

ZONING ORDINANCE No. 1158

BOROUGH OF WAYNESBORO

Franklin County, Pennsylvania



Adopted April 19, 2017

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ARTICLE I
TITLE, AUTHORITY, PURPOSE, INTERPRETATION AND APPLICATION

1. Title.

This Ordinance shall be known as, and may be cited as, the Borough of Waynesboro Zoning Ordinance of 2016.

2. Authority.

This Ordinance is enacted and ordained by the Borough Council of the Borough of Waynesboro pursuant to the authority granted by the Pennsylvania Municipalities Planning Code as amended.

3. Purpose.

This Zoning Ordinance is intended to give effect to the vision, policies, goals and objectives set forth in the Joint Comprehensive Plan of the Borough of Waynesboro and Washington Township and is intended to promote public health, safety, and the general welfare. The Goals and Objectives set forth in Chapter Three of that Joint Comprehensive Plan are adopted as if set forth in this Ordinance.

4. Interpretation.

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health and safety and the general welfare of the residents and occupants of the Borough. Where the provisions of this Ordinance impose greater restrictions than those of any other Borough statute, ordinance or regulation, the provisions of this Ordinance shall take precedence. Where provisions of any other Borough, statute, ordinance or regulations impose greater restrictions than this Ordinance, the provisions of such other municipal statute, ordinance, or regulations shall be complied with unless otherwise stated in this Ordinance.

5. Application.

Except as hereinafter provided, no building, structure, land, or parts thereof in the Borough shall be used or occupied, erected, constructed, assembled, moved, enlarged, removed, reconstructed, or structurally altered unless in conformity with the provisions of this Ordinance.

5A. Notice.

In any case in which mailed notice or electronic notice, as defined in the Municipalities Planning Code, is required by such Code, the requirements of such Code shall apply in giving such notice.

ARTICLE II Definitions

6. Definitions and Usage.

A. Words and phrases. Words used in the present tense include the future; the singular number includes the plural, and the plural, the singular. The word "lot" includes the word "plot" or parcel. The word "structure" includes the word "building". The term "such as" where used herein shall be considered as introducing a typical or illustrative rather than an entirely exclusive or inclusive designation of permitted or prohibited uses, activities, establishments or structures. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "shall" is mandatory, the word "may" is permissive. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied". The words BOROUGH and MUNICIPALITY mean the Borough of Waynesboro, Franklin County, Pennsylvania. The term BOARD means the Zoning Hearing Board of said Borough, unless otherwise stipulated. Any word or term not defined herein shall be used with a meaning of standard usage or as defined in the Borough's Property Maintenance Code and Subdivision and Land Development Ordinance, as amended from time to time.

B. Definitions. Certain words and terms in this Ordinance are defined for the purpose thereof as follows:

ACCESS DRIVE – A private drive providing vehicular access between a public or private street and a building, parking area or loading area within a land development.

ACCESSORY USE OR STRUCTURE – A subordinate use or structure, attached or detached, the purpose of which is incidental to that of a main use or structure on the same lot.

ACCESSORY WIND TURBINE – A wind turbine for the sole use of, and located on the same property as, a residence, farm, or small business.

ADULT – Selling, displaying and/or providing publications, movies, acts and other material and performances having as a main or central theme an appeal to the prurient interest without any redeeming social value.

Material shall mean any book, magazine, newspaper, advertisement, pamphlet, poster, print, picture, figure, image, drawing, description, motion picture film, phonographic record or recording tape, video tape, compact disc or other tangible thing capable of producing or reproducing an image, picture, sound or sensation through sight, sound or touch.

Prurient Interest – shall mean a lustful, lascivious, erotic, shameful or morbid interest in sexual conduct, sexuality explicit nudity, sadomasochistic sexual abuse or lewd exhibition of the genitals. Materials or performance may be deemed to appeal to the prurient interest when they have a tendency to excite lustful thoughts or lascivious desires or when they are designed, marketed, promoted or disseminated to cater or appeal to such

an interest. Where the material or performance is designed for and primarily disseminated or promoted to a clearly defined deviant sexual group, rather than the public at large, the prurient-appeal requirement is satisfied if the dominant theme of the material or performance, taken as a whole, appeals to the prurient interest in sex of the members of that intended and probable recipient group.

ALLEY – Alleys are minor ways which afford only a secondary means of access to abutting properties, which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street, have a maximum width of 20 feet and are not intended for general traffic circulation. To the extent a public thoroughway conforms to this definition or otherwise does not conform to the definition of “street” as herein defined, those public thoroughways are alleys. A list of ordained streets shall be maintained by the Borough; said list is herein incorporated by reference.

ALTERATION, STRUCTURAL – Any change in the supporting members of a building such as load bearing and non-load bearing walls, posts, piers, columns, beams or girders.

ALTERNATIVE TOWER STRUCTURE – Man-Made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or telecommunications towers.

ANIMAL HOSPITAL – A building, structure, or area of land where small animals such as dogs and cats are given medical care, other than the premises where such animals are boarded. Larger animals, such as horses, cows, pigs, and sheep, are not to be accommodated.

ANTENNA – Any exterior transmitting or receiving device mounted on a telecommunications tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

APPLICANT – A landowner or developer who has filed an application for development, including his heirs, successors and assigns.

APPROVED PRIVATE STREET – A right-of-way which provides the primary vehicular access to a lot, not dedicated or deeded to the Borough or Commonwealth of Pennsylvania, but approved by the Borough Council and shown on a recorded subdivision or land development plan.

BED AND BREAKFAST – A use provided within an existing single family detached dwelling to accommodate for rent transient overnight guests.

BOARD OR ZONING HEARING BOARD – The Zoning Hearing Board of Waynesboro Borough.

BOARDER, ROOMER or LODGER – A person occupying a room or group of rooms used for living and sleeping, but not for cooking or eating purposes, and paying compensation

for lodging or board and lodging by pre-arrangement for a week or more at a time to an owner. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than a week at a time shall be classified for purposes of this Ordinance not as a roomer, boarder, or lodger, but as a guest of a commercial lodging establishment (motel or hotel).

BOROUGH – The Borough of Waynesboro, Franklin County, Pennsylvania.

BOROUGH AUTHORITY – The Borough Authority of the Borough of Waynesboro, Franklin County, Pennsylvania.

BOROUGH COUNCIL – The governing body of the Borough of Waynesboro, Franklin County, Pennsylvania.

BUFFER STRIP – A continuous strip of land which is clear of all buildings and paved areas and which is designed to limit the impacts of one use on another use.

BUILDING – Any structure having a roof supported by columns, posts, or walls and intended for the shelter, housing or enclosing of persons, animals or property.

BUILDING COVERAGE – The square footage or other area measurement by which a building or structure occupies the land as measured at the grade line around the foundation.

BUILDING HEIGHT – The vertical distance measured from the mean elevation of the finished grade along all sides of the building to the highest point of the roof excluding a chimney or other similar structure.

BUILDING SETBACK LINE – A line which, between it and the street line, no building or other structure or portion thereof, except as provided in this Zoning Ordinance may be erected above ground level. The setback line is considered to be a vertical surface intersecting the ground on such line.

BUSINESS INCUBATOR – An organization designed to accelerate the growth and success of entrepreneurial companies through an array of business support resources and services that could include physical space, capital, coaching, common services, and networking connections.

BUSINESS OFFICE – A business establishment which does not offer, on the premises, a product or merchandise for sale to the public but offers a service to the public. However, personal services such as barber and beauty shops and repair services are not to be included within the definition of business offices.

CAR WASH – A building or portion thereof where automobiles or motorized equipment are cleaned using a conveyor, blower, steam-cleaning equipment, or other similar devices.

CARPORT – An attached or detached accessory building designed for the storage of motor vehicles and constructed primarily as an open building with a roof and the necessary supporting columns and of an area under roof less than 700 square feet.

CEMETERY – Land reserved or used for gravesites.

CERTIFICATE OF USE AND OCCUPANCY – A statement, based on an inspection, signed by the issuing agent, setting forth that a building, structure, sign, and/or land complies with the Zoning Ordinance, and/or that a building, structure, sign, and/or land may be lawfully employed for specific uses, or both, as set forth therein.

CHANGE OF USE – A Change of Use shall be considered to occur when a permitted use is changed to a conditional use or special exception use; a non-conforming use is changed to another non-conforming use; a use is changed to a use for which regulations specific to that use are contained in Article IX, Supplementary Regulations; the new use will change a parameter regulated under Environmental Performance Standards listed in Section 64, a use is changed to a use requiring additional off-street parking spaces and/or additional loading space; the new use will be located in a floodplain; a use is changed to a use which will have different outdoor lighting; or the new use will have additional impact on a steep slopes regulated by Section 56.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision for purposes of vehicular safety at a street intersection(s), defined by lines of sight between points as specified in Borough Ordinances.

CLINIC – A place where patients or clients are studied, or treated, or counseled by professionals specializing in various medical persuasions and practicing as a group.

COMMERCIAL SCHOOL – A school for the teaching of a trade or skill, carried on as a business.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water (excluding storm water detention facilities), or a combination of land and water within a development site, designed and intended for use or enjoyment of all residents of a development.

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

COMMUNICATIONS EQUIPMENT BUILDING – An unmanned building or cabinet with an area less than 250 square feet containing communications equipment required for the operation of communications antennas.

COMMUNICATIONS TOWER – A structure other than a building, such as a monopole tower, designed and used to support communications antennas.

COMPREHENSIVE PLAN – The Joint Comprehensive Plan for the Borough of Waynesboro and Washington Township, Franklin County, Pennsylvania.

CONDITIONAL USE – A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this Zoning Ordinance and upon the issuance of an authorization therefor by the Borough Council following recommendations by the Planning Commission.

CONDITIONAL USE APPROVAL – The authorization to conduct a particular conditional use in a particular zone. It is issued by the Borough Council pursuant to a public hearing and recommendations by the Planning Commission upon proof that all the criteria for the use have been met by the applicant. In allowing a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance. Any applications seeking exceptions to that criteria shall be considered as an application for a variance and shall be made to the Zoning Hearing Board, which shall have the authority to grant the approval under those circumstances.

CONDOMINIUM – A condominium is ownership of real property combining ownership in fee simple and undivided ownership in common with other purchasers of the common elements in the structure and including the land and its appurtenances.

CONVALESCENT HOME – An institution where the ill or injured may receive extended care in between post hospital care and complete cure and where medical, nursing, food, and lodging services may be provided including examination and treatment facilities and x-ray equipment.

CONVENIENCE STORE – A use with less than 5000 square feet of building area and no drive-through service that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant.

COUNCIL – Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania.

COUNTY – Franklin County, Pennsylvania.

COUNTY PLANNING AGENCY – Franklin County Planning Commission.

CUSTOMARY HOUSEHOLD PET – Animal which is customarily kept for personal use and enjoyment within the home, including domestic dogs, domestic cats, domestic tropical birds, domestic rodents such as hamsters and gerbils, domestic tropical fish, turtles and guinea pigs. Exotic animals such as coyotes, bears, raccoons, venomous and restricting snakes, primates, alligators and crocodiles are not considered customary household pets.

DAY CARE CENTER – Any premises in which day care is provided at any one time to seven (7) or more persons regardless of age who are unrelated to the operator.

DENSITY – The permitted number of units per gross area of land to be developed.

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of each land-owner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN – The provisions for development, including a planned residential development, Town Center planned development, planned adaptive reuse development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DISTRICT – Any part of the territory of the Borough of Waynesboro to which certain uniform regulations and requirements of this Ordinance apply.

DRIVE-THROUGH SERVICE PLACES – An establishment or activity where patrons are served with food, soft drinks, ice cream, and similar confections or where patrons are provided with professional, commercial or personal services outside the confines of the principal building or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons. Drive-in theaters shall not be included.

DWELLING – A building which is designed or used exclusively as the living quarters for one or more families living independently of each other.

DWELLING, APARTMENT – A room or suite of connecting rooms for occupancy as a single dwelling unit by one family in a building having three (3) or more of such dwelling units or in a building containing one or more apartments above a commercial use in the same building.

ONE BEDROOM APARTMENT – An apartment dwelling unit containing not more than one room designed, intended and devoted to sleeping purposes.

TWO BEDROOM APARTMENT – An apartment unit containing not more than two rooms designed, intended and devoted to sleeping purposes.

THREE BEDROOM APARTMENT – An apartment dwelling unit containing not more than three rooms designed, intended and devoted to sleeping purposes.

DWELLING, DUPLEX (SEMI-DETACHED) – A two family dwelling with one dwelling unit attached and located beside the other and separated therefrom by a party or common wall, whether or not that wall is a fire wall.

DWELLING, EFFICIENCY UNIT – A dwelling unit in an apartment house consisting of one room with additional bath and cooking facilities separated from such room by a permanent wall and folding or sliding doors respectively and cooking facilities separated from such room by a permanent divider of at least thirty (30) inches height.

DWELLING, LICENSED GROUP HOME – A household licensed by the Commonwealth of Pennsylvania, of not more than six (6) members (not necessarily related by blood, marriage, adoption or legal guardianship), who, because their physical, emotional or behavioral condition or their social or interpersonal skills otherwise would limit, inhibit or prevent their ability to function in society, are provided supportive services through a social service agency.

This shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term group home shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. Those individuals who are considered dangerous to themselves or others shall not be housed.

DWELLING, MULTI-FAMILY – A building containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other with their own cooking, sanitary and sleeping facilities.

DWELLING, SINGLE FAMILY – A building containing one dwelling unit only, having no party wall in common with an adjacent building or structure, and occupied or intended to be occupied exclusively for residence purposes by one family or one housekeeping unit.

DWELLING, TOWN HOUSE (ROW HOUSE) – For the purpose of this Ordinance, a town house (row house) shall be one single family unit in a group of three or more connected dwellings and having two party walls in common with other dwelling units, except the end unit which shall have a single party wall in common with an adjoining unit. Each single family unit may have one or more stories, but nothing in this definition shall be construed to allow one dwelling unit over the other.

DWELLING, TWO FAMILY – A building containing two dwelling units only and intended for residential occupancy by two families each living independently of each other and each with its own separate sleeping, cooking, and sanitary facilities, and one unit located above the other unit.

DWELLING UNIT – A building or part thereof having cooking, sleeping, and sanitary facilities for one family, and having no cooking, sleeping or sanitary facilities in common with any other dwelling unit.

EASEMENT – A right granted to the Borough, other governmental authority or other entity for the use of private land for certain public and quasi-public purposes.

ELDERLY HOUSING – A dwelling unit designed to be provided for a family in which one of the members is at least fifty-five (55) years of age.

ELECTRIC SUBSTATION – An assemblage of equipment for purposes other than separation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.

ELECTRONIC NOTICE – Notice given by a municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania.

ESSENTIAL SERVICES – The erection, construction, alteration, or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems and their essential buildings, excluding communications towers and communications antennas as defined herein. Police station, fire station, ambulance station and similar buildings which house public or semi-public agencies providing emergency services for the public safety.

EXOTIC ANIMAL – An animal usually thought of as wild and foreign, not typically kept as a household pet, such as a lion, tiger, bear, raccoon, coyote, wolf, leopard, python, alligator, piranha, crocodile, alligator, monitor lizard, or venomous constricting snake.

FCC – Federal Communications Commission.

FAMILY – (a) One or more persons, related by blood, marriage, adoption, or guardianship with not more than two (2) roomers, boarders, lodgers living together as a single housekeeping unit and using cooking facilities and certain rooms in common, or (b) not more than five (5) unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

FARM – Any parcel of land containing at least (10) acres which is used for gain in the raising and agricultural products, and tilling of the soil.

FENCE – An artificially constructed barrier of wood, wire, stone, metal, or other manufactured material or combination of materials.

FINANCIAL INSTITUTION – Bank, savings and loan association, credit union, investment company, investment manager, investment banker, securities broker/dealer, philanthropic foundation, mortgage lending business, system institution of the Farm Credit System, or depository institution holding company.

FIRST FLOOR AREA – First floor area shall be measured by using the outside dimensions of the residential portion of a building excluding the area of an attached garage. For a split level or tri-level dwelling, the area shall be considered to be the sum of the areas of two adjoining levels, excluding cellars and garages.

FLOODPLAIN MANAGEMENT ORDINANCE – The ordinance in effect in the Borough which controls any and all development within specified flood prone areas.

FLOOR AREA RATIO (FAR) – The sum of the area of all floors of buildings or structures compared to the total area of the site.

FOOTCANDLE – A unit of incident light quantity stated in lumens per square foot and measurable with an illumination meter, a.k.a. footcandle meter or light meter.

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

FOUNDRY – An establishment for producing castings in molten metal.

FOWL – Birds that are domesticated or wild gallinaceous birds such as but not limited to roosters, ducks, turkeys, pheasants, grouse, doves, pigeons, quails and partridges.

FULL CUTOFF – A term used by the lighting industry to describe a lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

FUNERAL HOME – A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- a. embalming and the performance of other services used in preparation of the dead for burial;
- b. the performance of autopsies and other surgical procedures;
- c. the storage of caskets, funeral urns, and other related funeral supplies; and
- d. the storage of funeral vehicles; and
- e. facilities for cremation as an accessory use.

Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE – A building or part thereof, used for the storage of motor vehicles.

GLARE – The sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye. Glare is subjective and cannot be measured with a meter.

GOVERNING BODY – Shall mean the Borough Council of Waynesboro Borough.

GROSS FLOOR AREA – Gross floor area shall be measured by using the outside dimensions of the building, excluding the area of an attached garage, open porch or patio and further excluding an unfinished basement. Only those floor areas which have a ceiling height of seven feet or more shall be eligible for inclusion in the gross floor area.

The gross floor area of an apartment dwelling unit shall be measured from the center of interior walls and the outside of exterior walls and shall include closets, bathrooms and hallways within the dwelling unit in addition to the area of all other rooms within the dwelling unit.

HABITABLE ROOM AREA – The room area within a residential structure to be used for habitation excluding unfinished basements, attics, utility (heating and cooling) rooms, garages, open porches and, in apartment houses, excluding common hallways.

HALF-WAY HOUSE – A rehabilitation center where people who have left an institution, such as a hospital or a prison, or who have voluntarily entered, are provided care to help them readjust to living independently in the community.

HEALTH FITNESS CENTER – A building, or part thereof, providing facilities and programs designed to improve the physical well being of the patrons thereof. Such facilities include, not by way of limitation, spas, tennis or racquet clubs, swimming pools, basketball courts, gymnastic and calisthenics facilities and weight-training facilities.

HEIGHT OF A COMMUNICATIONS TOWER – The vertical distance measured from the ground level existing at the time of enactment of this Ordinance to the highest point on a Communications Tower, including the base pad and antennas mounted on the tower.

HEIGHT OF SIGNS OR OTHER STRUCTURES – The vertical distance measured from the average grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

HOME OCCUPATION – Any use such as handicrafts, picture painting, sculpture, music instruction, writing, beauty shops, barber shops, dressmaking, millinery, and home cooking, which is clearly incidental and secondary to the use of the building for dwelling purposes and which would not constitute an unwarranted nuisance to other residents of the neighborhood.

Among the uses that shall not be interpreted as a home occupation are an animal hospital, commercial stables and kennels, funeral home, tourist home, restaurant, the repair, servicing, storage or rental of motor vehicles, clinics and hospitals, machine and welding shops, and pet grooming businesses.

HOSPITAL – An institution where the ill or injured may receive medical, surgical or psychiatric treatment, nursing, food and lodging during illness.

HOTEL – A building which (a) contains guest rooms, each having its only access from a central interior corridor which are designed or intended to be used, let, or hired out for compensation, (b) contains a public lobby serving the guest rooms, (c) may contain one or more dining rooms, and (d) has full-time on-site management.

HOUSE OF WORSHIP – A building or group of buildings including customary accessory buildings designed or intended for public worship. For the purpose of this Ordinance, house of worship shall include: churches, chapels, cathedrals, temples, mosques, and similar places of worship.

ILLUMINANCE – The quantity of incident light per unit area, measured with a light meter in footcandles.

IMPERVIOUS – Not easily penetrated by water (i.e., roads, buildings, sidewalks, access drives, loading areas, parking areas, and paved recreation courts).

IMPERVIOUS COVERAGE – The percentage of a lot covered by impervious surfaces.

JUNK – Scrap or discarded material, not including refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK VEHICLE – Any wrecked or broken vehicle or the major parts of such a vehicle.

JUNK YARD – Any area of land with or without buildings, regardless of size, used for the storage or abandonment of junk or debris, including by way of illustration but not of limitation: vehicles, vehicle tires, vehicle parts, or any motorized or non-motorized mobile equipment, paper, rags, metal, glass, or plastic containers, old household appliances, wood, lumber, brush and any stumps or any other debris of any material whatsoever.

KENNEL – A place where animals are boarded, trained, sold, exhibited or raised and bred for compensation, or as part of a service provided by an accompanying principal use or structure. The keeping of more than twenty-five (25) dogs or cats that are more than six (6) months old on a lot. This definition shall not apply to a Farm.

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

LOADING SPACE – An off-street space or berth on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. The area and depth of a lot abutting a street shall be determined by measurements to the street line.

LOT AREA – The area contained within the property lines of a lot but shall not include any portion of a street and permanent drainage easements.

LOT COVERAGE – That percentage of the lot area which may be covered by impervious surfaces.

LOT DEPTH – The horizontal distance between the front and rear lot lines, measured from the midpoint of the front lot line to the rear lot line on a perpendicular to the street right-of-way line.

LOT, FLAG – A flag lot is an interior, unconventional lot which has direct access to a public or private street by way of a minimum thirty-foot-wide simple access strip.

LOT FRONTAGE – The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage; and yards shall be provided as indicated under YARDS in this section.

LOT LINE – Any line forming a portion of the exterior boundary of a lot.

LOT OF RECORD – A lot which is part of a subdivision recorded in the office of the Recorder of Deeds of Franklin County, or a lot of parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES:

CORNER LOT – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

INTERIOR LOT – A lot other than a corner lot with only one frontage on a street other than an alley.

THROUGH LOT – A lot other than a corner lot with frontage on more than one street other than an alley.

REVERSED FRONTAGE LOT – A lot that has frontage on two streets of different classification with access to the higher order street prohibited and the structure oriented to face the lower order street.

LOT WIDTH – The horizontal distance between the side lot lines measured along the front setback line or other designated building line.

MAILED NOTICE – Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURED HOME – A home factory-built to HUD Title 6 construction standards (the HUD Code).

MESSAGE PARLOR – An establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized organization that requires substantial professional training. Massage therapy by a certified professional shall be considered “personal service.”

- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

MAXIMUM IMPROVEMENT COVERAGE – The building coverage and area of all improved surfaces which cover a lot, such as required parking spaces, including necessary maneuvering areas, passageways and driveways giving access thereto; service areas; accessways; streets; walkways and patios; loading access; recreation courts.

MEMBERSHIP CLUB OR FRATERNAL ORGANIZATION – A building to house an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public, not conducted for private profit and which is not an adjunct to or operated by or in connection with a public tavern, café, or other public place.

MINING, QUARRYING, OR EARTH REMOVING – The excavation of any natural mineral deposit or soil for commercial sale.

MOBILE HOME – A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which 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 without a permanent foundation. This definition shall include transportable manufactured and modular homes placed on removable pre-cast foundations.

MOBILE HOME LOT – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODULAR HOME – A single family dwelling intended for permanent occupancy which is wholly, or in substantial part, made, constructed, formed, or assembled in manufacturing facilities for installation, or assembly and installation on a building site, of pre-made parts or unit modules.

MOTEL – A building or group of buildings which (a) provides for transient guest rooms with outside entrances, (b) has a public lobby, and (c) may contain one or more dining rooms.

MOTOR VEHICLE REPAIR GARAGE – An establishment where repairs are conducted not including major body work, straightening of body parts, painting, welding/patching, storage of vehicles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in motor vehicle service stations.

MOTOR VEHICLE SERVICE STATION – A structure, building, or area of land or any portion thereof that is used primarily for the retail sale of gasoline or any other motor vehicle fuel which may or may not include facilities for lubricating, washing, sale of accessories, minor repairs, and otherwise servicing motor vehicles, but not including body repair or painting thereof. Any business or industry dispensing fuel only for its own use and vehicles will not be deemed to be a motor vehicle service station. The service station may include the sale of a limited selection of food and common household items as a clearly accessory use, provided that the total parking requirements of this Ordinance are complied with.

MUNICIPALITY – The Borough of Waynesboro, Franklin County, Pennsylvania.

MUNICIPAL UTILITY – Any improvement, structure, or use owned and/or operated by the Borough, or by a Municipal Authority incorporated by the Borough involved in the provision of water or wastewater services or other services provided to the public.

NIGHTCLUB – An establishment for nighttime entertainment, typically serving alcoholic drinks and usually food, offering music, dancing, comedy acts and similar entertainment.

NO-IMPACT HOME-BASED BUSINESS – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (b) The business shall employ no employees other than family members residing in the dwelling.
- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (d) There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights.
- (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(h) The business may not involve any illegal activity.

NONCONFORMING LOT – A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE – A use, whether of land or of structure, which does not comply with the applicable use provision in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NUISANCE – Any practice which annoys, disturbs or interferes with one in the procession and enjoyment of his property, rendering its reasonable use or occupation physically uncomfortable, e.g.: excessive noise, noxious odors, electronic radiations, vibrations, smoke discharge, glare, improper drainage, etc.

NURSING HOME – A building containing sleeping rooms used by persons who are lodged and furnished with meals and are provided with needed support services, including the availability of basic nursing care. Such a facility may or may not include skilled nursing or medical care. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a nursing center.

OFFICIAL MAP – A map adopted by ordinance by the Borough Council pursuant to Article IV of the Municipalities Planning Code.

OPEN SPACE – A parcel or parcels of land or area of land or water or a combination of land and water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

ORIGINAL ART MURAL – A hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

PARKING AREA OR LOT – An off-street surfaced area designated solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

PARKING SPACE – An area not less than ten feet wide by twenty feet in length, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle except that nothing shall prohibit private driveways for one and two family dwellings from being considered off-street parking areas provided that no portion of such driveway within the right-of-way line of the street intersected by such driveway shall be considered off-street parking space. A parking space is intended to be of sufficient area to accommodate the exterior extremities of the vehicle, whether in addition thereto wheel blocks are installed within this area to prevent the bumper from overhanging one end of the parking space.

PARTY WALL – A common shared wall between two (2) separate structures or buildings, including but not limited to any type of dwelling unit and such common shared wall is jointly owned by the connected property owner.

PAVED – Having been surfaced with hard material such as concrete, asphalt, or brick.

PERMANENT FOUNDATION – Any pad, pier or support system, usually of masonry, intended to support and/or anchor a structure for an indefinite period.

PERMIT – A document issued by the appropriate municipal authority authorizing the applicant to undertake certain activities.

PERMITTED USE – Any use of the land or building as permitted by this Ordinance.

PERSON – An individual, partnership, organization, association, trust, or corporation. When used in penalty provision, “person” shall include members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

PERSONAL CARE HOME – A premise in which food, shelter, personal assistance or supervision are provided for a period exceeding 24 consecutive hours for more than 3 adults who are not relatives of the operator and who require assistance or supervision in matters such as dressing, bathing, diet or medication prescribed for self administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

PERSONAL SERVICE – An establishment that provides a service oriented to personal needs which do not involve primarily retail sales of goods or professional advisory services.

PLANNED ADAPTIVE REUSE DEVELOPMENT – A development which adapts existing industrial buildings or sites for multiple land uses which are combined into a single unified project.

PLANNED RESIDENTIAL DEVELOPMENT – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of

residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance.

PLANNING AGENCY OR PLANNING COMMISSION – The Waynesboro Borough Planning Commission, County Planning Agency or Commission shall be the Franklin County Planning Commission.

POOL – Pools (private, public, apartment or town house) used for swimming and bathing. These pools shall be constructed and maintained under and conform with the adopted Building Code of the Borough of Waynesboro.

PREMISES – All improvements, buildings, structures and land on or within a lot.

PRESCHOOL – A school licensed by the Commonwealth of Pennsylvania to provide day time care and instruction and where a fee is being charged for two (2) or more children from two (2) to five (5) years of age, inclusive, and operated on a regular basis.

PRINCIPAL BUILDING – A building in which a principal use on a lot is conducted.

PRINCIPAL USE – The main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which there may be occupied or maintained under the terms of this Zoning Ordinance.

PRIVATE (NON-GOVERNMENTAL) RECREATIONAL FACILITIES – Outdoor or indoor areas or structures, operated by non-profit or private commercial entities, open to the public, which contain entertainment and amusement devices or attractions such as tennis and racquetball courts, and the like, but excluding theaters and adult entertainment establishments.

PRIVATE STREET – A street which has not been dedicated to the Borough or the Commonwealth of Pennsylvania.

PROFESSIONAL OFFICE – The offices of an attorney; clergyman; physician; surgeon; dentist; psychiatrist; psychologist; optometrist; chiropractor and licensed professional persons offering similar medical care; architect; accountant; insurance agent; real estate broker; notary; teacher; engineer; surveyor; landscape architect; community or land planner; or similar licensed or accredited professional persons. Where such offices are part of a structure where there is a residence or residences, the restrictions as outlined under Home Occupation shall apply.

PROPERTY LINE – A recorded boundary of a lot. However, any property line which abuts a “street” or other public or quasi-public way shall be measured from the legal right-of-way line of the street.

PUBLIC HEARING – A formal meeting held pursuant to Public Notice by the Borough Council or Planning Commission, intended to inform and obtain public comments, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING – A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act”.

PUBLIC NOTICE – Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC UTILITY INSTALLATION – Of or pertaining to any building, structure or use activity belonging to and operated by a public utility regulated by the Public Utility Commission.

RECREATIONAL VEHICLE – A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, house trailers, boats, all-terrain vehicles, boat trailers and self propelled motor homes.

RECYCLING CENTER – A use for collection and temporary storage of common household materials for recycling but that does not involve processing or recycling other than routine sorting, bailing and weighing of materials. This term shall not include the indoor storage of household recyclables awaiting pick-up by the Borough’s contractor and their customary collection.

RESTAURANT – Any establishment at which the sale of food in a ready-to-consume state for consumption is the primary business. A snack bar or refreshment stand at a public or community swimming pool, playground, playfield, or park, operated in conjunction with and incidental to such recreational facility for the sole convenience of patrons of the facility is excluded.

RESTAURANT DRIVE-THROUGH – A restaurant at which any food or refreshments are customarily served to or consumed by any patrons seated in automobiles or otherwise off the premise whether or not, in addition thereto, seats or other accommodations are provided for patrons.

RESTRICTIVE COVENANT – A restriction on the use of land usually set forth in the deed or separately recorded restrictions and which is binding upon subsequent property owners.

RETAIL STORE – A use in which merchandise is sold or rented to the general public, but not including specifically allowed other uses such as the following: sales of motor vehicles or boats, adult bookstores, manufacturing, tavern, car wash, motor vehicle service station, repair garage, or restaurant.

RIGHT-OF-WAY – The land and space required on the surface, subsurface, and overhead for the construction and installation of materials, necessary to provide passageway for vehicular traffic, pedestrian ways, utility lines, poles, conduits, and mains, signs, hydrants, trees and shrubbery and the proper amount of light and air.

SCHOOL, PRIVATE – A privately administered institution or school whose curriculum is licensed and/or approved by the Pennsylvania Department of Education.

SCHOOL, PUBLIC – A school maintained at public expense for the education of the general citizenry of the community or district as part of the system of public education.

SCREEN – An area of planting, or alternative material approval by the Borough Council or Zoning Hearing Board, designed to provide a visual barrier either between abutting properties or between a property and an abutting street, as required within this Ordinance.

