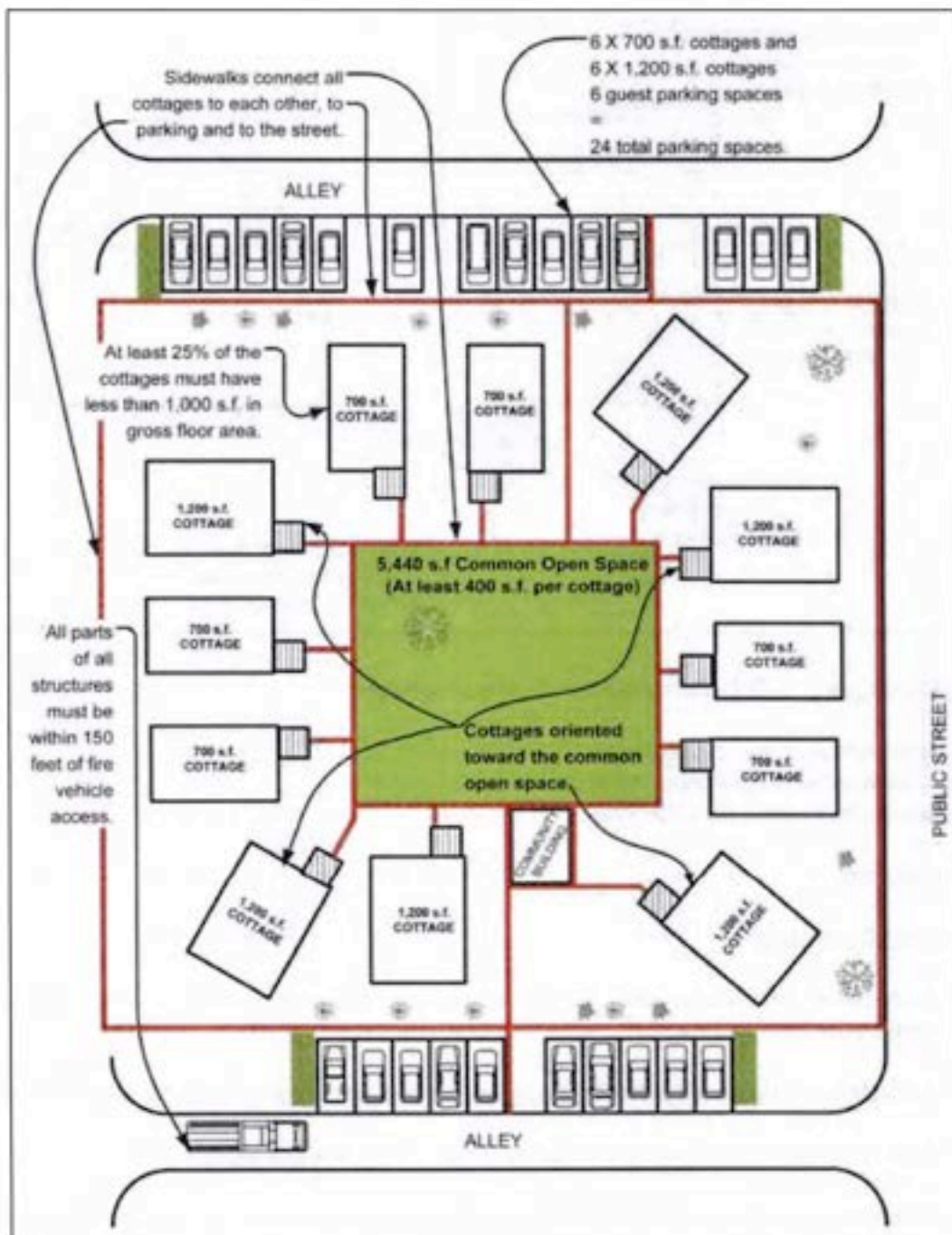
A. Intent and Age Restrictions.

- (1) Authorization; Zoning Districts. This section authorizes Cottage Housing Development (CHD) as a conditional use in R-1, R-2, and S Districts in accord with this §500-43.
- (2) Description. Cottage Housing is a type of housing appropriately sized for smaller households which encourages efficient use of land, affordability, and energy conservation. Cottage Housing allows for a higher density development than is normally allowed and is made possible by smaller home sizes, clustered home sites and parking and design standards.
- (3) Age Restrictions. Dwelling units in a cottage development shall be restricted to occupancy for at least one person 55 years of age or older and with no person less than 19 years of age pursuant to the Housing for Older Persons Act of 1995, as may be amended. However, not more than 30 percent of the units may be restricted to occupancy for at least one person 45 years of age or older and with no person less than 19 years of age.

B. Definitions. The definitions in this §500-43B shall supplement those in Article III.

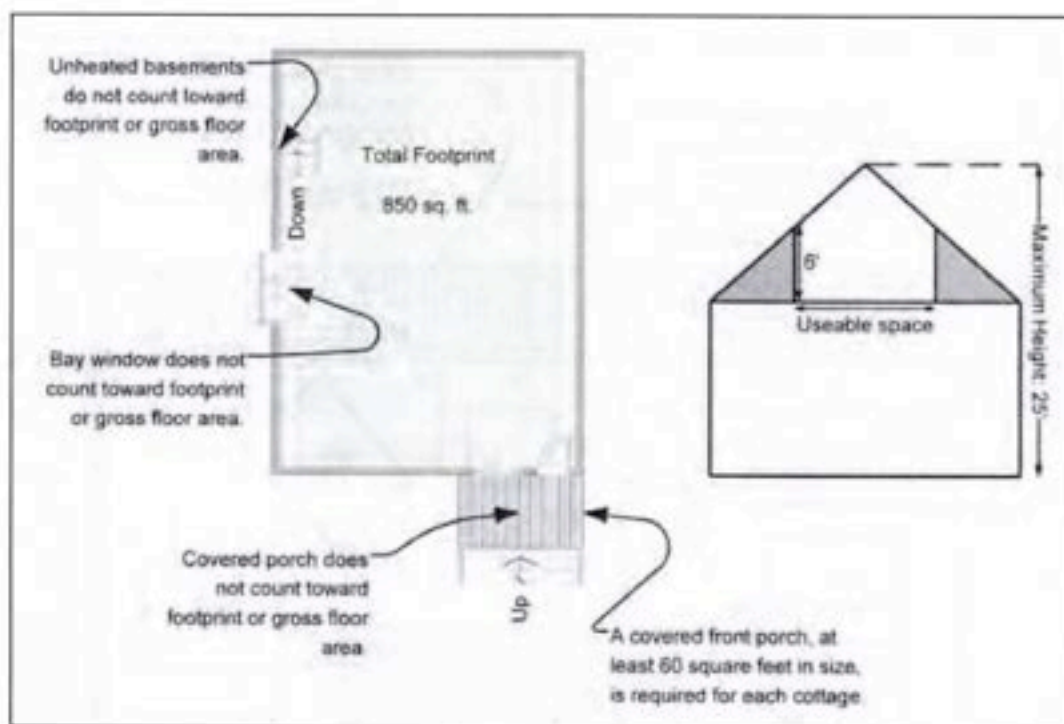
- (1) Cluster. A group of four to 12 cottages, arranged around a common open space.
- (2) Common Open Space. An area improved for passive recreational use or gardening, owned, and maintained commonly through a homeowners' or condominium association or similar mechanism.
- (3) Cottage. A single family detached dwelling unit that is part of a cottage housing development.
- (4) Cottage Housing Development (CHD). One or two clusters of cottages developed under a single land development plan, or as part of another land development plan.





