
WINDSOR BOROUGH

ZONING ORDINANCE

This Windsor Borough Zoning Ordinance is a compilation of Windsor Borough Zoning Ordinance 5-87, adopted May 4, 1987 and Amendments 3-90, adopted June 4, 1990 and 1-92, adopted February 3, 1992.

YORK COUNTY, PENNSYLVANIA

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AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES; PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND FOR THESE PURPOSES, ESTABLISHING ZONES AND BOUNDARIES AND DESIGNATING AND REGULATING RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND PUBLIC USES WITHIN SUCH ZONES AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF, IN THE BOROUGH OF WINDSOR, IN THE COUNTY OF YORK AND COMMONWEALTH OF PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (ACT 247) AS ENACTED AND AMENDED.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WINDSOR in the County of York and the Commonwealth of Pennsylvania, as follows:

ARTICLE I

SHORT TITLE, PURPOSE AND DEFINITIONS

Section 100 SHORT TITLE

s.100.1 Short Title: This Ordinance shall be known as the "Windsor Borough Zoning Ordinance."

Section 101 PURPOSE

s.101.1 Purpose of Ordinance: The regulations in this Ordinance have been promulgated with the purpose of promoting, protection and facilitating --

- a) Coordinated and practical community development.
- b) Proper density of population.
- c) Adequate water and sewerage.
- d) Adequate police protection, schools, parks and other public requirements.
- e) Adequate light and air.
- f) Adequate transportation, parking and loading space.
- g) The protection of water resources and drainage ways.
- h) The public health, safety and general welfare.

The regulations are also designed to prevent --

- i) Overcrowding of land.
- j) Blight.
- k) Danger and congestion in travel and transportation.
- l) Injury or loss of health, life, or property from fire, flood, panic or other dangers.

s.101.2 Community Development Objectives: This Ordinance is enacted as part of the overall plan for the orderly growth and development of Windsor Borough. As such, this Ordinance is based upon the expressed or implied community development objectives as contained in the Windsor Borough Comprehensive Plan.

Section 102 DEFINITIONS

s.102.1 Word Usage: Words and phrases shall be presumed to be used in their ordinary context, unless such word or phrase is defined or interpreted differently within this section.

s.102.2 Language Interpretation: In this Ordinance when not inconsistent with the context --

- a) Words used in the present tense imply also the future tense.
- b) Words used in the singular imply the plural.
- c) The word "person" includes a partnership, corporation or other legal entity as well as an individual.
- d) The term "shall" or "must" is always mandatory.

s.102.3 Specific Words and Phrases: The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACTIVE SOLAR ENERGY - A solar energy system that requires external mechanical power to move the collected heat.

ALTERATIONS - As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

ALTITUDE - The angular distance from the horizon to the sun.

ANIMAL HOSPITAL - A building used primarily for the treatment, by a veterinarian, of small domestic animals, such as dogs, cats, rabbits and birds or fowl.

AZIMUTH - The angular distance between true south and the point of the horizon directly below the sun. (Sometimes referred to as "bearing".)

BASEMENT - A story having part, but not more than one half (1/2), of its height below the average level of the adjoining ground.

BUILDING - Any structure or edifice designed or intended for use as an enclosure, a shelter, or for protection of persons, animals or property.

Detached - A building which has no party wall.

Semi-Detached - A building which has only one party wall in common.

Attached - A building which has two or more party walls in common.

BUILDING AREA - The total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

BUILDING HEIGHT - The total overall height of a building measured from the basement floor, or grade level (if no basement exists), to the highest point of the roof.

CELLAR - A story partly underground and having more than one half (1/2) of its clear height below the average level of the adjoining ground.

COMPREHENSIVE PLAN - The plan, or parts thereof, if any, which have been adopted by the Borough Council, showing its recommendations for such systems as: land uses, parks and recreation facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation, highways, civic centers and other public improvements which affect the development of the Borough.

CONDITIONAL USE - A use which is not appropriate to a particular zoning district as a whole, but which may be allowed when specific standards and criteria listed in this Ordinance are met. Conditional uses are allowed or denied by the Borough Council after recommendations by the Planning Commission.

CONVALESCENT OR NURSING HOME - Any structure containing sleeping rooms where persons are housed or lodged and furnished with meals and nursing care.

CONVENTIONAL ENERGY SYSTEM - Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy-distribution components, which uses any source(s) of energy other than solar energy. These sources include, but are not limited to, gas, oil, coal and nuclear materials, but exclude windmills.

DISTANCE BETWEEN BUILDINGS - The required distance between facings or building walls measured at the narrowest point.

DRIVEWAY - A minor vehicular way providing access between a street and a parking area or garage within a lot or property.

DRIVE-IN BUSINESS - A commercial establishment, including a drive-in eating establishment, offering articles or services which are either purchased or consumed on the premises and which has a greater area devoted to the purchase and consumption of such articles and services on the outside than on the inside of the building.

DWELLING - A building or structure designed for living quarters for one or more families, including mobile homes, but not including rooming houses, convalescent homes, motels, hotels and tourist homes or other accommodations used for transient occupancy.

Single-Family - A building designed and occupied exclusively as a residence for one family.

Two-Family - A building designed and occupied exclusively as a residence for two families.

Multiple - A building designed and occupied as a residence for three or more families.

DWELLING UNIT - A building or portion thereof, designed to be occupied as a single housekeeping unit.

EASEMENT - A limited right of use granted in private land for public or quasi-public purpose.

EATING ESTABLISHMENT - Any public eating place where food is prepared and sold for consumption either on or off the premises.

ENERGY STORAGE FACILITY - Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

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

FARM - Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

FLOOR AREA, HABITABLE - The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches. Only that area that has a ceiling height above 80 inches can be included as habitable floor area. Earth-sheltered dwellings, designed as such, shall include the aggregate area used for habitation as defined above whether or not all or a portion is below ground level.

GARAGE, PRIVATE - A building or space used as an accessory to the main building, which provides the storage of motor vehicles of the families residing upon the premises and in which no occupation, business or service for profit is carried on.

GREENHOUSE, NURSERY - A use primarily involved in horticulture, which may include the sale of plants grown on the premises and goods and materials used in their production.

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

HOME OCCUPATION OR PROFESSION - A special type of an occupation or profession which is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

HOSPITAL - A place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care.

INSOLATION - The total amount of solar radiation (direct, diffuse and reflected) striking a surface exposed to the sky.

JUNK YARD - Any establishment or place, on public or private property, where a person stores or accumulates wrecked, abandoned or junked motor vehicles, machinery or equipment, scrap metal or materials, for the purpose of salvaging parts therefrom for use or resale, or the destruction of the same for resale as scrap. Any tract of land used for such purposes, regardless of ownership, shall be considered a separate "junk yard."

KENNEL - Any building, buildings and/or land used for the boarding, breeding or training of four or more dogs, cats, fowl or other small domestic animals, at least four (4) months of age and kept for purposes of profit, show, hunting or as pets, but not to include riding stables or cases involving animals raised for agricultural purposes.

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

LOADING SPACE - An off-street space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LOT - A parcel of land considered as a unit (1) for a principal use and/or (2) from the standpoint of ownership. It may be vacant, devoted to a certain use, occupied by a structure, or occupied by a group of structures that are united by a common interest or use.

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

LOT COVERAGE - A percentage which when multiplied by the lot area will determine the permitted building coverage area.

LOT WIDTH - The distance between the side property lines measured along the street right-of-way line.

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

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

MOBILEHOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. (Ordinance No. 3-90)

MOBILEHOME PARK - A parcel or contiguous parcels of land which has been so designed and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes. (Ordinance No. 3-90)

MULTI-FAMILY CONVERSION - A multi-family dwelling constructed by converting an existing building into apartments for more than two families without substantially altering the exterior of the building.

NONCONFORMITY - A use, structure, lot or dimension in conflict with the regulations of this Ordinance, (1) existing on the effective date of this Ordinance, or (2) existing at any subsequent amendment of this Ordinance, or (3) created by variance. Specifically, the following types of nonconformities are distinguished:

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or any amendment theretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Dimensional Nonconformity - A lot or structure which is nonconforming because it is not in compliance with the extent-of-use or dimensional regulations of this Ordinance.

OPEN AREA - A percentage which when multiplied by the lot area will determine the required unbuildable area of the lot. However, paved area is to be considered as part of the required Open Area.

OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT - A use of open land for leisure activities, such as a swimming pool, tennis court, riding stable, golf course or drive-in theater.

PARCEL - A unit of land which meets the following criteria:

- 1) Obtained by its owner or owners at the same time and by the same instrument (deed, will, etc.).
- 2) Is contiguous - land shall be considered contiguous even though separated by public or private roads.