SELF STORAGE UNITS – A use of land where secure structures or secure units within a structure are offered for lease to the general public for the storage of personal articles.

SHELTER – A facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

SHOPPING CENTER – One or more buildings or parts thereof, to be occupied and used by more than one enterprise for the conduct of business as an integrated and comprehensively planned area.

SIGN: SEE ARTICLE XI

SITE PLAN REVIEW – The examination of the specific development plans for a lot. Wherever the term site plan approval is used in this Ordinance, it shall be understood to mean a requirement that the site plan be reviewed by the Planning Commission and approved by the Borough Council or other specified agency.

SLOPE – The change in vertical elevation over horizontal distance, expressed as a percentage.

SOLAR ENERGY – Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM – An energy conversion system or device, including any structural design features and all appurtenances and parts thereof, whose primary purpose is to provide the collection, storage and distribution of solar energy for space heating or cooling, for water heating and/or for electricity.

SOLAR PANEL – That part or portion of a solar energy system containing one or more receptive cells or units, the purposes of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SPECIAL EXCEPTION – A special exception is a use that would not be appropriate generally or without restriction throughout the zone, but which, if controlled as to number, area, location, or relocation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. The Zoning Hearing Board may approve a special exception following a public hearing

and findings of fact consistent with the provisions of this Ordinance, provided the use complies with specified conditions and standards outlined in this Ordinance.

STORY – That part of any building comprised between the level of one finished floor and the level of the next higher finished floor, or if there is no higher finished floor, then that of the building comprised between the level of the highest finished floor and the top of the roof beams. The first story of any building shall be where more than 75 percent of the story is above the finished grade along the front of the building.

STREET – A strip of land, including the entire right-of-way (i.e., not limited to the cartway), either public or private, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot or one dwelling unit. A thoroughway, which has not been ordained as a street by the Borough, is an alley. An alley shall not be considered as a street. A list of ordained streets shall be maintained by the Borough; said list is herein incorporated by reference.

STREET CENTERLINE – The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

STREET FRONTAGE – The lot dimension measured along the street line or right-of-way of any one street or highway abutting a lot.

STREET LINE – The dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or a land development plan, or between a lot and a private street, road, or way over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

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

STUDIO – The working place of a painter, sculptor, photographer, or such other similar artistic endeavor, a place for the study of an art such as dancing, singing, or acting, or such other similar artistic endeavor.

TURNING AREA – The area necessary in a parking lot for maneuvering vehicles into and out of parking stalls and in other areas the space provided for vehicles to turn around.

USABLE RECREATION SPACE – Open space developed and designed to be utilized for the purpose of recreation whether it be park land, ball fields, courts or playgrounds.

USE – The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE – Relief, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance provided those conditions contained hereafter relating to establishing the entitlement to variances are found to exist by the Zoning Hearing Board.

VISITORS CENTER – A use offering information and tourism-related services to visitors to the Borough or historical or natural resources located within the Borough.

WALL (FREE STANDING) – A barrier constructed of stone, brick, concrete, masonry, or similar materials designed for the purpose of limited or excluding access to a lot or for the purpose of screening a lot or portion of a lot from the exterior of the lot.

WAREHOUSE – A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials.

WIND ENERGY FACILITY- One or more wind turbines and associated structures which constitutes the primary use of the property.

WIND TURBINE – A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes such elements as a wind turbine generator hub, blade or rotor, tower, and transformer.

WIND TURBINE HEIGHT – The distance between the base of the tower or other supporting structure and the outermost part of the rotor or blade at its maximum vertical extension.

WIND TURBINE OWNER – The entity or entities having an ownership interest in the wind turbine, including their respective successors and assigns.

WIND TURBINE OPERATOR – The entity responsible for the day to day operation and maintenance of the wind turbine.

YARD – The open space on the same lot with a building or structure. The space shall be open and unobstructed from the ground upward, except as otherwise provide in this Ordinance, and not less in depth or width than the minimum required by this Zoning Ordinance.

YARD, FRONT – An open space between an adjacent street right-of-way and buildings on the lot extending for the full width of the lot.

YARD, REAR – An open space between the rear lot line and buildings on a lot and extending for the full width of the lot.

YARD, SIDE – An open space between the side lot line and buildings on a lot and extending from the front yard to the rear yard.

ZONING OFFICER – The duly authorized and designated official of the Borough responsible for administering and enforcing the Zoning Ordinance of the Borough of Waynesboro.

ZONING ORDINANCE – Borough of Waynesboro Zoning Ordinance.

ARTICLE III
Zoning Districts General Provisions

7. Designation of Zones; Purpose.

A. For the purpose of lessening congestion in the streets; securing safety from fire, panic, and other dangers; protecting health, morals or the general welfare; providing adequate light and air; preventing the overcrowding of land or buildings; avoiding the undue concentration of population; with reasonable consideration to the character of the district and its peculiar suitability for particular uses and with the objective of conserving the value of property and encouraging the most appropriate use of land through such municipality, the Borough of Waynesboro is hereby divided into the following Zoning Districts:

| <u>Symbol</u> | <u>Zone</u> |
|---------------|-------------------------------------|
| RL | Low Density Residential District |
| RM | Medium Density Residential District |
| PR | Planned Residential District |
| TC | Town Center District |
| DBD | Downtown Business District |
| GC | General Commercial/Office District |
| HO | Hospital/Office District |
| INST | Institutional District |
| I/C | Industrial/Commercial District |
| I | Industrial District |
| GI | General Industrial District |

B. This Ordinance is adopted in order to promote and protect the public health, safety, morals and general welfare and in furtherance of the following related and more specific objectives:

- (1) To secure safety from fire, flood, panic and other natural and man-made disasters.
- (2) To provide adequate light, air and open space.
- (3) To ensure that the development of the Borough of Waynesboro does not conflict with the development and general welfare of neighboring municipalities, the County of Franklin and the Commonwealth of Pennsylvania.
- (4) To promote the establishment of the appropriate population densities and concentrations that will contribute to the well-being of persons and neighborhoods and the preservation of the environment.
- (5) To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.

- (6) To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial/industrial uses and open space, both public and private, according to their respective environmental requirements.
- (7) To encourage the location and design of transportation routes which will permit the free flow of traffic while discouraging location of such facilities and routes which will result in congestion or blight.
- (8) To provide a desirable visual environment through creative development techniques and good civic design and arrangements.
- (9) To promote the conservation of open space and valuable natural resources and to prevent degradation of the environment through improper use of land.
- (10) To encourage developments which incorporate the best features of design and relate the type, design and layout of residential, commercial/industrial and recreational development to the particular site.
- (11) To encourage the provision of appropriate housing for Borough residents.
- (12) To encourage the retention of the Borough's historic character.
- (13) To encourage the coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of the land.

8. Zoning Map.

The Zoning Map entitled "Zoning Map, Borough of Waynesboro, Franklin County, Pennsylvania" is hereby adopted and made part of this Ordinance, a copy of which shall be kept on file at the Borough office.

9. Zone Boundaries.

District boundary lines are intended to follow street and alley center lines, water courses, Borough boundaries, lot or property lines or extension of such lines as they exist at the time of enactment of this Ordinance unless otherwise indicated by dimensions on the Zoning Map. The exact location of any disputed district boundary line shall be determined by the Zoning Hearing Board.

10. Conformity with Provisions.

Except as hereinafter otherwise provided:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used, for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is located.

- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located unless otherwise provided for in this Ordinance.
- C. No building shall be erected, no existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located unless otherwise provided for in this Ordinance.
- D. No yard or other open space provided about any building for the purpose of complying with the provision of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot, unless otherwise provided for in this Ordinance.
- E. Notwithstanding limitations imposed by other provisions of this Ordinance, a building and its customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirement for area or width, or both, that are generally applicable in the zone, provided the yard dimensions and other requirement not involving area or width, or both, of the lot shall conform to the regulations for the zone in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.
- F. All uses not expressly permitted in this Ordinance or permitted as being similar to uses expressly permitted in this Ordinance are prohibited.
- G. Where district regulations specify a minimum lot width, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts, unless otherwise required by this Ordinance.
- H. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards.
- I. Buildings and/or lots may be owned in condominium ownership. Such buildings and/or lots shall comply with all applicable zoning requirements; furthermore, each unit of occupancy shall comply with the requirements of Borough codes as a separate unit of occupancy.

Condominium declarations shall be submitted to and approved by the Borough prior to issuance of any Zoning Permit for a building or lot in condominium ownership, and after such approval shall be filed with the Recorder of Deeds of the County of Franklin and the Borough.

Condominium declarations shall be in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended. In the case of a building in condominium ownership situated on a parcel of land, the building coverage and paved area regulations of the applicable zoning district shall apply to the entire building as it is situated on the entire parcel, and shall not be applied to each unit of occupancy within the building.

- J. When a building is proposed within Waynesboro Borough and minimum requirements are established for lot size and/or common open space, such minimum requirements shall be met within Waynesboro Borough.
- K. When calculating the permissible number of dwelling units within a subdivision or land development in Waynesboro Borough, only land located within Waynesboro Borough shall be used.
- L. A canopy, such as that over gasoline pumps at a motor vehicle service station, shall not be located within any required front, rear, or side yard established in the applicable zoning district.
- M. Steps within yards for the purpose of walking from one level of the yard to another may be located anywhere within yards.
- N. The measurement of building length shall be made along one building wall, in one general direction.
- O. No use shall be conducted in a manner to constitute a nuisance.

ARTICLE IV
Nonconforming Uses and Structures

11. Existing Nonconforming Uses and Structures.

The following regulations shall control nonconforming uses and structures:

- A. A use or structure lawfully in existence at the effective date of this Ordinance which is thereby made nonconforming or a lawful prior nonconforming use or structure may be continued as provided for in this Ordinance.
- B. Registration of Nonconforming Uses shall be completed no later than 120 days after the effective date of this Ordinance. Any operator of a use that meets the requirements for a nonconforming use under this Ordinance must apply to register the nonconforming use with the Zoning Officer.
 - a. The Zoning Officer will provide application forms for the registration of nonconforming uses.
 - b. The owner or operator claiming the nonconforming use has the burden of demonstrating that the use lawfully existed prior to the effective date of this Ordinance.
 - c. The Zoning Officer shall make a determination regarding the registration of the nonconforming use. The determination of the Zoning Officer may be appealed to the Zoning Hearing Board as provided for herein.
 - d. Failure to make application to register a nonconforming use within 120 days after the effective date of this Ordinance shall mean that the use does not qualify as a nonconforming use.
- C. No nonconforming use or structure shall be enlarged, extended, expanded, reconstructed, substituted or structurally altered except when such changes are in conformity with this Ordinance. Normal maintenance and repair of a nonconforming structure or use is permitted, provided that it does not extend or expand the degree of nonconformity.

Nonconforming uses and structures may be expanded provided such expansion does not exceed fifty percent (50%) of the area occupied at the time the use or structure became non-conforming. Such expansion shall be on the same parcel of land occupied by the nonconforming use or structure.
- D. Any nonconforming use or structure which is destroyed by fire, casualty or act of God may be repaired, rebuilt and used as before, provided that no increase in the degree of nonconformity is thereby created. All repairs shall be commenced within one (1) year after the damage occurs and shall be completed within two (2) years after such date, or such use or structure shall not be rebuilt except as a conforming use or structure.

- E. Cessation of a nonconforming use for a continuous period of two (2) years shall create a rebuttable presumption that such use has been abandoned. Such nonconforming use shall not thereafter be revived.
- F. A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by Conditional Use, be changed to another nonconforming use provided that the Borough Council shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use and is not more detrimental to the surrounding neighborhood. The Borough Council may specify appropriate conditions and safeguards when granting a Conditional Use.
- G. A principal building which existed at the effective date of this Ordinance which is nonconforming as to yard requirements may have repairs, improvements, maintenance, modifications and additions made to those portions of the building located within the required yard, provided that no repair, improvement, maintenance, modification or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective date of this Ordinance.

ARTICLE V
Zoning Districts Permitted Uses

Specific use requirements found in Article VII shall apply to uses listed in Article V.

12. RL – Low Density Residential District.

The purpose of this district is to provide for low density single family development and to stabilize and protect areas where existing single family development has already occurred, and to promote pleasant and suitable single family residential living environments.

13. Use Regulations.

- A. Uses by right.
 - 1. The planting, raising, harvesting and preparing for market of crops such as corn, hay, oats, soybeans, barley and alfalfa.
 - 2. Single family dwellings except mobile homes.
 - 3. Public parks and playgrounds.
 - 4. Houses of worship.
 - 5. Greenhouses and nurseries, provided that no products are sold on the premises.
 - 6. Municipal utility.

7. Forestry.
 8. No-impact home-based business.
- B. Special exception uses.
1. Public and private schools.
 2. Home Occupations and Home Professional Offices.
 3. Essential services.
- C. Conditional uses.
1. Communications antennas attached to an existing structure.
- D. Accessory uses.

Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.

14. RM – Medium Density Residential District.

The purpose of this district is to provide for a variety of moderate density residential uses including single family, two family, duplex, townhouse and multifamily dwellings, as well as related uses in keeping with the residential character of the district.

15. Use Regulations.

- A. Uses by right.
1. The planting, raising, harvesting and preparing for market of crops such as corn, hay, oats, soybeans, barley and alfalfa.
 2. Single family dwellings.
 3. Duplex dwellings.
 4. Two family dwellings.
 5. Townhouse dwellings.
 6. Multifamily dwellings.
 7. Public parks and playgrounds.
 8. Houses of worship.

9. Greenhouses and nurseries, provided that no products are sold on the premises.
10. Municipal utility.
11. Forestry.
12. No-impact home-based business.

B. Special exception uses.

1. Public and private schools.
2. Institutions of an educational, medical, charitable, or philanthropic nature, including but not limited to schools, hospitals, clinics, nursing homes, orphanages, convalescent homes and personal care homes.
3. Public utility installations except garages, warehouses, and storage yards.
4. Day care centers and preschools.
5. Off-street parking facility.
6. Home occupations and home professional offices.
7. Mobile Home Parks.
8. Essential services.

C. Conditional uses.

1. Communications antennas attached to an existing structure.

D. Accessory uses.

Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.

16. PR – Planned Residential District.

The purpose of this district is to provide for higher density residential living environments; the district allows for wide variety of housing types, and strongly encourages the concept of Planned Residential Development which respects the natural amenities and physical limitations of the land.

17. Use Regulations.

A. Uses by right.

1. The planting, raising, harvesting and preparing for market of crops such as corn, hay, oats, soybeans, barley and alfalfa.
2. Single family dwellings.
3. Duplex dwellings.
4. Two family dwellings.
5. Townhouse and multifamily dwellings, only if part of a Planned Residential Development.
6. Planned residential developments (PRD) incorporating only the permitted uses in this district, per Article VIII.
7. Public parks and playgrounds.
8. Houses of worship.
9. Municipal utility.
10. Forestry.
11. No-impact home-based business.

B. Special exception uses.

1. Public and private schools.
2. Institutions of an educational, medical, charitable, or philanthropic nature, including but not limited to schools, hospitals, nursing homes, and orphanages.
3. Cemeteries.
4. Public utility installations except garages, warehouses, and storage yards.
5. Day care centers and preschools.
6. Home occupations and home professional offices.
7. Convenience stores and personal service shops serving a PRD, within the PRD.
8. Essential services.

- C. Conditional uses.
 - 1. Communications antennas attached to an existing structure.
- D. Accessory uses.

Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.

18. TC – Town Center District.

It is the purpose of this district to provide for a well-functioning, more intensified, commercial and people-oriented central area. Although retail/business uses are strongly encouraged into the Town Center District, some public uses and housing types can also occur within this multi-function district.

19. Use Regulations.

- A. Uses by right.
 - 1. Retail stores such as grocery, drug, clothing, hardware, antique, music, variety, appliances and furniture, sporting goods, electronic equipment, flowers, jewelry, books, stationery and toy stores, bakeries and confectionaries. Adult uses are excluded.
 - 2. Governmental structures and facilities.
 - 3. Civic and cultural facilities, such as libraries, museums and post offices.
 - 4. Restaurants not including drive-through service places.
 - 5. Professional offices.
 - 6. Business and administrative offices.
 - 7. Banks and other financial institutions, not including drive-through service places, but including walk-up windows.
 - 8. Passenger terminals, including taxi stands and bus stations.
 - 9. Houses of worship.
 - 10. Commercial, public and private schools.
 - 11. Personal service businesses such as shoe repair shops, beauty parlors and barber shops, laundries and dry cleaning establishments which are self-service or pick-up stations only, tailor and seamstress shops, shops renting and repairing

household goods, medical equipment sales and rentals and video rentals (not including adult bookstores).

12. Membership clubs and fraternal organizations.
 13. Single-family dwellings.
 14. Duplex dwelling.
 15. Two-family dwellings.
 16. Multifamily dwellings.
 17. Owner or lessee occupied apartment above the first floor of commercial uses.
 18. Home occupations and home professional offices.
 19. Conversions of any dwelling units to commercial use.
 20. Licensed Group Home Dwelling.
 21. Municipal utility.
 22. Forestry.
 23. No-impact home-based business.
 24. Farmers' Market.
 25. Artisans studios and art galleries.
 26. Visitors Centers.
 27. Business support services, such as copying and delivery services.
 28. Indoor theater, not including an adult use.
 29. Health Fitness Center.
 30. Essential services.
 31. On-site production with on-site retail or restaurant use.
 32. Tavern.
- B. Special exception uses.
1. Drive-through service places.

2. Banks and other financial institutions, which include drive-through services.
3. Other uses permitted in this District where drive-through services are provided.
4. Hotels and motels.
5. Public utility installations except garages, warehouses, and storage yards.
6. Parking lots and parking structures where such facilities are the principal use.
7. Commercial recreation including miniature golf, swimming pools, tennis barns and other similar uses.
8. Car washes.
9. Motor vehicle repair garages.
10. Day care centers and preschools.
11. Bed and Breakfast.
12. Personal care home.
13. Funeral home.
14. Business incubator.
15. Shopping Center.

C. Conditional uses.

1. Planned Town Center Development.
2. Original art mural.
3. Communications antennas attached to an existing structure.

D. Accessory uses.

Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel. Parking may be located off-site as otherwise provided in this Ordinance.

E. Additional regulation.

1. Replacement of a first floor commercial use with a dwelling unit is prohibited.

20. DBD – Downtown Business District.

The purpose of this district is to preserve and protect the visual continuity and general aesthetics of the downtown business area; to encourage the utilization of land and the harmonious design, erection and use of the buildings to maintain linear arrangement with existing buildings; and to provide for professional and business offices, retail sales and commercial services in a diversified business district.

21. Use Regulations.

A. Uses by right.

1. Retail stores such as grocery, drug, clothing, hardware, antique, music, variety, appliances and furniture, sporting goods, electronic equipment, flowers, jewelry, books, stationery and toy stores, bakeries and confectionaries. Adult uses are excluded.
2. Government structures and facilities.
3. Civic and cultural facilities, such as libraries, museums and post offices.
4. Eating and drinking places, not including drive-through service places, but including walk-up windows.
5. Professional offices.
6. Business and administrative offices.
7. Restaurants not including drive-through service places.
8. Passenger terminals, including taxi stands and bus stations.
9. Houses of worship.
10. Commercial, public and private schools.
11. Membership clubs and fraternal organizations.
12. Multifamily dwellings.
13. Owner or lessee occupied apartments above the first floor of commercial uses.
14. Home occupations and home professional offices.
15. Licensed Group Home Dwelling.
16. Municipal utility.
17. Forestry.

18. No-impact home-based business.
19. Farmers' Market.
20. Artisans studios and art galleries.
21. Visitors Centers.
22. Business support services, such as copying and delivery sources.
23. Indoor theater, not including an adult theater.
24. Personal service businesses such as shoe repair shops, beauty parlors and barber shops, laundries and dry cleaning establishments which are self-service or pick-up stations only, tailor and seamstress shops, shops renting and repairing household goods, medical equipment sales and rentals and video rentals (not including adult uses).
25. Health Fitness Center.
26. Essential services.
27. On-site production with on-site retail or restaurant use.
28. Tavern.

B. Special exception uses.

1. Drive-through services places, provided drive-through service is located to the rear of the principal use.
2. Banks and other financial institutions, which include drive-through services, provided drive-through service is located to the rear of the principal use.
3. Other uses permitted in this District where drive-through services are provided, provided drive-through service is located to the rear of the principal use.
4. Hotels and motels.
5. Day care centers and preschools.
6. Bed and Breakfast.
7. Personal care home.
8. Business incubator.
9. Outdoor dining areas.

C. Conditional uses.

1. Planned Town Center Development.
2. Funeral home.
3. Communications antennas attached to an existing structure.

D. Accessory uses.

Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel. Parking may be located off-site as otherwise provided for in this Ordinance.

E. Additional regulations.

1. Replacement of a first floor commercial use with a dwelling unit is prohibited.
2. Accessory parking lots and structures shall be located to the rear of properties only.

22. GC – General Commercial/Office District.

The General Commercial/Office District provides for those types of commercial uses which function best outside the Town Center. To function properly, these uses require either convenient highway accessibility or larger amount of space.

23. Use Regulations.

A. Uses by right.

1. Hotels and motels.
2. Retail stores such as grocery, drug, clothing, hardware, antique, music, variety, appliances and furniture, sporting goods, electronic equipment, flowers, jewelry, books, stationery and toy stores, bakeries and confectionaries. Adult retail stores are excluded.
3. Personal service businesses such as shoe repair shops, beauty parlors and barber shops, laundries and dry cleaning establishments which are self-service or pick-up stations only, tailor and seamstress shops, shops renting and repairing household goods, medical equipment sales and rentals and video rentals (not including adult bookstores).
4. Professional offices.
5. Business and administrative offices.

6. Bank or other financial institutions, not including drive-through service places.
7. Passenger terminals, including taxi stands and bus stations.
8. Membership clubs and fraternal organizations.
9. Pet grooming services.
10. Motor vehicle service stations.
11. Parking lots and parking structures.
12. Automobile, farm equipment, and marine sales and services.
13. Automotive supplies sales establishments.
14. Household, lumber, building materials and garden supplies sales establishments.
15. Commercial recreation including miniature golf, swimming pools, tennis barns and other similar uses.
16. Indoor theaters, not including an adult use.
17. Animal hospitals.
18. Restaurants.
19. Commercial schools.
20. Public utility uses, including electric substations, storage of materials and trucks, repair facilities and offices.
21. Single family dwellings.
22. Townhouse dwellings.
23. Duplex dwellings.
24. Two family dwellings.
25. Multifamily dwellings.
26. Apartments or owner or lessee occupied dwelling unit above the first floor of commercial uses.
27. Wholesale and warehouse establishments.
28. Car wash.

29. Motor vehicle repair garages and body shops.
30. Nightclub, not including adult nightclub.
31. Municipal utility.
32. Forestry.
33. No-impact home-based business.
34. Farmers' market.
35. Artisans studios and art galleries.
36. Visitors center.
37. Business support serving such as copying and delivery services.
38. Houses of worship.
39. Health fitness center.
40. Essential services.
41. On-site production with on-site retail or restaurant use.
42. Tavern.
43. Shopping Center.

B. Special exception uses.

1. Day care centers and preschools.
2. Bank or other financial institutions which include drive-through services.
3. Institutions of an educational, medical, charitable, or philanthropic nature, including but not limited to schools, hospitals, nursing homes, orphanages, libraries and museums.
4. Adult health fitness center, massage parlor, adult nightclub, any of which conduct their activities in such manner as to appeal to the prurient interest. Adult theaters and adult bookstores.
5. Funeral home.
6. Business incubator.

- C. Conditional use.
 - 1. Communications antennas attached to an existing structure.
 - 2. Indoor Shooting Ranges / Indoor Live-Fire Training Facility (collectively referred to as Indoor Shooting Range).
- D. Accessory uses.
 - 1. Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel. Parking may be located off-site as otherwise provided by this Ordinance.

24. HO – Hospital/Office District.

The purpose of this district is to protect the existing hospital area from uses which adversely affect the necessary functions of the hospital and to provide additional opportunities for hospital and health-related offices and services close to the hospital.

25. Use Regulations.

- A. Uses by right.
 - 1. Hospital.
 - 2. Nursing and convalescent homes.
 - 3. Medical and dental offices and clinics.
 - 4. Medical laboratories and diagnostic centers.
 - 5. Offices administering health and welfare programs and services.
 - 6. Single family dwellings.
 - 7. Duplex dwellings.
 - 8. Two family dwellings.
 - 9. Parking lots and structures.
 - 10. Pharmacy, provided at least eighty (80) percent of the total sales floor area is devoted to the business of selling prescription and non-prescription drugs and medical supplies, and that the maximum square footage devoted to all functions shall not exceed 2,500 square feet.
 - 11. Opticians, orthopedic and other medical supply places provided one hundred (100) percent of the total sales floor area is devoted to the sale of medical

supplies, and that the maximum square footage devoted to all functions shall not exceed 3,000 square feet.

12. Forestry.
 13. No-impact home-based business.
 14. Municipal utility.
 15. Essential services.
 16. Professional offices.
- B. Special exception uses.
1. Conversions of any dwelling unit.
 2. Communications antennas attached to an existing structure.
- C. Accessory uses.

Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel. Parking may be located off-site as otherwise provided by this Ordinance.

26. INST – Institutional District.

It is the purpose of this district to provide for public and private institutions which serve the residents of the Borough and which are compatible with surrounding neighborhoods.

27. Use Regulations.

- A. Uses by right.
1. Municipal utility.
 2. Houses of worship.
 3. Public playgrounds and other recreational facilities, such as golf courses.
 4. Public schools.
 5. Health fitness center.
 6. Forestry.
 7. Library, museum, art gallery, conservatory or similar use.

8. Woodland preserve, wildlife sanctuary or similar conservation use.
- B. Special exception uses.
1. Private schools.
 2. Cemeteries.
 3. Park, playground, community recreational building, swimming pool, golf course or closely similar non-commercial recreation areas owned by a church or similar non-profit agency.
- C. Conditional uses.
1. Institutional headquarters for educational, fraternal, professional, religious and other non-profit organizations of similar nature.
 2. Communications antennas attached to an existing structure.
 3. Communications tower.
- D. Accessory uses.
- Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.

28. I/C – Industrial/Commercial District.

The purpose of this district is to allow a mixture of light industrial, commercial and residential uses in an area where such a mix now exists.

Given the proximity to residential uses, uses in this district must not have an adverse impact on the surrounding area.

29. Use Regulations.

- A. Uses by right.
1. Professional offices.
 2. Business and administrative offices.
 3. Bank or other financial institutions.
 4. Membership clubs and fraternal organizations.
 5. Motor vehicle service stations.

6. Automobile, farm equipment, and marine sales and services.
7. Automotive supplies and hardware sales establishments.
8. Household, lumber, building materials and garden supplies sales establishments.
9. Commercial recreation including miniature golf, swimming pools, tennis barns and other similar uses.
10. Public utility uses, including electric substations, storage of materials and trucks, repair facilities and offices.
11. Single family dwellings.
12. Townhouse dwellings.
13. Duplex dwellings.
14. Two family dwellings.
15. Multifamily dwellings.
16. Municipal utility.
17. Forestry.
18. No-impact home-based business.
19. Manufacturing operations involving the production, processing and assembling of goods and materials.
20. Metal processing such as metal machining, finishing, plating, blackening, heat treating, grinding and polishing, metal stamping, screw machining and extrusion of products; and the manufacture of metal products, tools, and hardware.
21. Research, experimental or testing laboratories.
22. Printing and publishing activities.
23. Parking lots and structures.
24. Wholesale businesses, warehouses, self-storage facilities and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products, and other flammable, explosive, or noxious materials.
25. Shop of a carpenter, electrician, metal workers, cabinet maker, upholsterer, plumber, mason, painter, home builder, heating contractor, or similar skilled tradesman.

- 26. Essential services.
- 27. On-site production with on-site retail or restaurant use.
- B. Special exception uses.
 - 1. Contractors' equipment storage yard or plant.
 - 2. Oil company which delivers fuel directly to residential and commercial customers, and is not primarily a storage and/or wholesale distribution business.
 - 3. Home professional offices.
 - 4. Funeral home.
- C. Conditional uses.
 - 1. Shopping center.
 - 2. Communications antennas attached to an existing structure.
 - 3. Recycling Center.
- D. Accessory use.

Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel. Parking may be provided off-site as otherwise provided by this Ordinance.

30. I – Industrial District

The purpose of this district is to provide desirable locations for industrial development and associated research. The district is intended to promote the economic welfare of the Borough by reserving especially suited sites for manufacturing, processing and storage uses and by controlling the intermingling of incompatible uses.

31. Use Regulations.

- A. Uses by right.
 - 1. Manufacturing operations involving the production, processing and assembling of goods and materials.
 - 2. Metal processing such as metal machining, finishing, plating, blackening, heat treating, grinding and polishing, metal stamping, screw machining and extrusion of products; and the manufacture of metal products, tools, and hardware.
 - 3. Research, experimental or testing laboratories.

4. Business, administrative, professional or corporate offices of other uses permitted in this district.
5. Printing and publishing activities.
6. Parking lots and structures.
7. Wholesale businesses, warehouses, self-storage facilities and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products, and other flammable, explosive, or noxious materials.
8. Building material sales yard, including the sales of rock, sand, gravel, and the like as an incidental part of the main business.
9. Public utility installations, including electric substations, storage of materials and trucks, repair facilities, offices.
10. Stone cutting and monument manufacture and sales.
11. Motor vehicle service station, including motor vehicle repair garages.
12. Hardware and automotive supplies sales establishments.
13. Household and garden supplies sales establishments.
14. Forestry.
15. Shop of a carpenter, electrician, metal workers, cabinet maker, upholsterer, plumber, mason, painter, home builder, heating contractor, or similar skilled tradesman.
16. Municipal utility.
17. Essential services.

B. Special exception uses.

1. Automobile, trailer or mobile home, farm equipment, and marine sales and service; automobile or automotive manufacture or assembly including farm equipment but not including salvage.
2. Body shops, or tire recapping or retreading establishments.
3. Contractors' equipment storage yard or plant.
4. Day care center or preschool.
5. Financial institution.

6. Oil company which delivers fuel directly to residential and commercial customers, and is not primarily a storage and/or wholesale distribution business.
 7. Business incubator.
 8. Conference center with professional meeting and training facilities, which may include related lodging and dining facilities. Recreational facilities, service stores and other similar facilities for use exclusively by conference participants and employees shall be permitted in conjunction with the conference center.
 9. Foundry.
 10. Any use of the same general character as those permitted and special exception uses listed above, provided that it would not violate the intention of this Ordinance and would not pose a threat to the health, safety, or welfare of the Borough, and is not unduly obnoxious by reason of danger of fire or explosion.
- C. Conditional use.
1. Planned Adaptive Reuse Development.
 2. Communications antennas attached to an existing structure.
- D. Accessory use.

Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel. Parking may be provided off-site as otherwise provided by this Ordinance.

32. GI – General Industrial District.

The purpose of this district is to provide desirable locations for industrial development and associated research. The district is intended to promote the economic welfare of the Borough by reserving especially suited sites for manufacturing, processing and storage uses and by controlling the intermingling of incompatible uses.

33. Use Regulations.

- A. Uses by right.
1. Manufacturing operations involving the production, processing and assembling of goods and materials.
 2. Metal processing such as metal machining, finishing, plating, blackening, heat treating, grinding and polishing, metal stamping, screw machining and extrusion of products; and the manufacture of metal products, tools, and hardware.
 3. Research, experimental or testing laboratories.