(5) Footprint. The gross floor area of a cottage's ground-level story.

- C. Water Supply and Sewage Disposal. CHD shall only be permitted in areas served by central water supply and central sewage disposal.
- D. Density; Units per Cluster.
  - (1) Density. Cottages may be built at up to twice the underlying zoned density for single-family detached dwellings housing.



(2) Units per Cluster. A CHD is composed of clusters of cottages.

- (a) Minimum units per cluster: four.
- (b) Maximum units per cluster: twelve.
- (c) Maximum clusters per CHD: two.

E. Community Assets.

(1) Common Open Space

- (a) Each cluster of cottages shall have common open space to provide a sense of openness and community for residents.
- (b) Each cluster shall include at least 400 square feet of common open space per cottage in the cluster.
- (c) Each area of common open space shall be in one contiguous and useable piece.
- (d) To be considered as part of the minimum open space requirement, an area of common open space must have a minimum dimension of 30 feet on all sides.
- (e) The common open space shall be at least 3,000 square feet in area, regardless of the number of units in the cluster.
- (f) Required common open space may be divided into no more than two separate areas per cluster.
- (g) At least two sides of the common open space shall have cottages along its perimeter. The cottages shall front on the open space either directly or across a sidewalk or pathway.



- (h) Parking areas, required setbacks, private open space and driveways do not qualify as common open space.
- (i) Any Borough requirements for contributions to off-site recreation facilities shall be reduced for the CHD by the amount of common open space included in the development.

(2) Community Building

- 1. Community buildings are permitted in CHDs.
- 2. Community buildings shall be clearly incidental in use and size to dwelling units.
- 3. Building height for community buildings shall be no more than one story.

F. Common Ownership. Community buildings, parking areas and common open space shall be owned and maintained commonly by the CHD residents through a condominium association, a homeowners' association, or a similar mechanism, and shall not be dedicated to the Borough.

G. Design

(1) Cottage Size

- (a) The gross floor area of each cottage shall not exceed 1,200 square feet.
- (b) At least 25 percent of the cottages in each cluster shall have a gross floor area less than 1,000 square feet.
- (c) Cottage areas that do not count toward the gross floor area or footprint calculations are:
  - [1] Interior spaces with a ceiling height of six feet or less, such as in a second-floor area under the slope of the roof;
  - [2] Basements;
  - [3] Architectural projections such as bay windows, fireplaces or utility closets no greater than 24 inches in depth and six feet in width;
  - [4] d. Attached unenclosed porches;
  - [5] Garages or carports;
- (d) The footprint of each cottage shall not exceed 850 square feet.

(2) Unit Height - The maximum height of cottage housing units shall be 25 feet.

(3) Orientation of Cottages

- (a) Each dwelling unit shall be clustered around a common open space. Each unit shall have a primary entry and covered porch oriented to the common open space.

- (b) Lots in a CHD are not required to abut a public street.
- (c) Each unit abutting a public street (not including alleys) shall have a facade, secondary entrance, porch, bay window or other architectural enhancement oriented to the public street.

(4) Cottage Setbacks

- (a) The minimum setbacks for all structures (including cottages, parking structures and community buildings) in a CHD shall be:
  - [1] Ten feet from any public right-of-way.
  - [2] Ten feet from any other structure.
- (b) Cottages shall be no more than 25 feet from the common open area, measured from the facade of the cottage to the nearest delineation of the common open area.
- (c) No part of any structure in the CHD (including, but not limited to, cottages, parking structures and community buildings) shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access.

(5) Porches

- (a) Cottage units shall have covered front porches. The front porch shall be oriented toward the common open space.
- (b) Covered porches shall have at least 60 square feet in floor area.

(6) Basements - Cottages may have basements.

H. Parking

(1) Minimum Number of Off-Street Parking Spaces

- (a) Units up to 700 square feet: one space per dwelling unit.
- (b) Units 701-1,000 square feet: 1.5 spaces per dwelling unit, rounded up to the next whole number.
- (c) Units with more than 1,000 square feet: two spaces per dwelling.
- (d) The CHD shall include additional guest parking. A minimum of 0.5 guest parking spaces per dwelling unit, rounded up to the next whole number, shall be provided for each cottage cluster. Guest parking may be clustered with resident parking; however, the spaces shall include signs clearly identifying them as reserved for visitors.

(2) Parking Design

- (a) Parking shall be separated from the common area and public streets by landscaping and/or architectural screening. Solid board fencing shall not be allowed as an architectural screen.
- (b) Parking areas shall be accessed only by a private driveway or a public alley.



(c) The design of garages and carports-including roof lines-shall be similar to and compatible with that of the dwelling units within the CHD.

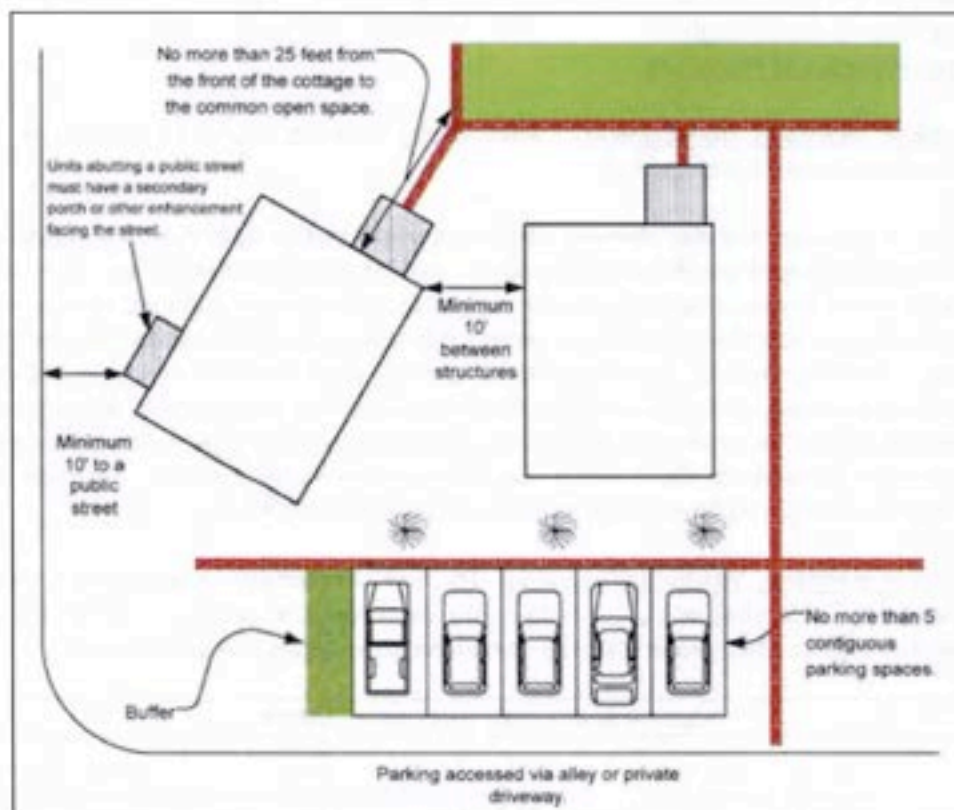
(d) Parking areas shall be limited to no more than five contiguous spaces.