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

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

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

PASSIVE SOLAR ENERGY SYSTEM - A solar energy system that uses natural properties of materials and architectural components to collect and store solar energy without using any external mechanical power.

PAVED AREA - A percentage which when multiplied by the lot area will determine the permitted open area which may be paved with an impervious surface. (ex.: driveways, parking areas, walkways).

PUBLIC - Owned, operated or controlled by a governmental agency (Federal, State or Local, including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

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

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

ROADWAY - The portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic. Sometimes referred to as a cartway.

ROOMING HOUSE - A building containing a single dwelling unit and guest rooms, where lodging is provided with or without meals for compensation.

SCREEN PLANTING - A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining Zones the structures and uses on the premises on which the screen planting is located.

SERVICE STATION - Any establishment which sells gasoline and/or diesel fuel to individual consumers, but not to include distributorships which deliver petroleum fuels directly to Borough residences or businesses. This gasoline station designation not only includes typical

"service stations", but also includes any drive-in establishment or convenience store which sells gasoline and/or diesel fuels; any such establishment must meet the criteria set forth in this Ordinance pertaining to gasoline stations, in addition to any other regulations pertaining to that use, regardless of the volume of sales of gasoline and/or diesel fuel.

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

Setback, Front - The distance between the street right-of-way line and the front setback line projected the full width of the lot. Commonly called "front yard".

Setback, Rear - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called the "rear yard".

Setback, Side - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "side yard".

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

SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

SIGN - A device for visual communication that is used to bring the subject to the attention of the public, but not including lettering or symbols that are an integral part of another structure or flags or other insignia of any government, government agency, or of any civic, charitable, religious, fraternal or similar organization.

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

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

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

Sign, Free-Standing - A sign supported by uprights or braces placed upon the ground and not attached to a building.

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

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

SOLAR ENERGY - Radiant energy (direct, diffuse, and reflected) received from the sun.

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

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

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

SOUTH - The orientation of any building or structure shall be considered as facing south if its longest axis has a maximum deviation of 20 degrees north of due east to 20 degrees south of due east.

SPECIAL EXCEPTION - The granting of the right to use land or the right to deviate from stated requirements which the Zoning Hearing Board is permitted to authorize in specific instances listed in this Ordinance under the terms, procedures and conditions prescribed herein.

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

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

STREET - Includes street, avenue, boulevard, road, highway, freeway, lane alley, viaduct and any other dedicated and accepted public right-of-way, or private right-of-way which is constructed to Borough specifications, used or intended to be used by vehicular traffic or pedestrians.

STREET GRADE - The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such mid-point shall be taken as the street grade.

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots, commonly known as the "right-of-way line."

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

Permanent - A structure which cannot readily be removed.

Temporary - A structure which can readily be removed.

SWIMMING POOL - Any reasonably permanent pool or open tank, not located within a completely enclosed building and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 ½) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

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

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

Principal Use - The main or primary use of property or structures, measured in terms of net floor area, or where no net floor area exists, measured in terms of net land area.

VARIANCE - The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for a particular modification to some regulation or provision of the Zoning Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of this ordinance.

YARD - A prescribed open area on a lot, unobstructed from the ground upward except as modified in Section 400 of this Ordinance.

Front - An area bounded by the street line, front setback line and side property line.

Rear - An area bounded by the rear property line, rear setback line and side property lines.

Side - Areas bounded by side property lines, and side, front and rear setback lines.

WIND ENERGY SYSTEMS (WINDMILLS) - A device for converting wind power to electrical or mechanical energy.

Horizontal Axis Windmills - Wind-powered apparatus that have a drive shaft or axis which is mounted horizontally, and are generally set upon a pole, piling or tower of considerable height.

Vertical Axis Windmills - Wind-powered apparatus that have a drive shaft or axis which is mounted vertically, and are generally set upon a raised base, platform or tripod (often closer to ground-level than horizontal axis windmills).

ARTICLE II

ZONE REGULATIONS

Section 200 ZONES AND BOUNDARIES

- a) Establishment of Zones: The Borough of Windsor is divided into Zones enumerated below and shown on the map entitled "Zoning Map of Windsor Borough" which map is part of this Ordinance.

R-1	-	Single-Family Residential Zone
VC	-	Village Center Zone
C	-	General Commercial Zone
I	-	Industrial Zone
FW, FF & FA	-	Flood Plain Zones

- b) Boundaries of Zones: Where uncertainty exists as to the boundaries of the Zones as shown on the zoning map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3) Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
- 4) Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines.
- 5) Boundaries indicated as parallel to or extensions of features indicated in Sub-section (a) through (d) shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- 6) Where physical or cultural features existing on the ground are at variance with those shown on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Sub-section (a) through (e), the Zoning Hearing Board shall interpret the district boundaries.

Section 201 USE REGULATIONS

- a) Uses Permitted: The uses permitted in the Zones established by this Ordinance and the permitted extent of these uses, are as shown in Section 202 through 205. The uses shown as permitted in each Zone are the only uses permitted in that Zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However,
 - 1) Additional general provisions are set forth in ARTICLE II.
 - 2) Modifications to the use or dimensional requirements are set forth in ARTICLE VI.
 - 3) Standards for Special Exception uses are set forth in ARTICLE IV and V.
- b) All Other Uses: Any use not specifically allowed in this Ordinance shall be allowed by Special Exception in the Zone or Zones where, and to the extent that, similar uses are permitted or allowed. Said use must meet the requirements for a Special Exception and must not constitute a public or private nuisance.
- c) Accessory Uses and Structures: Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in Section 300.
- d) Uses with Nuisance Effect: In no case is a use permitted, which by reason of noise, dust, odor, appearance or other objectionable factors creates a nuisance, hazard or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.

Section 202 SINGLE-FAMILY RESIDENTIAL ZONE (R-1)

- a) Purpose: The purpose of the Single-Family Residential Zone is to provide for the orderly expansion of suburban-type residential development; to provide for the public health and to prevent the overcrowding of the land through the application of maximum housing densities; to provide standards which will encourage the installation of public facilities and the preservation of public open space; to exclude activities of a commercial or industrial nature and any activities not compatible with residential development; to provide for the public convenience and avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purpose of this Ordinance.
- b) Uses by Right: The following principal uses are permitted by right in the R-1 Zone:
- 1) Single-family Dwelling
 - 2) Farm Buildings
 - 3) Crops, Pasture
- c) Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE IV of this Ordinance.
- 1) Park or Other Recreation Area of a Nonprofit Nature
 - 2) Public Buildings and Facilities
 - 3) Public Utility Building or Installation
 - 4) Home Occupation
 - 5) Private Day Care Center or Nursery School
 - 6) Cluster Development
 - 7) Outdoor Commercial Recreation Establishments
 - 8) Cemetery
 - 9) House of Worship
 - 10) Mobile Home Park
 - 11) Funeral Home
- d) Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this Zone:

	Public Water and <u>Public Sewer</u>	Public Water or <u>Public Sewer</u>	No Public Water or <u>Public Sewer</u>
Minimum Lot Area	9,000 sq. ft.	15,000 sq. ft.	40,000 sq. ft.
Minimum Lot Width	80 ft.	100 ft.	150 ft.

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

1) Front setback - Thirty (30) feet.

2) Each side setback - Ten (10) feet.

3) Rear setback - Thirty (30) feet.

f) Building Height: The height limit for a main building shall be two and one-half stories, but not over thirty-five (35) feet. The height limit for an accessory building shall be one story, but not over fifteen (15) feet. Farm buildings shall be exempted from the aforementioned height requirements.

No building or structure shall be constructed which will cast a shadow on the first floor of the south facing wall of any dwelling between the hours of 9:00 am and 3:00 pm on any winter solstice day, December 21st.

g) Lot Coverage: Not more than 25 percent of the lot area may be covered by buildings or structures, including accessory buildings.

h) Open Area: Not less than 75 percent of the lot area shall be devoted to open area, as defined in this Ordinance.

i) Paved Area: Not more than 15 percent of the lot area may be paved with an impervious surface (example: driveways, parking areas, walkway).

Section 203 VILLAGE CENTER ZONE (VC)

a) Purpose: The purpose of the Village Center Zone is to encourage orderly development and the preservation of existing older residential uses and local commercial services in the community by providing public facilities necessary for the health, welfare, and general convenience of the population; to prevent overcrowding of the land by restricting maximum housing densities; to preserve public open space; to exclude any activities not compatible with the Village Center environment; to provide for the public convenience; and to avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this Ordinance.

b) Uses by Right: The following principal uses are permitted by right in the VC Zone:

- 1) Single-Family Dwelling
- 2) Two-Family Dwelling

c) Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE IV of this Ordinance.