4. Business, administrative, professional or corporate offices of other uses permitted in this district.
 5. Automobile parking lots and parking garages.
 6. Wholesale businesses, warehouses, self-storage facilities, trucking terminals, and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products, and other flammable, explosive, or noxious materials.
 7. Building material sales yard, including the sales of rock, sand, gravel, and the like as an incidental part of the main business.
 8. Public utility installations such as electric substations, storage of materials and trucks, repair facilities, offices.
 9. Stone cutting and monument manufacture and sales.
 10. Motor vehicle service station, including motor vehicle repair garages.
 11. Hardware and automotive supplies sales establishments.
 12. Household and garden supplies sales establishments.
 13. Forestry.
 14. Shop of a carpenter, electrician, metal workers, cabinet maker, upholsterer, plumber, mason, painter, home builder, heating contractor, or similar skilled tradesman.
 15. Municipal utility.
 16. Essential services.
- B. Special exception uses.
1. Body shops, or tire recapping or retreading establishments.
 2. Contractors' equipment storage yard or plant.
 3. Conference center with professional meeting and training facilities, which may include related lodging and dining facilities. Recreational facilities, service stores and other similar facilities for use exclusively by conference participants and employees shall be permitted in conjunction with the conference center.
 4. Day care center.
 5. Business incubator.
 6. Kennels.

7. Foundary.
 8. Any use of the same general character as those permitted and special exception uses listed above, provided that it would not violate the intention of this Ordinance and would not pose a threat to the health, safety, or welfare of the Borough, and is not unduly obnoxious by reason of danger of fire or explosion.
- C. Conditional uses.
1. Junk yards.
 2. Half-way house.
 3. Communications antenna attached to an existing structure.
 4. Recycling center.
 5. Planned Adaptive Reuse Development.
 6. Wind energy facility.
 7. Shelters.
- D. Accessory use.
- Any use which is entirely incidental and subordinate to the above permitted uses and is located on the same lot or parcel.

ARTICLE VI SPECIAL EXCEPTIONS

34. Purpose.

To permit specific uses in a particular zone subject to the following:

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications for all special exceptions. Special exceptions are to be granted or denied by the Board pursuant to express standards and criteria. The Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

Should a land development plan be required pursuant to the Borough Subdivision and Land Development Ordinance, a separate land development plan shall be prepared pursuant to that Ordinance.

35. Special exception use procedure.

All applicants shall submit six (6) sets of site plans to the Zoning Officer when making application for a special exception. The following information shall be included, where applicable.

Site plans shall be drawn to scale and be prepared by an engineer, surveyor or landscape architect licensed in Pennsylvania.

- A. A statement as to the proposed use of the building or land.
- B. A copy of the recorded deed.
- C. A site layout drawn to a scale of not less than one inch equals 50 feet showing the location, dimensions and height of proposed buildings, structures, or uses and any existing buildings in relation to property which is scheduled to be developed in successive stages. Such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
- D. The location, dimension, and arrangements of all open spaces, yards and buffer yards including methods and materials to be employed for screening.
- E. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading and provisions to be made for lighting such areas.
- F. The dimensions, location and methods for illumination for signs.
- G. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
- H. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
- I. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
- J. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
- K. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
- L. The Zoning Officer shall, within 10 days of plan submission, which is in total compliance with the requirements of this section, submit one copy of said plan to the Zoning Hearing Board and one copy to the Planning Commission.
- M. The Planning Commission shall, within 30 days of receipt of said plan, review and submit comments and suggestions to the Zoning Hearing Board which, after a public hearing, approves or disapproves the proposed use. If disapproved, the reasons for disapproval shall be clearly stated on one copy of the submission and returned to the applicant. The Zoning Officer shall deny a Zoning Permit for the proposed development until written approval of the Zoning Hearing Board is obtained. Approval may be made conditional upon the applicant's adoption of specified changes in the submission.

36. General Conditions for Special Exception Uses.

The Zoning Hearing Board shall approve any proposed authorized special exception use if the Board finds adequate evidence that any proposed use will meet all the following general requirements as well as any specific requirements and standards listed in this Ordinance for the proposed use. General conditions and requirements are as follows. The proposed special exception use shall be:

- A. In accordance with the Comprehensive Plan and consistent with the spirit, purposes, and intent of this Ordinance;
- B. In the best interests of the Borough, the convenience and public welfare of the Community, and not adversely affect property in the immediate vicinity;
- C. Suitable for the property in question, and designated, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity;
- D. In conformance with all applicable requirements of this Ordinance;
- E. Suitable in terms of permitting the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection;
- F. Suitable in terms of effects on street traffic and safety with adequate sidewalks and vehicular access arrangements to protect streets from undue congestion and hazard.

37. Additional Special Exception Conditions.

The Zoning Hearing Board may impose additional conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will substantially secure the objectives of this Ordinance and be compatible with surrounding properties.

38. Floodplain Districts.

Any proposed use occurring within a floodplain permitted as a special exception as identified in the Floodplain Management Ordinance, as amended from time to time, shall be in strict conformity with the provisions of the Zoning Ordinance and the Floodplain Management Ordinance.

- 1. Review Factors. In reviewing applications for Special Exceptions in Floodplain Districts, as permitted by the Floodplain Management Ordinance or the Zoning Ordinance, the Zoning Hearing Board shall consider all relevant factors and procedures specific in other sections of the Zoning Ordinance and:
 - a. The danger to life and property due to increased flood elevations or velocities caused by encroachments.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others.

- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - j. The safety of access to the property in time of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - l. Such other factors which are relevant to the purposes of this Ordinance.
2. Supplemental Technical Review. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception to any engineer or other qualified persons 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.
3. Conditions For Approving Special Exceptions.
- a. Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:
 - (i) Unacceptable or prohibited increases in flood heights;
 - (ii) Additional threats to public safety;
 - (iii) Extraordinary public expense;
 - (iv) The creation of nuisances;
 - (v) Any fraud or victimization of the public; or
 - (vi) Any conflict with local laws or ordinances.

**ARTICLE VII
USE REQUIREMENTS**

39. Specific Requirements for Uses.

The following specific requirements shall apply to uses whether by right, special exception or conditional use.

A. Institutions and public and private schools.

1. The site must be adequate for proper building, drainage, water supply and sewage disposal. Site size and space requirements shall be in accordance with applicable State or Federal standards and practice for the use proposed.
2. Sufficient amounts of usable space are provided for recreation areas, parking, loading, etc.
3. The site shall not be subject to noises, odors, smoke, dirt, dust and other environmental factors which are inconsistent with the standards of Section 64 of this Ordinance.
4. Pedestrian and vehicular circulation must be designed for safety and efficiency to achieve separation of vehicular and pedestrian traffic.
5. The site shall be located and planned in such a manner that it can be used for both its intended function and general community functions, if appropriate, and shall be attractively landscaped.

B. Public utility installations.

1. A statement setting forth the need and purpose of the installation shall be filed with the Zoning Hearing Board by the applicant.
2. Proof shall be furnished to the Board that the proposed installation in the location specified is necessary for the convenient and efficient operation of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
3. The design of any structure or use in connection with such facility shall conform to the general character of the neighborhood in which it is proposed to be located and will not adversely affect the safe and comfortable enjoyment of properties in the neighborhood in which it is located.

C. Parking lots and garages.

1. These are uses where the primary purpose is the provision of parking spaces, whether or not a fee is charged for use of such parking spaces.

2. The facility is not to be used for sales, long term storage, repair work or servicing of any kind.
3. Entrances and exits from the facility are to be located so as to ensure the protection of the character of the area.
4. All parking is to be kept back of the setback line by barrier.
5. The parking facility shall be screened from the street and adjoining properties in accordance with the screening requirements of this Ordinance. All lighting shall be arranged to eliminate glare on adjoining properties.

D. Day care centers and preschools.

1. A statement setting forth full particulars on the operation to be conducted within the structures and any required approvals of the Pennsylvania Departments of Health, Labor and Industry, State and Public Welfare shall be filed with the Zoning Hearing Board.
2. The Board shall determine that said structure or use will not be detrimental to surrounding property and the design of any structures erected in connection with such use will be in keeping with the general character of the area. Such lot shall meet the requirements of the zone in which located as set forth in the "Schedule of Area, Yard, Height and Building Requirements".
3. All day care centers must provide proof of an approved and currently valid DPW license at the time of initial notification to the Borough, and must provide proof of annual license renewal.

E. Residential conversions.

The conversion of single-family dwellings to up to three (3) dwelling units may be permitted in the specified zones provided:

1. Each dwelling unit, after conversion, shall contain within the unit complete kitchen, toilet and bathing facilities.
2. The area of the lot upon which the conversion is located contains at least two thousand (2,000) square feet for each dwelling unit after conversion.
3. Dwelling units shall comply with the most recent edition of the Uniform Construction Code.
4. No exterior structure alteration of the structure may be made except as may be necessary for safety or for improved access.
5. On-premises off-street parking shall be provided at a ratio of two (2) spaces per dwelling unit created.

F. Mobile home park.

I. Area and Development Controls

1. The minimum site area for a mobile home park shall be three (3) acres. Not less than eighty percent (80%) of the site area shall be fully capable of development and shall not be encumbered by: floodplain or flood hazard area; steep slope area; high water table area; wetlands; a highly erodible soil area; or area of shallow bedrock.
2. The minimum lot area for each mobile or modular home located in a mobile home park shall be seven thousand five hundred (7,500) square feet.
3. The minimum lot width for each mobile or modular home located in a mobile home park shall be sixty (60) feet as measured at the front right-of-way line and as measured at the building setback line.
4. The minimum depth of any lot proposed within a mobile home park shall be one hundred twenty (120) feet as measured from the right-of-way line.
5. Flag lots are not permitted within a mobile home park.
6. The minimum front yard and the minimum rear yard for a proposed mobile or modular home lot shall each be thirty (30) feet.
7. The minimum side yard shall be fifteen (15) feet, with an aggregate side yard width of thirty-five (35) feet for each lot.
8. Each proposed mobile or modular home lot shall have full frontage on a public street, or on a private street (if approved by the Borough Council) meeting all paving, width and other design criteria for public streets as covered in the Borough Subdivision and Land Development Ordinance.
9. A minimum open space area comprising twenty percent (20%) of the mobile home park site shall be required. Not less than eighty percent (80%) of the open space area shall be usable for active recreation purposes.
10. The maximum lot coverage by a mobile or modular home shall not exceed twenty percent (20%) of the lot area.
11. The maximum impervious surface coverage for a mobile home park and for a mobile or modular home lot shall not exceed thirty-five (35%) of the site area or the lot area.
12. The maximum height of a mobile or modular home shall not exceed thirty-five (35) feet and the height of any appurtenant structures shall not exceed a total of thirty (30) feet.

13. Each mobile or modular home located in a mobile home park shall be provided with not less than two (2) off-street parking spaces located either on the mobile home lot or within an approved common parking area located not more than one hundred fifty (150) feet from each mobile or modular home served.
14. Each proposed mobile home park shall be subject to the requirements of the Borough Subdivision and Land Development Ordinance to the extent that all requirements for a land development plan shall be required, including any special requirements for mobile home parks.
15. Modular homes in mobile home parks. A mobile home park may include lots for modular homes, as defined herein, upon the following conditions.
 - A. There are at least twenty (20) lots available in the mobile home park.
 - B. At least 30 percent (30%) of lots are designated for mobile homes and at least thirty percent (30%) of lots are designated for modular homes.
 - C. All lots designated for mobile homes and all lots designated for modular homes shall be contiguous to each other except for divisions caused by streets, alleys, or roadways. In no event shall less than four (4) mobile home lots or four (4) modular home lots of the same type of improvement stand-alone.
 - D. Modular Home – for the purposes of this subsection, modular home shall be defined as a single family dwelling intended for permanent occupancy, which is wholly, or in substantial part, made, constructed, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site of pre-made parts and unit modules.

II. Special Regulations for Mobile Home Parks

1. Each proposed mobile home or modular homes located within a mobile home park shall be:
 - a. Connected to a public water supply.
 - b. Connected to a public sewer system.
2. Each mobile home park shall provide for complete, on-site stormwater management and erosion control facilities which shall be designed in accordance with the requirements of all applicable Borough Ordinances.
3. Each mobile home park shall provide for centrally located refuse disposal container areas designed to serve a maximum of twenty (20) individual mobile homes each. Each such container space shall not be less than

two hundred (200) square feet in area, shall be fenced or buffered by a landscape screen and shall be easily accessible (within two hundred fifty (250) feet of the mobile or modular homes served). Paved walkways shall be provided to the refuse container spaces. Containers shall be weatherproof, vermin proof and accessible to a street or driveway for vehicular loading or removal. Waste in all refuse disposal containers shall be collected at least once a week.

4. A central service building or buildings may be provided within a mobile home park, containing such accessory uses as: a management office; laundry facilities; a repair and maintenance office; meeting rooms and toilets; resident mailbox facilities; indoor recreational facilities for residents only; and enclosed storage closets for residents only.
5. Each individual mobile or modular home shall be located on a foundation and be able to withstand forces in accordance with the most recent edition of the Uniform Construction Code.
6. All exterior sides of each mobile home shall be provided with a permanent skirt covering the entire space between the concrete pad and the exterior siding of the unit. The skirt shall be of compatible design and material of the unit. Sufficient ventilation to prohibit decay and deterioration of the structure shall be provided. Skirting around the entire base of the mobile home shall be constructed with thirty (30) days of placement of the mobile home in the park.
7. Permitted accessory buildings or accessory uses may not be located in a required yard.
8. Screening (Buffer Strips) shall be provided along all property and street boundary lines. Said screening shall be installed by the developer in accordance with this Zoning Ordinance.
9. Any entrance and exit to a Mobile Home Park shall be on a public street.
10. Each Mobile Home Park shall have a minimum of two (2) means of egress and ingress, and a distance of at least one hundred fifty (150) feet shall be maintained between center lines of these required access streets.
11. Electrical, telephone, and television cable service utilities shall be provided underground.
12. The tongue and hitch assembly used to tow a mobile home shall be removed within thirty (30) days of placement of the mobile home in the mobile home park.

13. All mobile home park streets, auxiliary parking lots, and common walkways shall be illuminated during night hours. Spacing and height of illumination shall be based on recommendations of the electric utility.
14. No part of any mobile home park shall be used for a non residential purpose except such uses that are required for the direct servicing and well being of the park residents and for the management and maintenance of the park.
15. Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone, screening or other solid material or protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
16. Mobile home park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects or other pests harmful to human beings.

III. License for Mobile Home Parks: Application Therefore and Issuance Thereof

1. It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him, a mobile home park within the limits of the Borough without having first secured a license therefore from the Borough Manager, granted and existing in compliance with the terms of this Ordinance, which license shall expire one year from the date of issuance, but may be renewed under the provisions of this Ordinance for additional periods of one year.
2. The application for an initial mobile home park license shall be filed with the Borough Manager and shall be accompanied by a fee as established from time to time by resolution of the Borough Council for each mobile home space in the existing or proposed mobile home park. The application shall be in writing signed by the applicant and shall include the following:
 - a. The name and address of the applicant.
 - b. The name and address of the owner or owners of the land upon which the mobile home park is to be laid out or is maintained.
 - c. The location and legal description of the mobile home park.
 - d. A complete plan of the park setting forth roadways and driveways; locations of mobile home spaces; location and size of all utility lines; method and plan of sewage disposal;

method and plan of garbage removal; plan for water supply; and plan for electrical lighting.

- e. Plans for and specifications for all buildings, improvements and facilities constructed or to be constructed within the mobile home park.
- f. Such further information as may be requested by the Borough Manager's Office to enable it to determine if the proposed mobile home park will comply with legal requirements.

The applications and all accompanying plans for specifications shall be filled in triplicate. The Borough Manager or his duly appointed designee shall investigate the applicant and inspect the applications and the proposed plans and specifications. If the proposed mobile home park will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this Ordinance and all other applicable ordinances and statutes, the Borough Manager shall approve the application and upon completion of the park according to the plans shall issue the license.

- 3. Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the Borough Manager shall issue a certificate renewing such license for another year. The fee shall be established from time to time by resolution of Borough Council.
- 4. Upon application in writing for a transfer of a license and payment of a transfer fee as established from time to time by resolution of the Borough Council, the Borough Manager shall issue a transfer.

IV. Maintenance of Facilities

The operator and owner shall be responsible for maintaining all common facilities, including but not limited to roads, parking areas, sidewalks or pathways, common open space, water supply and sewage disposal systems and service buildings, in a condition of proper repair and maintenance. If upon inspection by the Zoning Officer it is determined that the mobile home park is not in compliance with this standard of maintenance, the licensee shall be considered to be in violation of this chapter and the Zoning Officer shall notify the operator or licensee of the particulars of any such violation. The operator and licensee shall thereafter correct any such violations. If the violation is determined by the Zoning Officer to constitute a hazard to the health and safety of the residents of the mobile home park, he shall order that the violation be corrected forthwith.

V. Maintenance Bond

1. In addition to any performance bond which may be required for public facilities or utilities, the licensee of a mobile home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application, post with the Borough a maintenance bond in a form acceptable to the Borough a maintenance bond in a form acceptable to the Borough Solicitor, in an amount sufficient to cover for a period of two (2) years the cost of maintenance of all common facilities, as determined by the Borough Zoning Officer or Borough Engineering Department. The bond shall remain in effect for the duration of the operation of the mobile home park.
2. In the event of failure to maintain facilities, the Borough may call the maintenance bond and use the proceeds thereof to effect correction of the violations.

G. Drive-through service; car washes.

1. Proposed traffic flow and ingress-egress shall not cause traffic hazards or traffic back-up on adjacent streets.
2. Signs and outdoor lighting shall be in accordance with specific provisions of this Ordinance.
3. Access points shall be limited to two (2) on each street abutting the lot.
4. On-lot traffic circulation channels and parking areas shall be clearly marked and sufficient to accommodate anticipated traffic.
5. Provisions shall be made for proper and convenient disposal of refuse.
6. Surface water runoff shall be managed on-site.

H. Motor vehicle service stations; motor vehicle repair garages; body shops.

1. Gasoline fuel pumps shall be at least twenty-five feet from any street right-of-way.
2. All automobile parts and dismantled vehicles shall be located within a building.
3. Outdoor paint spraying or body and fender work shall not be permitted.
4. Automobiles taken to a service station or garage for outside storage because of an accident may remain without repairs being initiated no longer than fifteen (15) days from the initial date.

I. Hotels and motels.

1. Minimum lot area – 15,000 square feet

2. Signs and outdoor lighting shall be in accordance with specific provisions of this Ordinance.
3. Provisions shall be made for proper and convenient disposal of refuse.
4. Off-street parking shall be provided in accordance with the provisions of this Ordinance.
5. A fifteen (15) foot buffer area, consisting of evergreen plant material at least six (6) feet high and no more than forty (40) percent open, shall be provided where any lot abuts a residential zone.

J. Bed and breakfast.

A bed and breakfast use is a use provided within an existing single family detached dwelling to accommodate transient overnight guests for rent.

1. No more than ten (10) rental units shall be provided and no more than four (4) persons may occupy one (1) rental unit.
2. At least one (1) bathroom shall be provided for each two (2) guest rooms in addition to at least one (1) bathroom provided for the principal residential use.
3. Lot area and setback requirements for the zone in which the bed and breakfast is located shall prevail.
4. Detached dwellings which are converted must maintain the appearance of a detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front or side wall facing a street.
5. Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the conversion. After conversion, the building shall retain substantially the same structural appearance it had before such conversion.
6. The use shall be carried on by members of a family, who must reside on the primary premises. In addition, a maximum of two (2) nonresident employees may be utilized.
7. There shall be no separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight.
8. The maximum, uninterrupted length of stay at a bed and breakfast shall be fourteen (14) days.

9. The use of any amenities provided by the bed and breakfast, such as swimming pool or tennis court, shall be restricted in use to the overnight guests and permanent residents of the establishments.

10. Off street parking shall be provided as follows:

Two (2) spaces per dwelling unit;
One (1) space per each bed and breakfast room provided; and
One (1) space per nonresident employee.

K. Industrial uses.

All applicable provisions of this Ordinance, including environmental performance standards of Article IX, Section 64, shall be met.

L. Adult health fitness center, adult nightclub, massage parlor, adult theaters and adult bookstores. No such establishment shall be permitted:

1. Within seventy-five (75) feet of any residential district, or
2. Within seven hundred fifty (750) feet of any house of worship, school, day care center, preschool, municipal facility, non-profit recreation facility including but not limited to YMCA, Boy Scouts and Girl Scouts, or
3. Within seven hundred fifty (750) feet of any establishment licensed by the Pennsylvania Liquor Control Board to dispense alcoholic beverages or other controlled substances, or
4. Within seven hundred fifty (750) feet of any restaurant, eating establishment, hotel or motel, or
5. Within seven hundred fifty (750) feet of any club or fraternal lodge, or
6. Within seven hundred fifty (750) feet of any adult health fitness center, massage parlor, adult nightclub, massage parlor, adult theater and adult bookstores or any other similar establishments.

All such establishments shall be subject to Ordinance No. 865 of the Borough of Waynesboro as amended from time to time, regarding Obscene Materials.

M. Half-way house.

1. Density – Area, yard, height and building requirements shall conform to the requirements of this Ordinance for multi-family dwellings in an R-M Medium Density Residential Zone.
2. Location within Zone – No half-way house shall be permitted:
 - a. Within two hundred (200) feet of any residential district, or

- b. Within seven hundred fifty (750) feet of any house of worship, school, day care center, preschool, municipal facility, non-profit recreation facility including but not limited to YMCA, Boy Scouts and Girl Scouts, or
- c. Within seven hundred fifty (750) feet of any establishment licensed by the Pennsylvania Liquor Control Board to dispense alcoholic beverages or other controlled substances, or
- d. Within seven hundred fifty (750) feet of any restaurant, eating establishment, hotel or motel, or
- e. Within seven hundred fifty (750) feet of any club or fraternal lodge, or
- f. Within seven hundred fifty (750) feet of any other half-way house.

N. Junk yard.

- 1. No material shall be placed in any junk yard in such a manner that it is capable of being transferred out of the junk yard by wind, water or other natural causes.
- 2. The boundaries of any junk yard shall at all times be clearly delineated.
- 3. All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- 4. The land area used for junk yard purposes shall not be exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.
- 5. Such junk yard shall be entirely enclosed by a solid fence or wall, at least eight (8) feet but no more than ten (10) feet high, constructed of wood, brick, plastic, cinder block or concrete, with access only through solid gates. The fence or wall shall be situated no closer to any street, alley or property line than fifty (50) feet, but shall be at least 100 feet from any permanent residential building. Such fence or wall shall be kept in good repair and neatly painted in a uniform color.
- 6. The contents of such a junk yard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
- 7. Between the fence or wall and the street or property line, buffer plantings shall be placed that are either:
 - a. One (1) deciduous tree (two (2) inches caliper minimum) at an average of one (1) tree per forty (40) lineal feet of buffer plus one (1) evergreen tree (three [3] foot minimum height) at an average of one (1) tree per twenty (20) lineal feet of buffer; or
 - b. One (1) deciduous tree (two (2) inches caliper minimum) at an average of one (1) tree per forty (40) lineal feet of buffer plus one (1) deciduous

shrub (three [3] foot minimum height) per four (4) lineal feet of buffer. Shrubs shall be privet, forsythia or viburnum species.

8. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures or other means.
 9. No explosive, toxic, radioactive or highly flammable materials shall be kept on the property.
 10. No burning shall be carried on in any junk yard. Fire shall be prevented and hazards avoided by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained), by the provision of aisles (at least fifteen [15] feet in width) for escape and firefighting and by other necessary measures.
 11. All vehicles must be drained of all liquids before they are placed in the junk yard. An impervious base, free of cracks and sufficiently large for draining liquids from all vehicles, shall be provided. The base should be sloped to drain to a sump or holding tank and liquid shall be removed from the site as often as is necessary to prevent overflow of the system. Curbing around the pad must be able to retain run-off from a 100 year, 24 hour storm. All hazardous liquids shall be properly disposed of according to the Department of Environmental Resources' Rules and Regulations.
 12. A zoning permit shall be obtained on an annual basis.
 13. Junk yards shall be subject to Ordinance No. 541 of the Borough of Waynesboro, Junk Yards and Salvage Yards, as amended from time to time. Whenever there is a conflict between this Ordinance and Ordinance No. 541, the most restrictive regulation shall apply.
- O. Planned town center development.
1. Objective
- The objective of these provisions is to encourage the innovative design and development of the town center where multiple yet distinct land uses are combined into a single unified development project; to encourage a planned arrangement of individually-owned and operated uses within complementary functional categories, including professional and business offices, retail sales and commercial services, residential, recreation/leisure time and specialized commercial-business; to provided a planned development that serves existing and foreseeable needs of the Borough and surrounding service areas; to carefully plan traffic circulation and off-street parking in order to avoid traffic congestion and inadequate parking; and to encourage the planning and

utilization of land and the harmonious design, erection and use of buildings in a diversified commerce-business-residential center that will contribute to the economic base of Waynesboro Borough and otherwise further the purposes of this Ordinance.

2. Plan requirements

Any application filed for Planned Town Center Development approval shall include, but not be limited to, documents and materials illustrating the following information:

- a. The location, size and topography of the site.
- b. The nature of the landowner's involvement in the development.
- c. The proposed functional use areas within the development, distinguishing between types of uses proposed within each functional area.
- d. The location, rights-of-way, cartway widths of proposed streets, designating those which are proposed to be dedicated to the Borough.
- e. The use and approximate height, bulk and location of existing and proposed buildings and other structures.
- f. The location, function, size, ownership and manner of maintenance of any common open space and public circulation areas.
- g. The location, dimensions and arrangement of all open spaces, yards, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian-ways and buffer strips.
- h. The capacity of all areas to be used for automobile access, parking, loading and unloading.
- i. The character of buffer areas and screening devices to be maintained, including the dimension and arrangement of all areas devoted to planting, lawns, trees or similar purposes.
- j. The proposal for sanitary sewerage, water supply and storm water disposition systems.
- k. The proposed location for all underground utility lines.
- l. The substance of covenants, grant of easements or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for common open space areas and public utilities, and the legal form of provision thereof.

- m. In the case of plans which call for development in stages, a schedule showing the approximate time within which applications for final approval of each stage of Planned Town Center Development are intended to be filed and the approximate number and type of uses planned for each stage.
- n. A feasibility and land use market study done by an independent professional consulting firm. The study shall include or be supplemented with documentation indicating the impact of the completed Planned Town Center Development upon public facilities, utilities, services, street systems and existing development.
- o. Sufficient data, in all instances, to enable the Borough Council and Planning Commission to judge the effectiveness of the design and the character of the entire Planned Town Center Development and to consider properly such things as its relationship to surrounding areas, anticipated traffic, public health, safety and welfare.

3. Function and use regulations.

Any combination of uses listed as Permitted Uses in the Town Center Zone (TC) may be included in a Planned Town Center Development in the Town Center zone and any combination of uses permitted in the Downtown Business District (DBD) may be included in a Planned Town Center Development in the DBD zone.

4. Area regulations.

- a. The proposed development shall be constructed in accordance with an overall plan and shall include the planned phasing and schedule of construction. The overall plan shall be designed as a single architectural scheme with appropriate common landscaping, and shall provide, initially at least, for the construction of a minimum of twenty-five (25) percent of the total ground floor area. If the development of the Center is to be carried out in progressive stages, each stage shall be planned so that the previous and following requirements and intent of this Ordinance shall be fully complied with at the completion of any stage.
- b. No Planned Town Center Development shall be less than twenty-thousand (20,000) square feet. Not more than 70 percent of the area of each site shall be occupied by buildings.
- c. Front, side and rear yards shall be provided on each site as follows:
 - (1) Sight distance and visibility requirements of this Ordinance shall be met.

- (2) The applicant shall demonstrate adequate space is provided for pedestrian movement, refuse removal equipment, fire protection or other such activities which might occur.
- d. Vehicular access points to the development and any street frontage improvements, including widening and directional turning lanes, if necessary, shall be an integral part of the development.
- e. When appropriate, the applicant shall provide a street network within the boundaries of the property which meet the following requirements:
 - 1) All streets must be built to the standards established by the Borough.
 - 2) Streets shall connect to existing streets in the manner prescribed for local streets in the Borough Subdivision and Land Development Ordinance.
- f. Pedestrian walkways and entrance ways must provide direct access from existing and designated new parking areas and shall connect with the existing pedestrian circulation system. The applicant shall demonstrate that the proposed pedestrian circulation network will be able to accommodate the volume of use anticipated from the proposed development without adverse congestion; will be aesthetically pleasing for users; will offer amenities such as sitting areas where appropriate; and will offer protection to the users from other modes of travel (e.g., automobiles, buses, bicycles).
- g. Whenever a proposed development is a residential-nonresidential mixed use to be located adjacent to residential zones, the applicant shall locate proposed residential uses adjacent to residential zones. In the case of a proposed development of nonresidential uses planned for construction adjacent to a residential zone, the applicant shall demonstrate that proposed uses will be buffered in such a way so as to provide a harmonious transition from nonresidential to residential use. To accomplish this, the applicant may incorporate design elements including, but not limited to, open space corridors, natural vegetation screens, park and recreation facilities or landscaping and ornamental pavement.
- h. All parking, loading, access and service areas and pedestrian and vehicular transportation corridors shall be adequately illuminated at night. Such lighting, including sign lighting, shall be arranged so as to protect streets and adjoining property from direct glare or hazardous interference of any kind. All utility lines servicing the proposed development shall be placed underground.
- i. Any proposed Town Center Development shall be designated and construction as a unit in which the architectural style, façade,

characteristics and sign treatments blend harmoniously with each other and with the adjacent properties of the Town Center. No sign or other structure shall be erected unless it fully complies with the requirements of Article XI of this Ordinance.

j. The performance standards set forth in Article IX shall apply.

5. Height requirements.

No structure shall be any higher than one hundred (100) feet.

6. Off-street parking and loading requirements.

a. The total number of parking spaces to be provided shall be determined by the individual uses proposed and in accordance with Article X, unless otherwise provided for by subsection b. below. The total number or a portion of the required parking spaces should be located on the premises if appropriate space is available.

b. When space is not available or appropriate, with the approval of the Borough Council, the applicant may demonstrate that the required off-street parking spaces are available within walking distance of eight hundred (800) feet. The applicant shall produce written documentation of an agreement with the owner of off-premises parking space to demonstrate that the required number of parking spaces have been leased and assigned to the applicant for the sole purpose of meeting the parking requirements of the applicant's intended use. The applicant may be required to contribute funds to the Borough for future construction of a public parking lot, the amount to be determined on a cost per required space basis.

7. Adherence to requirements.

The requirements expressed above for Planned Town Center Development shall be met unless the applicant can demonstrate that the characteristics of the building site or structure design make adherence to the expressed requirements physically infeasible. In such cases, the applicant shall provide an alternative which in the opinion of Borough Council satisfies the objectives of the requirements set forth for Planned Town Center Development.

8. Compliance with plans.

Any proposed development shall be in strict accordance with the goals and objectives of the Comprehensive Plan. Furthermore, the applicant must demonstrate that the proposed development conforms with any more detailed plans and designs for the Town Center which have been adopted or approved by the Borough or submitted by an agency or organization responsible for Town Center improvement.

9. Time limit on construction permit.

Permits issued pursuant to this section shall expire within one (1) year after date of issuance thereof, unless the approved project is completed, or unless the Borough Council shall extend the permit for successive terms not exceeding one year each. In those cases where the original permit is issued and the construction schedule calls for a term of longer than one year, the permit shall be automatically renewed by the Zoning Officer for an additional one year period, subject to such safeguards as the Zoning Officer may prescribe in the public interest.