#### I. Walkways

(1) A CHD shall have sidewalks along all public streets.

(2) A system of interior walkways shall connect each cottage to each other and to the parking area, and to the sidewalks abutting any public streets bordering the CHD.

(3) Walkways and sidewalks shall be at least four feet in width.



§500-44 to §500-48 Reserved

#### §500-49 Two-Family Dwellings **NEW**

Where permitted by the Schedule of Uses, two-family dwellings shall comply with the requirements of this §500-49 and other applicable standards in this chapter.

A. Common Property Line. In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. The area of each lot shall not be less than be 50 percent of the minimum lot size for a two-

family dwelling required by the Schedule of Development Standards in Article IV. Existing two-family dwelling units with a common wall may be subdivided along the wall without a lot area or setback variance.

- B. Single Parcel. In cases where the two-family dwelling is located on a single undivided lot consists of two dwelling units constructed with one unit located on the second floor above a first-floor dwelling unit the lot shall comply with the minimum lot size required for a two-family dwelling by the Schedule of Development Standards in Article IV. If such a two-family dwelling is proposed on two or more separate lots of record, said lots shall be combined into one lot prior to the issuance of a Zoning Permit.
- C. Conversions -- See §500-51.

#### §500-50 Multi-Family Dwellings

Updates old §500-35. Apartment houses, low-rise and § 500-39. Garden apartments.

Multi-family dwellings are permitted in certain districts to provide the opportunity for the development of a variety of housing types in the Borough.

A. Project Design Process and Procedure.

- (1) Subdivision and Land Development. Multi-family projects shall also subject to Chapter 390 (Subdivision and Land Development).
- (2) Site Plan. A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this chapter. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Borough. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

- B. Bulk and Density Standards; Parcel Configuration. The bulk and density factors listed in the Multi-Family Dwelling Standards Table shall apply to multi-family dwellings and projects. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and be contiguous.

MULTI-FAMILY DWELLING STANDARDS				
PROJECT STANDARDS	Quadrplexes	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (square feet)	<u>none – based on performance standards</u>			
Density (dwelling units per acre)	<u>10</u>	<u>10</u>	10	20
Maximum number of dwelling units per building	4	6	8	10
Setbacks (feet)	same as the zoning district			
Maximum lot coverage	same as the zoning district			
Maximum building height	same as the zoning district			



C. Design Criteria. The following design criteria shall apply to multi-family projects:

- (1) Road Standards. Access roads through the development shall comply with the street requirements of Chapter 390 (Subdivision and Land Development). Direct access of individual parking spaces to a road shall not be permitted, and any such access drive shall remain private.
- (2) Building Separation. All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than 20 feet.
- (3) Landscaped Buffers. Buffers shall be provided in accord with the landscaping requirements of Chapter 390 (Subdivision and Land Development).
- (4) Pedestrian Access. Walkways of such design and construction as approved by the Borough shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in Chapter 390 (Subdivision and Land Development).
- (5) Trash Storage. Exterior storage areas for trash and rubbish shall be screened from public view and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- (6) Architectural Renderings. Preliminary architectural renderings, models or photos for multi-family dwelling projects shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- (7) Townhouses: Facade Changes. A minimum of two changes in the front wall plane with a minimum offset of four feet shall be provided for every attached grouping of townhouses in one building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.

D. Nonresidential Use. Nonresidential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities, and the like for the use of the residents of the project shall be permitted.

E. **From old §500-39A** Open Space Required. In the case of quadraplexes, townhouses, and garden apartments, at least 25 percent of the garden apartment tract must be maintained in open space and be developed in recreational uses for the enjoyment of the residents. Areas for both active recreation (swimming, tennis, etc.) and passive recreation (landscaped walks, benches, gardens, picnic groves, etc.) may be included in the total area required for open space use.

F. Common Property Ownership and Maintenance. In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Borough in accord with Chapter 390 (Subdivision and Land Development). The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

- G. Lighting. Lighting shall be provided sufficient in number and intensity to provide for the safe movement of vehicles and pedestrians. Lighting shall comply with §500-67 and shall not reflect toward public streets or cause any annoyance to surrounding properties.

**§500-51 Residential Conversions**

Any conversion of a building to multi-family or two-family dwelling units shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter, and only when the resulting occupancy will comply with the requirements governing new construction in such district.

**Compare to old §500-36**

~~In districts where provided, single-family homes may be converted into two-family or multifamily structures, provided that the following conditions are met:~~

- ~~A. At least 1,500 square feet of lot area is required for each resulting dwelling unit.  
B. At least one off-street parking space shall be provided per resulting dwelling unit.  
C. The structure to be converted must be served by off-site water and sewerage facilities.  
D. Each dwelling unit shall have adequate light, air, and heating, as well as complete bathroom and kitchen facilities.~~

**§500-52 Manufactured Homes (Mobile Homes) NEW**

- A. Manufactured Homes on Individual Lots. A manufactured home placed upon single-family lot outside of a manufactured home park shall meet the following requirements:
- (1) The manufactured home shall comply with all applicable Uniform Construction Code requirements.
  - (2) The manufactured home shall have the wheels, axles and hitches removed prior to placement.
  - (3) The manufactured home shall comply in all respects with the requirements set forth in this chapter for single-family residences in the various districts.
- B. Manufactured Homes in a Manufactured Home Park. A manufactured home placed in a manufactured home park shall meet the requirements of Chapter 390 (Subdivision and Land Development).

**§500-53 Reserved**

**§500-54 Group Homes and Large Group Care Facilities Same as old §500-47. Ord. 2021-01 definition is not consistent.**

Group homes and large group care facilities (herein referred to as *facility* or *facilities*) shall be permitted in accord with the Schedule of Uses, this §500-54 and other applicable standards of this chapter.

- A. Support Facilities. The applicant shall demonstrate those support facilities that are essential to the functioning of the specific facility. These support facilities shall include, but are not limited to transportation, medical care, education facilities, recreation facilities, social services, and training facilities.
- B. Certification. The facility shall have obtained any and all licenses and permits required by the federal, state, county or local government which may be relevant to the particular type of facility.
- C. Group Home Floor Area. A minimum floor area of 900 square feet shall be provided for all group homes.



