

PART 11 SPECIFIC USE REGULATIONS

Section 1101. Applicability.

- A. The regulations in this Part are additional regulations that apply to specific types of uses. If a regulation in this Part involves the same specific matter as another regulation in this Ordinance, the more restrictive regulation shall apply. The applicant shall be required to demonstrate compliance with these additional regulations as a condition of obtaining zoning approval.
- B. For uses that are permitted within a specific zoning district as conditional uses or special exception uses, see also the procedures and standards in Part 12 of this Chapter.

Section 1102. Additional Requirements for Specific Principal Residential Uses.

- A. Apartment Conversions: Apartment conversions are permitted subject to the following criteria:
 - 1. The building must be a single family detached dwelling that existed on the effective date of this Chapter, and contained, at that time at least 3,000 square feet of habitable floor area. Additionally, the gross floor area, building footprint, and building height that existed on the effective date of this Chapter shall not be increased to accommodate the proposed apartment conversion, *except for necessary fire safety and disability accessibility improvements.*
 - 2. All apartment conversions shall comply with the maximum density, minimum net lot area per unit, and all other area and design requirements for the applicable use in the applicable zoning district (such as an apartment conversion resulting in not more than 2 total dwelling units [including the original dwelling unit], then 2 family detached dwelling area and design requirements apply; an apartment conversion resulting in not more than 3 or more total dwelling units [including the original dwelling unit], then multi-family dwelling area and design requirements apply).
 - 3. All principal buildings permitted as part of an apartment conversion use shall maintain an exterior appearance that resembles and is compatible with any existing dwelling on the lot and in the neighborhood. No modifications to the external appearance of the building, except fire and safety requirements, which would alter its residential character, shall be permitted.
 - 4. Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
 - 5. All units contained on floors above or below grade shall have a direct means of escape to ground level.
 - 6. No dwelling unit shall be less than 800 square feet.
 - 7. All dwelling units shall be located within the principal building.

8. All dwelling units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.

B. Manufactured (Mobile) Home Park or Individual Manufactured (Mobile) Homes.

1. Mobile / manufactured home parks shall comply with the provisions set forth in the UCC and the SALDO, as well as the following:
 - a. Each mobile/manufactured home lot shall contain no more than one mobile/manufactured home, nor shall it contain more than one family.
 - b. Each mobile/manufactured home shall be erected and connected to utilities in accordance with the UCC, the SALDO and applicable state requirements.
 - c. The location, orientation, and lot circulation shall be coordinated with the Borough in order to minimize the disturbance of adjacent land uses and neighborhoods.
 - d. All mobile / manufactured homes shall abut a street right-of-way or approved access easement of the mobile / manufactured home park's internal private street system. In no case shall access to such mobile / manufactured homes and mobile / manufactured home lots be provided directly onto, have frontage, or otherwise abut an external public street right-of-way.
 - e. All internal streets shall, as a minimum, comply with local street standards of the SALDO and Chapter 176 relating to street and sidewalks.
2. Individual manufactured homes that are not within a manufactured home park shall comply with the following:
 - a. Individual mobile / manufactured homes shall have pitched roofs instead of a flat roof. Individual manufactured homes shall have a front door facing onto a street.
 - b. The area between the dwelling and the ground level shall have an enclosure that resembles a perimeter foundation, such as a stucco finish that resembles concrete.
 - c. Except as specifically provided in this section, or under the Manufactured Home Park provisions where applicable, a manufactured home and its accessory uses shall meet the same regulations as a site-built home.

C. Apartment (Multi-Family) Dwelling:

1. In any residential district where the use is allowed, the maximum density shall be 4 dwelling units per net acre.
2. In any other district where the use is allowed, the maximum density shall be 12 dwelling units per net acre, but new multi-family dwellings shall only be allowed in a building that also includes a principal non-residential use permitted in the applicable zoning district.
3. Multi-family dwellings shall comply with the area and design features set forth in the table below, and otherwise they shall comply with the standards of the applicable zoning district:

STANDARD	MDR ZONING DISTRICT OR MDRO ZONING	DT ZONING DISTRICT	CN ZONING DISTRICT
Tract Area - Minimum	20,000 sq. ft.	See Area and Design Requirements of the applicable zoning district	See Area and Design Requirements of the applicable zoning district
Additional Net Lot Area per each DU -- Minimum	4,000 sq. ft.	1,000 sq. ft.	2,000 sq. ft.