10. Development plan changes during construction.

After the final development plan has been approved and when, in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, entrances, heights or yards are requested by the developer, and such requests conform to the standards established by the approved final development plan for the area to be covered by buildings, parking space, entrances, height, functions, setbacks and lot area requirements, such adjustments may be approved by the Borough Council upon application after receiving recommendations of the Planning Commission.

P. Home occupation, home professional office.

1. Non-residents employed on-site shall not exceed two (2) persons.

2. The maximum floor area devoted to any home occupation or home professional office whether situated in the dwelling or accessory building shall not exceed twenty-five (25) percent of the total habitable room area of the dwelling and any accessory building.

3. A sign indicated products made or services rendered shall not exceed three (3) square feet. Only one sign is permitted.

4. Adequate space for required off-street parking and loading shall be provided.

5. There shall be no change in the existing outside appearance of the building or premises or other visible evidence of the conduct of such home occupation or home professional office other than a sign.

6. No machinery or equipment shall be permitted that produces noise, light vibration or odor, beyond the boundary of the subject property. The following limits apply:

Noise – Shall not exceed 65 decibels on the dBA scale.

Lights – Shall not exceed the equivalent of that given by 0.20 lumens.

Vibrations – No use shall cause earth vibrations or concussion detectable beyond the boundary of the property without the aid of instruments, with the

exception of vibrations produced as a result of construction activity, and then only within safe limits to avoid neighboring property damage.

Odor – No use other than agricultural shall emit odors discernible without the aid of instruments beyond the boundary of the property.

Q. Forestry

1. Applicability.

Forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts. These regulations apply to all timber harvesting within the Borough where the project area exceeds two (2) acres for clear cutting operations and five (5) acres for selective cutting operations. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

2. Notification; Preparation of a Logging Plan.

a. Notification of commencement or completion. For all timber harvesting operations with a project area exceeding two (2) acres for clear cutting operations and five (5) acres for selective cutting operations, the landowner shall notify the Zoning Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

b. Logging Plan. Every landowner on whose land timber harvesting is to occur shall have a written logging plan in the form specified by this Ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request. The plan shall incorporate Best Management Practices (BMPs) for forestry. As a minimum, the logging plan shall include the following:

- 1) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
- 2) Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
- 3) Design, construction, and maintenance of stream and wetland crossings;

- 4) The general location of the proposed operation in relation to Borough and state streets, including any accesses to those streets;
 - 5) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
 - 6) Significant topographic features related to potential environmental problems;
 - 7) Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
 - 8) Location of all crossings of waters of the Commonwealth.
- c. Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

3. Compliance with state law.

The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:

- a. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. § 691.1 et seq.). An erosion and sedimentation plan shall be on-site and shall be approved by the Franklin Conservation District when required.
- b. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.).

4. Relationships of state laws, regulations, and permits to the logging plan.

Any permits required by state laws and regulations shall be attached to and become part of the logging plan.

5. Responsibility for road maintenance and repair: road bonding.

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to public roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages. No mud/debris shall remain on public roads.

- 6. Enforcement.
 - a. The Zoning Officer or other party designated by the Borough Council shall be the enforcement officer for this Section.
 - b. Inspections. The Zoning Officer or other designated party may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this section and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

R. Animal hospital.

- 1. Only customary household pets such as dogs and cats shall be treated.
- 2. If animals will be kept overnight at the facility, sufficient soundproofing and/or distance barriers must be provided such that animals cannot be heard beyond the lot boundaries.

S. Cemetery.

- 1. All structures and graves shall be setback a minimum of 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the right-of-way of any public street and 10 feet from the cartway of an internal driveway.
- 2. No gravesites shall be located within the one-hundred-year floodplain.
- 3. The use shall include an appropriate system to ensure perpetual maintenance.

T. House of worship.

Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the house of worship. A primary or secondary school and/or a day care center and/or a building for congregation recreation activities and as a gym are permitted on the same lot as a house of worship as long as requirements for such uses are also met and such uses are allowed in the District and all necessary approvals are secured.

U. Self-storage development.

- 1. All storage units shall be fire-resistant and water-resistant.
- 2. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No junk vehicles shall be stored outside a building.

3. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
4. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or access ways.
5. Bodywork on vehicles shall not be permitted. The use shall not include a commercial auto repair garage.
6. Adequate lighting shall be provided for security.

V. Communication towers and antennas.

1. Purpose.

The purpose of this Section is to establish general guidelines for the setting of telecommunications towers and antennas. The goals are to: (1) protect residential areas and land uses from potential adverse impacts of telecommunications towers and antennas; (2) strongly encourage the joint use of new and existing telecommunications tower sites as a primary option rather than the construction of additional single-use telecommunications towers; (3) encourage users of telecommunications towers and antennas to locate them, to the extent possible, in areas where the adverse impact to the community is minimal; (4) encourage users of telecommunications towers and antennas to configure them in a way that minimizes the adverse visual impact of telecommunications towers and antennas through careful design, setting, landscape screening and innovative camouflaging techniques; (5) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (6) consider the public safety of telecommunications towers; and (7) minimize potential damage to adjacent properties from tower failure through engineering and careful siting of telecommunications tower structures. In furtherance of these goals, the Borough Council shall give due consideration to existing land uses and environmentally sensitive areas in approving sites for the location of telecommunications towers and antennas.

2. All new towers and antennas shall be subject to these regulations, except as provided herein. This Section shall not govern any radio tower, or the installation of any radio antenna that is less than forty (40) feet in height.

Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Ordinance, other than as provided herein.

3. For purposes of determining whether the installation of a tower, antenna or communications equipment building complies with district regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

4. Inventory of Existing Sites.

Each applicant for a tower shall provide to the Borough Council an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the Borough or within five miles of the border thereof, including specific information about the location, height, and design of each tower. The Borough Council may share such information with other applicants applying for approvals under this Ordinance or other organizations seeking to locate towers within the jurisdiction of the Borough; provided, however, that the Borough Council is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

5. Towers and antennas shall meet the following requirements:

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a color so as to reduce visual obtrusiveness, or colored to blend into the natural setting and surroundings.
- b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- d. Towers shall not be artificially lighted, unless required by the FAA, the Borough Council or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall be approved by the Borough Council and conform to FAA regulations.
- e. Towers shall be monopole construction.

6. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state and federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronics Industry Association, as amended from time to time. If, upon inspection, the Borough Code Enforcement Officer concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then the Administration and Enforcement provisions of Article XIII shall apply.
8. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Borough irrespective of municipal and county jurisdiction boundaries.
9. Towers and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
10. Owners and/or operators of towers or antennas shall certify that all licenses required by law for the construction and/or operation of a communication system in the Borough have been obtained and shall file a copy of all required licenses with the Borough Zoning Officer.
11. No signs shall be allowed on an antenna or tower, except where required by law or approved by the Borough Council.
12. All towers must meet American National Standards Institute, Electronics Industry Association ("EIA"), and Telecommunications Industry Association ("TIA") tower specifications requirements. Further, the tower must be built to withstand one hundred (100) MPH sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) MPH, or such higher standards as may be set by ANSI, EIA, or TIA.. The Tower shall be constructed with consideration of seismic conditions in the Borough. An independent structural engineer (retained and paid for by the applicant) registered in Pennsylvania shall attest to the proposed tower's ability to meet these requirements, certify proper construction of the foundation and erection of the tower, and certify the tower can structurally accommodate the proposed users of the tower.
13. The maximum height of a communication tower shall be one hundred fifty feet (150').
14. There shall be no overhead electrical transmission lines within a one hundred fifty feet (150') radius of the tower.

| <u>OFF-SITE USES/DESIGNATED AREA</u> | <u>SEPARATION DISTANCE</u> (from base of tower) |
|--|--|
| Residential dwelling units | 250 feet |
| Vacant residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired. | 250 feet |
| Vacant unplatted residentially zoned lands | 100 feet or 1.25 times the height of the tower, whichever is greater |
| Inhabitable non-residential structures | 250 feet |
| Non-residentially zoned lands | 100 feet or 1.25 times the height of the tower, whichever is greater |

15. Each new tower shall have a fall zone free of structures except for accessory communications facilities equivalent to the height of said tower, which area shall be measured from the location of said tower in a three hundred sixty degree (360°) radius equal to the height of the same, which area shall be under the control of the applicant constructing said tower through ownership, lease, easement or agreement.
16. The owners of the communication tower shall secure the tower base with a chain link fence which shall be a minimum of eight feet (8') in height and topped with barbed wire. In addition to boundary security, all communication towers shall have means to prevent unauthorized climbing of the tower.
17. All communication tower owners shall provide the Borough Council with evidence that the emission of radio waves emanating from the antenna will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Borough and is in compliance with all Federal Communications Commission regulations and the Telecommunications Act of 1996.
18. If measurable radio interference does result from the installation and use of the communication antenna, the owner of that tower shall be required to cease operation immediately, until the problem is corrected, or if the problem is not correctable to abandon the operation entirely.
19. The owner of any communication tower shall be required to routinely submit to the Borough Zoning Officer, proof of an annual inspection and tower maintenance program. Any structure faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will

constitute a violation of this Ordinance, and the Administration and Enforcement provisions of Article XIII shall apply.

20. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Borough Zoning Officer of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at owner's expense. If there are two (2) or more users of a single tower, then this provision shall not be considered to be complied with until all users cease using the tower. When required by the Borough Council, the applicant shall post a financial security in a form acceptable to the Borough Council to cover the cost of removing the antenna or tower.

21. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Borough Council that no existing tower, structure or alternative tower structure that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Borough Council related to the availability of suitable existing towers, other structures or alternative tower structure. Evidence submitted to demonstrate that no existing tower, structure or alternative tower structure can accommodate the applicant's proposed antenna may consist of any of the following:
 - a. No existing towers or structures are located within the geographic area, which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing towers or structures, or the antennas on the existing towers or structures would cause interference with the applicant's approved antennas.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

22. Any applicant proposing construction of a new communications tower shall present evidence of the following:

1. That the tower must be in that location to function properly within the applicant's existing and already constructed grid;
 2. That, despite the best efforts of applicant, it is not possible to co-locate the proposed antennas on an existing tower, building, or structure.
 3. That the proposed height of the tower is the minimum required to properly function in the applicant's grid.
23. One off-street parking area shall be provided within the fenced area surrounding a tower. The parking area need not be paved, lighted, or striped unless the surrounding area is also paved, lighted, or striped, or unless the Borough Council determines that paving, lighting, or striping is required to keep in character with the neighborhood.
24. Access shall be provided to the communications tower and communications equipment building by a public or private street, easement or right-of-way. In the case of an easement or right-of-way, the easement or right-of-way shall be minimum of twenty (20) feet of width.
25. The applicant shall submit a Certificate of Insurance evidencing general liability coverage of at least \$1,000,000 per occurrence and property damage coverage of at least \$1,000,000 per occurrence covering the communications tower, communications antennas and communications equipment buildings. Such liability coverage shall not be cancelable without at least thirty (30) days prior written notice to the Borough Council. Annual policy renewal certifications shall be submitted to the Borough Zoning Officer; if coverage lapses or is canceled, the Borough Council shall have the right to order the demolition or removal of the tower and any associated structures.
26. The following requirements shall apply to antennas and related equipment:
- a. Communications antennas shall not exceed the height of the existing structure by more than fifteen (15) feet; omnidirectional or whip communications antennas shall not exceed seven (7) inches in diameter; directional or panel communications antennas shall not exceed ten (10) feet in height or width with a maximum surface area of fifteen (15) square feet.
27. Antennas or towers located on property owned, leased, or otherwise controlled by the Borough or Borough Authority, provided a license or lease authorizing such antenna or tower has been approved by the Borough Council or Borough Authority, shall not require conditional use approval nor require compliance with the provisions of this Section.
28. Applicants for a tower shall submit the following in addition to any other information required to be submitted by applicable Borough regulations:

- a. A scaled site plan clearly indicating the location, type and height of the proposed tower, onsite land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), all properties within the applicable separation distance set forth in this Ordinance, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information necessary to assure compliance with this Ordinance.
- b. Legal description of the parent tract and leased parcel (if applicable). If only a portion of the parent tract is to be leased for a tower, subdivision approval will be necessary.
- c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties, inhabitable non-residential structures and no-residential zoned land. The required fall zone and any structures in the vicinity of the fall zone.
- d. The separation distance from other towers described in the inventory of existing sites submitted shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and owner/operator of the existing tower(s), if known.
- e. Method of fencing, finished color and, if applicable, any method of camouflage and illumination.
- f. A description of compliance with all applicable subsections and all applicable federal, state and local laws.
- g. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
- h. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- i. A description of the feasible location(s) of future towers or antennas within the Borough based upon existing physical, engineering, technological and geographical limitations, in the event the proposed tower is erected.
- j. Certification from a Pennsylvania registered engineer certifying that a proposed antenna will not exceed the structural capacity of the building or other structure.

- k. Detailed construction and elevation drawings indicating how the antenna(s) will be mounted on the structure or building for review and for compliance with any applicable building code or other law or ordinance.
 - l. Agreements and/or easements showing access to the building or structure on which the antenna(s) is to be mounted in order that installation and maintenance of the communications antenna(s) and any communications equipment building can be accomplished.
29. Applicants seeking to mount a communications antenna on a traffic signal pole or structure must comply with PennDOT's Guidelines for Attaching Other Equipment on Traffic Signal Structures dated November 2, 2015, and PennDOT Publication 191, as amended from time to time.

W. Planned Adaptive Reuse Development.

1. Objective.

The objective of these provisions is to encourage the innovative design development of existing industrial properties where multiple land uses are combined into a single unified development project; to encourage a planned arrangement of uses within complementary functional categories, to provide a planned development that serves existing and foreseeable needs of the Borough and surrounding service areas; to carefully plan traffic circulation and off-street parking in order to avoid traffic congestion and inadequate parking; and to encourage the planning and utilization of land and the harmonious design, erection and use of buildings in a diversified center that will contribute to the economic base of Waynesboro Borough and otherwise further the purposes of this Ordinance.

2. Such development shall contain only uses permitted in the District in which the development is located, provided that the Borough Council may authorize uses permitted in General Commercial/Office Districts and Industrial/Commercial Districts when deemed appropriate by the Borough Council.

3. Plan requirements.

Any application filed for Planned Adaptive Reuse Development approval shall include, but not be limited to, documents and materials illustrating the following information:

- a. The location, size and topography of the site.
- b. The nature of the landowner's involvement in the development.
- c. The proposed functional use areas within the development, distinguishing between types of uses proposed within each functional area.

- d. The location, rights-of-way, cartway widths of proposed streets, designating those which are proposed to be dedicated to the Borough.
- e. The use and the approximate height, bulk and location of existing and proposed buildings and other structures.
- f. The location, function, size, ownership and manner of maintenance of any common open space and public circulation areas.
- g. The location, dimensions and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian-ways and buffer strips.
- h. The capacity of all areas to be used for automobile access, parking, loading and unloading.
- i. The character of buffer areas and screening devices to be maintained, including the dimensions and arrangements of all areas devoted to planting, lawns, trees or similar purposes.
- j. The proposal for sanitary sewerage, water supply and storm water disposition systems.
- k. The proposed location for all underground utility lines.
- l. The substance of covenants, grant of easements or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for common open space areas and public utilities and the legal form of provision thereof.
- m. In the case of plans which call for development in stages, a schedule showing the approximate time within which applications for final approval of each stage of development are intended to be filed and the approximate number of types of uses planned for each stage. For areas not schedule for immediate development within the tract, the tentative plan shall show at least all information required above in this Section for these areas. As further development occurs, a plan showing all of the above required detail shall then be submitted prior to the construction of each subsequent portion.
- n. A feasibility and land use market study done by an independent professional consulting firm. The study shall include or be supplemented with documentation indicating the impact of the completed Development upon public facilities, utilities, services, street systems and existing development.
- o. Sufficient data, in all instances, to enable the Borough Council and Planning Commission to judge the effectiveness of the design and the character of the entire Development and to consider properly such things

as its relationship to surrounding areas, anticipated traffic, public health, safety and welfare.

4. Area regulations.

- a. The proposed development shall be constructed in accordance with an overall plan and shall include the planned phasing and schedule of construction. The overall plan shall be designed as a single architectural scheme with appropriate common landscaping, and shall provide, initially at least, for the construction of a minimum of twenty-five (25) percent of the total ground floor area. If the development is to be carried out in progressive stages, each stage shall be planned such that the previous and following requirements and intent of this Ordinance shall be fully complied with at the completion of any stage.
- b. No Planned Adaptive Reuse Development shall be less than one (1) acre. Not more than 70 percent of the area of each site shall be occupied by buildings.
- c. Front, side and rear yards from streets and property lines shall meet the requirements of the applicable zoning district and shall be provided on each site as follows:
 - 1) Sight distance and visibility requirements of this Ordinance shall be met.
 - 2) The applicant shall demonstrate that space between buildings is adequate to allow unrestricted pedestrian movement, refuse removal equipment, fire protection or other such activities which might occur in this space; is adequate to provide sufficient light and air; and allows sufficient space for cleaning between buildings.
- d. Vehicular access points to the development and any street frontage improvements, including widening and directional turning lanes, if necessary, shall be an integral part of the Development.
- e. When appropriate, the applicant shall provide a street network within the boundaries of the property which meet the following requirements:
 - 1) All streets must be built to the standards established by the Borough.
 - 2) Streets shall connect to existing streets in the manner prescribed for local streets in the Borough Subdivision and Land Development Ordinance.
- f. Pedestrian walkways and entrance ways must provide direct access from existing and designated new parking areas and shall connect with

the existing pedestrian circulation system. The applicant shall demonstrate that the proposed pedestrian circulation network will be able to accommodate the volume of use anticipated from the proposed development without adverse congestion; will be aesthetically pleasing for users; will offer amenities such as sitting areas where appropriate; and will offer protection to the users from other modes of travel (e.g., automobiles, buses, bicycles).

- g. All parking, loading, access and service areas and pedestrian and vehicular transportation corridors shall be adequately illuminated at night. Such lighting, including sign lighting, shall be arranged so as to protect the highway and adjoining property from direct glare of hazardous interference of any kind. All utility lines servicing the proposed development shall be placed underground.
- h. Any proposed Development shall be designated and construction as a unit in which the architectural style, façade characteristics and sign treatments blend harmoniously with each other and with the adjacent properties of the Development. No sign or other structure shall be erected unless it fully complies with the requirements of this Ordinance.
- i. The environmental performance standards set forth in Article IX shall apply.

5. Height requirements.

No structure shall be any higher than one hundred (100) feet.

6. Off-street parking and loading requirements.

- a. The total number of parking spaces to be provided shall be determined by the individual uses proposed and in accordance with Article X, unless otherwise provided for by subsection b. below. The total number or a portion of the required parking spaces should be located on the premises if appropriate space is available.
- b. When space is not available or appropriate, the applicant shall demonstrate that the required off-street parking spaces are available within walking distance of eight hundred (800) feet. The applicant shall produce written documentation of an agreement with the owner of off-premises parking space to demonstrate that sufficient parking spaces have been leased and assigned to the applicant for the sole purpose of meeting the parking requirements of the applicant's intended use. The applicant may be required to contribute funds to the Borough for future construction of a public parking lot, the amount to be determined on a cost per required space basis.

7. Adherence to requirements.

The requirements expressed above shall be met unless the applicant can demonstrate that the characteristics of the building or site structure design make adherence to the expressed requirements physically infeasible. In such cases, the applicant shall provide an alternative which in the opinion of Borough Council satisfies the objectives of the requirements set forth above.

8. Compliance with plans.

Any proposed development shall be in strict accordance with the goals and objectives of the Comprehensive Plan. Furthermore, the applicant must demonstrate that the proposed development conforms with any more detailed plans and designs for the Development which have been adopted or approved by the Borough or submitted by an agency or organization responsible for Borough improvement.

9. Time limit on construction permit.

Permits issued pursuant to this Article shall expire within one (1) year after date of issuance thereof, unless the approved project is completed, or unless the Borough Council shall extend the permit for successive terms not exceeding one year each. In those cases where the original permit is issued and the construction schedule calls for a term of longer than one year, the permit shall be automatically renewed by the Zoning Officer for an additional one year period, subject to such safeguards as the Zoning Officer may prescribe in the public interest.

10. Development plan changes during construction.

After the final development plan has been approved and when, in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, entrances, heights or yards are requested by the developer, and such requests conform to the standards established by the approved final development plan for the area to be covered by buildings, parking space, entrances, height, functions, setbacks and lot area requirements, such adjustments may be approved by the Borough Council upon application and after receiving recommendations of the Planning Commission.

X. Outdoor Dining Area

1. In the DBD district, and subject to the general requirements of that district, except as herein modified, outdoor dining areas may be established provided that the following conditions are met:

- a. Outdoor dining areas may be placed in the front, side or rear yard of an eating or drinking place.

- b. Sidewalk space of at least five (5) feet shall be free of any eating or drinking place obstruction for a clear pedestrian walkway for outdoor dining areas along streets.
- c. Any items associated with the outdoor dining areas, or portions thereof which are located within the public right-of-way shall not permanently affixed to the land, and shall remain movable.
- d. Rear yard outdoor dining areas must maintain a fence of at least six (6) feet in height between the outdoor dining area and adjacent properties.

Y. Licensed Group Home Dwelling

- 1. The premises shall be owned or leased by the agency sponsoring the group home dwelling.
- 2. A licensed physician, licensed psychologist, counselor or social worker in the employ of or under contract to the sponsoring agency shall be responsible for the assignment of residents to the group home or dwelling.
- 3. No more than two (2) live-in supervisors shall reside in the group home dwelling and at least one (1) of those supervisors shall be on the premises during all hours in which any resident of the group home dwelling is on the premises.
- 4. The dwelling unit shall not be altered in any manner that would change the single family dwelling character of the group home dwelling.
- 5. One (1) off-street parking space shall be provided for each supervisor assigned to the group home dwelling.
- 6. The sponsoring agency shall document that all plumbing, heating, electrical, sanitary sewer, storm sewer and similar facilities meet the applicable ordinances, rules, regulations and laws of the Borough and/or the Commonwealth of Pennsylvania.
- 7. The other provisions of this Ordinance notwithstanding, a licensed group home solely for disabled persons may be located anywhere a single family dwelling may be located.

Z. Wind Energy Facilities

- 1. An application for conditional use for a Wind Energy Facility shall contain, in addition to other conditional use application requirements, the following:
 - a. A site plan of the subject property showing adjoining streets, public right-of-ways, utility easements, all structures (existing and proposed), any guy wires, base footings, foundations, site soil conditions, and the location and height of the proposed wind turbine(s).

- b. An elevation drawing showing the proposed wind turbine and all structures shown on the site plan, including height, color, and materials of the wind turbine(s).
 - c. A plan indicating any lighting proposed, glare mitigation measures, and shadow flicker prevention measures.
2. A Wind Energy Facility shall comply with the following criteria and such criteria shall be conditions of any conditional use approval:
- a. The Wind Turbine height cannot exceed fifty-five (55) feet to the highest possible point of the blade.
 - b. The Wind Turbine(s), inclusive of all guy wires and support structures, shall be set back from all property lines, public right-of-ways, and utility easements a distance of at least 1.5 times the Wind Turbine height.
 - c. In addition to the above setback requirements, the Wind Turbine(s) shall be set back from all adjacent residences a distance at least equal to three (3) times the Wind Turbine height.
 - d. The Wind Turbine(s) shall not project above any imaginary air space surface restrictions contained in this Code or applicable Federal Aviation Administration regulations.
 - e. Sound produced by the Wind Turbine Facility shall not exceed 55 decibels at the property line. Sound levels may be exceeded only during severe wind storms or power utility outages.
 - f. The Wind Turbine(s) shall be an unobtrusive color such as white, off-white, or gray, unless otherwise required to be a different color by the Federal Aviation Administration.
 - g. The Wind Turbine(s) shall be certified by the American Wind Energy Association, the American National Standards Institute, and the Equipment Manufacturers Underwriter Laboratories.
 - h. No Wind Turbine(s) blades shall, at their lowest point, be closer to the surface of the ground than fifteen (15) feet. There shall be no foot pegs or rungs left on the Wind Turbine(s) within fifteen (15) feet of the ground surface. The applicant must demonstrate that necessary measures will be taken to prohibit unauthorized access to the Wind Energy Facility.
 - i. No satellite or microwave discs or other radio, television, or telephone antennas shall be attached to the Wind Turbine(s).
 - j. Reasonable efforts shall be taken to eliminate glare and shadow flicker on adjoining occupied structures and public rights-of-way.
 - k. Reasonable efforts shall be taken to avoid any disruption or loss of radio, telephone, television, or similar signals caused by the wind turbine facility.
 - l. If any Wind Turbine in a Wind Turbine Facility is inoperable (non functional and/or not producing electricity to the grid) for a period of six (6) consecutive months, the inoperable Wind Turbine, or Wind Turbine facility, will be considered abandoned.

- m. Wind Turbines or Wind Energy Facilities shall be decommissioned within twelve (12) months of their abandonment or end of the useful life of the Wind Turbine(s) or Wind Energy Facility. Decommissioning shall include the removal of the Wind Turbine(s), accessory buildings, electrical components, foundations, and other associated facilities. Disturbed earth shall be graded and reseeded.
- n. If the Wind Turbine Facility Owner or Operator fails to decommission the Wind Turbine(s) or Wind Energy facility within the time prescribed, the property owner shall cause the decommissioning to occur with six (6) months of the Wind Energy Facilities' Owner or Operator's failure to do so.

AA. Accessory Wind Turbine

- 1. Accessory Wind Turbines shall be permitted as an accessory use in all Zoning Districts provided that such Accessory Wind Turbines comply with the following criteria:
 - a. The Wind Turbine height shall not exceed the applicable maximum building height and in the event the applicable maximum building height is greater than fifty-five (55) feet, in no event shall the Wind Turbine height exceed fifty-five (55) feet to the highest possible point of the blade.
 - b. Only one Accessory Wind Turbine shall be permitted per property.
 - c. Accessory Wind Turbines shall not be located in the front or side yards.
 - d. Accessory Wind Turbines, inclusive of all guy wires and supports, shall be set back from the property line at least a distance of 1.5 times the Wind Turbine height, and no less than the applicable setback of the Zoning District.
 - e. Accessory Wind Turbines shall not project above any imaginary air space surface restrictions contained in this Code or applicable Federal Aviation Administration regulations.
 - f. Sound produced by an Accessory Wind Turbine shall not exceed fifty-five (55) decibels at the property line. Sound levels may be exceeded only during severe wind storms or power utility outages.
 - g. Accessory Wind Turbines shall be an unobtrusive color such as white, off-white, or gray, or a color that blends with the surroundings, unless otherwise required to be a different color by the Federal Aviation Administration.
 - h. An Accessory Wind Turbine that no longer functions or has not produced electricity for a period of one hundred-twenty (120) days or more shall be removed within one hundred-eighty (180) days of the cessation of function or electric production.
- 2. Accessory Wind Turbines shall not be constructed without first obtaining a permit from the Zoning Officer for such construction, and the application for the permit shall demonstrate compliance with the criteria contain in this Section.

BB. Solar Energy Systems

Solar energy systems are allowed in all zoning districts as an accessory use subject to the following conditions and requirements, provided that solar energy systems located on property owned or leased by the Borough or Borough Authority are exempt from these conditions and requirements.

1. General requirements applicable to all solar energy systems.
 - a. Solar energy systems are permitted as an accessory use to any lawfully permitted principal use on the same lot pursuant to this Ordinance and upon compliance with all requirements of this Section and as elsewhere specified in this Ordinance. Solar energy systems other than roof-mounted systems require a land use permit from the Zoning Officer.
 - b. Installation of solar energy systems shall be in compliance with the Pennsylvania Uniform Construction Code, as amended, and be subject to all applicable permit requirements thereof as well as all other applicable laws, codes and regulations.
 - c. On-site electrical transmission and power lines connected to or associated with a ground mounted solar energy system shall be located underground.
 - d. The owner of any solar energy system connected to an electric utility grid shall provide the Borough with written authorization from the utility acknowledging and approving such connection.
 - e. All solar energy system installations must be inspected by the Borough Building Inspector.
 - f. Solar energy systems shall not be used for displaying advertising except for reasonable identification of the manufacturer of the system. In no case shall such identification exceed 200 square inches.
 - g. A clearly visible warning sign concerning voltage shall be placed at the base of all pad mounted transformers and substations.
 - h. When a building is necessary for the storage of cells and/or equipment or components related to the solar energy system, the building must not exceed 400 square feet in area, must not exceed fifteen (15) feet in height and must not be located within any side, rear, or front yard setback.
 - i. The owner of solar energy system shall be responsible for decommissioning and removal of the system after a period of 12 months during which the system has not been in active and continuous service. Decommissioning shall consist of removing all solar panels and associated supporting framework.
 - j. Any solar energy systems existing as of the effective date of this Section are exempt from the provisions of this Section; however, any replacements or additions to the system shall be in compliance with the requirements of this Ordinance.

- k. All owners of property upon which a solar energy system is installed shall be required, as a conditions of the issuance of the zoning permit referred to in Paragraph 1.a., above, to acknowledge in writing to the Borough that the issuance of a land use permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such property.
2. Requirements applicable to all roof-mounted solar energy systems.
- a. The total height of a building with solar energy systems shall not exceed by more than one (1) foot the maximum building height permitted in the applicable zoning district.
3. Requirements applicable to ground-mounted solar energy systems.
- a. Ground-mounted solar energy systems (also referred to as "ground arrays") shall be located so that any sun reflection is directed away from or is properly screened from adjoining property.
 - b. Ground arrays shall not exceed a height of 20 feet at the highest point of the structure.
 - c. No part of a solar panel energy system shall be placed or erected within the required yard setback required by the applicable zoning district.
 - d. No part of a solar energy system shall be located in a required front yard, however it may be located in the portion of the yard in front of the principal building and outside of the required front yard provided that vegetative screening is provided to serve as a barrier to visibility and glare, subject to the following standards:
 - (1) All materials shall reach a minimum height of six feet above finished grade of land at site of planting within two years of planting. However, all materials used for screening of an industrial use shall be six feet at initial planting.
 - (2) Planting materials shall be permanently maintained in order to ensure effective screening and replaced when necessary.
 - (3) Vegetative screen must be comprised of plant material that will provide a minimum opacity of 80% in winter and 80% in summer. One of the following arrangements shall be utilized:
 - (a) Screen planting shall contain three staggered rows of vegetative material. This screen planting shall consist of one row of fast-growing needled evergreens spaced not more than 12 feet on center and two rows of deciduous trees, with a minimum eight potential of 20 feet, spaced not more than 25 feet on center.
 - (b) Screen planting shall contain two staggered rows of vegetative material. Seventy-five percent shall be fast-

growing needled evergreens planted 10 feet on center and staggered for effective screening. The remaining 25% shall be deciduous trees planted in staggered clusters with 25 feet being the maximum spacing between trees.

- (c) Screen planting shall contain two staggered rows of vegetative material. Seventy-five percent shall be fast-growing needled evergreens planted 10 feet on center and staggered for effective screening. Fifteen percent shall be deciduous trees planted in staggered clusters 25 feet on center. The remaining 10% shall be staggered shrub masses used as understory plants and in combination with deciduous tree clusters. The maximum spacing for shrubs shall be four feet on center. The deciduous trees and shrubs are suggested to break up the straight line planting of one type of plant material.

- (4) Prior to issuance of a land use permit, a sketch plan showing the proposed arrangement, placement, species and size of all screen planting material shall be submitted for approval to the Zoning Officer.

- e. The surface area of a ground-mounted solar energy system, regardless of the mounted angle of any solar panels, shall be considered part of and calculated in the lot coverage of the lot on which the system is located.
- f. A ground-mounted solar system is not permitted in easements or stormwater management facilities.