- D. Large Facility Floor Area. For large group care facilities, a minimum floor area of 900 square feet plus 110 square feet for every resident in excess of six shall be provided.
- E. Group Home Residents. Group homes shall not have more than six residents.
- F. Supervision. All facilities shall have 24-hour per day supervision of the residents by people qualified by training and experience in the field for which the group care facility is intended.
- G. Parking. One off-street parking space per employee for the maximum number of employees on any one shift shall be provided if the resident group members are not allowed to operate motor vehicles. If the resident group members are allowed to operate motor vehicles, one off-street parking space shall be provided for each resident as well.
- H. Services. The facility shall not provide medical, counseling, or other service to persons who do not reside at the facility.

~~Facility Separation. The lot on which the facility is sited shall be separated from lots on which any other facility is located by a minimum distance of 800 feet in any direction.~~

- I. Requirements. The facility shall comply with the following requirements, by providing said information to the Zoning Officer, on or before February 1st, of each year, or an annual basis:

- (1) The names, addresses, and telephone numbers of the primary and alternate supervisors of the facility.
- (2) The address of the operator of the facility for the acceptance of correspondence and service of documents, which address shall be within the Commonwealth of Pennsylvania, or in the event of a sponsor not maintaining an office within the Commonwealth of Pennsylvania, then the sponsor shall designate an agent for acceptance of correspondence and service of documents within the Commonwealth of Pennsylvania.
- (3) A current copy of all licenses held by the operator of the group home authorizing the operation of the group home facility.

~~J. Annual Fee ????. The above information shall be accompanied by an annual fee, payable to the Borough as shall be set by Borough Council by resolution. Until otherwise established, the fee shall be \$25 per annum.~~

~~K. Additional Information. The applicant shall also submit such additional information as shall be required by the annual application ??? to be filed with the Zoning Officer to accompany the above information.~~

#### **§500-55    Functional Families    NEW**

- A. Purpose. This §500-55 is to provide for the regulation of functional families that may request to reside in a dwelling unit and to prohibit larger groups of unrelated persons from residing in dwelling units. Larger groups of unrelated persons have been frequently shown to have a detrimental effect on residential neighborhoods since larger groups of unrelated persons do not live as a family unit and do not have significant economic or emotional ties to the neighborhood.
- B. Special Exception; Standards. The Zoning Hearing Board shall consider each application for a functional family as a special exception in accord with the standards of §500-176D and, among others, the following considerations:

## (1) Proposed occupants:

- (a) Share a strong bond or commitment to a single purpose (e.g., religious orders);
- (b) Are not legally dependent on others not part of the functional family;
- (c) Can establish legal domicile as defined by Pennsylvania law;  
~~Share costs of food, rent or ownership, utilities and other household expenses; per Ord.2021-01~~
- (d) Prepare food and eat together regularly;
- (e) Share in the work to maintain the premises;
- (f) Legally share in the ownership or possession of the premises; and
- (g) Share the entire dwelling unit or act as separate roomers.

## (2) Whether the household has stability akin to a permanent family. The criteria used to make this determination may include, among others, the following:

- (a) The length of stay together among the occupants in the current dwelling unit or other dwelling units;
- (b) The presence of minor, dependent children regularly residing in the household;
- (c) Whether the household is a temporary living arrangement or a framework for transient living; and,
- (d) Whether the composition of the household changes from year to year or within the year.

## (3) Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

C. Conditions. The Zoning Hearing Board may impose such additional conditions as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this chapter will be observed.

§500-56 Reserved

§500-57 Reserved

**DELETE ENTIRE SECTION**

602 Transferable Development Rights (TDR)



**ARTICLE VII  
STANDARDS**

**Part 1  
Design Standards**

**§500-58    Design of Commercial Establishments and Nonresidential Uses.    **NEW****

A. Intent. It is the intent of this §500-58 to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding character of the Borough. This shall be accomplished by:

- (1) Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site
- (2) Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
- (3) Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- (4) Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons
- (5) Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- (6) Considering the impact of stormwater, noise, odor, traffic, and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
- (7) Being consistent with any design guidelines adopted by the Borough.

B. Land Development. Any proposed nonresidential building shall be considered a "land development" as defined by the Pennsylvania Municipalities Planning Code and Chapter 390 (Subdivision and Land Development) unless excluded by definition. Such buildings shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Borough may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Borough Ordinances. The following shall be provided:

- (1) Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and zoning and municipal boundary lines, within 200 feet of the tract.
- (2) A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the land development.
- (3) Location and dimensions of vehicular drives, entrances, exits, acceleration, and deceleration lanes.
- (4) Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking.

- (5) Location, arrangement, and dimensions of truck loading and unloading spaces and docks.
  - (6) Location and dimensions of pedestrian entrances, exits, walks.
  - (7) Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
  - (8) Preliminary architectural drawings for all buildings.
  - (9) Location, size, height, and orientation of all signs other than signs flat on building facades.
- C. Site Design Process. The applicant shall demonstrate to the Borough by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:
- (1) Mapping of environmentally sensitive areas to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance
  - (2) Locating the building site.
  - (3) Locating required buffers.
  - (4) Laying out street access, parking/loading areas, and other required or proposed improvements.

## Part 2 Performance Standards

### §500-59 Intent and Applicability and Affidavit

A. Intent and Applicability. **Replaces and incorporates §500-12A & B.**

- (1) The intent of this Part 2 is to regulate the development and operation of all **proposed uses or change of uses development** in the Borough and to protect the environment and the public health, safety, and general welfare.
- (2) No use shall be permitted in any district if it is to be operated in such a manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive, environmental or other hazard; noise or vibration; smoke, dust, dirt, persistent odor, solid waste or air, water, or other form of pollution; electrical, glare, or other disturbance which will adversely affect the surrounding area or premises or be dangerous to public health or safety. Any such activity is hereby declared to be a public nuisance.
- (3) All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site. Such uses shall provide for the reservation and the minimal disturbance of natural drainage areas, minimal grading and disturbance of the ground surface, the preservation of substantial stands of trees and forested areas, and the preservation of attractive views and any other natural features existing on the site.
- (4) Any use permitted by this chapter may be undertaken and maintained if it conforms to all applicable requirements of this chapter, including the standards in this Part 2 which are intended to limit nuisance elements. The performance standards in this Part 2 shall apply to all proposed new or



expanded nonresidential uses, and residential uses explicitly referenced by a specific section. The standards in this Part 2 shall not apply to normal agricultural uses unless explicitly referenced by a specific section.

**B. Affidavit. NEW**

- (1) With the exception of residential uses, the applicant for a Zoning Permit for any other principal or accessory use shall include with such application an affidavit acknowledging his understanding of the performance standards in this Part 2 and applicable to such use and affirming his agreement to conduct or operate such use at all times in conformance with such standards.
- (2) The Right to Know Law protects certain information submitted in connection with a zoning permit from public disclosure by the Borough. §708(3) of the Right to Know Law, 65 P.S. 67.708(3), exempts, "A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, which may include ... (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems." Additionally, §708(11) of the Right to Know Law, 65 P.S. 67.708(11), exempts, "A record that constitutes or reveals a trade secret or confidential proprietary information." An applicant for a zoning permit may designate application material submitted to the Borough meeting the exemption criteria of the Right to Know Law as confidential. Such confidential information shall thereafter be protected from public disclosure by the Borough to the extent permitted by law.
- (3) Regardless of whether or not a use is required to comply with the procedure specified in this §500-598, every use shall comply with all applicable performance standards in this Article VII.