4. In those instances where more than one apartment (multi-family) dwelling building is located on the same lot, the following separation distances will be provided between each building:
 - a. Front-to-front or rear-to-rear parallel buildings shall have at least 45 feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as 10 feet at one end if increased by similar or greater distance to the other end.
 - b. A minimum distance of 25 feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of 15 feet.
 - c. A minimum distance of 25 feet is required between end walls and front or rear faces of buildings.
 - d. All multi-family dwellings shall be set back a minimum of 15 feet from any interior access drives or parking facilities contained on commonly held lands.
5. The overall dimension, in any single direction of any building or combination of buildings, shall not be more than 200 feet.
6. Mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.

D. Townhouse/Rowhouse (Single Family Attached Dwelling):

1. Townhouses/Rowhouses shall comply with the requirements set forth in the table below, in addition to the standards of the applicable zoning district:

AREA/ DESIGN/ FEATURE	MDR, MDRO1, MDRO OR DT ZONING DISTRICT	CN ZONING DISTRICT
Net Lot Area - Minimum	2,500 sq. ft. per DU	2,000 sq. ft. per DU
Lot Width at Front Setback Line – Minimum Interior Lot	20 ft., See the Area and Design Requirements of the applicable zoning district	20 ft., See the Area and Design Requirements of the applicable zoning district
Lot Width at Front Setback Line - Minimum Corner Lot	See Note B in the Area and Design Requirements of the applicable zoning district	See Note B in the Area and Design Requirements of the applicable zoning district

STANDARD	MDR ZONING DISTRICT, MDRO ZONING DISTRICT, OR DT ZONING DISTRICT	CN ZONING DISTRICT
Setback – Side (Minimum)	5 ft. each side from interior lot line, See Area and Design Requirements of the applicable zoning district; except, 0 ft. at the shared lot line of lawfully attached dwellings constructed with a shared common party wall and the written consent of the owner of	5 ft. each side from interior lot line, See the Area and Design Requirements of the applicable zoning district; except, 0 ft. at the shared lot line of lawfully attached dwellings constructed with a shared common party wall and the written consent of the owner of the abutting lot and building, 12 ft. from street right-of-way

2. In the MDR, MDRO1 or MDRO District, the minimum tract size shall be 20,000 sq. ft.
3. The maximum number of single family attached dwelling units in a row shall be 6.
4. No more than 2 abutting single family attached dwelling units shall have the same front building setbacks, front building lines, and rooflines.
5. In addition, each single family attached dwelling unit shall be distinguished from the adjacent single family attached dwelling unit in some appropriate manner including by varying unit width, use of different exterior materials, or varying arrangements of entrances or windows.
6. The minimum variation of the front building setback and front building line between single family attached dwelling units shall be 4 feet.
7. For buildings located on corner lots with single family attached dwelling units, there shall be at least one single family attached dwelling unit with its primary front façade and orientation and/or location of the main or everyday entrance, and its address, on each of the intersecting streets, excluding alleys.
8. Single family attached dwelling units shall be designed so that garages or carports are not an overly prominent part of the view from public street right-of-way. For purposes of this Section, the term garage door shall also include a carport’s front entry opening, unless otherwise specified in this Chapter:
 - a. Front-loaded garages shall be limited as follows:

- (1). A garage door with a width of greater than 50 percent of the width of the principal building's front façade shall be prohibited.
 - (2). A garage door with a width greater than or equal to 25 percent but less than 50 percent of the width of the principal building's front façade shall be set back at least 16 feet behind the front building line.
 - (3). A garage door with a width less than 25 percent of the width of the principal building's front façade may be parallel with (incorporated as part of) or behind the principal building's front façade.
 - (4). In no case shall a front loaded garage or carport extend closer toward the front lot line than any part of the principal building's front façade.
- b. Rear-loaded, side-loaded, or detached garages or carports located behind the rear building line shall not be limited other than through the lot and dimension standards contained in the applicable zoning district and Part 7 and 9 of this Chapter.
 - c. Garages and carports shall be architecturally designed to be compatible and harmonize with the residential use or dwelling to which it they are appurtenant. Garages shall be located so that the swing of the opening door shall not in any case extend beyond any lot line.
9. Mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- E. Two-Family Detached Dwelling:
1. For two family detached dwelling buildings containing side-by-side dwelling units and located on corner lots, there shall be at least one dwelling unit with its primary front façade and orientation and/or location of the main or everyday entrance, and its address, on each of the intersecting streets, excluding alleys.