CC. Kennel

1. All buildings in which animals are housed shall be located at least one hundred (100) feet from all lot lines.
2. All kennels shall comply with all applicable State codes and regulations.
3. Buildings shall be fully enclosed and sound-proofed so that sound generated within the buildings cannot be perceived at the lot lines.
4. Outdoor pens and runs shall be fenced and be at least:
 - a. two hundred (200) feet from any residential lot line and one hundred (100) feet from any other lot line.
 - b. one hundred (100) feet from a street line.
5. Operations open after hours of darkness shall be lighted in compliance with this Ordinance.
6. No animals shall be permitted outdoors between the hours of 9:00 PM and 7:00 AM.
7. The premises shall be kept in a clean and sanitary manner by the daily removal of waste.

8. Animal odors shall not be detectable beyond the lot lines of the property on which the kennel is located.
9. Grooming services for the animals being boarded may be allowed as an incidental use provided the grooming services are conducted indoors.
10. The total number of animals on the lot shall not exceed one hundred (100).
11. The Environmental Performance Standards of the Ordinance shall be met.

DD. Shelter

1. Area, yard, height and building requirements shall conform to the requirements of this Ordinance for multi-family dwellings in an R-M Medium Density Residential Zone.
2. No shelter shall be permitted:
 - a. Within two hundred (200) feet of any residential district, or
 - b. Within seven hundred fifty (750) feet of any house of worship, school, day care center, preschool, municipal utility, non-profit recreation facility including but not limited to YMCA, Boy Scouts and Girl Scouts, or
 - c. Within seven hundred fifty (750) feet of any establishment licensed by the Pennsylvania Liquor Control Board to dispense alcoholic beverages or other controlled substances, or
 - d. Within seven hundred fifty (750) feet of any restaurant, eating establishment, hotel or motel, or
 - e. Within seven hundred fifty (750) feet of any club or fraternal lodge, or
 - f. Within seven hundred fifty (750) feet of any other shelter.
3. The maximum number of beds in the shelter shall be thirty (30).
4. Maximum length of occupancy in the shelter shall be six (6) months.
5. All areas for waiting, intake, personal storage, facility storage, bathing, restrooms, laundry, child care, eating and sleeping shall be located indoors.
6. Lighting shall provide illumination and clear visibility to all outdoor areas.
7. On-site management shall be provided at all times the facility is in operation and at least one hour prior to and after facility operation hours.
8. Prior to issuance of a permit the shelter operator shall submit a Shelter Safety and Management Plan. The Plan shall be available to the public upon request and shall address:
 - a. Client congregation outside of the shelter facility.
 - b. Eligibility criteria, rules for clients, and procedures for disruptive clients.
 - c. Number and responsibilities of on-site support staff, training standards, other management procedures, and a primary and secondary contact person.
 - d. Refuse collection.

- e. Security procedures.
 - f. Separation of sleeping areas and restrooms by special needs, gender and for families.
 - g. Transportation to and from the shelter.
 - h. Food service.
 - i. Provision for recreation facilities.
 - j. Parking.
 - k. Hours of operation.
 - l. Alcohol and illicit drug use policies.
 - m. Litter control.
 - n. Amenities provided (e.g., laundry facilities, storage of belongings, toiletries, phones, educational opportunities).
 - o. Hours of admittance.
 - p. Smoking areas and policies.
 - q. Availability of access for disabled persons.
9. A minimum of one parking space shall be provided for each staff member on duty plus one (1) parking space for each three (3) beds.
 10. A minimum of one (1) intake/administrative office shall be provided for each ten (10) clients.
 11. A minimum of ten (10) square feet of indoor communal areas and ten (10) square feet of outdoor communal area shall be provided per bed.

EE. Recycling center

1. No material shall be placed in such a manner that it is capable of being transferred out of the recycling center by wind, water or other natural causes.
2. All materials accepted for recycling and all activities involving the same, other than loading and unloading shall be within fully enclosed buildings.
3. The land area used for recycling purposes shall not be exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.
4. Such recycling center shall be entirely enclosed by a solid fence or wall at least eight feet but not more than ten feet high constructed of lumber, brick, cinder block and concrete, with access only through solid gates. The fence or wall shall be situated no closer to any street or property line than fifteen feet, and shall be kept in good repair and neatly painted in a uniform color.
5. Between the fence or wall and the street or property line, buffer plantings shall be placed that are either:
 - a. One deciduous tree (one-and-one-half inch caliper minimum) at an average of one tree per forty lineal feet of buffer plus one evergreen tree (three-foot minimum height) at an average of one tree per 20 lineal feet of buffer; or
 - b. One deciduous tree (one-and-one-half inch caliper minimum) at an average of one tree per forty lineal feet of buffer plus one deciduous shrub (three-foot minimum height) per four lineal feet buffer. Shrubs shall be privet, forsythia, or viburnum species.

6. All recycled materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures or other means.
7. No explosive, toxic, radioactive or highly flammable materials shall be kept on the property.
8. No burning shall be carried on. Fire shall be prevented and hazards avoided by organization and segregating of stored materials, with particular attention to the separation of combustibles, by the provision of adequate aisles at least 15 feet wide for escape and firefighting and by other necessary measures.
9. Batteries must be stored and handled in specially designed pallets that contain leakage in the event of a battery spill.
10. Vehicles or vehicle parts over 3 cubic feet in size are not permitted for recycling.
11. Any items containing petroleum based products shall not be accepted or stored. Sealed units, including gear boxes, compressors etc. may be accepted provided all contaminants, such as refrigerants, have been evacuated. No evacuation of these elements may be conducted on premises.
12. All materials accepted shall be for the sole purpose of resale in bulk to be used for recycling. Resale of individual items or components for parts for reuse shall not be permitted.
13. A zoning permit shall be obtained on an annual basis.

FF. Indoor Shooting Ranges

1. Indoor Shooting Range Use:
 - a. Must comply with all applicable federal, state and local laws, rules and regulations regarding the discharge of firearms and the control and removal of hazardous materials.
 - b. Shall require the storage of firearms and live ammunition to be indoors and in a fireproof area secured from unauthorized access.
 - c. Shall limit the number of shooters to the number of firing lanes or stations identified on the site plan.
2. Indoor Shooting Range Design:
 - a. For New Indoor Shooting Ranges: A site plan, submitted with the application for conditional use, shall comply with the indoor range design criteria, certified by a professional engineer, as set forth in the most current publication by the U.S. Department of Energy, Office of Health, Safety and Security or with the most current indoor shooting range design criteria set forth in a nationally recognized shooting sport organization approved by Borough Council.
 - b. For Existing Indoor Shooting Ranges: Any indoor shooting range constructed prior to December 7, 2016 for military or upgrades that may be required by the Pennsylvania Uniform Construction Code.

3. Other Considerations:
 - a. The indoor shooting range facilities shall be set back a minimum of one hundred (100) feet from the property line and street right-of-way.
 - b. The noise, at the property line and street right-of-way, from the discharge of a firearm shall not exceed 55-dB (decibels).
 - c. Off-street parking facilities shall be provided with a ratio of one and one-half (1-1/2) spaces per firing station/lane.

ARTICLE VIII PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS

40. Purpose.

The purposes of planned residential development provisions are:

- A. To encourage innovations in residential development so that the demand for housing may be met by greater variety and maximum choice in the type, design, and layout of dwellings and by the conservation and efficient use of recreation open space ancillary to said dwellings.
- B. To encourage a more efficient use of land and to reflect changes in the technology of land development so that the economies achieved may benefit those who need homes.
- C. To encourage more flexible land development which will respect and conserve natural resources such as streams, floodplains, wetlands, wooded areas, steeply sloped areas, areas of unusual beauty, and significant natural habitats.
- D. To provide a greater variety of housing types, and giving inhabitants a broader range of dwelling types from which they can choose to satisfy their changing life styles and requirements.

41. Eligibility Requirements.

An application for a planned residential development shall not be eligible for tentative approval unless the following initial requirements are met:

- A. The proposed planned residential development shall consist of one (1) or more contiguous parcels of land under ownership purchase agreement, option to purchase, leasehold agreement, or other similar legal agreement by a single legal entity to own and/or develop the land.
- B. The proposed planned residential development shall contain the total minimum land area specified in the Schedule of Area, Yard, and Height Requirements.

- C. The proposed planned residential development shall be connected to public water and sanitary sewer systems.
- D. No multi-family dwellings shall be constructed until there is such evidence that adequate fire protection is available to serve such dwellings.

42. Land Use Control and Land Use Density Requirements.

- A. Residential Uses - The PRD shall contain at least two (2) of the residential uses listed below:

- 1. Single family dwellings
- 2. Duplex dwellings
- 3. Two family dwellings
- 4. Townhouse dwellings
- 5. Multi-family dwellings

- B. Mix of housing types - The mix of residential uses and housing types shall be determined by the following:

No one type of dwelling unit shall exceed seventy (70) percent of the total dwelling units. The general standards for mix of housing set forth in this section may be modified by the Borough Council where it is the opinion of the Council that the findings of the site analysis justify a modification. Where proposed housing mixes deviate from the standards in this section, the burden of proof shall be upon the developer to demonstrate the proposals are in general accord with the Borough Comprehensive Plan and that the characteristics of the PRD site and the surrounding area justify a mix than otherwise is permitted.

- C. Non-residential uses - Non-residential uses may be permitted to the extent that they are designed and intended to serve the daily and convenient shopping and personal service needs of the Planned Residential Development residents and are compatible and harmoniously incorporated into the design of the Planned Residential Development. A market feasibility study to show need shall be provided by the applicant.

- D. Density and locational requirements

- 1. The density for the total PRD site and any phase of the PRD shall not exceed eight (8) dwelling units per acre.
- 2. The percentage of the site which is to be covered by the buildings, streets, parking areas and other impervious cover shall not exceed thirty (30) percent of the total site area.
- 3. The percentage of the site to be devoted to common open space shall be no less than twenty-five (25) percent of the total site area. The 25% requirement shall not include slopes greater than 20%, wetlands, 100-year floodplains, parking areas, streets, and yard areas of less than twenty-five (25) feet around all buildings and other areas unusable because of environmental constraints.

4. The percentage of the site to be devoted to non-residential uses shall not exceed five (5) percent of the total site area.
5. No structure shall be located within 50 feet of a boundary of the PRD or a street outside the PRD.

43. Site Analysis and Site Design Standards.

A. Site analysis.

1. Natural features analysis - A thorough analysis of the natural features of the site is required to include the following categories:
 - a. Hydrology: Analysis of natural drainage patterns and water resources including streams, natural drainage, swales, ponds or lakes, wetlands, floodplain areas, permanent high water table areas, and seasonal high water table areas.
 - b. Geology: Analysis of characteristics of rock formations underlying the site including defining aquifers, shallow bedrock areas, and areas in which rock formations are unstable.
 - c. Soils: Analysis of types of soils present in the site areas including delineation of aquifer recharge soil areas, unstable soils, soils most susceptible to erosion, and soils suitable for development.
 - d. Topography: Analysis of site terrain including contour mapping and delineation of slope areas over twenty (20) percent, between ten (10) and twenty (20) percent and under ten (10) percent.
 - e. Vegetation: Analysis of tree and plant cover, emphasizing location of woodland areas. Dominant tree and plant species and their characteristics shall be identified.
2. Community impact analysis - In order to determine the impact of the Planned Residential Development upon the Borough, an analysis of the potential effects of the PRD upon public facilities, utilities, and street systems is required. A comparison of the costs to the Borough versus the revenues to the Borough shall be included in the analysis. Market analysis data estimating potential market demand for types of housing in the PRD shall also be presented.

B. Site design requirements

1. Residential uses
 - a. The natural features of the site shall be a major factor in determining the siting of dwelling units.

- b. Dwellings shall be located and sited so as to promote pedestrian and visual access to common open space.
- c. Dwelling units shall be located and arranged so as to promote privacy for residents within the PRD and maintain privacy for residents adjacent to the PRD.
- d. No structure shall be located within twenty (20) feet of a street right-of-way.

2. Commercial uses

- a. All commercial uses shall be located with direct access to either a collector or arterial street within the PRD.
- b. Signs for commercial uses are permitted subject to the following restrictions:
 - (1) A single sign for the commercial area is permitted. Such sign shall be limited to a height of six (6) feet with a total maximum area of thirty (30) square feet.
 - (2) Signs for individual uses shall be permitted on the structure (except roof signs). Signs shall be limited to the store name and shall be no more than thirty (30) square feet.
 - (3) Signs may be illuminated providing such lighting is designed and located so as to direct light away from adjacent residences and meets all requirements of this Ordinance.

3. Common open space

- a. The location, shape, size, and character of the common open space shall be provided in a manner consistent with the objectives set forth for PRD in this Ordinance, and suitable for active and passive recreation.
- b. Whenever possible, common open space shall be designed as a contiguous area interspaced with residential areas to provide pedestrian and visual access.
- c. Significant natural features such as woodland areas, large trees, and scenic views shall be incorporated into common open space areas whenever possible.
- d. Development of the PRD must be planned so as to coordinate the establishment of common open space areas and the construction of dwelling units.

4. Streets

- a. The street system of the PRD shall be designed so as to relate harmoniously with land uses within and adjacent to the PRD through the establishment of a hierarchy of roadway functions which includes collector and local streets, to create a separation of automobile and pedestrian traffic through the coordinated design of streets, dwelling units, common open space areas, and pedestrian walkways, to create efficient and safe connections with the existing street system of the Borough, and to minimize through traffic in residential areas.
- b. The street right-of-way and cartway widths and curbs and sidewalks shall be as specified by the Borough Subdivision and Land Development Ordinance.
- c. The design and construction of streets must conform to the standards set forth in the Borough Subdivision & Land Development Ordinance relative to paving specifications, cartway design, horizontal and vertical alignment and sight distances.

5. Parking

- a. Parking shall be in accordance with Article X of this Ordinance.
- b. Parking areas shall be arranged so as to prevent through traffic to other parking areas and shall be of a size which prevents large, expansive parking lots.
- c. Parking areas shall be landscaped.
- d. The construction of off-street parking areas must be in conformance with standards set forth in the Borough Subdivision and Land Development Ordinance.

6. Lighting

- a. All streets, off-street parking areas, and areas of intensive pedestrian use shall be adequately lighted in accordance with the requirements of this Ordinance. All costs shall be the responsibility of the developer.

7. Soil erosion control and storm drainage

- a. Soil erosion control and storm drainage shall be specified and approved by the Borough Engineer in accordance with applicable Borough Ordinances.

8. Tree conservation and landscaping

- a. Existing trees shall be preserved wherever possible. The protection of trees six (6) inches or more in diameter (measured at a height four and one-half (4-1/2) feet above the original grade) shall be a factor in determining the location of open space, structures, underground utilities, walks, and paved areas.
- b. Where extensive natural tree cover and vegetation does not exist and cannot be preserved, landscaping shall be regarded as an essential feature of the PRD. In these cases, extensive landscaping shall be undertaken to enhance appearance, aid in erosion control, provide protection from wind and sun, screen streets and parking areas, and enhance the privacy of dwelling units.
- c. Street trees shall be provided along all streets.

44. Other Site Design Provisions.

- A. Telephone, electric, and cable TV utilities shall be installed underground.
- B. Refuse stations to serve residential, recreational, and commercial areas shall be designed with suitable screening, and located so as to be convenient for trash removal and not offensive to nearby residential areas.
- C. All improvements required by the Borough Subdivision and Land Development Ordinance shall be provided. With the exception of standards explicitly set forth in this PRD section of the Zoning Ordinance, site improvements shall conform to standards set forth in the Borough Subdivision and Land Development Ordinance and this Ordinance.
- D. Construction of all required improvements in a PRD shall be guaranteed pursuant to an improvements agreement and performance guarantee with the Borough as specified in the Borough Subdivision and Land Development Ordinance.

45. Ownership, Maintenance and Preservation of Common Open Space.

- A. The developer shall make provisions which insure that the common open space land shall remain in perpetuity and be properly maintained. The developer shall provide for and establish an organization for the ownership, maintenance, and preservation of open space which shall conform to the following standards and procedures:
 - 1. The organization shall be established by the developer before the sale or rental of dwelling units. Documents relating to the organization shall be approved by the Borough prior to the granting of Final Plan approval.
 - 2. The form, financial capability, rules of membership, and methods of cost assessment of the organization shall be devised so as to insure the successful fulfillment of the maintenance, preservation, and improvement responsibilities of the organization.

3. The organization responsible for maintenance, preservation, and improvement of common open space areas shall be the sole owner of the common open space lands.
4. In the event that the organization established to own and maintain a common open space of any successor organization, shall at any time after establishment of the Planned Residential Development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization, or upon the residents of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.
5. At such hearing the Borough may modify the terms of the original notice as to the deficiencies and may be given an extension of time within which they shall be corrected.
6. If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within 30 days or any extension thereof, the Borough may take actions authorized by the Municipalities Planning Code.

46. Development Staging.

- A. A Planned Residential Development may be developed in stages if the following standards are met:
 1. The location and approximate time of construction of each stage are clearly marked on the development plan and approved by the Borough.
 2. The stages are completed consistent with the development plan and are of such size and location that they constitute economically sound units of development.

47. Procedural Requirements.

- A. Pre-application consultation
 1. Prior to the preparation and submission of an Application for Tentative Approval, a pre-application consultation meeting shall be held with the Borough Planning Commission. The purpose of this informal meeting is to discuss the general intent of the landowner, to consider relationships to the Borough Comprehensive Plan, and to outline the approval process and the specific requirements for plan preparation and submission. No statement or representation of the Borough Planning Commission shall be binding on the Borough. It is required that a sketch plan be submitted showing at least the following information:
 - a. Tract boundaries and north point.

- b. Streets on and adjacent to the tract.
 - c. Significant natural features.
 - d. Proposed general street layout, open space layout, general land use pattern and general lot and building arrangement.
 - e. Tract acreage.
2. The Borough Planning Commission may specify required documentation to accompany submission for tentative plan application at this time.

B. Application for tentative approval

1. The application for tentative approval shall be executed by or on behalf of the landowner and filed with the Head of Borough Engineering Services. An initial deposit as established by resolution of Borough Council shall be paid upon filing of the application to be applied against the expenses of processing the application and additional deposits made from time to time as requested by the Borough, not to exceed actual expenses incurred by the Borough.
2. The application for tentative approval shall include documentation illustrating compliance with all of the standards for PRD set forth in this Section, include documentation required by the Borough Planning Commission and include all information and documents required for a preliminary plan by the Borough Subdivision and Land Development Ordinance, and shall constitute the development plan for the Planned Residential Development.
3. One (1) copy of every application for tentative approval received by the Borough shall be promptly forwarded to the County Planning Commission for study and recommendation as required by law. The County Planning Commission shall review and report upon the application to the Borough within thirty (30) days of such referral.

C. Public hearings

Borough and County reviews and public hearings for tentative plan approval and final plan approval shall be conducted in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code.

D. Findings

1. The Borough Council, within 60 days following the conclusion of the public hearing or within 180 days after the date of filing of the application, whichever occurs first, shall, by official written communication, to the landowner, either:
 - a. grant tentative approval of the development plan as submitted;

- b. grant tentative approval subject to specified conditions not included in the development plan as submitted; or
- c. deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Borough Council notify such Borough Council of his refusal to accept all said conditions, in which case, the Borough Council shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

- 2. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - a. in those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Borough;
 - b. the extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - c. the purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - d. the physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - e. the relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 - f. if the case of a development plan which proposed development over a period of years, the sufficiency of the terms and conditions intended to

protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

3. In the event a development plan is granted tentative approval, with or without conditions, the Borough Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

E. Application for final approval

An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Borough within the time or times specified by the official written communication regarding the tentative plan. If the application for final approval is in compliance with the tentatively approved development plan and any conditions of tentative approval, a public hearing shall not be required.

The application for final approval shall include all requirements for a final plan specified in the Borough Subdivision and Land Development Ordinance and any documentation required by the tentative approval.

F. Guarantee of improvements

Guarantee for improvements and an improvements agreement shall be submitted in accordance with the Borough Subdivision and Land Development Ordinance.

G. Procedures after application for final approval

1. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Ordinance and the official written communication of tentative approval, the Borough shall, within 45 days from the date of the regular meeting or the Borough Council or the Planning Commission, whichever first reviews the application, next following the date the application is filed, grant such development plan final approval. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed.
2. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Borough Council may refuse to grant final approval and shall, within 45 days from the date of the regular meeting

of the Council or the Planning Commission, whichever first reviews the application, next following the date the application is filed, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the landowner may either:

- a. Refile his application for final approval without the variations objected; or
- b. File a written request with the Borough Council that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner described in this article for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Borough Council shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article. Failure of the Borough Council to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effect.

**ARTICLE IX
SUPPLEMENTAL REGULATIONS**

48. Street Frontage and Street Jurisdiction.

A. Street frontage

Every principal building shall be built upon a lot with frontage upon a street improved to meet Borough standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance of the Borough, or shall have access to a private street approved by the Borough Council. A condominium unit is exempt from this requirement if the condominium development as a whole fronts upon a public or approved private street.

B. Street jurisdiction

All streets built within subdivisions and land development shall be built to Borough standards, including those within the Borough Subdivision and Land Development Ordinance and other applicable Borough regulations. All streets built within subdivisions and land developments, except those within mobile home parks, shall be offered for dedication to the Borough. Access drives shall remain private.

49. The Number of Principal Structures on a Lot.

In any District not more than one structure housing a permitted principal use may be erected on a single lot unless yard and other requirements of this Ordinance are met for each structure as though it were on an individual lot, except as otherwise provided in this Ordinance, and except in the case of condominium, townhouse or multi-family development where the Schedule of Area, Yard, Height and Building Requirements shall prevail.

50. General Lot and Yard Requirements.

A. Where a street or highway shown on the Street and Highway Plan of the Borough has a proposed right-of-way greater than that existing, the front yard requirement shall be measured in accordance with the proposed right-of-way.

B. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages.

C. In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the zone shall be provided on the other frontage. However, the provisions of this section shall not apply so as to reduce the buildable width to less than fifty percent (50%) of any lot less than one hundred (100) feet in width, although in no case shall any structure be erected closer to any street line than twenty-five (25) feet. No such setback need exceed a distance of fifty (50) feet. Corner lots having frontages of greater than one hundred (100) feet on both

intersecting rights-of-way shall observe the same requirements for front yards on both streets as apply to adjoining interior lots facing upon such streets.

Where the above requirements impose greater restrictions upon the location of accessory buildings than any requirements elsewhere in this chapter, the above shall apply to accessory buildings as well.

- D. In the case of reversed frontage lots, a front yard of the required depth shall be provided on the street to which the principal building fronts.
- E. In the case of corner lots with more than two frontages, the Zoning Officer shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having the full depth required generally in the zone; (2) no other front yard on such lot shall have less than half the full depth required generally.
- F. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projection of sills, chimneys, flues, buttresses, ornamental features and eaves; provided, however, that none of the aforesaid projections shall project into the minimum side yards more than twenty-four (24) inches. Unroofed entrance porches or terraces which do not rise above the height of the floor level of the ground floor may extend into any yard, provided the total area of all such porches which extend into such yards does not exceed two hundred (200) square feet. Nothing herein shall prevent the erection of fences in the required yard so long as they do not prevent adequate sight distance at intersections.

Bays and balconies may project into a required side yard not more than one third of its width, or not more than four (4) feet, whichever is less. Ground story bays and porches not over half the length of the side wall may project into any side yard for a distance of four (4) feet.

Decks are permitted to the rear of townhouses provided the decks are not roofed.

- G. Public garages shall be subject to required setbacks of the zone wherein the facility is located.
- H. Off-street parking lots may be permitted in required yard areas providing there is no encroachment into required sight triangles, providing that no more than fifty (50) percent of the affected required yard area is utilized, and providing that it is not possible to place the required off-street parking elsewhere on the lot.
- I. Nothing herein contained shall prevent the projection of an emergency exit (open fireproof fire escape) into a required rear or side yard for a distance not to exceed eight (8) feet, but in no case to project beyond the property line.
- J. When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this Ordinance. For the purpose of this section, an unimproved lot shall

be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.

51. Accessory Buildings.

Unless elsewhere specified in this Ordinance, accessory buildings shall conform to the following regulations as to their locations on the lot:

- A. Accessory buildings shall be permitted only on the same lot and within the same zone as the principal building to which they are accessory, unless otherwise indicated in this Ordinance.
- B. No accessory building shall be erected in any required front, rear or side yard except in the case of a Residential Detached Garage with access onto an alley, which garage may be erected within the required rear setback but must be set back twelve (12) feet from the edge of the abutting public alley.
- C. Residential Detached Garages shall not exceed twenty-four (24) feet in height and Residential Accessory Sheds shall not be more than fifteen (15) feet in height and may be placed no closer than three (3) feet to the rear property line and no closer than three (3) feet to a side lot line abutting the rear yard.
- D. A garage attached to any side of the dwelling and constructed as a part of such dwelling shall be considered as a part of the dwelling and not as an accessory building, and shall meet all requirements for front, side or rear yards, other setbacks and height of structure.

52. Visibility at Intersections.

On a corner lot in any zone, except the Town Center and Downtown Business Districts, nothing shall be erected (including fences, walls, and hedges), placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the center line grades of the intersecting streets, in the clear sight triangle bounded by a line joining points along said center lines twenty-five feet from the point of the intersection, except in the case of an alley where the distance shall be fifteen feet.

53. Fences, Walls and Hedges.

- A. Authorized fences, walls and hedges shall be erected only in side yards, rear yards or other portions of a lot behind the front building setback line, except that an ornamental fence, wall or hedge may be placed in the front yard provided it does not exceed three feet in height and meets the requirements of visibility at intersections set forth in Section 52 above, retaining wall fences may be placed as required by the Borough Subdivision and Land Development Ordinance, and security fences may be located as otherwise permitted or required by this Ordinance.
- B. In all districts, fences, walls and hedges up to eight (8) feet in height from grade level may be erected as noted above, unless a higher fence is otherwise allowed by this Ordinance. In addition, the following requirements shall apply:

1. Fence enclosures for private residential swimming pools shall be a minimum of four (4) feet in height and a maximum of eight (8) feet in height. In addition, at least one (1) side of a required fence enclosing a private residential swimming pool shall be an open-type fence, preferably facing the dwelling unit.

In the case of an above-ground swimming pool, the enclosure created by the pool wall may be used as a fence enclosure if the pool wall is a minimum of four (4) feet in height and the level of the ground does not rise above the bottom of the pool wall within four (4) feet of the pool. Otherwise, a fence must be placed on the top of the above-ground pool or at a minimum of four (4) feet from the pool.

In the case of an in-ground pool, a barrier of four (4) feet shall be accomplished around the entire perimeter of the pool.

2. Fences provided for security purposes for schools, playgrounds and parks in any district and for all uses in an Industrial District shall have no openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates and except for picket fences, where only the horizontal distance between pickets shall not exceed four (4) inches. Security fences shall be no more than eight (8) feet in height, except that a barbed wire addition, not exceeding one (1) foot, shall be permitted to the top of the fence.
3. Conventional fences, including barbed wire and electrified fences required for farm use, agricultural use and related facilities on properties in excess of five (5) acres, shall be exempt from the fence regulations of this Ordinance, except for the height regulation.
4. Required fences for tennis courts, baseball or softball field backstops and similar fences for similar recreational facilities shall be exempt from the regulations of this Ordinance, provided that such recreational fences are not located within fifty (50) feet of any residential property within the RL or RM Zoning Districts.
5. Walls and hedges where used as enclosures shall be no more than twenty (20) percent open, a minimum of four (4) feet in height and a maximum of eight (8) feet in height.
6. Fences, walls and hedges may be erected for privacy, screening, separation, security, or to serve other necessary function.
 - a. Design and materials shall be functional, they shall complement the character of the property and they shall be suited to the nature of the project purpose. Any form of razor wire fence is prohibited.
 - b. No fence, wall or hedge shall be so constructed or installed so as to constitute a hazard to traffic or safety.
 - c. No fence, including barbed wire on a security fence, shall overhang a public right-of-way or a sidewalk used by the public.

7. Any appeals from a decision or other action of the Zoning Officer with respect to fences, walls and hedges as covered in this section of this Ordinance or other provisions of this Ordinance may be made to the Zoning Hearing Board under the provisions for variances as covered in this Ordinance.
 8. Barbed wire below the height of six (6) feet and above ground electrified fences in residential districts are prohibited.
 9. Fences shall be maintained in a manner as to prevent deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Every fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair. Rolled, damaged, or broken wooden slats and support posts shall be repaired or replaced. Broken or severely bent metal posts or torn, cut or ripped metal fencing materials shall be repaired or replaced. Loose brick, stone, rock, mortar or similar materials on masonry walls and barriers shall be rebonded or similarly repaired.
- C. In measuring the height of a fence, the measurement is made to the top edge of the fence material, and does not include the fence post.

The height of a fence or wall is the vertical distance between the finished ground level at the base of the fence or wall and the top edge of the fence or wall material immediately above that ground level.

Where a fence is installed on top of a retaining wall or other supporting structure, the fence height shall be measured from the ground level behind the retaining wall. Where the retaining wall or other supporting structure extends above the ground elevation, the retaining wall or other supporting structure shall be considered as a portion of the fence in determining the fence height.

Where the ground level within six (6) feet of a fence or wall differs from one side of the fence or wall to the other, the ground level shall be measured on each side of the fence, which shall be the average ground level measured perpendicular within six (6) feet of the fence. In the case of a fence or wall with a maximum height restriction, the maximum height shall be measured on the side of the fence or wall with the lowest finished ground level. In the case of a fence or wall with a minimum height restriction, the minimum height shall be measured on the side of the fence or wall with the highest finished ground level.

54. Recreational Vehicles.

The following regulations shall control all recreational vehicles:

- A. No recreational vehicles may be stored on public streets and highways for any period exceeding forty-eight (48) hours.
- B. No recreational vehicle shall be used for purposes of human habitation at any time regardless of where stored.

- C. Recreational vehicles may be stored on a lot in any district provided that such vehicle is located in the rear yard and is not stored within five (5) feet of the side yard setback line or within ten (10) feet of a rear property line.

55. Maximum Height of Buildings.

No building or structure shall exceed the maximum height of buildings specified in the Schedule of Area, Yard, and Height Regulations, except as provided in the normal variance procedures of this Ordinance.

Height shall be measured as the vertical distance derived from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure, excluding a chimney or other similar structure.

The height restrictions in the Schedule of Area, Yard, and Height Regulations do not apply to spires, cupolas, chimneys, antennas, water tanks, elevator housing, ventilators, or other structures placed above roof level, not intended for human occupancy and necessary for the operation of the permitted use.

56. Steep Slope Requirements.

Prior to alteration of existing or man-made grades exceeding 10 percent, a grading plan, storm water management plan complying with the Borough's Storm Water Management Ordinance and erosion and sedimentation plan complying with all State, Borough and Franklin County Conservation District requirements shall be submitted to the Borough for approval. The grading plan shall indicate existing and proposed contours at intervals of no more than two feet (2') in elevation. On the grading plan all existing and proposed structures, other impervious surfaces, storm drainage facilities and utilities, retaining walls, and vegetation and other natural features shall be shown.

57. Storage of Junk Vehicles.

The exterior storage of junk vehicles and trucks is prohibited in all zoning districts.

58. Dwellings Requirements.

The electrical, plumbing, heating, structural, and other components of a dwelling shall comply with applicable Federal, state, and local codes. When these are conflicting standards, the most restrictive applicable standards as determined by the Borough shall apply.