**§500-60 Setbacks and Buffers Replaces §500-12C(9) and links to new SALDO.**

Unless otherwise regulated by this chapter, where a nonresidential use is proposed contiguous to any existing residential dwelling and where a C-1, C-2, C-3, I, or S District adjoins any R-1, R-2, R-3, or R-4 District the minimum size of the abutting setback shall be increased by 50 percent and a landscaped buffer not less than five feet in width shall be provided in accord with this §500-60 and Chapter 390 (Subdivision and Land Development). Storage of equipment, supplies, products, or any other materials shall not be permitted in any front setback or side setback.

In the case of conditional uses and special exceptions, landscaped buffers may be required by the Borough in any setback in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust, and litter; and, to otherwise maintain and protect the character of the District.

- A. In determining the type and extent of the buffer required, the Borough shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. The width of the required buffer, as determined by the Borough, shall not be less than five feet.
- C. A mix of ground cover and shrubby vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six feet in height will be formed within three years of planting. Plants shall be species identified by the Chapter 390 (Subdivision and Land Development).

In lieu of the plantings, a solid fence six feet in height may be approved by the Borough.

- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four feet; however, all clear sight triangles shall be maintained.
- E. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Borough shall determine that the proposed use and adjoining use(s) are not incompatible.
- F. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in Chapter 390 (Subdivision and Land Development). It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

#### **§500-61 Landscaping NEW**

Landscaping for land developments shall comply with the requirements of Chapter 390 (Subdivision and Land Development). Following the completion of any land development project, the failure to maintain the landscaping shall be subject to the enforcement provisions of this chapter.

#### **§500-62 Operations and Storage Replaces and Incorporates §500-12C(3).**

All facilities and operations of any principal use (with the exception of nurseries, agriculture, and the display for sales purposes of new or used cars, motorcycles, trucks, trailers, vehicles, or farm equipment, in operative condition or other similar uses) including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and conducted within a building except as follows:

- A. Sales Area. One outdoor sales area meeting the required setbacks for the district shall be permitted not to exceed the lesser of 10 percent of the interior retail sales space or 500 square feet.
- B. Conditional Use/Special Exception.
  - (1) Outdoor storage for other uses may be approved as a conditional use for a use listed as conditional use by the Schedule of Uses and as a special exception for a use listed as a special exception.
  - (2) In the case of a use listed as a principal permitted use by the Schedule of Uses, outdoor storage shall be considered a conditional use.
  - (3) Larger setbacks and/or buffers to afford protection to adjoining uses and any public street rights-of-way may be required.
- C. Storage in Setback and Parking Areas. Storage of equipment, supplies, products or any other materials shall not be permitted in any required setback or parking areas.
- D. Vehicles, Trailers, Containers. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted in any zoning district except the I Industrial District and when used, such motor vehicles, truck trailers or other containers shall comply with accessory structure requirements. R-1, R-2, R-3, R-4, C-1, C-2 or C-3 Districts.



~~Highly flammable or explosive liquids, solids or gases shall be stored underground.~~

- E. Migration Off Lot. No materials or wastes shall be deposited upon a lot in such form that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- F. Materials Storage. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

**§500-63 Fire and Explosion Hazards NEW**

All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas or fencing may be required by the Borough or the Zoning Hearing Board.

**§500-64 Radioactivity or Electric Disturbance Same as §500-12C(6).**

Activities which may emit dangerous radioactivity beyond enclosed areas shall comply with state and federal laws and regulations. No electrical disturbances (except from domestic household appliances) shall be permitted to affect adversely, at any point, any equipment, other than that of the creator of such disturbance.

**§500-65 Noise [See also Chapter 314 (Noise)]**

Committee prefers to exclude any provisions which regulate decibel level. Should review Chapter 314 (Noise) to ensure it addresses industrial noise. Current Zoning §500-12C(1):

(1) Noise control.

- (a) The sound pressure level of any use (other than the operation of emergency or time signals) shall not exceed, at any point on the boundary of any industrial district or within the boundary of any other district, the following limitations, subject to the following corrections: Subtract five decibels for pulsating or periodic noises. Add five decibels for noise sources operating less than 20% of any one-hour period.

Octave Band In Hertz Per Second	Maximum Permitted Sound Level In Decibels Along Any Industrial District Boundary
0 to 599	55
600 to 2,399	40
2,400 to 4,799	38
Above 4,800	38

- (b) Sound pressure level shall be measured according to the specifications published by the American Standard Association. The Pennsylvania Department of Health, Division of Occupational Health shall, upon request, make decibel readings and determine compliance with the above standards.

**§500-66 Vibration Updated §500-12C(5)**

Operating or permitting the operations of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at 50 feet from the source if on a public space or public right-of-way shall be prohibited. For the purposes of this section, *vibration perception threshold* means the minimum ground-borne or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

**§500-67 Lighting and Glare New and incorporates glare from §500-12C(4)**

The standards of this §500-67 shall also apply to residential and agricultural uses. Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The applicant shall provide the proposed specifications of the proposed lighting and its arrangement on the site. Any proposal which is considered a land development as defined by Chapter 390 (Subdivision and Land Development) shall be governed by the lighting and glare standards in that ordinance. Following the establishment of any land development, the ongoing operation and maintenance of the lighting facilities shall comply with the requirements of this §500-67 and violations shall be subject to the enforcement provisions of this chapter.

**A. Purpose.** To set standards for outdoor lighting to:

- (1) Provide for and control lighting in outdoor places where public health, safety and welfare are potential concerns;
- (2) Protect drivers and pedestrians from the glare of non-vehicular light sources;
- (3) Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained, or shielded light sources; and
- (4) Promote energy efficient lighting design and operation.

**B. Applicability.**

- (1) This §500-67 shall apply to all uses within the Borough where there is exterior lighting that is viewed from outside, including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.
- (2) Exemptions. The following lighting applications are exempt from the requirements of this §500-67:
  - (a) Lighting within public right-of-way or easement for the principal purpose of illuminating streets or streets. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.
  - (b) Lighting for public monuments and statuary.
  - (c) Underwater lighting in swimming pools and other water features.
  - (d) Low voltage landscape lighting.
  - (e) Repairs to existing luminaires not exceeding 25 percent of the number of total installed luminaires.



- (f) Temporary lighting for theatrical, television, performance areas and construction sites.
- (g) Temporary lighting and seasonal decorative lighting provided that individual lamps are less than 10 watts and 70 lumens.
- (h) Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency.

C. Standards.

- (1) Illumination Levels. Lighting shall have illuminances, uniformities and glare control in accord with the recommended practices of the Illuminating Engineering Society of North America (IESNA) unless otherwise directed by the Borough.

- (2) Luminaire Design.

- (a) Horizontal Surfaces

- [1] For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, cul-de-sacs, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, , active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria.
    - [2] Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, luminaires that are fully shielded or comply with IESNA cutoff criteria may be used.