- 1) Multi-Family Dwelling
- 2) Multi-Family or Two-Family Conversion, Rooming House, or Group Quarters
- 3) Professional or Business Office
- 4) House of Worship.
- 5) Park or Other Recreation Area of a Nonprofit Nature
- 6) Public Buildings and Facilities
- 7) Public Utility Building or Installation
- 8) Home Occupation
- 9) Private Day Care Center or Nursery School
- 10) Greenhouse, Horticultural Nursery

d) Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this Zone:

	<u>Public Water and Public Sewer</u>	<u>Public Water or Public Sewer</u>	<u>No Public Water or Public Sewer</u>
Minimum Lot Area	7,800 sq. ft.	15,000 sq. ft.	40,000 sq. ft.
Minimum Lot Width	65 ft.	100 ft.	150 ft.

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

- 1) Front setback - Twenty-five (25) feet.
- 2) Each side setback - Ten (10) feet.
- 3) Rear setback - Twenty-five (25) feet.

- f) Building Height: The height limited for a main building shall be three stories, but not over 40 feet. The height limit for an accessory building shall be one story, but not over fifteen feet.
- g) Lot Coverage: Not more than 30 percent of the lot area may be covered by buildings or structures, including accessory buildings.
- h) Open Area: Not less than 70 percent of the lot area shall be devoted to open area, as defined in this Ordinance.
- i) Paved Area: Not more than 20 percent of the lot area may be paved with an impervious surface (example: driveways, parking areas, walkway).

Section 204 GENERAL COMMERCIAL ZONE (C)

a) Purpose: The purpose of this Zone is to provide reasonable standards for the development of compatible residential and commercial uses in areas where such uses already exist and where the development of such uses is feasible and appropriate.

b) Uses by Right: The following principal uses are permitted by right in the C zone:

- 1) Single-Family Dwelling
- 2) Two-Family Dwelling
- 3) Retail Store or Shop
- 4) Personal Service Shop
- 5) Professional or Business Office
- 6) Eating Establishment
- 7) Outdoor and Vehicle Sales
- 8) Parking Lot or Parking Garage

c) Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE IV of this Ordinance.

- 1) Medical and Dental Clinic
- 2) Service Station
- 3) Kennel and/or Animal Hospital
- 4) Public Utility Building or Installation
- 5) Drive-in Business
- 6) Greenhouse, Horticultural Nursery
- 7) Public Building and Facilities
- 8) Home Occupation
- 9) Shopping Center or Mall
- 10) Vehicle Repair Shop
- 11) Advertising Sign (Billboard)
- 12) Convalescent Home, Hospital
- 13) Outdoor Commercial Recreation Establishment

d) Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this Zone:

	Public Water and <u>Public Sewer</u>	Public Water or <u>Public Sewer</u>	No Public Water or <u>Public Sewer</u>
Minimum Lot Area	7,800 sq. ft.	15,000 sq. ft.	40,000 sq. ft.
Minimum Lot Width	65 ft.	100 ft.	150 ft.

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

- 1) Front setback - Twenty (20) feet.

- 2) Each side setback - Ten (10) feet.
- 3) Rear setback - Ten (10) feet.
- f) Building Height: The height limit for a main building shall be three stories, but not over forty (40) feet. The height limit for an accessory building shall be one story, but not over fifteen (15) feet.
- g) Lot Coverage: Not more than 65 percent of the lot area may be covered by buildings or structures, including accessory buildings.
- h) Open Area: Not less than 35 percent of the lot area shall be devoted to open area, as defined in this Ordinance.
- i) Paved Area: Not more than 25 percent of the lot area may be paved with an impervious surface (example: driveways, parking areas, walkways).

- a) Purpose: The purpose of this Zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the Borough and otherwise further the purposes of this Ordinance. In promoting these and the general purposes of this Ordinance, the specific intent of this Zone is:
- 1) To encourage the development of and continued use of land for industrial purposes.
 - 2) To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the district.
 - 3) To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration and fire and safety hazards.
- b) Uses by Right: The following principal uses are permitted by right in the I Zone:
- 1) Public Building and Facilities
 - 2) Public Utility Building
 - 3) Parking Lot or Parking Garage
 - 4) Enclosed Processing Establishment; e.g. laundry, large appliance or equipment repair shop
 - 5) Research Laboratory
 - 6) Light Manufacturing: Manufacturing and Storage Use including, but not limited to, printing and publishing, soft drink bottling, packaging products in the form of powder or other dry state, lace manufacturer, sewing apparel, assembly of electronic apparatus, instrument making, tool and die making, cabinet making, electroplating metals, molding plastics, that DOES NOT --
 - Cause dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot.
 - Cause vibration beyond the boundaries of the lot.
 - Cause noise exceeding that of street traffic at the front, side and rear lot lines.
 - Cause glare observable from beyond the boundaries of the lot, and this includes such uses as --
 - 7) General Manufacturing: Manufacturing use including, but not limited to, food, except meat-packing, furniture, textiles, leather, rubber, paper, fabricated metals, machinery, stone, clay and glass which DOES NOT constitute an unusual fire or explosion hazard and DOES NOT create a nuisance by reason of smoke, odor, dust, noise or glare.
 - 8) Caretaker or Watchman Dwelling
 - 9) Heavy Storage Service (e.g. warehouse, building material yard)

c) Uses by Special Exception: The following principal uses shall be permitted as Special Exception when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLE V of this Ordinance.

- 1) Truck or Motor Freight Terminal
- 2) Chemical Manufacturing, Processing and Storage Operations
- 3) Wholesale Vehicle Sales Terminal or Auction
- 4) Advertising Sign (Billboard)
- 5) Junkyard, Automobile Dismantling Plant
- 6) Industrial Park

d) Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this Zone:

	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
Minimum Lot Area	20,000 sq. ft.	30,000 sq. ft.	40,000 sq. ft.
Minimum Lot Width	100 ft.	150 ft.	150 ft.

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

- 1) Front setback - Thirty (30) feet.
- 2) Each side setback - Twenty (20) feet.
- 3) Rear setback - Thirty (30) feet.

f) Building Height: The height limit shall be three stories, but not over forty (40) feet. The height limit for an accessory building shall be two stories, but not over thirty-five (35) feet. The height limitations may be extended to seventy-five (75) feet in warehouses that incorporate high-stack technology and appropriate fire prevention techniques.

g) Lot Coverage: Not more than 65 percent of the lot area may be covered by buildings or structures, including accessory buildings.

h) Open Area: Not less than 35 percent of the lot area shall be devoted to open area, as defined in this Ordinance.

i) Paved Area: Not more than 25 percent of the lot area may be paved with an impervious surface (example: driveways, parking areas, walkways).

Section 206 FLOOD PLAIN ZONES - Floodway (FW), Flood Fringe (FF),
General Flood Plain Area (FA)

- a) Purpose: The purpose of these Zones is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
- 1) Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
 - 2) Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
 - 3) Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage.
 - 4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- b) Warning and Disclaimer of Liability: The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain Zones, or that land uses permitted within such Zones will be free from flooding or flood damage.

This Ordinance shall not create liability on the part of Windsor Borough or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

c) Establishment of Flood Plain Zones

1) Description of Zones

- i) Basis of Zones: The various flood plain Zones shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these Zones shall be the Flood Insurance Study prepared by the Susquehanna River Basin Commission for the Federal Insurance Administration (FIA), dated May, 1982.

— The Floodway Zone (FW) is delineated for purposes of this Ordinance using the criteria that a certain area with the flood plain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this Zone are specifically defined in Table 1 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.

— The Flood-Fringe Zone (FF) shall be that area of the one hundred (100) year flood plain not included in the Floodway Zone. The basis for the outermost boundary of this Zone shall be the one hundred (100) year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study (FIS), and as shown on the accompanying Flood Boundary and Floodway Map.

— The General Flood Plain Zone (FA) shall be that flood plain area for which no detailed flood profiles or elevations have been provided. Such areas are shown on the Flood Boundary and Floodway Map accompanying the FIS prepared for the FIA. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques.

Hydrologic and hydraulic analyses shall be undertaken only by Professional Engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

ii) Overlay Concept

— The aforementioned Flood Plan Zones shall be overlays to the existing underlying Zones as shown on the Official Zoning Map, and as such, the provisions for the flood plain Zones shall serve as a supplement to the underlying Zone provisions.

— Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain Zones and those of any underlying Zone the more restrictive provisions and/or those pertaining to the flood plain Zones shall apply.

1) Inclusion in Zoning Map: The boundaries of the Flood Plain Zones are established as shown on the Flood Boundary and Floodway Map, dated November 3, 1982, prepared by the Susquehanna River Basin Commission for the Federal Insurance Administration. The said map is hereby incorporated into and made a part of the Official Zoning Map of Windsor Borough. A copy of said map shall be kept on file at the Borough office and be available for inspection during regular office hours.