59. Regulations for Construction and Development in a Floodplain.

Any development, as defined in the Borough Floodplain Management Ordinance, in a floodplain shall be in strict conformity with the Borough's Floodplain Management Ordinance, as amended from time to time.

60. Flag Lots.

Flag lots, as defined herein, may be permitted within any district under the following conditions, except where specifically prohibited by this or other Borough Ordinances.

- A. The parcel of land being developed is of such a shape, size and configuration that the use of a flag lot(s) is the only method of developing the site.
- B. The access to the parcel of land being developed is such that use of a flag lot represents the only method of developing the site.
- C. If direct frontage access to a parcel or a portion of a parcel can be provided by an existing or new public or private road, a flag lot shall not be proposed as a means of avoiding such road frontage access.
- D. If the above conditions warrant the use of flag lots, not more than two (2) access strips serving such lots may be located adjacent to each other, and any additional access strip to another such lot shall be separated by a full lot width, as required by the district in which the land is located.
- E. Any access strip serving any permitted flag lot shall not exceed three hundred (300) feet in length, as measured from the public or private road frontage to the main body of the lot. No portion of the access strip may be counted as a part of the required lot area, nor shall it contain any building or structure.
- F. Single-family, duplex, and two family dwellings are the only type of dwelling units which can be located on a flag lot.
- G. A driveway servicing a flag lot shall be a minimum twenty (20) feet in width, extending from the edge of pavement of any public or private road for a distance of not less than twenty (20) feet from the edge of said pavement into the access strip for the lot, all of which area shall be paved with an all-weather surface meeting the approval of the Head of Borough Engineering Services. The remainder of the driveway serving a flag lot shall be a minimum ten (10) feet in width, and if the access strip exceeds a depth of two hundred (200) feet, a ten-foot-by-twenty-foot turn-off shall be provided for vehicle passage.

61. Buffer Strips.

- A. Applicability

All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential district shall be screened from such residential district by landscaped buffer strips. (A residential district that shares a district boundary line which is a street or alley centerline shall be considered an adjacent district.) Screening may be required by other sections of this Ordinance or pursuant to conditions imposed by the Borough Council and Zoning Hearing Board. Except in Town Center and Downtown Business Districts, a screen shall also be required where a lot for a non-residential use has side or rear lot lines adjacent to a residential use not in a residential district.

B. General regulations

1. Within required buffer areas, a solid and continuous landscape screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3-1/2) feet in height and of such species as will produce within three (3) growing seasons, a screen at least six (6) feet in height, so as to continually restrict a clear view beyond said buffer strip.
2. The entire buffer strip shall be at least eight (8) feet in width and shall be graded and planted with grass seed or sod and such other shrubbery or trees as may be desired by the owner.
3. A Zoning Occupancy Permit for a use on the premises shall not be issued until such time as the landscaping requirements, buffer strips and/or other approved screen as required by this Ordinance are installed.
4. In required buffer areas where a natural buffer strip is considered to be impracticable or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer provided its specifications are approved by the Zoning Officer. Such fence shall be maintained as required by this Ordinance.
5. In circumstances where it is impractical for a screen to meet all the requirements of this Section or would create an undue hardship, the Zoning Hearing Board may approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements.

62. Keeping of animals.

- A. Customary household pets shall be permitted in any district, subject to the provisions below. The keeping of domestic farm animals including a horse, pig, goat, cow, steer, sheep, buffalo, ostrich, or llama shall not be considered a permitted accessory use. The keeping of exotic animals is not permitted in any district.
- B. The keeping of customary household pets is permitted as an accessory use to residential uses. The keeping of customary household pets, shall be subject to the following regulations in order to promote the health, safety, and general welfare of Borough residents:
 1. It shall be unlawful for any person or persons, corporation, partnership, or other entity whatsoever, to harbor, care for, shelter or maintain any customary household pet in such a manner as to disturb or unduly annoy the public through the pet's noise, barking, other sounds, smells, mischief or other harmful propensities. All household pet pens or other areas in which such animals are kept or allowed access shall be maintained in a sanitary condition free of offensive, obnoxious or foul odors.
 2. If any customary household pet is kept in an enclosure outside such dwelling, it shall be the duty of the owner, custodian or keeper of such pet, and the duty of

the parent or guardian of any minor owner of any pet, to keep the pet securely tied or penned in a yard or enclosure in such a manner that the pet cannot break loose and run at large over the streets, alleys or public grounds in the Borough or upon the property of anyone other than the owner, custodian or keeper of such pet.

C. Fowls are permitted only in accordance with the following regulations:

1. The maximum number of Fowls allowed on a property is three (3).
2. Only female (pullets or hens) Fowls are permitted.
3. There is no restriction on the breed of Fowl which may be kept.
4. The following items generated by or kept in accordance with this Section shall not be offered for sale or sold:
 - i. Eggs, Chicks or Fowl.
 - ii. Fowl manure and compost containing Fowl manure.
 - iii. Produce which has been grown as an accessory garden fertilized with Fowl manure or compost.
5. Fowl shall be housed in a Fowl coop which has access to a Fowl pen. During non-daylight hours, Fowl shall be secured in the Fowl coop.
6. Construction and Design of the Coop: The coop shall comply with the principal setback requirements for the district. The coop shall be stationary, enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least eighteen (18) inches high and provide at least two and one half (2-1/2) square feet of floor area per fowl. The coop shall be impermeable to rodents, wild birds, dogs, cats and other predators.
7. Construction and Design of the Coop. The pen shall be constructed of wood or metal posts with wire mesh fencing material (wire mesh with a maximum spacing of one (1) inch by one (1) inch. The pen shall contain at least ten (10) square feet of area per fowl. The fence shall rise at least four (4) feet above the ground and be buried at least one (1) foot below the ground. The pen shall be covered with wire mesh, aviary netting or solid roofing.
8. Maintenance of Coop, Pen and surrounding area. The coop, pen and surrounding area shall be kept clean, dry, and odor-free, and in a neat and sanitary condition at all times. All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of by using an approved sanitary method, including composting or double bagging manure and placing the manure in the trash for collection. Under no circumstances shall fowl manure be placed into the sanitary or storm sewer system. Slaughtering of Fowl is permitted. If a fowl dies it shall be disposed of in accordance with the Domestic Animal Law, 3 Pa.C.S.A. § 2301 et. seq.

9. Living Conditions. Fowl shall have access to feed and clean water at all times, and such feed and water shall be inaccessible to rodents, wild birds and predators.
10. A person shall not keep Fowl in any location on the property other than the rear yard. For the purpose of this Section, "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.
11. All feed and other items associated with the keeping of Fowl that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
12. The permitted keeping of Fowl shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties. Odor generated by the Fowl shall not be perceptible at the property boundaries, and noise generated by the Fowl shall not disturb people of reasonable sensitivity at the property boundaries.

63. Outdoor lighting.

A. Applicability

1. Outdoor lighting shall be required for safety and personal security for uses that operate or have activity during hours of darkness where there is public assembly and traverse, including but not limited to the following uses: multi-family residential developments, commercial, industrial, municipal, recreational and institutional.
2. The Borough Council may require lighting be incorporated for other uses or locations or restrict lighting in any of the above uses, when deemed necessary to accomplish the purposes of this Ordinance.
3. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape, recreational and residential lighting.

B. Criteria

1. Illumination levels
 - a. Lighting, where required or permitted by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook or separately in IESNA Recommended Practices, unless alternative lighting levels are approved by the Borough Council based upon acceptable justification and control of glare as required by this Ordinance.

- b. Future amendments to said recommended practices shall become a part of this Ordinance without further action of the Borough.
- c. Examples of intensities for typical outdoor applications, as extracted from the Lighting Handbook, are presented on the next page but are not all inclusive.

| Use/Task | Maintained Footcandle | Uniformity Ratio |
|---|--|--|
| (a) Parking, multi-family residential, <ul style="list-style-type: none"> • Low vehicular/pedestrian activity • Medium vehicular/pedestrian activity | 0.2 Min. 0.6 Min. | 4:1 Avg:Min* 4:1 Avg:Min* |
| (b) Parking, industrial/commercial/institutional/municipal <ul style="list-style-type: none"> • High activity, e.g., regional shopping centers/fast food facilities, major athletic/civic/cultural events. • Medium activity, e.g., community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events • Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking | 0.9 Min. 0.6 Min. 0.2 Min. | 4:1 Avg:Min* 4:1 Avg:Min* 4:1 Avg:Min* |
| (c) Sidewalks, walkways, and bikeways <ul style="list-style-type: none"> • Commercial • Residential | 1.0 Avg. 0.5 Avg. | 5:1 Avg:Min 5:1 Avg:Min |
| (d) Building entrances, commercial, industrial, institutional | 5.0 Avg. | -- |
| (e) Service Station Pump Islands | 20.0 Avg. | 4:1 Avg:Min |
| (f) Car Dealerships | 20.0 Max. | 5:1 Max:Min |

- Notes: 1. Illumination levels are maintained horizontal foot-candles on the task, e.g., pavement or area surface.
2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. e.g., for high activity commercial parking, the average illuminance shall not exceed 3.6 foot-candles (0.9 x 4).
3. In no case shall the maximum to minimum uniformity ratio for parking be in excess of 20:1.

2. Lighting fixture design

- a. Fixtures shall be of a type and design appropriate to the lighting application required by applicable codes.
- b. For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas of vehicular and pedestrian passage, loading areas, and parking areas, fixtures, whether free-standing, wall mounted, or any other type, shall be aimed straight down and shall meet IESNA full-cutoff criteria.

- c. Where the use of fixtures meeting IESNA full-cutoff criteria is not practical or possible, fixtures shall be equipped with aiming and/or light-redirecting devices such as shields, visors, baffles, skirts or hoods when necessary to direct or redirect offending light distribution.
- d. The use of floodlighting, spotlighting, non-cutoff wall-mounted fixtures, internally illuminated decorative globes and spheres, lanterns and other fixtures not meeting IESNA full-cutoff criteria, shall be permitted only with the approval of the Borough, based upon acceptable justification and achievement of control of glare as required by this Ordinance.
- e. NEMA-head fixtures, a.k.a. “barn lights” or “dusk-to-dawn lights”, shall not be permitted where they are visible from other uses, unless fitted with a reflector or shield to render them full cutoff.

3. Control of Nuisance and Disabling Glare

- a. All outdoor lighting, whether or not required by this Ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- b. The use of floodlights and spotlights shall be so installed or aimed that they do not project their output beyond the boundaries of the property on which they are located.
- c. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- d. In no case shall the illumination cast by a source or sources onto an adjacent residential property exceed 0.1 *vertical* footcandle. The amount of illumination cast onto any non-residential property from another property shall not exceed one (1.0) vertical footcandle.
- e. Directional fixtures, e.g., floodlights or spotlights, shall be aimed so as not to project their output beyond the objects intended to be illuminated. Such lighting shall not project onto another property.
- f. The use of strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by FAA.

4. Installation

- a. Except as specifically approved by the Borough Council, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade. Fixtures not meeting IESNA "cutoff" criteria, when specifically approved by the Borough Council, shall not be mounted in excess of sixteen (16) feet above grade.

5. Maintenance

- a. Lighting fixtures and ancillary equipment shall be maintained by the owner so as always to meet the requirements of this Ordinance.

6. Plan Submission

- a. For subdivision and land development applications where site lighting is required or proposed, lighting plans shall be submitted to the Borough for review and approval with any preliminary or final subdivision/land-development plan application and with any conditional use, special exception, variance application or building permit where applicable, and shall include:

- (1) A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by location, mounting height and type. The submittal shall include in addition to area lighting, architectural lighting, building-entrance lighting, landscape lighting, etc.

- (2) When requested by the Borough Council, an illuminance-grid (point-by-point) plot of maintained footcandles, carried out to 0.0 footcandles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this Ordinance. The maintenance (light-loss) factor used in calculating the illuminance levels shall be documented on the plan.

- (3) When requested by the Borough Council, description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.

- b. When requested by the Borough Council, the applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and light trespass.

- c. The following notes shall appear on the lighting plans:

- (1) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough Zoning Officer for review and approval.
- (2) The Borough Council reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the Borough.

7. Compliance Monitoring

a. Safety Hazards

- (1) If the Borough Zoning Officer judges a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action within a specified time period.
- (2) If appropriate corrective action has not been effected within the specified time period, the Borough may commence legal action as provided in this Ordinance.

b. Nuisance Glare and Inadequate Illumination Levels

- (1) When the Borough Zoning Officer judges an installation produces unacceptable levels of nuisance glare, direct skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Borough may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action within a specified time period.
- (2) If the appropriate corrective action has not been effected within the specified time period, the Borough may commence legal action as provided in this Ordinance.

64. Environmental Performance Standards

Upon request of the Borough, a landowner shall furnish proof at his own expense that he is in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of the Borough. All uses and activities established after the effective date of this Ordinance, unless otherwise indicated, shall comply with the following standards:

A. Air Management

1. No malodors shall be detectable beyond the lot lines of the lot on which such malodors originate.

2. Air quality standards of the Pennsylvania Department of Environmental Protection shall be complied with unless a more restrictive standard is established by this Ordinance and in which case the more restrictive standard shall apply.
3. No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.
4. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates, except as may occur during lawn maintenance, agricultural operations, or construction operations carried out pursuant to any applicable State requirements and required planning and permitting procedures.
5. The Borough Outdoor Furnace Ordinance shall be complied with.

B. Wastewater Management

1. No wastewater discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances (oils, grease, acids, alkalines and other chemicals) are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Department of Environmental Protection, other Borough regulations or other agencies having jurisdiction.

C. Solids Waste Management

1. No storage of waste material on the lot shall be permitted. Except in the case of residential properties where otherwise required by this Ordinance or other municipal ordinance, all waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to prevent access to the material from all adjacent properties.
2. All storage and waste disposal shall conform to the Borough Fire Prevention Code and other ordinances as they may apply.
3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life be allowed to enter any stream or water course.

4. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which eliminate such hazards.

D. Noise and Vibration

1. Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.

Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for “fast” response and “A” weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for “fast” response and “A” weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

Sound Levels by Receiving Land Use

| <u>Zoning of Adjoining Lot</u> | <u>Time</u> | <u>Sound Level (Leq) Limit</u> |
|--------------------------------|--|--------------------------------|
| Residential, Hospital/Office, | 7:00 a.m. – 10:00 p.m. | 65 dBA |
| Institutional | 10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays. | 50 dBA |
| Commercial or Industrial | 7:00 a.m. – 10:00 p.m. | 65 dBA |
| | 10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays. | 60 dBA |

If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.

The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

- The emission of sound for the purpose of alerting persons to the existence of an emergency.
- Domestic power tools, between the hours of 7:00 a.m. and 9:00 p.m. on Mondays through Fridays and between 7:00 a.m. and 9:00 p.m. on Saturdays and Sundays.
- Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
- Agriculture.
- Construction operations.
- Public celebrations authorized by the Borough.
- Lawn maintenance equipment.
- Surface carriers engaged in commerce by railroad.
- Motor vehicle operations, other than parked trucks and other parked vehicles that run continuously for more than fifteen (15) minutes.
- The unamplified human voice.
- Short duration sound levels related to isolated events, provided the duration is less than one minute and the sound level does not exceed 90 dBA at the property line; provided they do not occur more than one time per hour; and provided they occur only between the hours of 7:00 a.m. and 7:00 p.m.

2. No physical vibration, with the exception of those produced as a result of construction activity, shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.

E. Heat

1. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

F. Electromagnetic and Radioactive Radiation

1. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of

other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

G. PA DEP Requirements

1. All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

H. Electric, Gasoline, Diesel, Gas or Other Power

1. Every use requiring power shall be so operated that any service line, substation, or other facility shall:
 - a. Conform to the highest applicable safety requirements,
 - b. Be constructed and installed as an integral part of the architectural features of the plant, and
 - c. Be concealed by evergreen planting from residential properties.
 - d. All gasoline, gas or diesel engines shall meet the current EPA exhaust requirements at the time of installation.

65. Original Art Murals

- A. The Borough Council may approve an original art mural as a Conditional Use for a property in the Downtown Business District or Town Center District which has frontage on Main Street. The mural shall be consistent with the objectives of encouraging artistic expressions, fostering a sense of pride in the Borough of Waynesboro, not interfering with traffic safety or otherwise endangering public safety, providing art which is appropriate in size and will not dominate the visual appearance of downtown Waynesboro, and providing esthetic benefits the public will enjoy while not contributing to visual blight.
- B. Any alteration of an original art mural, other than minor changes to the mural that result from the maintenance or repair of the mural or from naturally occurring changes to the mural caused by exposure to the elements or the passage of time, shall require a new permit and approval by Borough Council.
- C. No part of an original art mural shall exceed the height of the structure to which it is tiled, painted or affixed.
- D. No original art mural shall consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods).
- E. No original art mural shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.

- F. No original art mural shall be placed on a dwelling.
- G. No original art mural shall be arranged and illuminated in a manner that will produce a light intensity above ambient lighting, as measured at the property line.
- H. Original art murals shall only be placed on the side walls of buildings. No such mural shall face a street.
- I. The maximum size of an original art mural shall be 360 square feet.
- J. No material which is part of an original art mural shall project from the building wall on which it is placed.
- K. No original art mural shall contain material which appeals to the prurient interest.

ARTICLE X
Off-Street Parking and Loading

66. General regulations.

- A. Off-street parking and loading space shall be provided as further specified in this Ordinance and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner. All parking areas, passageways, and driveways shall be paved, shall be clearly marked for car spaces, and shall be drained in conformance with Borough standards prior to issuance of an occupancy permit.
- B. All parking spaces shall have a stall width of no less than ten (10) feet and a total depth of no less than twenty (20) feet.
- C. None of the off-street parking or off-street loading facilities as required in this Ordinance shall be required for any existing building or use not now conforming to these requirements, unless said building or use shall be expanded. In this case, the provisions of this Ordinance shall apply only to that portion of the building or use so expanded. However, if the expansion is twenty-five (25) percent or more of the existing building size, enough parking for all the building area (past and proposed) must be provided per the requirements of this Ordinance.
- D. Off-street parking for new development shall be owned or leased on a long-term basis consistent with the economic life of the development. All required off-street parking shall be within two hundred (200) feet of the principal use unless otherwise specified by this Ordinance. When parking will be provided separate from that where the principal use is located, the applicant shall demonstrate that the required parking is available for all uses on both lots, adequate pedestrian access is provided to the other lot, and legal

arrangements acceptable to Borough Council have been made to assure the availability of those spaces.

- E. Vehicle parking or loading space maintained in connection with an existing and continuing principal building, structure, or land use on the effective date of this Ordinance or amendment thereto up to the number of required by this Ordinance, shall be continued and may not be counted as serving a new building, structure, addition, or land use; nor shall any required parking space be substituted for an off-street loading and unloading space, nor any required loading and unloading space substituted for a parking space.
- F. In the case of mixed or multiple uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with the parking schedule herein under; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use. Where the same space is used for several purposes, the most stringent requirement shall govern, unless justification is made by the developer to the Planning Commission who may recommend modifications to Borough Council to the parking schedule if deemed appropriate and consistent with the intent of the Ordinance.
- G. When the intensity of use changes for any property, the parking requirements of this Ordinance shall be met for all of the uses as a result of the changes.
- H. All parking and loading areas and appurtenant passageways and driveways serving non-residential uses shall be illuminated adequately during the hours of use. Shielding shall be provided to protect adjacent residential zones from the glare and from that of automobile headlights.
- I. Provisions shall be made for the disposal of storm water from parking areas in conformance with the Borough Stormwater Management Ordinance, insuring that such water shall not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.
- J. No part of any vehicle shall extend over any property line.
- K. Where parking requirements are determined by the number of seats and only temporary seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage. Where benches are provided, each two lineal feet of bench shall equal one seat.
- L. All areas for off-street parking shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking areas.
- M. The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use at the same time, provided the Borough Council may permit sharing of parking spaces between non-residential uses not occurring in one shared lot. A maximum of 50% of parking spaces required for uses operated during evening hours or weekends, such as

houses of worship, assembly halls, and theaters, may be made available to and shared with uses such as banks, offices, and retail uses not normally in use, open or operating during evening hours (between 5:30 p.m. and 6:00 a.m., prevailing time). The Borough Council shall be satisfied that legal agreements acceptable to the Borough Solicitor are in place to assure the availability of parking in the future and that parking will be available for all uses during all hours of the day. The applicant shall provide the necessary documentation to the Borough Council, which shall determine whether sharing may occur and to what extent it may occur.

N. Parking Reserve Area

1. In order to prevent the establishment of a greater number of parking spaces than may actually be needed, the Borough Council may grant permission to reserve construction of a percentage of the total required number of parking spaces required by this Ordinance for future parking needs consideration.
2. The applicant shall provide documentation from an engineer licensed as a professional engineer in the Commonwealth of Pennsylvania supporting the request for a reduction in parking spaces.
3. In all cases where a percentage of the parking requirement will be held in reserve, the actual area needed to fulfill the parking space requirement shall be shown within the design on the land development plan. Reserve areas shall be restricted from development other than for parking purposes.
4. In no case shall the required number of parking spaces held in reserve be greater than twenty (20) percent of the total required number of parking spaces.
5. The parking reserve area shall not include areas for required buffer yards, setbacks, required common open space, or areas which would otherwise be unsuitable for parking spaces due to physical or environmental constraints of the area.
6. The Borough Council may require that additional parking spaces be constructed, in accordance with this Section, where the Borough Council determines that the spaces are necessary due to traffic congestion or parking overflow on the site.
7. In the event that the total number of parking spaces are not required by the Borough Council, land not used for parking areas shall remain as open space and shall be deed restricted if necessary.

O. Parking areas for nonresidential uses outside of Town Center and Downtown Business Districts which are designed to contain more than eight (8) vehicles shall be screened from the view of any lands zoned residential which are adjacent to the land on which the nonresidential parking area is located.

P. Parking areas and access drives for nonresidential uses outside the Town Center and Downtown Business Districts shall be located a minimum of four feet (4') from a street right-of-way line or lot line, unless otherwise specified in this Ordinance, and the area

between the parking area or access drive and the lot line or street right-of-way line shall be landscaped.

- Q. Off-street parking lots outside the Downtown Business and Town Center Districts containing more than twenty (20) parking spaces shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to provide shade; to improve storm water drainage problems; and to provide for a more attractive setting. A landscaping plan shall be submitted for review by the Planning Commission and approval of Borough Council. Such landscaping plan shall consist of perimeter plantings, planted islands at the ends of double rows of parking spaces, and islands in rows such that no more than fifteen (15) spaces shall be uninterrupted by plantings.
- R. The width of aisles in parking areas shall be no less than listed in the following table:

| <u>Angle of Parking</u> | <u>Aisle Width</u> | |
|-------------------------|--------------------|----------------|
| | <u>One Way</u> | <u>Two Way</u> |
| 90° | 20' | 24' |
| 60° | 18' | Not Permitted |
| 45° | 15' | Not Permitted |
| 30° | 12' | Not Permitted |

- S. In all zoning districts, parking spaces for all types of dwellings including but not limited to townhouse, duplex and single and two family dwellings shall be located a minimum of five (5) feet from the public right-of-way.

67. Off-street parking schedule for all districts except Town Center District and Downtown Business District.

- A. All uses permitted by this Ordinance or hereafter permitted in any of the districts herein established, except the Town Center District and Downtown Business District, shall provide as a minimum the number of off-street parking spaces specified in the following schedule. Parking spaces for employees shall be computed on the basis of maximum employment, including seasonal and part-time, on the largest shift. For uses not specified in the following schedule, the same requirements of the most similar use in the schedule shall apply. Where calculations of spaces result in a fractional space, any fraction under one-half may be disregarded and any fraction one-half and over shall be construed as one whole space.

| Use Type | One Off-Street Parking Space Required for Each: | Plus One Off-Street Parking Space Required for Each: |
|--|--|---|
| RESIDENTIAL USES | | |
| Single-family; duplex; two-family; apartment; townhouse; and multifamily dwellings | 0.5 dwelling unit (2 spaces per unit) | _____ |

| Use Type | One Off-Street Parking Space Required for Each: | Plus One Off-Street Parking Space Required for Each: |
|--|--|---|
| Mobile home park | 0.5 dwelling unit (2 spaces per mobile home) | _____ |
| Conversions | 0.5 dwelling unit (2 spaces per unit) | _____ |
| Home occupations; home professional offices | 0.5 dwelling unit Nonresident employee | 100 sq. ft. of floor space used for the occupation or office |
| Elderly housing | 0.5 dwelling unit (2 spaces per unit) | _____ |
| PUBLIC OR PRIVATE RECREATION | | |
| Private or membership clubs or lodges | 6 members or 6 persons of total capacity | Full-time employee |
| Bowling alleys | 0.25 lanes (4 spaces per lane) | Full-time employee |
| Theaters, auditoriums, libraries, skating rinks, stadiums | 6 seats | 2 full-time employees |
| Golf course | 2 people (based on total capacity) | Full-time employee |
| GOVERNMENTAL, INSTITUTIONAL, EDUCATIONAL, AND UTILITY | | |
| Churches or other places of worship | 5 seats | _____ |
| Public or private educational institution | 1 faculty member and other full-time employee | 8 pupils aged 16 years or older |
| Licensed convalescent or nursing home | 5 beds | Staff and visiting doctor and every 2 employees (including nurses) on the largest shift |

| Use Type | One Off-Street Parking Space Required for Each: | Plus One Off-Street Parking Space Required for Each: |
|---|--|---|
| Cemeteries | 1 full-time employee | Salesperson |
| Day-care homes and centers; nursery schools | 1 faculty member | 2 classrooms and offices |
| Hospitals | 3 beds | Staff and visiting doctor and every 2 employees (including nurses) on the largest shift |
| Essential public utility | 1 employee | _____ |
| RETAIL, COMMERCIAL, BUSINESS, PROFESSIONAL SERVICE | | |
| Motor vehicle servicing and repair | 1/3 service bay (3 spaces per bay) | Full-time employee |
| Financial and business services such as banks, credit unions | 250 sq. ft. of floor used for serving customers | Full-time employee |
| Professional offices such as real estate, insurance, consultants | 500 sq. ft. of gross floor area | Full-time employee |
| Retail stores and businesses | 250 sq. ft. of area used for serving customers | 2 full-time employees |
| Funeral homes | 4 seats for patron use or 50 sq. ft. of gross floor area | Full-time nonresident employee |
| Medical or dental offices, clinics | 0.25 practitioner (4 spaces per practitioner) | Full-time employee |
| Personal service businesses such as barber shops, photo shops, appliance repair | 100 sq. ft. of floor area used for serving customers | 2 full-time employees |

| Use Type | One Off-Street Parking Space Required for Each: | Plus One Off-Street Parking Space Required for Each: |
|---|--|---|
| Restaurants, taverns | 3 seats for customers | 2 full-time employees |
| Drive-through restaurants | 100 sq. ft. of gross floor area | Table or booth, plus 1 space for each 2 counter stools, plus 1 space for each 2 employees |
| Self-service Laundromats | 4 washing or dry-cleaning machines | 2 full-time employees |
| Motel, hotel | Rental room or suites | Full-time employee 4 seats provided for customers |
| INDUSTRIAL and EMPLOYMENT-ORIENTED | | |
| All industrial uses | 2 employees on the largest shift | Company vehicle normally stored on the premises and for each 5 managers (visitor space) |

68. Off-street parking in the Town Center District and Downtown Business District - not part of a Planned Town Center Development.

A. Off-street Parking in the Town Center District

1. The number of off-street parking spaces for each use in the Town Center District except as set forth in subsection 3 and 4 shall be determined by the Zoning Officer (after advisory report from the Planning Commission) for Permitted Uses, and by the Zoning Hearing Board for Special Exception Uses.
2. In determining the appropriate number of off-street parking spaces required for each commercial use, the Planning Commission or the Zoning Hearing Board may take into consideration the following:
 - a. The number of employees at the highest daily period of operation in the most active operating season of the year.
 - b. The estimated number of users, customers, members, clients, and residents at the highest daily period of activity in the most active operating season of the year.

c. The total number, or a portion of the required parking spaces, should be located on the premises if appropriate space is available. When space is not available or appropriate, the applicant shall demonstrate that the required off-street parking spaces are available off the applicant's premises within walking distance of two hundred (200) feet. The applicant shall produce written documentation of an agreement with the owner of off-premises parking space to demonstrate that required parking spaces have been leased and assigned and will remain available to the applicant for the sole purpose of meeting the parking requirements of the applicant's intended use.

3. Off-street parking for a bed and breakfast shall be provided as follows:

a. Two (2) spaces per dwelling unit;

b. One (1) space per each bed and breakfast room provided; and

c. One (1) space per non-resident employee.

4. Off-street parking for any permitted residential use including single-family dwellings, duplex dwellings, two-family dwellings, and/or multifamily dwellings shall be two (2) spaces per dwelling unit. In the event of a mixed commercial and residential use, the Zoning Officer or Zoning Hearing Board shall consider the factors set forth in subsection 2 above and provide for two (2) off-street parking spaces for each dwelling unit.

B. Off-Street Parking in the Downtown Business District:

1. For buildings existing as of September 1, 2008, the following applies:

a. Vehicle parking or loading space maintained in connection with an existing and continuing principal building, structure, or land use on the date of the enactment of this Ordinance up to the number required by Section 67, shall be continued and may not be counted as serving a new building, structure, addition, or land use; nor shall any required parking space be substituted for an off-street loading and unloading space, nor any required loading and unloading space substituted for a parking space.

b. Upon subdivision, change of use, or enlargement of non-residential space, no additional parking spaces will be required for a non-residential occupancy listed as a use by right for this district.

c. Upon conversion of residential space to a non-residential occupancy listed as a use by right for this district, no additional parking spaces will be required.

2. For buildings constructed after September 1, 2008, and for all conversions at any time from commercial to residential uses, the following applies:
 - a. The number of off-street parking spaces for each use except in subsection d and e shall be determined by the Zoning Officer (after advisory report from the Planning Commission) for permitted uses, and by the Zoning Hearing Board for special exception uses.
 - b. In determining the appropriate number of parking spaces for each commercial use, the Planning Commission or the Zoning Hearing Board may take into consideration the following:
 - (1) The number of employees at the highest daily period of operation in the most active operating season of the year.
 - (2) The estimated number of users, customers, members, clients, and residents at the highest daily period of activity in the most active operating season of the year.
 - c. The total number, or a portion of the required parking spaces, should be located on the premises if appropriate space is available. When space is not available or appropriate, the applicant shall demonstrate that the required off-street parking spaces are available off the applicant's premises within walking distance of two hundred (200) feet. The applicant shall produce written documentation of an agreement with the owner of off-premises parking space to demonstrate that the required parking spaces have been leased and assigned to the applicant for the sole purpose of meeting the parking requirements of the applicant's intended use.
 - d. Off-street parking for a bed-and-breakfast shall be provided as follows:
 - (1) Two spaces per dwelling unit;
 - (2) One space per each bed-and-breakfast room provided; and
 - (3) One space per non-resident employee.
 - e. Off-street parking for any permitted residential use including multi-family dwelling shall be two (2) spaces per dwelling unit. In the event of a mixed commercial and residential use, the Zoning Officer or Zoning Hearing Board shall consider the factors set forth in subsection b above and provide for two (2) off-street parking spaces for each dwelling unit.

69. Off-street Parking in the Town Center District and Downtown Business District for a planned Town Center development.

Off-street parking requirements for a Planned Town Center Development shall be determined in accordance with the procedures and requirements of Article VII.