Section 1103. Additional Requirements for Specific Principal Commercial Uses.

A. Animal Hospital:

1. All structures where animals are kept that are not completely enclosed, and also including any outdoor animal pens, stalls, and runways shall be a minimum of:
 - a. 100 feet from all lot lines; and
 - b. 200 feet from any adjacent property in the Residential Zoning Districts or existing residential use in a MDRO or MDRO1 District.

Otherwise, the setback requirements of the applicable zoning district shall apply.

2. All areas used for outdoor grazing or exercise of animals shall be enclosed or securely fenced to prevent the escape of animals.

3. Where outdoor animal pens, stalls, or runways are permitted, animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.
- B. Art Gallery:
1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter
 2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter, including driveway and parking requirements.
- C. Auto, Boat or Mobile/ Manufactured Home Sales (includes sales and rental of similar motor vehicles such as recreational vehicles) or Auto Service Station or Car Wash.
1. Automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles or other similar motor vehicles offered for rent or for sale, in any state of being fixed/serviced, or washed/dried, or otherwise stored, displayed, or serviced shall not occupy any part of the existing or future street right-of-way (including sidewalks and alleys) or required off-street parking areas.
 2. All storage, inventory display/sales, parking areas, and servicing of automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles or other similar motor vehicles shall be kept in an orderly fashion to maintain circulation for emergency response.
 3. All buildings and structures, including fuel/gasoline pumps, but excluding permitted signs unless otherwise prohibited or regulated in Part 8 of this Chapter, shall be set back at least 25 feet from any street right-of-way or lot line.
 4. All permitted activities except for the inventory display/sales, parking, and those activities normally required to be performed at the gasoline/fuel pumps, air pumps, or washing and vacuuming areas shall be performed within a completely enclosed building.
 5. Where outside automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles or other similar motor vehicles sales or rental inventory display areas abut a street right-of-way, a perimeter landscape strip, a minimum of 5 feet in width planted with a hedge, masonry wall, and/or other desirable planting of at least 2 feet in height, along with grass or other living ground cover shall be planted, mulched and maintained on all portions of the perimeter landscape strip, and shall be provided and protected by permanent curbing, or otherwise comply with Part 9 this Chapter.
 6. No more than 3 vehicles may be stored per repair/service bay.
 7. The demolition or junking of automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles or other similar motor vehicles is prohibited.
 8. The storage of inoperable automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles or other similar motor vehicles and related parts shall be within a completely enclosed building.

9. The outdoor storage of automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles or other similar motor vehicles on the property without current registration is prohibited.
10. No automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles or other similar motor vehicles, except those with current registration and offered for sales / rental, shall be stored upon the site for more than 30 days.
11. Automobiles, boats, heavy equipment, mobile / manufactured homes, recreational vehicles or other similar motor vehicles washing facilities are permitted, subject to the following additional criteria:
 - a. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
 - b. Gray water recycling is mandatory.
 - c. Water from the vehicle wash operation shall not flow onto sidewalks or streets.

D. Bed and Breakfast Inn:

1. The lot proposed for development must contain a single family detached dwelling.
2. In the MDRO or MDRO1 District, the maximum number of guest bedrooms for rent shall be 5.
3. The owner of the facility or resident manager must reside upon the premises. Proof of residency shall be provided.
4. Overnight guests shall not occupy the facility for more than 14 consecutive nights in a 30 day period.
5. No cooking facilities shall be provided or permitted in individual guest bedrooms.
6. Accessory uses, customarily incidental to the use of a bed and breakfast, shall be permitted as long as they are permitted accessory and/or principal uses in the applicable zoning district, complement the bed and breakfast use, and do not encumber activities of surrounding lots.

E. Boarding House:

1. The maximum density of tenant/guest rooms shall be 8 units per net acre.
2. All tenant/guest rooms shall be limited to 2 *adult* tenants/guests each.
3. The owner of the facility or resident manager must reside in the boarding house. Proof of residency shall be provided.