2) Zone Boundary Changes: The delineation of any of the flood plain Zones may be revised by the Borough Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, or other qualified agency or individual documents the advisability for such change, approval must be obtained from the Federal Insurance Administration (FIA) or its successor agency.

3) Interpretation of Zone Boundaries: Initial interpretations of the boundaries of the Flood Plain Zones shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Zones, the person questioning or contesting the location of the Zone boundary shall be given a reasonable opportunity to present his case to the Borough Zoning Hearing Board and to submit his own technical evidence if he so desires. Should the person

choose to seek a variance to the zoning regulations to accommodate his development, he must follow the procedures to present his case to the Zoning Hearing Board. Should the person choose to have the Zone boundary changed to reflect more accurate flooding data, he must follow the procedures to present his case to the Borough Council for a zoning amendment.

- d) Zone Provisions: All uses, activities, land filling and development occurring within any flood plain Zones shall be undertaken, only in strict compliance with the provision of this Ordinance and with all other applicable codes and Ordinances such as the Borough Building Permit Ordinance and the Borough Subdivision and Land Development Ordinance.

Under no circumstances shall any use, activity, land filling and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system. Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the municipality, a permit shall be obtained from the Pennsylvania Department of Environmental Resources, Dams and Encroachment Division. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration or its successor agency and the Pennsylvania Department of Community Affairs.

- a) Floodway Zone (FW): In the Floodway Zone no development shall be permitted, except where the effect of such development of flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities, as required.
- i. Permitted Uses: In the Floodway Zone the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment.
- Agricultural and farm uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, bicycling and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.
 - Floating docks property anchored and secured when either in the water or when stored on shore.
 - Accessory residential uses such as yard areas, gardens, play areas and parking areas.
 - Accessory industrial and commercial uses, such as yard areas, parking and loading areas, helicopter landing areas.
- ii. Uses Permitted by Special Exception: The following uses and activities may be permitted by Special Exception, provided that they are in compliance with the provisions of the underlying Zone and are not prohibited by any other ordinance.

- Structures, except for dwellings, accessory to the uses and activities in Section 1 above.
- Utilities and public facilities and improvements, such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.

- Water-related structures, such as marinas, docks, wharves, piers:

- Extraction of sand, gravel and other materials.
- Temporary uses, such as circuses, carnivals and similar activities.
- Storage of materials and equipment, provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.

2) Flood-Fringe Zone (FF): In the Flood-Fringe Zone the development and/or use of land shall be permitted in accordance with the regulations of the underlying Zone provided that all such uses, activities and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in all other applicable codes and ordinances.

3) General Flood Plain Zone (FA): In the General Flood Plain Zone, no development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) permitted in the underlying Zone, shall be permitted unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point. Increases in flood heights shall be calculated by means of current, generally accepted engineering methods.

e) Special Exceptions and Variances - Factors to be Considered: In passing upon applications for Special Exceptions and Variances, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and:

- 1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels during the one hundred (100) year flood.
- 2) The danger that materials may be swept on to other lands or downstream to the injury of others.
- 3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

- 5) The importance of the services provided by the proposed facility to the community.
- 6) The requirements of the facility for a waterfront location.
- 7) The availability of alternative locations not subject to flooding for the proposed use.
- 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- 10) The safety of access to the property in times of flood of ordinary and emergency vehicles.
- 11) The expended heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- 12) Such other factors, which are relevant to the purposes of this Ordinance.

The Zoning Hearing Board, with approval of the Borough Council, may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

Special exceptions and/or variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws and ordinances.

- f) Existing Structures in Flood Plain Zones: A structure or use of a structure or premises, which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions.
- 1) Existing structures and/or uses located in any flood-way Zone shall not be expanded or enlarged unless such expansion or enlargement meets the requirements of all applicable Borough Ordinances and the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
 - 2) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any flood plain Zone to an extend or amount of less than fifty (50) percent of its market value, shall be elevated and/or incorporate flood-proofing measures, regardless of its location in the flood plain Zone. However, minor repairs shall be exempt from this provision provided that no structural changes or modifications are involved. Minor repairs shall include the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but shall not include any addition, change or modification in construction, exit facilities, or permanent fixtures or equipment.

3) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in a flood plain Zone to an extent or amount of fifty (50) percent or more if its market value shall be undertaken only in full compliance with the provisions of this or any other applicable Ordinances.

4) Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue

ARTICLE III

GENERAL PROVISIONS

Section 300 ACCESSORY USES AND STRUCTURES

- a) Attached Structures: A permanent-roofed accessory structure attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- b) Nonattached Structures: A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear yards as long as it is at least three feet from any property line. For all other requirements, a nonattached structure is considered a part of the principal building.
- c) Fences and Walls: No fence or wall (except retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than four feet in a front yard area and more than six feet in any other yard area in a Residential Zone. For all uses in the Commercial or Village Center Zones, no fence may exceed eight feet in height in any yard area. Any lighting fixtures, name plates, mailboxes, and similar attachments to walls and fences are exempted from the height restrictions of this section (s.300 c)).
- d) Solar and Wind Energy Facilities: Solar or wind energy systems either as part of a structure or as an independent structure providing a portion of the electricity, mechanical power, space heating, space cooling or domestic hot water heating for a permitted use in any Zone shall be permitted as accessory uses subject to the following constraints:
 - 1) No solar energy system located on the ground shall exceed a height of 8 feet.
 - 2) The maximum ground coverage of a structure supporting a solar collector shall not exceed 25 percent of the area of the ground floor of the principal building.
 - 3) Solar Energy Systems must be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as a part of a structure or incidental to a structure or group of structures nearby.
- e) Television Reception Apparatus: (excluding roof-mounted antennas): On any residential lot, television receiver radar disks and similar apparatus must be located to the rear of the dwelling unit. Such devices shall not be placed in any required setback area and must be appropriately screened or fenced so as not to be an eyesore to neighboring properties.

Section 301 OUTDOOR SIGNS

a) Signs Permitted and Extent-of Use:

- 1) Drive-in Business: For a drive-in business, business signs are permitted, as long as their number does not exceed two per street frontage and their combined area does not exceed 50 square feet per street frontage.
- 2) Other Uses: For other uses, one sign is permitted on each street frontage of a lot for each occupancy or purpose and an additional sign for each occupancy or purpose is permitted for every 200 feet of street frontage or major fraction thereof, all in accordance with Sub-section (5). However, for business signs, any number of signs are permitted as long as their total area does not exceed the maximum under (5).
- 3) All Uses: For all uses, business signs must be at least 60 feet apart, and no sign exceeding 30 square feet in area may be located within 75 feet of a Residential Zone.
- 4) Determination of Size: The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs, the space between such letters, figures and designs shall be included.
- 5) Type, Location and Size of Sign:

<u>Type of Sign</u>	<u>Where Permitted</u>	<u>Maximum Size</u>
Traffic	Any Zone	-----
Home occupation Or profession	Where use is permitted	2 sq. ft.
Trespassing	Any Zone	2 sq. ft.
Utility	Any Zone	2 sq. ft.
For sale, for rent, sold and rented	Any Zone	6 sq. ft.
Work sign of builders, painters and other artisans while performing work on the premises	Any Zone	12 sq. ft.
Directional	Any Zone	6 sq. ft.
Identification and infor- mation of churches, schools, & other nonprofit institutions	Any Zone	20 sq. ft.

<u>Type of Sign</u>	<u>Where Permitted</u>	<u>Maximum Size</u>
Apartment development, sub-division	Where use is permitted	20 sq. ft.
Temporary sign for sale of agricultural and horticulture products and for construction projects	Any Zone	12 sq. ft.
Business	Where use is permitted	50 sq. ft.
Advertising (Billboard)	As permitted by special exception	250 sq. ft.

b. Setback of Signs:

- 1) Attached Signs: No portion of an attached sign may extend beyond the building setback line.
- 2) Free-standing Signs: No portion of a free-standing sign may be closer to a street right-of-way line than 15 feet.

c. Buntings & Pennants: Buntings and pennants are permitted only to announce the opening of a new business or industry, or in connection with a civic event, and must be removed after 30 days.

d. Projection of Signs: No sign may project --

- 1) Over a public sidewalk area.
- 2) Over a public highway or street, unless specifically authorized by other Borough or State regulations.
- 3) More than 35 feet above the ground, except for an attached sign, which may project 10 feet above the roof of the buildings.

e. Illumination of Signs:

- 1) Flashing and intermittent lights are permitted only in the Commercial Zone within the Borough.
- 2) A sign may be illuminated only if the lighting is so-screened that it is not directed or reflected toward any adjacent residence, or so it does not obstruct the vision of motorists.
- 3) Flashing and intermittent light; and signs which are illuminated in the colors, red, green or amber, either by colored bulbs or tubing, or in high-reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of 200 feet of a highway traffic light or similar safety device or from the center of any street intersection.

f. Temporary Signs:

- 1) A temporary sign for the sale of agricultural and horticultural products may be erected for period not exceeding 120 days.
- 2) A temporary sign for a construction project may be erected and maintained for as long as project is under construction.
- 3) A temporary sign, such as those advertising activities or churches and nonprofit organizations, may be erected for a period not exceeding 60 days.