- (b) Non-horizontal Surfaces

- [1] For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Borough, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
    - [2] Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this §500-67C(2)(b).

- (3) Control of Glare.

- (a) All lighting shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
  - (b) Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses,

past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.

- (c) Barn lights, also known as dusk-to-dawn lights, when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.
- (d) Reserved
- (e) Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be extinguished after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of 25 percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Borough that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the 25 percent limit may be permitted as a conditional use.
- (f) Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Borough in accord with §500-67C(3)(e). The use of motion detectors is permitted.
- (g) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
- (h) Light Spillover.
  - (1) Residential. The illumination projected from any use onto a residential use or permanent open space shall at no time exceed 0.1 initial footcandle, measured line-of-sight at any time and from any point on the receiving residential property. This shall include glare from digital or other illuminated signs
  - (2) Nonresidential. The illumination projected from any property onto a non-residential use shall at no time exceed one initial footcandle, measured line-of-sight from any point on the receiving property
- (i) Height. Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of 20 feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Borough, shall not be mounted in excess of 16 feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Borough may, at its discretion, based partially on mitigation of potential off-site impacts, permit a



luminaire mounting height not to exceed 25 feet AFG. For maximum mounting height of recreational lighting, see §500-67D.

- (j) The United States, state and other official flags may be illuminated from dusk to dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.
  - (k) Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles and the maximum density shall not exceed 30 initial footcandles.
  - (l) Soffit lighting around building exteriors shall not exceed 15 initial footcandles.
  - (m) The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications towers is prohibited during hours of darkness except as required by the Federal Aviation Administration.
- (4) Installation.
- (a) Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accord with the National Electric Code (NEC) Handbook.
  - (b) Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind parking spaces, or where they could be hit by snowplows or wide-swinging vehicles, shall be protected by being placed a minimum of five feet outside paved area or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement, shielded by steel bollards or protected by other effective means.
  - (c) Pole mounted luminaires for lighting horizontal surfaces shall be aimed straight down and poles shall be plumb.
  - (d) Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.
  - (e) Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.
- (5) Maintenance. Luminaires and ancillary equipment shall be maintained so as to meet the requirements of this chapter.
- (6) Billboards and Signs. The lighting of new or relighting of existing billboards and signs shall require a permit, which shall be granted when the Zoning Officer is satisfied that excessive illumination, light pollution, glare, and light trespass have been adequately mitigated, and shall be subject to the following requirements:

- (a) Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted, and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign or billboard. Lighting shall be by linear fluorescent unless it can be demonstrated to the satisfaction of the Borough that such a mounting arrangement is not possible. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30 vertical footcandles during hours of darkness.
- (b) Internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed 500 initial lumens per square foot of sign face per side.
- (c) The illumination of a billboard within 400 feet of a residential use shall not be permitted.
- (d) Rotating, traveling, pulsing, flashing, or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
- (e) The use of highly reflective signs that creates nuisance glare or a safety hazard shall not be permitted.

D. Recreational Uses. The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally permitted luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Borough is satisfied that the health, safety and welfare rights of nearby property owners and the Borough as a whole have been properly protected. When recreational uses are specifically permitted by the Borough for operation during hours of darkness, the following requirements shall apply:

- (1) For racetracks and such recreational venues as golf driving ranges and trap-shooting facilities, the horizontal or near horizontal aiming of luminaires and projection of illumination may be permitted by conditional use. A visual impact analysis shall be required in accord with §500-67D(6).
- (2) A proposed illuminated recreational facility located within a R-1, R-2, R-3, or R-4 District or sited on a nonresidential property located within 1,000 feet of a property in a R-1, R-2, R-3, or R-4 District shall be considered a special exception.
- (3) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m. except in the occurrence of extra innings, overtimes or make-up games.
- (4) The Borough reserves the right to limit the number of illuminated sporting events per week or season.
- (5) Maximum mounting heights for recreational lighting shall be in accordance with the following:
  - (a) Basketball.....20 feet
  - (b) Football.....70 feet
  - (c) Soccer.....70 feet
  - (d) Lacrosse.....70 feet
  - (e) Baseball and softball
    - 1) 200-foot radius.....60 feet



- 2) 300 -foot radius ..... 70 feet
- (f) Miniature golf ..... 20 feet
- See driving range in §500-67D(1)
- (g) Swimming pool aprons ..... 20 feet
- (h) Tennis ..... 20 feet
- (i) Track ..... 20 feet
- (j) All uses not listed ..... 20 feet

(6) Visual Impact Plan. To assist the Borough in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required by §500-67E, but also by a Visual Impact Plan that contains the following:

- (a) Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
- (b) Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.
- (c) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5-foot line-of-sight.
- (d) Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of §500-67C(3).
- (e) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
- (f) A narrative describing the measures proposed to achieve minimum off-site disturbance.

E. Plan Submission. Lighting plans shall be submitted for Borough review and approval for subdivision and land development, conditional use, variance, zoning permit and special exception applications. The submitted information shall include the following:

- (1) A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flags and signs, by location, orientation, aiming direction, mounting height, lamp, photometry and type.
- (2) A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this chapter. When the scale of the plan, as judged by the Borough, makes a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.
- (3) Light-loss factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.
- (4) Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction

devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.

- (5) Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- (6) When requested by the Borough for conditional uses or special exceptions, the applicant shall also submit a Visual Impact Plan in accord with §500-67D(6).
- (7) Plan Notes. The following notes shall appear on the Lighting Plan:
  - (a) Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Borough for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and shall be accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan.
  - (b) The Borough reserves the right to conduct post-installation inspections to verify compliance with ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Borough, to require remedial action at no expense to the Borough.
  - (c) All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Borough.
  - (d) Installer shall notify Borough to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

F. Compliance Monitoring.

- (1) Safety Hazards. If the Zoning Officer determines that a lighting installation creates a safety hazard, an enforcement proceeding shall be initiated.
- (2) Nuisance Glare and Inadequate Illumination Levels. If the Zoning Officer determines that a lighting installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from the requirements of this chapter, enforcement proceedings shall be initiated.

G. Non-Conforming Lighting. A nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this §500-67 when:

- (1) It is deemed by the Zoning Officer to create a safety hazard;
- (2) It is replaced, abandoned or relocated;
- (3) There is a change in use; or
- (4) Minor corrective action is deemed appropriate by the Zoning Officer to bring the fixture or installation



into conformance with the requirements of this chapter. Minor corrective action shall be defined as having a cost not to exceed 25 percent of the cost of the replacement of the fixture or installation.

- H. Definitions. Words and phrases used in this §500-67 shall have the meanings set forth in this 67H. Words and phrases not defined in this §500-67 but defined in Article II shall be given the meanings set forth in Article II. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Architectural Lighting - Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

Footcandle - The amount of illumination the inside surface of a 1-foot radius sphere would receive if there were a uniform point source of one candela in the exact center of the sphere. The footcandle is equal to one lumen per square foot and is measurable with an illuminance meter (light meter).

Full Cutoff - Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire and no more than 10 percent of the lamp's intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, also is fully shielded.

Fully Shielded - A luminaire with opaque top and sides, capable of emitting light only in the lower photometric hemisphere as installed.