70. Loading Space.

- A. Except for uses in the Town Center District and Downtown Business District, all permitted uses requiring loading space for normal operations shall provide adequate paved loading space so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into any public street, walk or alley. The number and size of loading spaces provided and their location shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. When a permit is applied for constructing, expanding, or changing a structure or use, the application shall show all provisions for off-street loading and include supporting data (data on number, frequency and size of vehicles which will use the loading facilities) which justify the number and size of spaces provided. Number and size of spaces required shall be approved by the Zoning Officer unless otherwise indicated in this Ordinance.

- B. In the Town Center District and Downtown Business District, the uses shall demonstrate that adequate paved space will be provided or that loading and unloading activities will be conducted at a time, location and in a manner which will not be detrimental to the normal functions of nearby uses, streets, alleys and parking areas.

**ARTICLE XI
SIGNS**

71. Definitions.

BANNER

A sign consisting of light weight, flexible material which is supported by frame, rope, wires or other anchoring devices, which may or may not include copy, logo, or graphic symbols. This definition includes but not limited to flags.

BILLBOARD

An Off Premise Sign, structure or symbol erected and maintained by a person engaged in the sale or rental for profit of space thereon to a clientele of manufacturing, service or commercial enterprises upon which space there is displayed by means of painting, posting or other method, advertising copy describing a wide variety of projects or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed. This definition does not include a Scoreboard.

BUSINESS SIGN

An On Premise Sign directing attention to a business, public use (public schools, utility, library, parks, and essential services) and semi-public uses (hospitals, urgent care, churches, and similar uses), commodity, service, or entertainment conducted, sold or offered on the premises.

DEVELOPMENT SIGN – A sign located at a residential development of twenty (20) or more residential homes or business park of five (5) or more businesses identifying the name of the residential development or business park

DOUBLE-FACED SIGN

A freestanding sign with two identical faces of equal sign area which are back to back and no more than two (2) feet apart.

ELECTRONIC MESSAGE CENTER SIGN

Any sign or portion thereof that displays electronic images, graphics, or pictures with or without textual information, using LED's, fiber optics, light bulbs, or other illumination devices or combination thereof within the display area and where a static message change sequence is accomplished immediately or by means of fade.

FREESTANDING SIGN

A sign and supporting structure which is secured in the ground and independent of any building, fence or other support. For the purpose of this definition, "freestanding signs" consist of the following:

- A. **GROUND SIGN** – A sign designed to be viewed at eye level or below within the immediate vicinity and which is intended to be designed and viewed as an architecturally unified and proportional element. Ground signs shall be constructed so that the maximum height from mean grade to the lowest area of the sign face does not exceed four (4) feet.
- B. **POLE SIGN** – A sign which is detached from a building and supported by no more than two (2) poles or other structural supports which are architecturally dissimilar to the design of the sign.

GOVERNMENTAL SIGNS

Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs and signs of public utility companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof in the discharge of his official duties.

ILLUMINATED SIGN

Any sign illuminated by electricity, gas or any other artificial light including but not limited to reflective or phosphorescent light. An illuminated sign may include lighting devices such as any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign. This definition does not include a Scoreboard.

MOBILE SIGN

Any vehicle with commercial logos, names, and/or messages covering more than four (4) square feet parked at a location other than the business location for that specific business and/or entity on the vehicle or that of a client during the performance of work and/or business related activities, which is not at one of those locations for longer than twenty-four (24) hours, shall be considered a mobile sign.

OFF PREMISES SIGN

Any sign containing informative contents or advertising a product, service, business, or activity sold, located or conducted elsewhere than on the premises on which the sign is located. The word "Off-Premises Sign" includes but is not limited to billboards. Directional, warning and/or other signs posted by officials in the course of their public duties shall not be construed as an off-premises sign.

ON PREMISES SIGN

Any sign advertising a product, service, business, message or activity sold, located or conducted on the premises on which the sign is located.

PERSON

An individual, corporation, partnership, organization, association, trust, or entity. When used in penalty provision, "person" shall include members of such partnership, the trustees of such trust, and the officers and/or members of such organization, association, corporation, or entity.

POLITICAL SIGN

A temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the general electorate or public.

PROTRUDING SIGN

An on-premise sign that extends away from the building and/or structure to which it is attached.

PREMISES

A descriptive word to include all improvements, buildings, structures and land on or within a lot.

PROPERTY CONTROL SIGN

Signs relating to the oversight and control of real estate, including signs containing the message "No Trespassing", "Private Property", "No Hunting or Fishing", "Posted", "Private Drive" or similar type signs.

REAL ESTATE SIGN

A temporary sign indicating the sale, rental or lease of premises on which the sign is placed.

SANDWICH BOARD SIGN

A freestanding sign capable of being readily moved or relocated and advertises products, services, and/or commodities of the business and located on the premises of said business or commercial establishment. A sandwich board sign may only be placed outside the building and/or structure of the business or commercial establishment during business hours of the business or commercial establishment.

SCOREBOARD

A scoreboard is an On Premises Sign designed to provide information to spectators at athletic events that may or may not contain advertising message or public service announcements located inside an enclosed athletic field located at a property owned by a municipal entity or owned and operated by a non-profit corporation engaged in providing recreation facilities to the community.

SIGN

Any object, device, display, figure, painting, drawing, message, poster, structure, or other thing, or part thereof, situated outdoors or indoors, which is designed, intended, or used to advertise, identify, display, direct, inform or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Excluded from this definition of signs are national or state flags, window displays, scoreboards, or the official governmental announcements or proclamations.

SIGN AREA

The area of all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, but excluding any supporting framework and bracing which are solely incidental to the display itself, provided that the same do not contain any such lettering, wording, designs, or symbols. For the purpose of this chapter, "sign area" shall be computed as a square or rectangle drawn at the outer limits of the sign face.

- A. Where the sign consists of a double face, only one side shall be considered for the purpose of calculating the total sign area. Where both sides are not identical or when the interior angle formed by the faces of a sign is greater than 45°, all faces shall be considered in calculating total sign area.
- B. Any spacing between signs designating different or separate occupants or uses of a building shall not be included in the computed area(s) of regulated signs.

SIGN FACE

The part of the sign area that is or can be used to identify, advertise and communicate information for visual representation which attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided that no message, display or symbol is designed and included as part of the structure.

SIGN HEIGHT

The distance from the highest portion of the sign, including all structural elements, to mean grade.

TEMPORARY SIGN

An On Premise Sign which advertises the services of professionals or building trades during construction or alteration of the premises. Any such sign shall be removed within two (2) days of said professional completing his work on premises.

YARD/GARAGE SALE SIGN

A sign that is located on and/or off-premises which advertises a sale of personal items of an individual located at a residence within the Borough.

72. Purpose.

The intent of this Article is to provide for the regulation of signs in the Borough of Waynesboro to protect the public health, safety, and welfare in accordance with the following objectives:

- A. To control the size, location, and illumination of signs in order to reduce hazards to pedestrian and vehicular traffic.
- B. To encourage signs that are well designed and pleasing in appearance, and to provide latitude for variety in order to enhance the economic value as well as the character of the properties within the Borough.
- C. To establish standards designed to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, expressive of the individual proprietors, and legible in the circumstances in which they are seen, and to prohibit the erection of signs that do not meet these criteria.
- D. To encourage the effective use of signs as a means of identification and communication.
- E. To maintain and enhance the aesthetic environment of the Borough.
- F. To minimize adverse effect of signs on nearby public and private property.
- G. To preserve the wholesome and attractive character of the Borough.

Signs as defined in this Article shall be regulated for all uses within all zoning districts.

73. General Regulations.

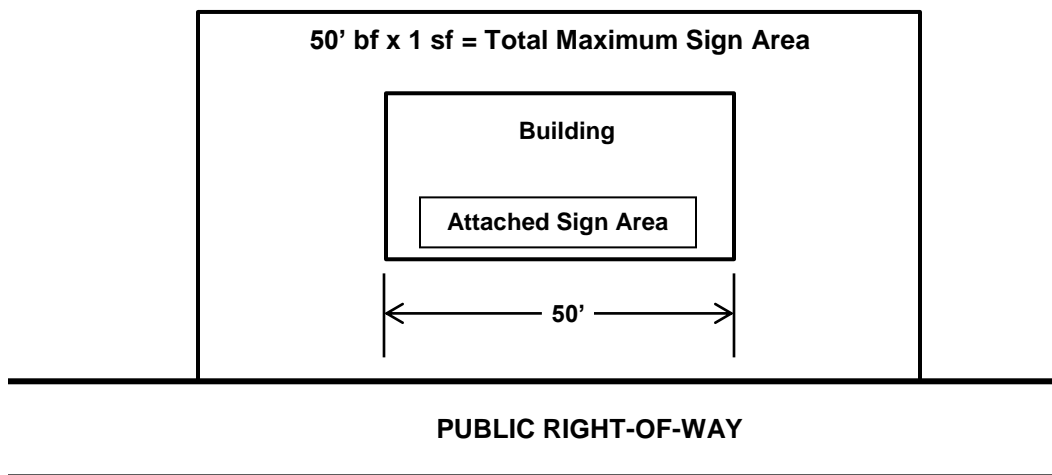
- A. All signs, as the same are defined in this chapter, shall be subject to the provisions of this Article. All signs located on the premises shall be considered when determining compliance with this chapter.
- B. All signs shall require a zoning permit except a Temporary Sign, Real Estate Sign, Political Sign, Property Control Signs, and Governmental Signs. Any person desiring a permit for a sign may obtain one by filing the appropriate permit application and the appropriate permit fee with the Zoning Officer. The fee for permits shall be established from time to time by resolution of the Borough Council.
- C. No sign shall be placed in such a position as to endanger traffic on a street by obscuring a clear view or by causing confusion with official street signs or signals by virtue of position or color. No sign shall be placed in a manner on a sidewalk, which interferes with pedestrians and/or those using said walkways (a clear walkway of five (5) feet must be maintained at all times).
- D. No sign shall be placed within a clear-sight triangle as specified in Article II §6-B.
- E. No sign shall be permitted within the public right-of-way excepting Sandwich Board Signs or banners and other signs used for informational purposes for an event of civic or public interest; provided however, said banner or sign shall be approved in advance by Borough Council of the Borough of Waynesboro, the property owner consents to such sign being

located on the property owned, and which said sign shall conform to all applicable federal state and local laws, rules, and regulations.

F. Maximum Sign Area for Building Frontage.

1. "Building Frontage" means the architecturally designated front of a building on a public street, parking lot, or pedestrian walk where the primary access to the structure is provided. In the case of buildings located on the corner of two (2) public right-of-ways, where the primary entrance of the building is located on the corner of the building, the building frontage is the longer of the two (2) sides which front the public right-of-way. The building front shall be no more than one (1) face of a building.
2. The Maximum Sign Area for Building Frontage Equation shall be:
 - a. Abbreviations: sq = square feet and bf = linear feet of building frontage.
 - b. Maximum sign area for building frontage equation:
 $bf \times 1 \text{ sf} = \text{maximum sign area for building}$

EXAMPLE:



3. In the event that a building contains a business and any other activity for which signage is permitted, the cumulative signage for the building shall not exceed the least restrictive maximum sign area for the building.

G. The following signs are prohibited in all zoning districts:

1. Any sign placed on or over a public sidewalk except as specifically permitted in this Article.
2. Any sign which flashes, moves, blinks, animates or emits smoke, steam or other visible particulates or odor except for an Electronic Message Center as regulated herein.

3. Any sign that projects above the roofline of the building on which it is mounted, or any sign affixed to a roof, or mounted over and/or covering any window on the second (2nd) floor or higher.
4. Spinners, pennants, streamers and any moving object used for commercial advertising purposes, whether or not any of the aforementioned items contains a message unless otherwise set forth in this Article.
5. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal, or device that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street.
6. Signs that use reflective materials to give the appearance of flashing, blinking or twinkling.
7. Balloons of greater than five (5) cubic feet that are tethered to the ground or a structure and are primarily intended for advertising purposes.
8. Signs permanently affixed, placed, maintained, erected, constructed or displayed upon any public property, public street, public sidewalk, public right-of-way, tree, utility pole, stone, cliff and other natural objects except for any Government Sign, Sandwich Board sign as permitted in this Chapter, or banners and other signs used for informational purposes for an event of civic or public interest as permitted in this Chapter.
9. Sign illuminated with flashing, intermittent or moving lights.

74. Specific Sign Regulations.

Signs shall be permitted in accordance with the following requirements:

| SIGN TYPE | Maximum Permitted Number | Maximum Permitted Sign Area | Maximum Height of Freestanding Signs | Illumination Permitted | Permitted Zones | Other Requirements | Permit Required |
|--|---|------------------------------------|---|---|------------------------|---------------------------|------------------------|
| Governmental Sign | Unlimited | Unlimited | Unlimited | Yes | All | | No |
| Signs identifying public and semipublic uses (schools, churches, utilities, hospitals, libraries, parks, fire stations, and other similar uses.) | 1 per principal use unless such premises fronts on more than one street, in which case 1 sign may be located along each street frontage; provided however a minimum street footage of 150 feet is maintained between signs. | 20 square feet | 12 feet | Yes, provided total illumination shall not exceed 0.30 lumens at the property line. | All | | Building |

| | | | | | | | |
|--|--|---|---------|---|---------------------|---|------------------------|
| Political Sign | Unlimited | Unlimited | 5 feet | No | All Districts | Shall be removed 5 days after the election. | No |
| Real Estate Signs (Residential) | 1 per parcel | 32 square feet | 6 feet | No | All Districts | Shall be removed within 5 days after property is sold or leased. | No |
| Temporary Signs | 1 such sign per contractor on each street to which the property has road frontage. | 6 square feet | 6 feet | Yes, provided total illumination shall not exceed 0.30 lumens at the property line. | All Districts | Shall be removed within 5 days upon completion of the work of said contractor. | No |
| Signs for Multi-family dwellings such as apartment buildings and residential developments. | 1 sign per premises held in single and separate ownership unless such premises front on more than 1 street, in which case 1 sign may be erected along each street. Frontage. | 15 square feet | 6 feet | Yes, provided total illumination shall not exceed 0.20 lumens at the property line. | All Districts | Said sign shall only contain the name of the development or rental agency, presence of a vacancy, business hours and address and telephone number for the rental office. | Building |
| Development | 1 sign per entrance from arterial street. No more than 2 total. | 15 square feet | 6 feet | Yes, provided total illumination shall not exceed 0.30 lumens at the property line. | All Districts | No such sign shall be erected until final approval of the development has been granted by Borough Council. | No. |
| On Premises Sign for accessory use at residence. | 1 per permitted use or dwelling | 4 square feet | 6 feet | No | All Districts | The sign must be on premises and may only indicate the name, profession or activity of the occupant of the dwelling who has a home occupation on premises. | Zoning/Conditional Use |
| Business Signs | 1 per each individual use for each street, (local, collector, minor, or major) upon which the structure fronts. | 1 square foot per building frontage calculated in accordance with the maximum sign area for building frontage equation. | 25 feet | Yes, if located in the TC, DBD, HO, GC, IC, GI, provided that total illumination may not exceed 0.30 lumens at property line. | TC/DBD/HO/GC/ IC/GI | Mobile signs located on the premises shall be considered cumulatively with any other signs on the property when determining maximum permitted sign area for the property in accordance with the maximum sign area for building frontage equation. The sign face of any business shall be removed within thirty (30) days of close of business or vacation of the premises by the business. | Zoning/Building |

| | | | | | | | |
|--|---|--|------------------------------------|---|--------------------|--|------------------------|
| Shopping Center Signs | A shopping center is permitted one freestanding sign for each of not more than two collector streets. Each such sign shall be located at least 5 feet back from the lot lines. The attached business signage for each individual use in the shopping center shall be determined by the maximum sign area for building frontage equation and considered cumulatively with the freestanding sign. | 100 square feet for the freestanding sign(s), subject to the maximum sign area for building frontage equation. | 25 feet for the freestanding sign. | Yes, provided total illumination shall not exceed 0.30 lumens at the property line. | TC/DBD/HO/GC/IC/GI | No off premises signage shall be permitted on the freestanding sign. | Building |
| Sandwich Board Signs | 1 per principal use | 6 square feet | 3.5 feet above mean ground | No | TC/DBD | The signs are temporary and may only be displayed on premises during business hours. The business owner must remove and store the said sign in a secured location inside the building or structure located on premises. In no event shall a Sandwich Board sign be located within a cartway and sidewalk space of at least five (5) feet in width must be maintained at all times. | |
| Billboards and other Off Premises Signs | See Section 75 | 300 square feet (a maximum of 12'x25') | See Section 75 | See Section 75 | See Section 75 | See Section 75. Billboards must be approved by conditional use | Zoning/Conditional Use |
| Electronic Message Signs | See Section 77 | 32 square feet | See Section 77 | See Section 77 | GC | See Section 77. Must be approved by conditional use. | Zoning/Conditional Use |
| Scoreboards | See Section 76 | See Section 76 | See Section 76 | See Section 76 | Institutional | See Section 76 | Zoning |
| Property Control Signs (e.g. "No Trespassing", "Private Property", "No Hunting or Fishing", "Posted", "Private Drive" or similar type signs. | 1 per 50 linear feet | 2 square feet | 5 feet above mean ground | No | All Districts | Spacing at not less than 50 foot intervals. | No |

| | | | | | | | |
|------------------------|---|----------------|----------------|----------------|--|--|---------------------------------|
| Banners | 2 per business per event | 32 square feet | | No | All Districts except for Residential Districts | Banners must be removed within 30 days of their display. A maximum of 4 banners per calendar year can be displayed at a property. | Zoning/Borough Council Approval |
| Protruding Signs | 1 per premises | 15 square feet | See Section 78 | See Section 78 | See Section 78 | Must be approved by conditional use. | Zoning/Borough Council Approval |
| Yard/Garage Sale Signs | 1 per premises; only permitted off premises with property owner's permission. | 4 square feet | 4 feet | No | All Districts | Each sign may only be erected twenty-four (24) hours prior to any yard and/or garage sale and must be removed within twenty-four (24) hours after the yard and/or garage sale. No such sign may be posted in any manner on any property of the Borough, utility pole, and/or any property and/or structure owned by the Borough, municipal entity, and/or utility company. | No |

EXAMPLES:

1. If a retail building in the DBD Zone has fifty (50) feet of building frontage, the building would be provided with a maximum potential of 50 square feet of signage for the building. If the owner elects to erect a protruding sign of fifteen (15) square feet, thirty-five (35) square feet of available signage would remain for an attached business sign. If there are two (2) businesses in the building the owner can allocate the remaining available signage between two (2) attached Business Signs.

2. If a shopping center in the General Commercial (GC) Zone has five (5) tenants and five hundred (500) feet of building frontage on one (1) collector street the shopping center would be provided with a maximum potential of five hundred (500) square feet of signage for the shopping center. If the owner elects to erect a freestanding sign at the maximum of one hundred (100) square feet, four hundred (400) square feet of available signage would remain. If the owner elects to equally allocate the remaining available signage between the five (5) tenants, the owner could place five (5) attached business signs of eighty (80) square feet.

3. If a mixed use building in the Town Center (TC) Zone (business on first floor and multi-family dwellings on upper floors) has eighty (80) feet of building frontage, the building would be provided with a maximum potential of eighty (80) square feet of signage for the building (the building would not have eighty (80) square feet of signage for the business use and an additional fifteen (15) square feet for the multi-family use). If the owner elects to use fifteen (15) square feet for the multi-family dwelling signage, sixty-five (65) square feet of available signage would remain. If the owner also elects to erect a protruding sign

of fifteen (15) square feet, fifty (50) square feet of available signage would remain for an attached business sign.

75. Regulation of Billboards and other Off Premise Signs.

- A. Billboards, as that term is defined in this Article XI may be authorized by Borough Council as a conditional use upon a finding that compliance with the requirements of this Chapter, as well as the following specific criteria, have been established by the applicant:
1. The submission by the applicant of a land development application, which shall contain the information, maps, plans and narrative and graphic materials set forth in the Subdivision and Land Development Ordinance of the Borough of Waynesboro.
 2. All lots upon which Billboards are to be located on lots which have frontage:
 - a. Along S.R. 0016 in the General Commercial District west of Frick Avenue;
 - b. Along S.R. 0316 in the General Commercial District north of Grandview Avenue; and
 - c. Along S.R. 0997 in the General Commercial District north of King Street.
 3. All lots upon which a Billboard is to be located must conform to the area requirements of the District in which it is located. In the event the requirements of this provision are more restrictive than the requirements of a District, these restrictions apply.
 4. The leased portion of any lot upon which the advertising sign is to be located shall contain a minimum of 5,000 square feet in area.
 5. The display area of a Billboard shall be a maximum of 300 square feet (12 feet by 25 feet) per face, only one face per sign structure, and all portions of any display shall fit within such area with no extensions beyond the edge of the Billboard's framework.
 6. V-shaped Billboard sign structures supported by a single structure shall be permitted provided that the inside angle formed by the two sides of the Billboard does not exceed thirty degrees (30°).
 7. All utility lines servicing the advertising sign, or those extended to provide such service, must be installed completely underground. Such requirement may be waived if the Billboard is powered by nontraditional alternative energy sources (for example solar power).
 8. All Billboards shall be set back from the below described items as follows:
 - a. From a roadway intersection: 500 feet
 - b. From any other Billboard (whether such is located in the Borough of Waynesboro or otherwise) on the same side of the roadway: 1,000 feet.

- c. From any other Billboard (whether such is located in the Borough of Waynesboro or otherwise) on the opposite side of the roadway: 600 feet.
 - d. From the street right-of-way: 50 feet.
- 9. The maximum height of a Billboard shall not exceed twenty-five (25) feet, as measured from the grade of the roadway from which the face of the Billboard is principally visible, and the bottom edge of the Billboard shall be no less than eight (8) feet above the elevation of the adjacent roadway, which height shall be sufficient to prevent unauthorized access upon the Billboard.
- 10. A bufferyard shall be required between a Billboard and any adjacent lot(s). Such bufferyard shall be a minimum of forty (40) feet.
- 11. The land area utilized for a Billboard shall not be otherwise required to support another underlying use upon such lot, including, but not limited to, bufferyard, parking area or setback necessary to any preexisting use upon such lot.
- 12. All displays on the face of a Billboard shall be stationary. Moving, rotating, revolving, or oscillating signs or displays shall be prohibited.
- 13. Except as otherwise specifically provided within this subsection, illumination of advertising signs shall comply with the requirements of Section 80.
- 14. Illumination of the display shall be designed so that it shall be focused on the face of the display itself so as to prevent glare upon the surrounding area. All sources of illumination shall be external and equipped with shields to prevent spillage of light off the display.
- 15. Except as otherwise may be specified herein, all Billboards shall comply with the land development standards contained in the Borough of Waynesboro Subdivision and Land Development Ordinance.
- 16. Billboards (including any and all supporting structures thereof) shall be dismantled and removed from the premises upon which they are located within 180 days of cessation of use.
- 17. Billboards shall be constructed to all applicable structural standards for such devices, and all applications for the conditional use approval shall verify compliance with such standards as documented and sealed by a registered engineer.
- 18. Billboards shall be maintained by their owner in a state of repair so that they are as safe and as functional as when originally installed.
- 19. No Billboard shall be constructed or erected until an applicant thereof has made an application for same (which shall include a copy of a written lease for use of the land if the applicant is not the owner thereof) and paid the applicable fee thereof (as set by separate ordinance or resolution of the Borough Council of the Borough of Waynesboro) and received a permit thereof from the Borough.

20. Billboards shall be permitted only if the provisions of the Outdoor Advertising Control Act of 1971, Act 160 36 P.S § 2718.101 et seq., have been met.
 21. Before any Billboards are erected, the appropriate State and/or Federal permits that are required for the erection of a Billboard shall be obtained and copies of the same shall be filed at the Borough Office prior to issuance of a signed permit by the Borough.
 22. Off Premises advertising signs shall be permitted at an athletic field with a fenced in area used and/or operated by the local school district and/or associated with a nonprofit entity. Such off-premises advertising sign must be located inside and attached to the fence.
- A. Off Premise Mobile Signs shall be permitted provided they comply with the following criteria:
1. All lots upon which Off Premise Mobile Signs are to be located shall be on lots which have frontage:
 - a. Along S.R. 0016 in the General Commercial District west of Frick Avenue;
 - b. Along S.R. 0316 in the General Commercial District north of Grandview Avenue; and
 - c. Along S.R. 0997 in the General Commercial District north of King Street.
 2. All Off Premise Mobile Signs shall be set back from the below described items as follows:
 - a. From a roadway intersection: 500 feet
 - b. From any other Off Premise Mobile Sign (whether such is located in the Borough of Waynesboro or otherwise) on the same side of the roadway: 1,000 feet.
 - c. From any other Off Premise Mobile Sign (whether such is located in the Borough of Waynesboro or otherwise) on the opposite side of the roadway: 600 feet.
 - d. From the street right-of-way: 50 feet.
 3. Off Premise Mobile Signs shall not be illuminated.
 4. Off Premise Mobile Signs shall not be located in the same location or on the same lot for more than ten (10) days in a calendar month.
 5. The owner of the real property, where the Off Premise Mobile Sign is to be located, must consent in writing to the Off Premise Mobile Sign.

76. Scoreboard Regulations.

Scoreboards are permitted in all districts, provided they conform to the following criteria:

- A. Only one scoreboard per athletic field and/or venue may be erected on the premises.
- B. Scoreboards may only be permitted when authorized as a conditional use by the Borough Council of the Borough of Waynesboro.

- C. Size. Such signs shall have a total maximum size area of five hundred (500) square feet with a maximum height of thirty (30) feet.
- D. Primary Purpose. The primary purpose of such signs shall be to transmit the time and/or score and/or any other relevant information regarding such athletic event or any other event taking place to the spectators at the event.
- E. Accessory Use. Such signs shall be permitted to have an accessory use of advertising for off-premise businesses and/or entities; provided however, such accessory use shall be limited to twenty-five (25%) percent of the total sign area and in no case, shall the size of any single accessory use exceed 25 square feet. This accessory use may include an electronic message board.
- F. Sign Illumination. Such sign shall be permitted to be externally illuminated by electricity, gas, or other artificial light including reflective or phosphorescent light; provided however, any illumination shall include lighting devices such as any light, string of lights, or group of lights located or arranged so as to cast illumination on the scoreboard. Such scoreboards shall be located in a position that minimizes the illumination of the scoreboard on neighboring and/or adjacent properties. Total illumination shall not exceed 0.30 lumens at the property line.
- G. Location. A scoreboard shall be located on premises of any athletic field located at a property owned by a municipal entity, school district, and/or owned and operated by a non-profit corporation.

77. Electronic Message Centers.

Electronic Message Centers are permitted provided they conform to the following conditions:

- A. Only one (1) Electronic Message Center may be erected on the Premises.
- B. Electronic Message Centers may only be permitted as a conditional use by Borough Council.
- C. Message Change. The Electronic Message Center must be programmed so that the displayed message does not change more frequently than one time per seven (7) seconds. In measuring the interval, the seven (7) second interval will begin when the text or image is first visible and end when the same text and/or image is no longer visible.
- D. Electronic Message Centers must be programmed to display static images only. No flashing, blinking, moving, or other distracting features are permitted.
- E. Electronic Message Centers shall not flash, scroll, twist or otherwise move during the change of message.
- F. The electronic message portion of a business sign shall not exceed thirty-two (32) square feet in size.
- G. An Electronic Message Center shall not project beyond the property line.
- H. An Electronic Message Center shall not be erected within twenty (20') feet of an intersection.

78. Protruding Signs.

Protruding Signs are permitted provided they conform to the following conditions:

- A. Only one (1) Protruding Sign may be erected on the Premises.
- B. Protruding Signs may only be permitted as a conditional use by Borough Council.
- C. Protruding Signs shall not exceed fifteen (15') square feet per face.
- D. Protruding Signs may only protrude off the building and/or structure a maximum of six (6') feet.
- E. Protruding Signs must be located a minimum of ten (10') feet off the mean ground.

"Mean Ground" is the average of the finished ground level at the center of all exposed walls of the building. Where walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the mean ground level.
- F. Protruding Signs shall not be mounted over and/or covering any window on the second (2nd) floor or higher.
- G. The sign area of the Protruding Sign shall be considered cumulatively with the sign area of any attached business Sign or Freestanding Sign, which sign(s) shall not exceed the maximum sign area permitted as determined by the maximum sign area building frontage equation.

79. Sign Permits.

For Signs requiring permits, the following requirements shall apply prior to the erection of said signs:

- A. Permit applications.
 - 1) Application for a sign and/or zoning permit shall be made from the Zoning Officer of the Borough of Waynesboro.
 - 2) Application shall be made on a form to be provided by the Borough and shall contain the following information and documentation:
 - (i) The name(s) and address(es) of the sign owner and property owner.
 - (ii) A drawing to scale, showing the location of the sign with reference to the adjoining lot lines and streets.
 - (iii) A drawing to scale, showing all dimensions of the sign. The drawing shall also contain an accurate representation of advertising or informative contents of the sign.
 - (iv) A description of the construction materials of the sign, its manner of installation, and a description of the building and/or structure that the sign shall be erected.
 - 3) Each application shall be accompanied by the appropriate fee, as established by the Borough Council.

- B. All applications shall be reviewed and permits issued by the Zoning Officer. No sign permit shall be issued, except in conformity with the regulations of this Article, except upon order of the Zoning Hearing Board, pursuant to the procedures established for the issuance of a variance.
- C. Permit Issuance. Following permit application approval, a sign permit will be issued by the Zoning Officer upon receipt of all required fees.
- D. Upon obtaining a sign permit, the Applicant shall obtain a building permit from the Borough Office and follow the necessary procedures to obtain a building permit as outlined in the application and as requested by the Borough.
- E. If there is any change in location or dimensions of any sign or in advertising or informative contents of a sign, a new permit shall be required.
- F. Revocation of permits.
 - 1) All permits shall be subject to revocation upon fifteen (15) days written notice for violation of any provision or upon change of information provided in the application.
 - 2) Revocation of a permit shall not be cause for refund of the permit fee.

80. Illumination.

- A. Floodlighting shall be so shielded that the source of light shall not be visible from any point of the lot on which the sign, building or structure being illuminated is erected and so that only the sign is directly illuminated.
- B. All electrified or lighted signs, internally or externally, shall comply with the Borough Building Code and require an electrical permit and an approved inspection, except the simple plug-in type sign which uses an electrical outlet and which is purchased UL approved.
- C. There shall be no illumination of a flashing, intermittent or moving type and such illumination shall not change color or intensity.

81. Dilapidated or deteriorated signs.

Any and all signs found to be dilapidated (reduced to or fallen into partial ruin or decay, as from age, wear, misuse, or neglect), deteriorated (made or became lower in character, quality or value) or otherwise found to pose a risk to public health, safety, and welfare by the Zoning Officer shall be subject to the following regulations:

- A. If a sign is declared to be dilapidated, deteriorated, or otherwise found to pose a risk to public health, safety, and welfare by the Zoning Officer, it shall be either repaired or removed at the owner's expense within 30 days after appropriate notice has been given from the Zoning Officer. Provided however, in the event that the Zoning Officer determines that a sign poses an imminent or immediate risk of harm to public health, safety, or welfare it shall be immediately removed by the owner.
- B. Failure to comply with this provision will mean that the dilapidated or deteriorated sign, regardless of its conformity or nonconformity, is subject to removal by the Borough and the owner shall be billed for the cost thereof.

ARTICLE XII
Zoning Hearing Board; Jurisdiction; Conditional Uses

82. Membership of Board.

- A. The membership of the Board shall consist of five (5) residents of the Borough appointed by the Borough Council. The terms of office of a five (5) member Board shall be five (5) 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 elected or appointed office in the Borough, nor shall any member be an employee of the Borough.