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

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

Section 302 UNENCLOSED STORAGE

a) Recreational Vehicles, Trailers and Trucks: In the Residential Zones, recreational vehicles and trailers and trucks with a vehicle rating over one ton, shall not be stored for a period in excess of three days in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot.

b) Outdoor Stockpiling: In all Zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in front yards.

c) Trash or Junk: The accumulation of trash or junk out-of-doors for a period in excess of 15 days is prohibited in all Zones.

Section 303 SALE OF AGRICULTURAL PRODUCTS

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

Section 304 PARKING

- a) Size of Parking Space: The parking space must have an area of not less than 10 feet by 20 feet, exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five or more parking spaces are required, the total parking area, including passageways and driveways, must average 300 square feet per required parking space.
- b) Spaces Required: Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule.

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Residential Dwelling	½ Dwelling Unit (i.e., 2 spaces per dwelling unit)
Rooming House	Bedroom
Hotel, Motel, Tourist Home	Guest Sleeping Room
Office Building	300 sq. ft. of gross floor area
Retail store or shop	100 sq. ft. of gross floor area
Eating Establishment	80 sq. ft. of gross floor area and ground area (excluding parking) devoted to patron use on the property of 3 seats, whichever requirement is greater.
Bowling Alley	½ lane (i.e., 2 spaces per lane)
Other Recreational Establishment	100 sq. ft. of gross floor area
Automobile Repair, Gasoline Station	400 sq. ft. of gross floor area and ground area devoted to repair and service facilities
Other Commercial Buildings	400 sq. ft. of gross floor area
Hospital, Sanitarium	½ bed (i.e., 2 spaces per bed)
Auditorium, Church, Theater & Other such places of Public Assembly	4 Seats
Industrial and Heavy Commercial Establishments	2 employees on major shift, but at least 1 space for each 5,000 sq. ft. of gross floor area
Funeral Home	100 sq. ft. of gross floor area
Clubs, Lodges or Other Similar Places of Assembly	100 sq. ft. of gross floor area

- c) Location: The parking area must be on the same or nearby premises. If on nearby premises --
- 1) The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: 100 feet in the case of a commercial use, 200 feet in the case of a residential use and 300 feet in the case of industrial use.
 - 2) The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.
 - 3) Any parking space must be at least three (3) feet from a property or street right-of-way line.
- d) Layout: Parking areas must be arranged so there will be no need for motorists to back over:
- 1) Local streets, except in the case of residential uses.
 - 2) Major thoroughfares.
- e) Parking Area Adjacent to Street: For multi-family and non-residential uses where parking area or other area open to movement of vehicles abuts the right-of-way line of a public street, a pipe railing, post and chain barricade, raised curbs or equally effective devices satisfactory to the Borough, must line the public right-of-way except at access points so that parked vehicles will not extend into the street right-of-way.
- f) Paving: All parking areas and driveways shall be paved with concrete or bituminous paving material. (Ordinance No. 1-92)

Section 305 **LOADING**

- a) Size; Surfacing: The loading space must be not less than 12 feet wide and 50 feet long. It must be surfaced with a concrete or bituminous material.
- b) Spaces Required: Off-street loading spaces must be provided for each building erected or enlarged, in accordance with the following schedule:

<u>Type of Use</u>	<u>Number of Loading Spaces</u>
Manufacturing, storage, display or Sale of goods, hospital and sanitarium	1 space for a gross floor area of 5,000 to 25,000 sq. ft. and 1 additional space for each 10,000 square feet of gross floor area in excess of 25,000 square feet.
Offices, hotels, theaters or similar Uses	1 space for a gross floor area of from 20,000 to 100,000 sq. ft. and 1 additional space for each 40,000 sq. ft. of gross floor area in excess of 100,000 sq. ft.

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

Section 306 DRIVEWAYS

- a) Width: Within ten feet of the street right-of-way, driveways may not exceed 35 feet in width.
- b) Number: The number of driveways may not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.
- c) Offsets: Driveways may not enter a public street:
 - 1) Within 40 feet of the street right-of-way line of an intersecting street.
 - 2) Within 5 feet of a fire hydrant.
 - 3) Within 25 feet of another driveway on the same property.
- d) Sight Distances; Slope, Cuts: A driveway must be located in safe relationship to sight distance and barriers to vision. The driveway may not exceed a slope of five percent within 25 feet of the street right-of-way line. Where a driveway enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed 50 percent in slope within 25 feet of the point at which the driveway intersects the street right-of-way. The height of the embankment must not exceed three feet within ten feet of the street.

Section 307 SCREENS AND BUFFERS

- a) Where a Commercial or Industrial Zone abuts a Residential Zone, except for street or alley frontage:
 - 1) A fence, screen or buffer planting acceptable to the Borough is required to be erected in the Commercial or Industrial Zone to screen from view (in a Residential Zone) any uses.
 - 2) A space along the side lot line in the Commercial or Industrial Zone abutting a Residential Zone, for 25 feet in depth may not be used for commercial or manufacturing operations. This area must be suitably landscaped and maintained.

Section 308 ILLUMINATION

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

Section 309 DEMOLITION

Demolition of any structure must be completed within twelve (12) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is complete as aforesaid. All evidences of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

Section 310 STORM DRAINAGE

- a) Lot Drainage: Lots shall be laid out and graded to provide positive drainage away from new and existing buildings and on-site sewage disposal facilities.
 - b) Nearby Existing Facilities: Where adequate, existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing storm sewers.
 - c) Open Drainage ways: When open drainage ways are used for the disposal of storm water, the Borough shall review the design of such open drainage ways in relation to the following:
 - Safety: Steep banks and deep pools shall be avoided.
 - Erosion: Adequate measures shall be taken, such as seeding, sodding, paving or other measures as necessary, to prevent the erosion of banks and the scouring of the channel.
 - Stagnation: Design of open drainage ways shall not create stagnant pools or swampy areas.
- Approval: Drainage structures for areas of more than ½ mile square shall be subject to approval by the Pennsylvania Department of Environmental Resources.
- d) Adjacent Properties: In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent properties.

Section 311 MINIMUM HABITABLE FLOOR AREA

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

- a) 1 bedroom unit: 700 square feet
- b) 2 bedroom unit: 860 square feet
- c) 3 bedroom unit: 1,000 square feet
- d) Units with more than 3 bedrooms - 120 square feet additional per bedroom.

Section 312 OUTDOOR SWIMMING POOL REQUIREMENTS

Every outdoor swimming pool must conform to all applicable requirements of State Law, and in addition, must be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than six inches in any dimension.

An above-ground pool with a wall measuring at least four (4) feet in height above ground on all sides is not required to have separate fencing. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so-equipped. Farm ponds shall be excluded from the requirements of this section.

Section 313 SOLAR AND WIND ENERGY FACILITIES

a) Solar Energy Systems: Solar energy systems shall be permitted relief from limitations stated elsewhere in this Ordinance to the following extent:

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

The rear or side yard setbacks required may be reduced to zero in order to allow the siting of solar energy systems, provided that:

- No portion of the structure or architectural features project over the property lines.
- The placement of all structures, building materials and finished wall construction along the lot line does not interfere with traffic along adjacent or intersecting rights-of-way or with the site distance at intersections.
- No other design can be shown to meet the requirements of the Zoning Ordinance and provide the same solar energy utilization.
- Existing solar energy systems will not be substantially impaired by shadowing more than ten (10) percent of the collector area between 9:00 a.m. and 3:00 p.m. on a clear winter solstice (December 21st) day.

2) Building Height: Solar energy collection equipment, solar energy reflectors or solar energy storage tanks extending no more than ten (10) feet above the highest point of the roof are permitted.

b) Wind Energy Systems: Wind energy systems shall be permitted relief from previously stated limitations to the following extent:

1) Setbacks: The setbacks from any lot line must be equal to the height of the tower, supporting the wind apparatus plus the length of the longest extension of the rotor and plus ten feet.

2) Building Height: The height is not restricted unless in the opinion of Borough officials there is an adverse effect upon the character of the neighborhood or television interference or significant amounts of noise are generated by the unit.

3) Access: Climbing access to the tower is secured from use by unauthorized persons.