Glare - Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or loss in visual performance and visibility.

IESNA. Illuminating Engineering Society of North America

Lamp - A generic term for a source of optical radiation, often called a "bulb" or "tube."

LED - Light Emitting Diode.

Lighting System - On a site, all exterior electric lighting and controls.

Light Trespass - Light emitted by a luminaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

Lumen - As used in the context of this chapter, the light-output rating of a lamp (light bulb).

Luminaire - The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) when applicable, together with the parts designed to distribute the light (reflector lens, diffuser) to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire, Shielded Directional - A fully shielded luminaire with an adjustable mounting device allowing aiming in a direction other than straight downward.

**§500-68    Heat Control    From §500-12C(4).**

No use shall carry on an operation that will produce heat perceptible beyond the property line of the lot on which the operation is situated.

**§500-69 Control of Smoke, Dust and Dirt, Fumes, Vapors, Gases and Odors Same as §500-12C(2).**

Applicable state and federal pollution control laws shall govern the emission of smoke, dust, fly ash, fumes, vapors, gases, or odors. Necessary tests to determine compliance with such laws shall be required.

**§500-70 Surface and Ground Water Protection NEW**

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. In cases where any earth disturbance will result in the excavation of bedrock, the Borough may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Borough may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Borough. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. No use shall be permitted which would result in the depletion of ground water supplies. In cases where the use requires larger volumes of ground water, the developer shall provide documentation of compliance with Delaware River Basin Commission regulations.

**§500-71 Stormwater Management and Soil Erosion and Sedimentation Control NEW**

- A. Stormwater. A stormwater management plan and soil erosion control plan shall be required for review and approval. Said plan shall be prepared and implemented pursuant to the standards contained in Chapter 377 (Stormwater Management).
- B. Soil Erosion and Sedimentation Control. Soil erosion and sedimentation controls shall be provided in accord with County Conservation District and PA DEP requirements.

**§500-72 Waste Materials NEW**

No liquid, solid, toxic, or hazardous waste shall be stored or disposed in any commercial, residential, or other area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public street right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water or onto the ground. All waste materials shall be disposed of only in accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

**§500-73 Handicapped Access NEW**

Access for handicapped persons to all uses shall be provided in accord with all applicable state and federal requirements.

**§500-74 Settling and/or Storage Ponds and Reservoirs NEW**

All ponds, reservoirs or other such storage facilities which are associated with any manufacturing or industrial process, or any sewage or waste disposal process shall be fenced or shall otherwise be physically controlled to prevent access by the public. Said fence shall be not less than four feet high and of a design to restrict access to the area to be controlled. Any such facility which contains any material which is poisonous, toxic, or caustic, shall not be permitted.



**§500-75 Security NEW**

In cases where deemed necessary by the Borough (detention facilities and drug treatment centers, for example), the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, type of patients and/or residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

**§500-76 Water Supply and Sewage/Wastewater Disposal Replaces §500-12C(8)  
Deleted the detailed wastewater discharge quality parameters.**

- A. Water Supply. All uses shall be provided with an adequate and safe water supply as demonstrated by approval by the Borough Water Department or compliance with Chapter 447 (Wells).
- B. Sewage/Wastewater Disposal. Sewage and wastewater disposal shall be provided by a system meeting the needs of the proposed use and the requirements of the Borough Sewer Authority and PA DEP.

**§500-77 Electric, Diesel, Gas, or Other Power. Same as §500-12C(7)**

Every use requiring power shall be so operated that any service lines, substation, etc., shall conform to the highest applicable safety requirements, shall be constructed, installed, etc., so that they will be an integral part of the architectural features of the plant; or, if visible from abutting residential properties, shall be screened in accord with §500-12C(1).

**§500-78 Travel Routes and Traffic Impact Study (TIS) NEW**

- A. Travel Routes. The Applicant shall provide a map showing the public streets proposed to be used to travel to and from the facility and the Borough may require the Applicant to provide an evaluation prepared by a registered professional engineer of the condition of any Borough street which will be used and the potential damage which may occur from such use. The Borough may require a bond to insure the repair of any anticipated street damage.
- B. Traffic Impact Study (TIS).
  - (1) Intent. Traffic impact studies are required for certain activities to enable the Borough to assess the effect on the transportation system in and around the Borough and to:
    - (a) Ensure that proposed uses do not adversely affect the transportation network.
    - (b) Identify any traffic problems associated with site access.
    - (c) Determine traffic problems on private, Borough, County or State streets in the project traffic study area.
    - (d) Assist in the protection of the safety of the motoring public, air quality, and energy conservation.
  - (2) TIS Requirement.
    - (a) Thresholds. A TIS shall be required for all proposals that are projected to generate 150 or more trip-

ends per project peak hour or 1,500 trip-ends or more per day based on the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e., existing plus new traffic) above the peak hour or daily thresholds.

- (b) Other Projects. The Borough Council, Planning Commission, or Zoning Hearing Board may also, based upon the nature of a project and potential impacts on the Borough, require the developer to prepare and submit to the Borough a TIS for the following types of developments and uses:

- [1] Industrial parks.
- [2] Industrial uses.
- [3] Junkyards.
- [4] Mineral extraction including oil and gas wells.
- [5] Mineral processing.
- [6] Agricultural products processing.
- [7] Solid waste facilities and staging areas.
- [8] Warehouses and trucking terminals.
- [9] Concentrated animal feeding operations.
- [10] Transmission pipelines and hazardous liquid pipelines.
- [11] Pipeline compressor stations, metering stations or operation/maintenance facilities.
- [12] Any nonresidential use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas.
- [13] Any nonresidential use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas.
- [14] Any drive-in use.

The requirements of this §500-78B may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Borough, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Borough Council, Planning Commission, or Zoning Hearing Board may waive certain components of the TIS should such components be deemed unnecessary for certain uses.

- (3) Professional Requirements. The TIS shall be prepared by a registered professional engineer or transportation planner with verifiable experience in preparing such studies.

- (4) Study Methodology.

- (a) State Roads. In cases where PennDOT requires a TIS for access to a state road, a separate TIS shall not be required by the Borough. If PennDOT does not require a TIS and the traffic from the proposed use meets or exceeds the peak hour or daily thresholds, a TIS using PennDOT methodology shall be required.

- (b) Borough Streets. If a TIS is required for access to a Borough street, the TIS shall be prepared in accord with PennDOT methodology.



- (5) Recommended Improvements. If the analysis indicates a decrease in level of service for any movements will occur on study area streets, a description of proposed improvements to remedy deficiencies shall be included within the TIS. The following information shall be provided.
- (a) Proposed Recommended Improvements. This section shall describe the location, nature, and extent of proposed improvements to assure sufficient street capacity.
  - (b) Volume/Capacity Analysis at Critical Points. An iteration of the volume/capacity analysis shall be described which demonstrates results of making the improvements.
  - (c) Level of Service at Critical Points. As a result of the revised volume/capacity analysis presented in §278-78B(5)(b), levels of service for the street system with the improvements shall be presented.