- B. The Borough Council may appoint at least one but no more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 82 of this Article, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Borough, including membership on the Planning Commission and Zoning Officer, nor shall any alternate be an employee of the Borough. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 81 unless designated as a voting alternate member pursuant to Section 82 of this Article.

83. Removal of Members.

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

84. Organization of the Board.

- A. The Board shall elect from its own membership a Chairman and a Vice Chairman who shall chair the proceedings of the Board in the absence of the Chairman 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 three members of the Board.

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

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

85. Expenditures for Services.

Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council. Alternate members of the Board may receive compensation, as may be fixed by the Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 82, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Borough Council.

86. Hearings.

The Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notes shall be given and written notice shall be given to the applicant, the Zoning Officer, all adjoining property owners (including those property owners across street rights of way), such other persons as the Borough Council shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance 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 Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the stenographer 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 first hearing before the Board shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the applicant within 100 days of the first hearing held after the completion of the applicant's

case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the applicant may, upon the written consent or consent on the record by the applicant and Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- B. The hearings shall be conducted by the Board. The decision, or, where no decision is called for, the findings shall be made by the Board.
- C. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance or 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 Vice Chairman of the Board 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 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 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 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 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. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the

Municipalities Planning Code, Act 170 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. 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 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 (A) 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 application 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.

87. Jurisdiction.

- A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - 1. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code, Act 170.
 - 2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
 - 3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure, sign or lot.
 - 4. Appeals from a determination by the Head of Borough Engineering Services or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 - 5. Applications for variances from the terms of the Zoning Ordinance and floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 910.2 of the Municipalities Planning Code, Act 170.

6. Applications for special exceptions under the Zoning Ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 912.1 of the Municipalities Planning Code, Act 170.
 7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.
 8. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.
 9. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications pursuant to the Municipalities Planning Code, Act 170.
- B. The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. Applicants for conditional use under the expressed provisions of this Ordinance.
 2. Applications for curative amendment to a Zoning Ordinance pursuant to sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code, Act 170.
 3. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in the Municipalities Planning Code, Act 170. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
 4. Appeals from the determination of the Zoning Officer or the Head of Borough Engineering Services in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development under Articles V and VII of the Municipalities Code, Act 170. Where such determination relates only to development not involving an Article V or VII application of the Municipalities Code, Act 170, the appeal from such determination of the Zoning Officer or the Head of Borough Engineering Services shall be submitted to the Zoning Hearing Board pursuant to subsection A(9) of this section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Agency, all appeals from determinations under this paragraph shall be to the Planning Agency and all appeals from the decision of the Planning Agency shall be to court.

88. Applicability to Judicial Remedies.

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

89. Zoning Hearing Board's Functions; Variances.

- A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the appellant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Zoning Ordinance.
- C. Variances within the Floodplain District. If compliance with any of the requirements of this Article or the use requirements of the Floodplain Management Ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

1. Variance Procedures and Requirements. Requests for variances within a floodplain shall be considered by the Zoning Hearing Board in accordance with the following:
 - a. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
 - b. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life.
 - c. If granted, a floodplain variance shall involve only the least modification necessary to provide relief.
 - d. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
 - e. Whenever a variance is granted within a floodplain, the Zoning Hearing Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - f. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will not result in an unacceptable or prohibited increase in flood elevations, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public or conflict with any other applicable local or State ordinance or regulations.
 - (4) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.
2. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

90. Zoning Hearing Board's Functions; Special Exception.

Where the Borough Council, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

91. Borough Council's Functions; Conditional Uses.

- A. Where the Borough Council, in the Zoning Ordinance, has stated conditional uses to be granted or denied by the Borough Council pursuant to express standards and criteria, the Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The procedure for conditional uses shall be in accordance with the Municipalities Planning Code.
- B. A conditional use shall expire if the proposed use or structure contemplated by said conditional use has not been commenced upon within two (2) years of the date of approval. Borough Council may grant an extension of time for good cause.
- C. In reviewing any conditional use application, the Borough Council shall take into consideration the public health, safety, welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular. In considering any application for a conditional use, the Borough Council shall, among other things:
 - 1. Assure itself that the proposed use is consistent with the spirit, purpose and intent of this Ordinance and specifically authorized as a conditional use.
 - 2. Determine that the proposed use will not substantially injure or detract from the use of the neighborhood property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 - 3. Determine that the proposed use will serve the best interest of the Borough, the convenience of the community, and the public health, safety and welfare.
 - 4. Consider the effect of the proposed use upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.
 - 5. Determine that the use complies with all specified standards for the use.

6. Be guided in its study, review and recommendation by sound standards of land development practice where applicable.
 7. Guide the development of highway frontage insofar as possible so as to limit traffic hazards and congestion.
- D. If a variance and/or a special exception is required for a conditional use, the applicant shall first apply for such variance and/or special exception to the Zoning Hearing Board prior to seeking conditional use approval from the Borough Council.
 - E. Should a land development plan be required pursuant to the Borough Subdivision and Land Development Ordinance, a separate land development plan shall be prepared pursuant to that Ordinance.
 - F. An application for a conditional use shall be made in writing to the Borough Council and shall be accompanied by the written material and data required by this Ordinance for a special exception application, along with such other written and graphic material as may be required by the Borough Council in order to adequately make the decisions and determinations required by this Ordinance, and the names and addresses of all adjacent land owners. Six (6) copies of applications, along with the written material and data required by this Ordinance, shall be submitted, and shall be accompanied by such fees as shall be set forth in a resolution of the Borough Council.
 - G. The Borough Council shall hold public hearing upon an application for a conditional use within sixty (60) days after the filing of said application unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Borough Council shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Borough Council shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal. At least thirty (30) days prior to said hearing, the Borough Council shall submit one (1) copy of the application, together with the written material and data required by this Ordinance, to the Borough Planning Commission to provide the Planning Commission the opportunity to submit its recommendations with regard thereto.

The Borough Council shall give written notice of any public hearing upon an application for a conditional use to the applicant, to the zoning officer, to any person who has made timely request for the same, and shall give public notice of any such public hearing in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

The parties to the hearing shall be the applicant, any person affected by the application who has made timely appearance of record before the Borough Council, and any other person including civic or community organizations permitted to appear by the Borough Council. The Borough Council shall have power to require that all persons who wish to

be considered parties enter appearances in writing on forms provided by the Borough Council for that purpose.

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to present evidence and argument and to cross-examine adverse witnesses on all relevant issues.

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

The Borough Council shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost.

The Borough Council shall render a written decision upon application for a conditional use within forty-five (45) days after the last public hearing before the Borough Council. In authorizing or approving any such conditional use the Borough Council shall have power to attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. Where the application is contested or denied, each such written decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Borough Council has power to render a decision and fails to render the same within the period required by this section, or fails to commence, conduct or complete the required hearing as provided for in this section, within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, 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. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. When a decision has been rendered in favor of the applicant because of the failure of the Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Borough Council shall fail to provide such notice, the applicant may do so.

A copy of the written decision 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 Borough Council not later than the date of the last public hearing before the Borough Council, the Borough Council shall provide, by mail or otherwise, brief notice of the decision and the statement of the place at which the full decision may be examined.

92. Parties appellant before the Board.

Appeals under Section 83.A.(1)(3)(4)(5)(6) or (9) of this Article may be filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person

aggrieved. Requests for a variance under Section 89 and for special exception under Section 90 may be filed with the Board for any landowner, any tenant, or proposed tenants with the permission of such landowner.

93. Time limitations.

- A. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a Planned Residential Development or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 91 shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

94. Stay of proceedings.

- A. Upon filing of any proceeding referred to in Section 88 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of an agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond

shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

95. Validity of ordinance; substantive questions.

- A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
 - 1. to the Zoning Hearing Board under section 87A; or
 - 2. to the Borough Council under section 87(B)(2), together with a request for a curative amendment under section 609.1 of the Municipalities Planning Code, Act 170.
- B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desire to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under section 87A(1).
- C. The submissions referred to in subsections (A) and (B) shall be governed by the following:
 - 1. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under section 609.1 of the Municipalities Planning Code, Act 170, his application to the Borough Council shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in lieu thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.
 - 2. If the submission is made by the landowner to the Borough Council under subsection (A)(2), the request also shall be accompanied by an amendment or

amendments to the ordinance proposed by the landowner to cure the alleged defects therein.

3. If the submission is made to the Borough Council, the municipal solicitor shall represent and advise it at the hearing or hearings referred to in section 87B(2).
4. The Borough Council may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
5. Based upon the testimony presented at the hearing or hearings, the Borough Council or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Borough Council is found to have merit, the Borough Council shall proceed as provided in section 609.1 of the Municipalities Planning Code, Act 170. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans, and explanatory material submitted by the landowner and shall also consider:
 - a. the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - b. if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
 - c. the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, and other natural features;
 - d. the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 - e. the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
6. The Borough Council or the Zoning Hearing Board, as the case may be, shall render its decision within 45 days after the conclusion of the last hearing.
7. If the Borough Council or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in paragraph (6),

a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

- D. The Zoning Hearing Board or Borough Council, as the case may be, shall commence its hearings within 60 days after the request is filed unless the landowner requests or consents to an extension of time.
- E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- F. The challenge shall be deemed denied when:
 - 1. The Zoning Hearing Board or Borough Council, as the case may be, fails to commence the hearing within the time limits set forth in subsection (D);
 - 2. The Borough Council notifies the landowner that it will not adopt the curative amendment;
 - 3. The Borough Council adopts another curative amendment which is unacceptable to the landowner; or
 - 4. The Zoning Hearing Board or Borough Council, as the case may be, fails to act on the request 45 days after the close of the last hearing on the request unless the time is extended by mutual consent by the landowner and Borough.
- G. Where, after the effective date of this Ordinance, a curative amendment proposal is approved by the grant of a curative amendment application by the Borough Council pursuant to section 87B(2) or a validity challenge is sustained by the Zoning Hearing Board pursuant to section 87A(1) or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval pursuant to Article V or VII of the Municipalities Planning Code, Act 170. Within the two-year period, no governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or tentative plan, the provisions of section 504(4) of the Municipalities Planning Code shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

- H. A landowner who has challenged substantive grounds the validity of a zoning ordinance or map either by submission of a curative amendment to the Borough Council under subsection (A) (2) or to the Zoning Hearing Board under section 83A(1) shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn: Provided, however, that if after the date of the landowner's original challenge the Borough adopts a substantially new or different zoning ordinance or zoning map, the landowner may file a second substantive challenge to the new or different zoning ordinance or zoning map under this Ordinance.

96. Procedure to obtain preliminary option.

In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or map under which he proposed to build is free from challenge, and recognizing that the procedure for preliminary approval for his development may be too cumbersome or may be unavailable, the landowner may advance the date from which time for any challenge to the ordinance or map will run under section 89 by the following procedure:

- A. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the applicable ordinances and maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
- B. If the Zoning Officer's preliminary opinion is that the use or development complies with the ordinance or map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 93 and the time therein specified for commencing a proceeding with the Board shall run from the time when the second notice thereof has been published.

97. Expiration of Variances and Special Exceptions

A variance or special exception granted by the Zoning Hearing Board shall expire if the proposed use or structure contemplated by said variance or special exception has not been commenced within two (2) years of the date of approval and completed in three (3) years, unless such other time period is specified by the Zoning Hearing Board.

98. Notification of Variances and Special Exceptions to the Borough Planning Commission

Notices of all applications for special exceptions and variances shall be submitted to the Borough Planning Commission and Borough Council to afford the Planning Commission and Borough Council the opportunity to comment on the applications prior to the Zoning Hearing Board hearing. All decision of the Zoning Hearing Board shall be forwarded to the Planning Commission and Borough Council within five (5) days of the decision

ARTICLE XIII
Administration and Enforcement

99. Administration and Enforcement by Zoning Officer.

The provisions of this Ordinance and amendments thereto shall be enforced by the Zoning Officer who shall be appointed by Borough Council and may not hold any elective office in the Borough. The Zoning Officer shall administer the zoning 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 Zoning Ordinance. The Zoning Officer's duties shall include but not be limited to the following:

- A. Receive and examine all applications for zoning permits, and issue zoning permits only for any use or change of use which conforms to this Ordinance.
- B. Refer applications for special exceptions to the Zoning Hearing Board.
- C. Issue permits for construction of uses requiring a special exception or variance only upon order of the Zoning Hearing Board.
- D. Following refusal of a permit, to receive application for interpretation appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
- E. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.
- F. Issue enforcement notices pursuant to the Municipalities Planning Code and initiate civil enforcement proceedings as a means of enforcement when directed by Borough Council.
- G. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection.
- H. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, or land.
- I. Maintain a map or maps showing the current zoning classification of all land in the Borough.
- J. Identify and register nonconforming uses and nonconforming structures when directed by the Borough Council.
- K. Issue occupancy permits in accordance with the terms of this Ordinance.
- L. Identify and register all signs whether conforming or nonconforming when directed by the Borough Council.

100. Fees.

- A. The Borough Council shall establish by resolution, a schedule of fees, charges, and expenses and collection procedures for zoning permits, occupancy permits, special exceptions variances and appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended only by the Borough Council.
- B. No action shall be taken on any application or appeal until all application fees, charges, and expenses have been paid in full.

101. Zoning Permits Required.

- A. No building, structure, sign, or driveway shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use or changed to another use, without a zoning permit therefore issued by the Zoning Officer unless specifically exempted by this Ordinance. No such permit shall be issued except in conformity with the provisions of this Ordinance, upon written order from the Zoning Hearing Board in the form of a special exception or variance, or as otherwise provided for by this Ordinance, any applicable laws or any court of competent jurisdiction.
- B. All requests for zoning permits shall be made in writing by the land owner, his authorized agent or by a person to whom the owner has given written consent under an option agreement, on forms supplied by the Zoning Officer and shall be accompanied by a plan drawn to scale, showing proposed improvements in exact relation to lot and street lines. The application for a permit shall contain all information listed in Section 35, Special Exception use procedures, unless otherwise specified by the Zoning Officer.
- C. In the case of a change of use, as defined in this Ordinance, a site plan complying with the requirements of Section 35 shall be submitted to the Borough Planning Commission to afford the Planning Commission an opportunity to comment on the proposed change of use.

102. Zoning permits within a floodplain.

- A. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants shall demonstrate compliance with all provisions of the Floodplain Management Ordinance, as amended from time to time, and with the requirements listed below.
- B. Duties and Responsibilities of Floodplain Administrator: The Zoning Officer of the Borough of Waynesboro is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.
 - 1. The Floodplain Administrator shall issue a zoning permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any zoning permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No zoning permit shall be issued until this determination has been made.
 3. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
 4. During the construction period, the Floodplain Administrator or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she may make as many inspections during and upon completion of the work as are necessary.
 5. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
 6. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator may revoke the zoning permit and report such fact to the Borough Council for whatever action it considers necessary.
- C. An application for a zoning permit for construction or development within a floodplain shall be subject to the following review criteria:
1. Issuance of Zoning Permit.
 - a. The zoning permit shall be issued only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
 - b. Prior to the issuance of any zoning permit, the Borough shall review the application for permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 537, as amended); the Dam Safety and Encroachment Act (Act 1978 325, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937 394, as amended). No zoning permit shall be issued until this determination has been made.

- c. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterway Management.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified by the Borough prior to any alteration or relocation of any watercourse.

- 2. Application Procedure and Requirements. In addition to the information and documentation ordinarily required for zoning permits, applicants shall also include the following specific information along with any application for construction or development within any floodplain district:

- a. If any proposed construction or development is located entirely or partially within any identified floodplain district, applicants for zoning permits shall provide all the necessary information in sufficient detail and clarity to enable the Borough to determine that:

- (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
- (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (4) Structures will be anchored to prevent floatation, collapse, or lateral movement.
- (5) Building materials are flood-resistant.
 - (a) appropriate practices that minimize flood damage have been used.
 - (b) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

- 3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Borough to make the above determination:

- a. A completed zoning permit applicant form.

- b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (1) North arrow, scale, and date;
 - (2) Topographic contour lines, if available;
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - (4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - (5) The location of all existing streets, drives, and other access ways; and
 - (6) The location of any existing bodies of water or watercourses, identified floodplain areas, and if available, information pertaining to the floodway, and the flow of water including direction and velocities.

- 4. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum (NAVD) of 1988;
 - b. The elevation of the one hundred (100) year flood;
 - c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
 - d. Detailed information concerning any proposed floodproofing measures and their corresponding elevations.

- 5. The following data and documentation:
 - a. When any part of a proposed structure or a substantial improvement to an existing structure is to be built below the elevation of the one hundred (100) year flood, the applicant must submit a document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

Such statement shall include a description of floodproofing measures, which have been incorporated into the design of the structure and/or the development.

- b. Detailed information needed to determine compliance with Floodplain Management Ordinance Subsections 601.1.A, Development Which May Endanger Human Life and 901.7, Storage, including:
 - (1) The amount, location and purpose of any materials or substances referred to in Floodplain Management Ordinance Subsections 601.1.A and 901.7, which are intended to be used, produced, stored or otherwise maintained on site.
 - (2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Floodplain Management Ordinance Subsection 601.1.A during a one hundred (100) year flood.
- c. The appropriate component of the Pennsylvania Department of Environmental Protection "Planning Module for Land Development."
- d. Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

103. Occupancy permits required.

No building hereinafter constructed, erected, or altered under a zoning permit shall be occupied or used in whole or in part for any use whatsoever and no change of use of any building or part of a building shall hereafter be made until an occupancy permit has been issued by the Zoning Officer, indicating that the building or use complies with the provisions of this Ordinance. An occupancy permit shall be granted or denied within ten (10) days after the Zoning Officer receives notification.

104. General zoning permit regulations.

- A. Expiration of Zoning Permits. If the use indicated in any zoning permit is not initiated within six months from the date of issuance, said permit shall expire and shall be canceled by the Zoning Officer; and written notice thereof shall be given to the person affected.
- B. Changes. No changes of any kind shall be made to the application, permit, plans, specifications, or other documents submitted with the zoning permit application following the issuance of a zoning permit without written consent or approval of the Zoning Officer/Floodplain Administrator. Requests for revisions or amendments shall be in writing and submitted by the applicant to the Zoning Officer/Floodplain Administrator for consideration.

- C. Placards. In addition to the zoning permit, the Zoning Officer/Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the zoning permit, the date of its issuance and be signed by the Zoning Officer.
- D. Inspection and Revocation:
1. During the construction period, the Zoning Officer/Floodplain Administrator or other authorized official may inspect the premises to determine that the work or use is progressing in compliance with the information provided on the permit application and with all applicable Borough laws and ordinances. He may make as many inspections during and upon completion of the work as are necessary.
 2. In the discharge of his duties, the Zoning Officer/Floodplain Administrator shall have the authority to enter any building, structure, premises or development, upon presentation of proper credentials, between the hours of 8:00 a.m. and 5:00 p.m. on weekdays, to enforce the provisions of this Ordinance.
 3. In the event the Zoning Officer/Floodplain Administrator at any time discovers that the work or use does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer/Floodplain Administrator may revoke the zoning permit and report such fact to the Waynesboro Borough Council for whatever action it considers necessary.
 4. A record of all such inspections and violations of this Ordinance shall be maintained by the Zoning Officer.

105. Violations and Penalties.

- A. The Zoning Officer shall issue an enforcement notice to any person, firm, partnership, corporation, or other entity responsible for violating any of the provisions of this Ordinance, or any amendment thereto, or in violation of a detailed statement or a plan approved thereunder. If the enforcement notice is not complied within the time period set forth in said notice, unless extended by appeal to the Zoning Hearing Board, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign, and/or land involved in said violation or impose such other sanctions described in the enforcement notice.
- B. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, shall pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless 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 judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Borough.

- C. Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XIV AMENDMENTS, SEVERABILITY, REPEALER

106. Amendments.

The Borough Council may from time to time amend or change this Ordinance after public notice and hearing.

107. Enactment of Zoning Ordinance.

Before voting on the enactment of a zoning ordinance, the Borough Council shall hold a public hearing thereon, pursuant to public notice. The vote on the enactment by the Borough Council shall be within 90 days after the last public hearing. Within 30 days after enactment, a copy of the Zoning Ordinance shall be forwarded to the County Planning Agency.

108. Enactment of Zoning Ordinance Amendments.

- A. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
In addition to the requirement that notice be posted, as noted above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- B. In the case of an amendment, other than that prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

- C. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- D. At least 30 days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the County Planning Agency for recommendations.
- E. Within 30 days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the County Planning Agency.

109. Publication, Advertisement and Availability of Ordinances.

- A. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Borough not more than thirty (30) days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - 1. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
 - 2. An attested copy of the proposed ordinance shall be filed in the County law library.
- B. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall, at least ten days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- C. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

110. Provisions of Ordinance Declared to be Minimum Requirements.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance, restrictions or covenants, imposed by the Borough (not, however, private restrictions or covenants) the most restrictive, or that imposing the

higher standards, shall govern. Any such restrictions or covenants imposed by the Borough may be changed by the Borough.

111. Severability Clause.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

112. Repeal of Conflicting Ordinances: Effective Date.

All ordinances or parts of ordinances 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. This Ordinance shall become effective on _____.

Enacted into an Ordinance this _____ day of _____, 20____.

President of Borough Council

Attest:

Secretary to Council

Approved this _____ day of _____, 20____.

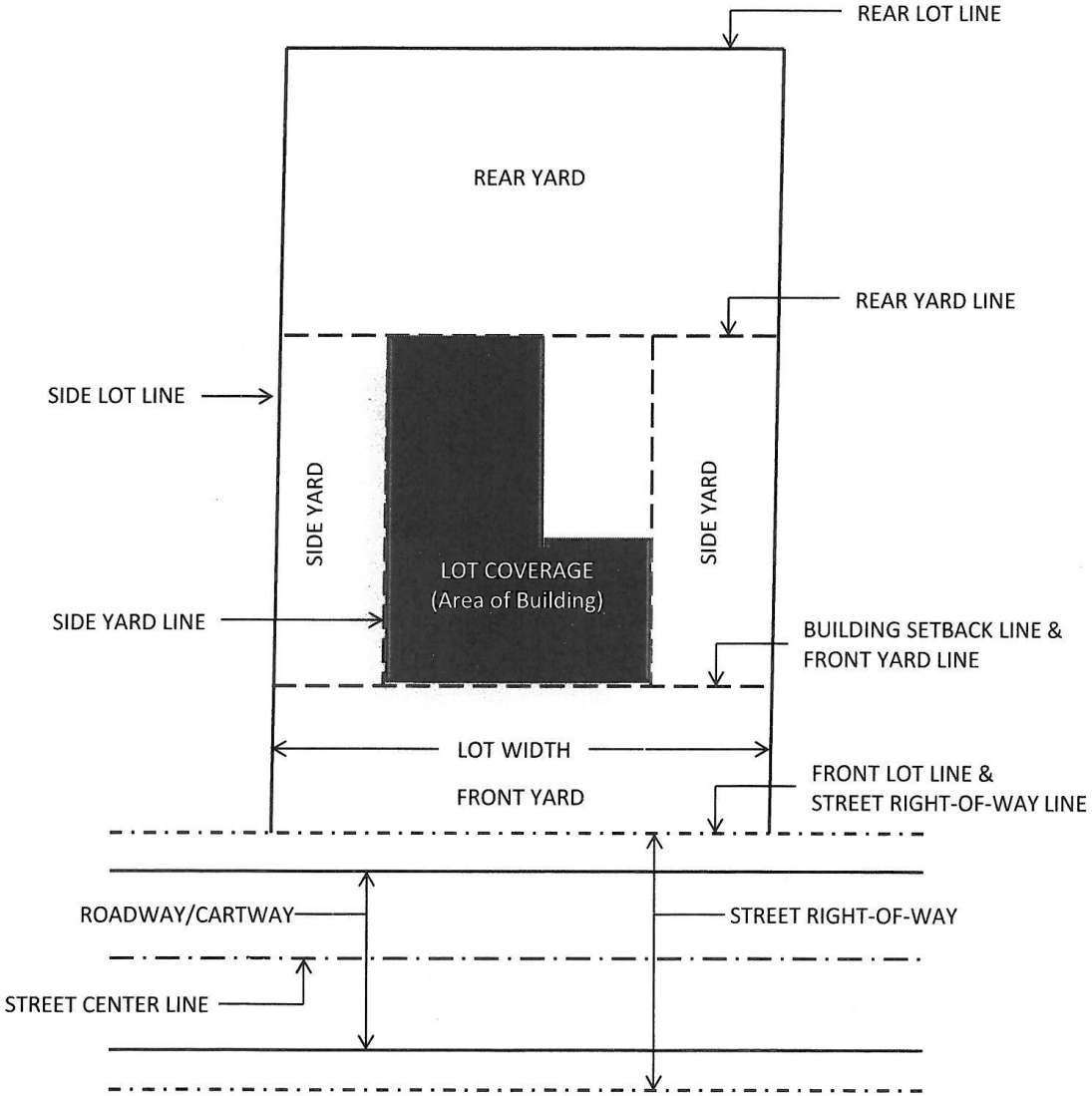
Mayor

Borough Solicitor

Appendix A

Typical Lot Sketch

ADDENDUM A



SKETCH PLAN DEFINING ZONING ORDINANCE
AREA AND BULK REGULATION TERMS
BOROUGH OF WAYNESBORO

Appendix B

Schedule of Area, Yard and Height Requirements

ADDENDUM B
SCHEDULE OF AREA, YARD AND HEIGHT REQUIREMENTS
(Unless otherwise required by this Ordinance)

| District | Representative Uses | Minimum Total ⁵ Land Area (Sq. Ft.) | Minimum Lot ⁶ Area per Dwelling Unit or Use (Sq.Ft.) | Minimum Lot Width (Ft.) | Minimum Front Yard (Ft.) | Minimum Rear Yard (Ft.) | Minimum Rear Yard Abutting a Public or Private Alley (Ft.) | Minimum Each Side Yard (Ft.) | Maximum Lot Coverage | Maximum Height (Ft.) | |
|-------------------------------------|---------------------------------|--|---|----------------------------------|---|-------------------------------|---|---------------------------------------|----------------------------|----------------------------|--|
| Low Density Residential RL | Single Family | 9,000 | 9,000 | 60 | 30 | 40 | 20 | 10 | 50% | 45 | |
| | Other Uses | 9,000 | 9,000 | 60 | 30 | 40 | 20 | 10 | 50% | 45 | |
| Medium Density Residential RM | Single Family | 6,000 | 6,000 | 60 | 25 | 20 | 20 | 5 | 50% | 45 | |
| | Duplex | 6,000 | 3,000 | 25 ¹ | 25 | 20 | 20 | 5 ² | 50% | 45 | |
| | Two Family | 6,000 | 3,000 | 50 | 25 | 20 | 20 | 5 | 50% | 45 | |
| | Townhouse | 6,000 | 1,000 | 20 ¹ | 20* | 20 | 20 | 5 ³ | 40% | 45 | |
| | Multi-Family | 9,000 | 2,000 | 80 | 30 | 30 | 20 | 10 ⁴ | 35% | 45 | |
| | Other Uses | 9,000 | 9,000 | 80 | 30 | 30 | 20 | 10 | 50% | 45 | |
| | | | | | *25 if off-street parking is in front. | | | | | | |
| Planned Residential PR | Single Family | 12,000 | 12,000 | 80 | 35 | 40 | 20 | 12 | 40% | 45 | |
| | Duplex | 14,000 | 7,000 | 45 ¹ | 35 | 40 | 20 | 12 | 40% | 45 | |
| | Two Family | 14,000 | 7,000 | 90 | 35 | 40 | 20 | 12 | 40% | 45 | |
| | Townhouse | 12,000 | 2,000 | 20 ¹ | 25 | 40 | 20 | 10 ³ | 45% | 45 | |
| | Multi-Family | 15,000 | 3,000 | 100 | 35 | 50 | 20 | 15 | 40% | 45 | |
| | Planned Residential Development | 5 Acres | (In accordance with planned residential development regulations - Article VIII) | | | | | | | | |
| Other Uses | 14,000 | 14,000 | 90 | 35 | 40 | 20 | 12 | 40% | 45 | | |
| Town Center TC | Residential Uses | 6,000 | 1,000 | N/A | N/A | 20 | 20 | N/A | 90% | 100 | |
| | Planned Town Center Devel. | 20,000 | (In accordance with Planned Town Center Development Regulations) | | | | | | | | |
| | Other Uses | N/A | N/A | N/A | N/A | 20 | 20 | N/A | 90% | 100 | |

| District | Representative Uses | Minimum Total ⁵ Land Area (Sq. Ft.) | Minimum Lot ⁶ Area per Dwelling Unit or Use (Sq.Ft.) | Minimum Lot Width (Ft.) | Minimum Front Yard (Ft.) | Minimum Rear Yard (Ft.) | Minimum Rear Yard Abutting a Public or Private Alley (Ft.) | Minimum Each Side Yard (Ft.) | Maximum Lot Coverage | Maximum Height (Ft.) | |
|---|--------------------------------|--|---|---|--|----------------------------------|---|--|----------------------------|----------------------------|--------------------------------|
| General Commercial/Office GC | All Uses | 12,000 | 1,000 | 80 | 30 | 20 | | 3 or on Line | 60% | 45 | |
| Institutional | All Uses | 12,000 | N/A | 80 | 30 | 20 | | 10 | 50% | 35 | |
| Industrial/Commercial I/C | All Uses | 12,000 | 12,000 | 80 | 30 | 20 | | 10 | 60% | 45 | |
| Industrial I and General Industrial GI | All Uses | 12,000 | N/A | 80 | 20 | 20 | | 10 | 60% | 45 | |
| Hospital/Office HO | Residential Uses Other Uses | 6,000 12,000 | 1,800 1,000 | (In accordance with requirements of R-M District) | | | | 3 or on Line | 60% | 45 | |
| District | Representative Uses | Minimum Total Land Area (Sq. Ft.) | Minimum Lot Area per Dwelling Unit or Use (Sq.Ft.) | Minimum Lot Width (Ft.) | Minimum Front Yard (applying to properties fronting Main St.) | Minimum Rear Yard (Ft.) | Minimum Rear Yard Abutting a Public or Private Alley (Ft.) | Minimum Each Side Yard (Ft.) | Maximum Lot Coverage | Maximum Height (Ft.) | Additional Notes |
| Downtown Business District | Residential Uses | 6,000 | 1,800 | N/A | 0 ⁷ | 20 | 20 | 0 to 3 Max | 90% | 100 | See Note ⁹ Below |
| DBD | Planned Town Center Devel. | 20,000 | (In accordance with Planned Town Center Development Regulations) | | | | | | | | |
| DBD | Other Uses | N/A | N/A | 0 | 0 | 20 | 20 | 0 to 3 | 90% | 100 | |

¹Per dwelling unit

²This applies to one side only since a duplex has a common wall and lot line

³End units only

⁴Does not apply to common walls

⁵Total land area indicates the requirement for total land area prior to subdivision and does not necessarily indicate the total land area in each individual ownership.

⁶Minimum lot area per dwelling unit or use indicates the total minimum lot area for each dwelling unit or use regardless of whether said unit or use stands alone in ownership or is in conjunction with other dwelling units or uses.

⁷Maximum setback of 0' and/or at property line

⁸Minimum of two (2) floors with a maximum height of one hundred (100) feet for all uses

⁹No vehicular access to the front of any property along Main Street for all uses

N/A = Not Applicable

The maximum number of apartment units in a multi-family dwelling shall be 24.

The maximum number of townhouses in a contiguous row shall be 6.

Common open space or a fee-in-lieu of such open space shall be provided, as required by this Ordinance or the Borough Subdivision and Land Development Ordinance.