In a wind energy system, where any moving part of the apparatus is close to the level of the surrounding ground (as in the case of some vertical axis windmills) so as to pose a safety hazard, a fence or wall shall be required apart from and completely surrounding the apparatus and its base. Said fence or wall must be a minimum of six (6) feet in height, and shall be so-constructed as not to have openings, holes or gaps larger than six inches in any dimension. All gates or doors opening through such enclosure shall be equipped with a lock or latching device for keeping the gate or door securely closed at all times when not in actual use.

ARTICLE IV

ZONING HEARING BOARD

Section 400 POWERS AND DUTIES - GENERAL

- a) Membership of Board: The membership of the Board shall consist of three residents of the Borough appointed by the Borough Council. Their terms of office shall be three years and shall be so-fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough. (Ordinance No. 3-90)
- b) Organization of Board: The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 401. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the governing body once a year.
- c) Powers: The Zoning Hearing Board has the following powers:
- 1) Interpretation: To interpret any provision of this Ordinance, including Zone boundaries.
 - 2) Special Exceptions: To hear and decide special exceptions upon which the Board is required to pass under this Ordinance as per Section 403 following.
 - 3) Appeals: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement or interpretation of this Ordinance. The appeal must be made to the Board within thirty (30) days of the Zoning Officer's order, requirement, decision or determination. (Ordinance 3-90)
 - 4) Variances: To authorize, upon application, in specific cases, a variance from the terms of this Ordinance as per Section 402 following.
 - 5) Rehearings: To grant the rehearing of a case if it appears there has been a substantial change in the facts as evidence of the case as presented at the initial hearing.
 - 6) Challenge to the Validity of the Ordinance or Map: The Board shall hear challenges to the validity of the Zoning Ordinance or Map, except as indicated in the Pennsylvania Municipalities Planning Code Sections 1003 and 1004 (1) (b). In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 401. At the conclusion of the hearing the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

- 7) Unified Appeals: Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any Borough ordinance or requirement pertaining to the same development plan or development. In any case, the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon as provided in Section 401. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

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

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

- a) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made a request therefor at least fourteen (14) days prior to the scheduled hearing date. Written notices shall be given at such time and in such manners as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- 1) The governing body may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for such hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- 2) The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- b) The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- c) The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- d) The chairman, or acting chairman, of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- e) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- f) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- g) The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board, if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

- h) The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so-noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- i) The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any Ordinance, rule or regulation, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the applicant to appeal the decision to a court of competent jurisdiction.
- j) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 402 VARIANCES

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

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

- b) Referral to Planning Commission: All applications for a type-of-use variance shall be referred to the Borough Planning Commission for a report.

- c) Standards for Variance: Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance, provided that the following findings are made where relevant in a given case:

- 1) There are unique physical circumstances or conditions, including (1) irregularity, narrowness, or shallowness of lot size or shape, or (2) exceptional topographical or other physical conditions peculiar to the particular property, and is not due to circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or Zone in which the property is located.
- 2) Because of these physical circumstances or conditions, the property cannot reasonably be used in strict conformity with the provisions of the Zoning Ordinance.
- 3) The unnecessary hardship is not financial in nature and has not been created by the appellant.
- 4) The variance, if authorized, will not alter the essential character of the neighborhood or Zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- 5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

- d) Conditions: In granting any variance, the Board may attach such reasonable conditions and safeguards as it considers necessary to implement purposes of this Zoning Ordinance.

Section 403 SPECIAL EXCEPTIONS

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

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

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

Temporary Special Exceptions: A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity which is, or will be seasonal, or is or will be in the public interest. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which --

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

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

- c) Referral to Planning Commission: All applications for special exception shall be referred to the Borough Planning Commission for a report.
- d) Conditions: The Zoning Hearing Board, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same Zone.
- e) General Standards: A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
- 1) The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the Zone; and
 - 2) That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and
 - 3) That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and

- 4) That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
- 5) That the specific standards set forth for each particular use for which a special exception may be granted have been met.

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

- f) Specific Standards: In addition to the general standards for all special exceptions as contained in Section 403.e, the specific standards for particular uses as listed in ARTICLE V must be met prior to the granting of a special exception.

ARTICLE V

STANDARDS FOR SPECIAL EXCEPTION USES

Section 500 REQUIREMENT OF SPECIFIC STANDARDS

In addition to the general standards for all special exceptions as contained in Section 403 e), the specific standards for the particular uses allowed by special exception are set forth in this Article. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable Zones.

Section 501 ADVERTISING SIGN (BILLBOARD)

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

- a) Advertising sign structures may not exceed two hundred fifty (250) square feet in surface area and must be spaced at intervals of not less than one thousand (1,000) feet along the same side of any street or highway. No advertising sign structure shall be located within one hundred (100) feet of any street intersections.

Section 502 CEMETERY

In an R-1 Zone and subject to the requirements of the Zone in which located, except as herein modified and provided:

- a) All burial plots or facilities shall be located at least 100 feet from all property or street lines.
- b) Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- c) No burial plots or facilities are permitted on flood plain land.
- d) Buffers and screens shall be provided, as necessary, to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open spaces.

Section 503 CHEMICAL MANUFACTURING, PROCESSING AND STORAGE OPERATIONS

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

- a) Lot area - 5 acre minimum.
- b) Lot width - 250 feet minimum
- c) Setbacks - All buildings must be set-back at least 75 feet from a street line.
- d) Access must be via an arterial or collector street as designated by the Borough Comprehensive Plan. Traffic entrances and exits shall be far enough from residential dwellings so that truck noise and vibration will be minimized.
- e) A buffer yard 50 feet wide must be located on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking, loading or storage.
- f) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes).

Section 504 CLUSTER DEVELOPMENT

In an R-1 Zone and subject to the requirements of the Zone in which located, except as herein modified and provided:

In the case of residential developments of ten (10) acres or more, an added degree of flexibility in the placement, bulk and inter-relationship of the buildings and uses within the development may be approved by the Zoning Hearing Board. The overall intensity of use and density of population shall be maintained while providing for new or additional design concepts. The gross area requirement may be waived if the proposed tract abuts an existing cluster development, is within an appropriate zoning classification and will enable a compatible extension of the existing development. The following guidelines shall be followed:

- a) Minimum lot area and width, lot coverage, open area and paved area requirements may be waived for individual lots. These standards shall be applied to the total tract area, exclusive of highway and utility rights-of-way, to determine the total number of permitted dwelling units.
- b) Setbacks and building height shall remain as required in Section 202 e) and f).
- c) Public water and public sewer are required.
- d) Provisions for the future maintenance of all common areas including; but not limited to, parking and recreation shall be explicitly provided with the proposed project. The provisions and any agreements, such as by-laws for a property owners association, shall be subject to the approval of the Borough Council.
- e) These provisions shall not apply to mobilehome parks.
- f) All other provisions of this ordinance and any other applicable ordinance of the Borough shall apply to cluster developments.

Section 505 CONVALESCENT HOME, HOSPITAL

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

- a) Lot area - 1 acre minimum.
- b) Lot width - 175 feet minimum.
- c) Setbacks - All buildings shall be located at least 50 feet from all property and street lines.
- d) Public sewer and public water approved by the Pennsylvania Department of Environmental Resources must be utilized.
- e) Buffers and screens shall be provided, as necessary, to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open spaces.

Section 506 DRIVE-IN BUSINESS

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

- a) Access must be via an arterial or collector street as designated in the Borough Comprehensive Plan.
- b) Setbacks - All buildings must be set-back at least 20 feet from any property line and 30 feet from a street line.
- c) Appearance should be harmonious with adjoining properties. This feature includes, but is not limited to, landscaping, height control, sign control, building coverage and architectural controls.
- d) Buffers and screens shall be provided, as necessary, to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open space.

Section 507 EXPANSION OR ALTERATION OF A NONCONFORMITY

In any Zone and subject to the requirements of the Zone in which located, except as herein modified and provided:

- a) Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
- b) The total of all such expansions or alterations of use shall not exceed an additional 25 percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
- c) Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
- d) Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the Zone in which the nonconformity in question is located.
- e) Appearance should be harmonious with surrounding properties. This feature includes, but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
- f) Buffers and screens shall be provided, as necessary, to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open spaces.
- g) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
- h) A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied, except in conformance with this Ordinance.

Section 508 FUNERAL HOME

In an R-1 Zone and subject to the requirements of the Zone in which located, except as herein modified and provided:

- a) Access must be via an arterial or collector street, as designated in the Borough Comprehensive Plan.
- b) Sufficient off-street parking must be provided.

Section 509 GREENHOUSE, HORTICULTURAL NURSERY

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

- a) Access must be via an arterial street or collector street, as designated in the Borough Comprehensive Plan.