#### **§500-79    Waste Containers    NEW**

All commercial, residential, and other uses shall provide adequate waste containers to store waste until disposal and to prevent litter.

- A. Screening. All trash dumpsters shall be screened as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.
- B. Setbacks. Any solid waste container with a capacity of five cubic yards or more shall be kept a minimum of 15 feet from any property line and any street right-of-way.
- C. Food Sales. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide at least one outdoor solid waste receptacle for customer use at a convenient location outside of the main exit door of the property. The operator of such use shall be responsible for regular emptying and maintenance of such receptacle.
- D. Enclosed Containers. Solid waste receptacles stored outdoors shall be adequately enclosed and covered to control the attraction of rodent and insects.

#### **§500-80    Other Regulations    NEW**

The Zoning Officer, Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be, shall require documentation from the Applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the PA Department of Environmental Protection, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

### **Part 3 Environmental Protection Replaces §500-13**

#### **§500-81    Environmental Impact Statement    DELETE ENTIRE SECTION**

~~The intent of this §500-81 is to provide the identification of environmental and community impacts and means of mitigation of impacts of development projects in the Borough. The Borough Council, Planning Commission, or Zoning Hearing Board may, based upon the nature of a project and potential impacts on the Borough, require the developer to prepare and submit to the Borough an environmental impact statement (EIS) for the following~~

~~types of developments and uses:~~

- ~~(1) Industrial parks,~~
- ~~(2) Industrial uses,~~
- ~~(3) Junkyards,~~
- ~~(4) Mineral extraction including oil and gas wells,~~
- ~~(5) Mineral processing,~~
- ~~(6) Agricultural products processing,~~
- ~~(7) Solid waste facilities and staging areas,~~
- ~~(8) Warehouses and trucking terminals,~~
- ~~(9) Concentrated animal feeding operations,~~
- ~~(10) Transmission pipelines and hazardous liquid pipelines,~~
- ~~(11) Pipeline compressor stations, metering stations or operation/maintenance facilities,~~
- ~~(12) Any nonresidential use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas,~~
- ~~(13) Any nonresidential use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas,~~

~~The requirements of this §500-81 may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Borough, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Borough Council, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the EIS should such components be deemed unnecessary for certain uses.~~

~~A. Purpose of EIS. The purpose of this EIS is to disclose the environmental and community consequences of a proposed action for consideration by the Borough for the determination of approval or denial of the project, and, if the project is approved, for the establishment of conditions of approval. This requirement is made in order to protect the natural environment and community.~~

~~B. Contents of EIS. An Environmental Impact Statement shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Borough to assess the impact. The EIS shall also include a comprehensive description of the existing environment and community and the probable future effects of the proposal. The description shall focus on the elements of the environment and community most likely to be affected as well as potential regional effects and ecological interrelationships.~~

~~At a minimum, the EIS shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts, and said proposal shall comply with all other standards included in this chapter and other Borough Ordinances:~~

~~(1) Soil Types,~~

- ~~(a) U.S.D.A. Soil Types (show on map)~~
- ~~(b) Permeability of soil on the site,~~
- ~~(c) Rate of percolation of water through the soil for each five acres.~~

~~(2) Surface Waters,~~

- ~~(a) Distance of site from nearest surface water and head waters of streams,~~



- ~~(b) Sources of runoff water.~~
- ~~(c) Rate of runoff from the site.~~
- ~~(d) Destination of runoff water and method of controlling downstream effects.~~
- ~~(e) Chemical additives to runoff water on the site.~~
- ~~(f) Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the County Conservation District.~~
- ~~(g) Said information shall be set forth in a stormwater management plan meeting the requirements of Chapter 390 (Subdivision and Land Development).~~

~~(3) Ground Cover Including Vegetation and Animal Life.~~

- ~~(a) Extent of existing impervious ground cover on the site.~~
- ~~(b) Extent of proposed impervious ground cover on the site.~~
- ~~(c) Type and extent of existing vegetative cover on the site.~~
- ~~(d) Extent of proposed vegetative cover on the site.~~
- ~~(e) Type of animal life and effect on habitat.~~

~~(4) Topographic and Geologic.~~

- ~~(a) Maximum existing elevation of site.~~
- ~~(b) Minimum existing elevation of site.~~
- ~~(c) Maximum proposed elevation of site.~~
- ~~(d) Minimum proposed elevation of site.~~
- ~~(e) Description of the topography of the site and any special topographic features, and any proposed changes in topography.~~
- ~~(f) Surface and subsurface geology.~~

~~(5) Ground Water.~~

- ~~(a) Average depth to seasonal high water table.~~
- ~~(b) Minimum depth to water table on site.~~
- ~~(c) Maximum depth to water table on site.~~
- ~~(d) Quality.~~

~~(6) Water Supply.~~

- ~~(a) The source and adequacy of water to be provided to the site.~~
- ~~(b) The expected water requirements (gallons per day) for the site.~~
- ~~(c) The uses to which water will be put.~~

~~(7) Sewage Disposal.~~

- ~~(a) Sewage disposal system (description and location on the site, of system).~~
- ~~(b) Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).~~
- ~~(c) Expected daily volumes of sewage.~~
- ~~(d) Affected sewage treatment plant present capacity and authorized capacity.~~

~~(8) Solid Waste.~~

- ~~(a) Estimated quantity of solid waste to be developed on the site during and after construction;~~
- ~~(b) Method of disposal solid waste during and after construction;~~
- ~~(c) Plans for recycling of solid waste during and after construction;~~

~~(9) Air Quality and Odor:~~

- ~~(a) Expected changes in air quality and odor due to activities at the site during and after construction;~~
- ~~(b) Plans for control of emissions affecting air quality and odor;~~

~~(10) Noise:~~

- ~~(a) Noise levels, above existing levels, expected to be generated at the site, (source and magnitude), during and after construction;~~
- ~~(b) Proposed method for control of additional noise on site during and after construction;~~

~~(11) Land and Water Surface Use and Community Character:~~

- ~~(a) Past and present use of the site with particular attention to storage or disposal of toxic or hazardous waste;~~
- ~~(b) Adjoining land uses and values and character of the area;~~
- ~~(c) Type and concentration of existing water craft uses;~~

~~(12) Critical Impact Areas: Any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas~~

~~(13) Historic Resources: Identification of structures or sites of historic significance and probable effect of project;~~

~~(14) Transportation Network: Existing network traffic volumes and capacities and need for improvements required by the project. In the case of PennDOT roads a copy of the traffic study required by PennDOT shall be submitted and in the case of Borough streets, the study shall be conducted in accord with PennDOT requirements;~~

~~(15) Law Enforcement: Existing law enforcement capabilities of the Borough and State; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development;~~

~~(16) Community Facilities and Services: Existing community facilities and services and how the proposed use will affect those facilities and services, including projected needs for additional facilities and services;~~

~~(17) Additional Requirements: In addition to the above requirements the Planning Commission and/or Borough Council or the Zoning Hearing Board may require such other information as may be reasonably necessary for the Borough to evaluate the proposed use for its effect on the community;~~

~~C. Additional Considerations: The following shall also be addressed:~~