Section 510 HOME OCCUPATION

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

Regulations for Permitted Home Occupations and Professions:

- a) Employees: No person, other than a resident of the dwelling unit, may practice the occupation. No more than three persons shall be employed to provide secretarial, clerical or other assistance.
- b) Coverage: Not more than 50 percent of the ground floor area of a dwelling unit or accessory structure may be devoted to a home occupation or profession.
- c) Appearance: The character or external appearance of the dwelling unit must be that of a dwelling. No display or products may be shown so as to be visible from outside the dwelling. A name plate, not larger than two square feet in area, is permitted. It must be illuminated only by indirect lighting.
- d) Parking: Besides the required parking for the dwelling unit, additional parking is required, as follows:
 - 1) One space for the home occupation and one space for each nonresident employee, and
 - 2) Two additional spaces for patrons.
 - 3) Each space shall not have direct access to the street to avoid vehicles backing into the flow of traffic.

Section 511 HOUSE OF WORSHIP

In R-1 or VC Zones, and subject to the requirements of the Zone in which located, except as herein modified and provided:

- a) Side setback - Minimum side setbacks of twenty-five (25) feet (each) provided.
- b) Access shall be via an arterial or collector street as designated by the Borough Comprehensive Plan.

Section 512 INDUSTRIAL PARK

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

- a) Lot Area: 10 acres minimum.
- b) Streets & Highways: The industrial park site must have access to a major thoroughfare. Traffic going to and from the industrial park will be permitted on non-residential streets only; traffic routes and exits will be far enough away from houses so that truck noise and vibration will not be perceived.
- c) No Harmful Effects: Satisfactory provision will be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors, and gases, electrical emissions, and industrial wastes).
- d) Appearance is Harmonious: This feature includes, but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, low structural density and architectural controls.
- e) Buffers: The distance separating all park uses and buildings from surrounding properties will be great enough to constitute in fact a buffer: e.g., loading docks and truck maneuvering areas and terminals must be further from residential areas than buildings. In addition to the extent-of-use requirements in the Use Regulations, the Board must require that from an R-1 Zone boundary --
 - 1) A truck terminal or motor freight depot be at least five hundred (500) feet distant.
 - 2) A shipping or receiving dock to be at least three hundred (300) feet distant.

In any case, a buffer yard or not less than one hundred fifty (150) feet must be along any residential Zone boundary line.

Section 513 JUNKYARD, AUTOMOBILE DISMANTLING PLANT

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

- a) Lot area - 5 acres minimum.
- b) Lot width - 300 feet minimum
- c) Setbacks - Any area used for this purpose must be at least 75 feet from any property line and 100 feet from any street line.
- d) The area to be used must be completely enclosed with a six-foot high fence so-constructed as not to have openings greater than six inches in any direction and should include appropriate screening.
- e) Must comply with any applicable Borough Junkyard Ordinance and all other applicable State regulations.

Section 514 KENNEL, ANIMAL HOSPITAL

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

- a) Lot area - 2 acres minimum.
- b) Setbacks - All buildings, dog runs, fenced enclosures and similar structures shall be located at least 100 feet from all property or street lines.

Section 515 MEDICAL CLINIC

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

- a) Lot area - 1 acre minimum.
- b) Lot width - 175 feet minimum
- c) Setbacks - All buildings shall be located at least 50 feet from all property and street lines.
- d) Public sewer and public water, approved by the Pennsylvania Department of Environmental Resources, must be utilized.
- e) Appearance should be harmonious with adjoining properties. This feature includes, but is not limited to: landscaping, height control, sign control, building coverage and architectural controls.
- f) Buffers and screens shall be provided, as necessary, to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open spaces.
- g) Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted, as part of the clinic facility, subject to the following specific conditions:
 - 1) All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
 - 2) The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.
 - 3) Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that there may be erected one sign, not exceeding two square feet in area, attached to the building, any illumination thereof being white, nonflashing and limited to an enclosed lamp design.

Section 516 MOBILEHOME PARK

In an R-1 Zone and subject to the requirements of the Zone in which located, except as herein modified and provided:

- a) The minimum tract area shall be 5 acres.
- b) Public sewer and public water, approved by the Pennsylvania Department of Environmental Resources, must be utilized, and each lot (not including street right-of-way) must be not less than 5,000 square feet in area, and not less than 50 feet wide at the building setback line.
- c) Regardless of lot size, the side yard distances measured from outside each mobilehome to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards and rear yards shall not be less than ten (10) feet and in no case, shall the distance between any two mobilehomes be less than thirty (30) feet. The total number of mobilehomes shall not exceed an average density of seven (7) per acre.
- d) The Zoning Hearing Board may require additional suitable screen planting, or may further restrict the proximity of mobilehomes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobilehome park as the Board may deem necessary to protect the general welfare.
- e) A mobilehome park and extension thereof shall also comply with all applicable State and/or Municipal regulations now in effect or hereafter enacted.

Section 517 MULTI-FAMILY OR TWO-FAMILY CONVERSION, ROOMING HOUSE OR GROUP QUARTERS

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

- a) There shall be a minimum of 4,000 square feet of lot area per dwelling unit.
- b) Where an existing dwelling is converted to a multi-family or two-family dwelling, the character of the existing structure shall be maintained. No exterior modifications shall be permitted which alter the original style of the dwelling, its doors, windows or other details.

Section 518 MULTI-FAMILY DWELLING(S)

In a VC Zone and subject to the requirements of the Zone in which located, except as herein modified and provided:

a) In the case of a multi-family dwelling where individual dwelling units are located on a single lot and share with other units a common yard area (e.g., garden apartments), the following requirements shall apply:

- 1) Lot area - 40,000 square feet minimum.
- 2) Lot width - 150 feet minimum.
- 3) Side setback - minimum side setbacks of twenty (20) feet each shall be provided.
- 4) Density - the maximum density shall be five (5) dwelling units per acre of lot area.
- 5) Public sewer and public water must be utilized.
- 6) Distance between buildings, where two or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be 40 feet.
- 7) All parking areas shall be located at least ten (10) feet from any property or street line.
- 8) Buffers and screens shall be provided, as necessary, to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, planting and open spaces.

b) In the case of multi-family dwelling where individual dwelling units are located on separate lots (e.g., townhouses or row houses), the following requirements shall apply:

- 1) Lot area - each lot shall have a minimum area of 2,000 square feet.
- 2) Lot width - each lot shall have a minimum width of 20 feet.
- 3) There shall not be more than six (6) dwelling units in any one row.
- 4) Dwelling units at the end of a row shall have a minimum side setback of 20 feet.
- 5) Public sewer and public water must be utilized.
- 6) Density - the maximum density shall be five (5) dwelling units per acre for the tract.

Section 519 OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT

In R-1 and C Zones and subject to the requirements of the Zone in which located, except as herein modified and provided:

- a) The use must have access on an arterial street or collector street, as designated in the Borough Comprehensive Plan.
- b) Where an outdoor recreational use, other than a golf course, adjoins a residential use, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.

Section 520 PARK AND OTHER RECREATION AREAS OF A NONPROFIT NATURE

In an R-1 or VC Zone and subject to the requirements of the Zone in which located, except as herein modified and provided:

- a) Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic, then access shall be via an arterial or collector street as designated by the Borough Comprehensive Plan.

Section 521 PRIVATE DAY CARE CENTER OR NURSERY SCHOOL

In an R-1 or VC Zone and subject to the requirements of the Zone in which located, except as herein modified and provided:

- a) The use shall meet all requirements for certification by the State of Pennsylvania, where required.
- b) Outdoor play areas shall be sufficiently screened so as to protect the neighborhood from inappropriate noise and other disturbances.
- c) At least one parking space for each person employed, plus one space for each three children to be served by the facility shall be provided.

Section 522 PROFESSIONAL OR BUSINESS OFFICES

In a VC Zone and subject to the requirements of the Zone in which located, except as herein modified and provided:

The office or studio of a resident physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician or teacher as herein restricted.

- a) For the purposes of this section, a "teacher" shall be restricted to a person giving individual instruction on a musical instrument, in singing or in academic or scientific subjects to a single pupil at a time. A professional or business office shall not include the office of any person engaged in the purchase or sale of economic goods. Tea rooms, tourist homes, beauty parlors, barber shops, hair dressing and manicuring establishment, convalescent homes, mortuary establishments and stores, trades or businesses of any kind not herein excepted shall not be deemed to be professional or business offices.

Section 523 PUBLIC BUILDINGS AND FACILITIES

In R-1, C and VC Zones and subject to the requirements of the Zone in which located, except as herein modified and provided:

- a) Setbacks: As specified in the Zone in which located, provided, however, that no setback (front, side or rear) is less than thirty-five (35) feet.
- b) Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic, then access shall be via an arterial or collector street, as designated in the Borough Comprehensive Plan.

Section 524 PUBLIC UTILITY BUILDING OR INSTALLATION

In R-1, C and VC Zones and subject to the requirements of the Zone in which located, except as herein modified and provided:

- a) In an R-1 and VC Zone, the permitted building shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor or hazardous effect shall be installed.
- b) Unhoused equipment shall be enclosed with a fence or wall not less than six feet in height, which shall be so-constructed as not to have openings, holes or gaps larger than six inches in any dimension. In an R-1 and VC Zone, such fence must be surrounded by evergreen plantings.
- c) Housed equipment - when the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the Zone in which the building is located.

Section 525 SERVICE STATION

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

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

Section 526 SHOPPING CENTER OR MALL

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

- a) Lot area - 3 acres minimum.
- b) Lot width - 300 feet minimum.
- c) All buildings must be setback at least 50 feet from any property line and 100 feet from a street line.
- d) Parking must be provided at the minimum ratio of parking space to gross floor area of 2 to 1.
- e) Access must be via an arterial street or collector street, as designated in the Borough Comprehensive Plan.
- f) A buffer yard at least 50 feet wide must be provided on the site in all instances where the site adjoins a Residential Zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

Section 527 TRUCK OR MOTOR FREIGHT TERMINAL

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

- a) Lot area - 10 acres minimum.
- b) Lot width - 500 feet minimum.
- c) Access must be via an arterial street or collector street, as designated in the Borough Comprehensive Plan.
- d) A buffer yard at least 150 feet wide must be located on the terminal site in all instances where the site adjoins a R-1 Zone. This yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.
- e) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke).

Section 528 VEHICLE REPAIR SHOP

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

- a) Access shall be via an arterial or collector street, as designated by the Borough Comprehensive Plan.
- b) A buffer yard 50 feet wide must be located on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.
- c) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke).
- d) No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.

Section 529 WHOLESALE VEHICLE SALES TERMINAL OR AUCTION

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

- a) Access must be via an arterial street or collector street, as designated in the Borough Comprehensive Plan.
- b) A buffer yard at least 150 feet wide must be located on the terminal site in all situations where the site adjoins a R-1 Zone. This yard shall be naturally landscaped, have no impervious cover and shall not be used for parking, building, loading or storage purposes.
- c) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke).
- d) Vehicle loading and unloading is prohibited between the hours of 11:00 p.m. and 6:00 a.m.

ARTICLE VI

ADMINISTRATION AND ENACTMENT

Section 600 PERMITS

a) Building Permits: Where required by the Windsor Borough Building Permit Ordinance for the erection, enlargement, repair, alteration, moving or demolition of any structure, a building permit must be obtained from the Zoning Officer. A building permit expires six (6) months from the date of issuance. The permit application must be accompanied by a site plan showing, as necessary, to demonstration conformity to this Ordinance --

- 1) Lot: The location and dimensions of the lot.
- 2) Streets: Names and widths of abutting streets and highways.
- 3) Structures & Yards: Locations, dimensions and users of existing and proposed structures and yards on the lot and, as practical, of any existing structures within 100 feet of the proposed structure but off the lot.
- 4) Improvements: Proposed off-street parking and loading areas, access drives and walks. Proposed sewage disposal system.

For lots less than ½ acre, the site plan must be at the scale of 1 inch = 20 feet; for larger lots, the site plan must be a scale of 1 inch = 40 feet. The north point must be shown on all site plans.

b) Use/Occupancy Certificates: A use certificate, certifying compliance with this Ordinance must be obtained from the Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established.

- 1) Use of a structure erected, structurally altered or extended, or moved after the effective date.
- 2) Use of vacant land, except for agricultural purposes.
- 3) Any change in a conforming use of a structure or land.
- 4) Any change from a nonconforming use of a structure or to a conforming use.
- 5) Any change in the use of a structure or land from that permitted by any variances of the Zoning Hearing Board.

The applications for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Ordinance.

Section 601 ERRONEOUS PERMIT

A building permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Borough purporting to validate such a violation.

Section 602 ENFORCEMENT - ZONING OFFICER

- a) Appointment and Powers: For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Borough, shall be appointed by the Borough Council. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. He issues all building permits, use certificates, and at direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with consent of the owner.
- b) Forms: The Zoning Officer must provide a form or forms for:
- 1) Building permits.
 - 2) Special exceptions.
 - 3) Use certificates.
 - 4) Appeals.
 - 5) Variances.
 - 6) Registration of nonconforming uses and nonconforming structures.
- c) Transmittal of Papers: Upon receipt of an application for special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Borough Planning Commission, copies of all papers constituting the record upon the special exception, variance or appeal.
- d) Action on Building Permits: Within thirty (30) days, except for holidays, after receipt of an application for a building permit, the Zoning Officer must grant or refuse the permit. The Zoning Officer shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No building permit shall be issued until the Zoning Officer has certified that the site for the proposed building, alteration, or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plan. If the application conforms to the applicable requirements of the building permit ordinance and this Ordinance, the Zoning Officer must grant a permit. If the permit is not granted, he must state, in writing, the grounds for his refusal. (Ordinance No. 3-90)

e) Action on Use Certificates: Within thirty (30) days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state, in writing, the grounds of his refusal. (Ordinance No. 3-90)

f) Enforcement Notice: (Ordinance No. 3-90)

1) If it appears to the municipality that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice, as provided in this section.

2) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3) An enforcement notice shall state at least the following:

a) The name of the owner of record and any other person against whom the municipality intends to take action.

b) The location of the property in violation.

c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

d) That steps for compliance must be commenced within fifteen (15) days of the date of the notice and that compliance must be completed within forty-five (45) days of the date of the notice.

e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within fifteen (15) days of the date of the notice, in accordance with procedures set forth in the ordinance.

f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

g) Records: The Zoning Officer must keep record of -

1) All applications for building permits, use certificates, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.

2) All complaints of violations of provisions of this Ordinance and the action taken on them.

3) All plans submitted.

4) Nonconforming uses and nonconforming structures

All such records and plans shall be available for public inspection.

h) Reports: At intervals of not greater than six (6) months, the Zoning Officer must report to the Borough Council --

1) The number of building permits and use certificates issued.

2) The number of complaints of violations received and the action taken on these complaints.

Section 603 MODIFICATIONS

The regulations embodied in this Ordinance are the minimum standards for the protection of the public welfare. When special circumstances warrant, the Borough may impose stricter standards.

Section 604 AMENDMENTS

The Borough Council may, on its own motion, amend, supplement, or repeal any portion of this Ordinance. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice. The procedures for amending this Ordinance are outlined in Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 605 FEES

The Borough Council must set fees for all applications, permits or appeals provided for by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting and copying applications, permits and use certificates. The fee schedule shall be available from the Zoning Officer or Borough Secretary.

Section 606 APPEALS

Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, may appeal in the manner set forth in Article X of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 607 REPEALER

ALL ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 608 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

Section 609 ENFORCEMENT REMEDIES

- a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500.00, plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays, nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonably attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated. (Ordinance No. 3-90)
- b) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine, pending a final adjudication of the violation and judgment. (Ordinance No. 3-90)
- c) Nothing contained in this section shall be construed or interpreted to grant to any person or entity, other than the municipality, the right to commence any action for enforcement pursuant to this section. (Ordinance No. 3-90)

Section 610 VALIDITY

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

Section 611 EFFECTIVE DATE

This Ordinance shall take effect five days after publication of adoption, according to law.

This (Amendment) Ordinance shall become effective immediately (Ordinance No. 3-90).

This (Amendment) Ordinance shall become effective in accordance with the law (Ordinance No. 1-92)

Ordinance No. 5-87

Adopted by the Borough Council of Windsor Borough, York County, Pennsylvania into an Ordinance the 4th day of May, 1987.

Borough Council
Windsor Borough
York County, Pennsylvania

By: /s/ Joseph W. Walker
President

Attest: /s/ Barbara A. Fregm
Mayor

/s/ Donna L. Martin
Secretary

Ordinance No. 3-90

Adopted by the Borough Council of Windsor Borough, York County, Pennsylvania into an Ordinance the 4th day of June, 1990.

Borough Council
Windsor Borough
York County, Pennsylvania

By: /s/ Donald R. Gipe II
President

Attest: /s/ Barbara A. Fregm
Mayor

/s/ Donna L. Martin
Secretary

Ordinance No. 1-92

Adopted by the Borough Council of Windsor Borough, York County, Pennsylvania into an Ordinance the 3rd day of February, 1992.

Borough Council
Windsor Borough
York County, Pennsylvania

By: /s/ Donald R. Gipe II
President

Attest: /s/ Barbara A. Fregm
Mayor

/s/ Donna L. Martin
Secretary