4. All tenant/guest rooms available for boarding shall be located within the principal building.
5. Ingress and egress to the boarding house for the public and any tenants/guests shall be through one common exterior entrance.
6. Access to all boarding rooms shall be through the interior of the building. No exit doors from individual boarding rooms shall lead directly to the exterior of the building.
7. Each tenant/guest room size shall have a minimum habitable floor area of 70 square feet for one tenant/guest and 120 square feet for 2 tenant/guests, exclusive of common areas.
8. Residents must have on-site access to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on site must be available to the residents, or daily meals must be provided on site for the residents of the boarding house.
9. Meals for compensation shall be provided only to registered tenants/guests of the boarding house. No cooking facilities shall be provided or permitted in the individual tenant/guest rooms.
10. Each floor must contain at least one fully-equipped bathroom for every 5 tenants/guests that is accessible from a common hallway.
11. All tenants/guests must execute a lease before occupancy.

F. Commercial Recreation,

1. The required setbacks shall be as follows:
 - a. All outdoor recreation and activity areas shall be set back at least 100 feet from the street right-of-way and any adjacent property in the Residential Zoning Districts or existing residential use in a Mixed Use Zoning District.
 - b. Any structures exceeding the maximum permitted height may be permitted as long as they are set back from all lot lines at least the horizontal distance equal to their height, plus an additional 25 feet.
 - c. Otherwise, all structures shall comply with the applicable zoning district setback requirements.

G. Convenience Store: *See Retail Store and as applicable requirements for Auto Service Station.*

H. Crafts / Artisan Studio.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.

2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter, including requirements for driveways and parking.
- I. Farmer's / Flea Market, Outdoor:
 1. All outdoor display and sales areas shall comply with this Part 11 of this Chapter, relating to *Outside Display and Sales*.
 2. All outdoor display and sales of merchandise shall begin no earlier than one hour before official sunrise, and must be completed no later than one hour after official sunset.
 - J. Funeral Home:
 1. All rooms available for funerals and viewing shall be located within the principal building.
 2. There shall be no receiving vault, preparation room, or display of merchandise visible from outside of any building.
 - K. Home Improvement Center, Lumber Sales, and Building Materials Sales:
 1. All outdoor display and sales areas shall comply with this Part 11 of this Chapter relating to *Outside Display and Sales*.
 2. All permitted activities, including drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, except for inventory display/sales and parking, shall be conducted within a completely-enclosed building.
 - L. Kennel, Commercial:
 1. All structures where animals are kept that are not completely enclosed, including any outdoor animal pens, stalls, and runways, shall be a minimum of:
 - a. 100 feet from all lot lines; and
 - b. 200 feet from any adjacent property in the Residential Zoning Districts or existing residential use in a Mixed Use Zoning District.Otherwise, the setback requirements of the applicable zoning district shall apply.
 2. All areas used for outdoor exercise of animals shall be enclosed or securely fenced to prevent the escape of animals.
 3. Where outdoor animal pens, stalls, or runways are permitted, animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.
 4. The kennel shall be operated in full compliance with the State Animal Welfare Act and applicable state kennel regulations.
 - M. *Massage Parlor. See requirements for an Adult Use.*

N. *Medical Marijuana Dispensary*

1. *The use shall be setback a minimum of: 1) 1,000 feet from the property line of an existing primary or secondary school or child day care center, 2) 500 feet from a public park or playground, and 3) 250 feet from a residential district.*
2. *The use shall not have any outdoor activities, such as outdoor seating.*
3. *The use shall not be open for business beyond the maximum hours of 8 AM and 9 PM.*
4. *The use shall meet all other zoning requirements that would apply to a Retail Store.*

O. Nightclub:

1. A nightclub serving alcohol shall be located in accordance and otherwise comply with the provisions of the Pennsylvania Liquor Control Board.

P. Offices.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter, including requirements for driveways and parking.

Q. Self-Storage Development:

1. Parking may be provided along interior traffic aisles adjacent to the buildings. These aisles shall be at least *20 feet* wide when storage units open onto one side of the aisle only and at least *26 feet* wide when storage units open onto both sides of the aisle.
2. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas, or access ways.
3. All recreational vehicles, boats, and trailers stored outside of an enclosed building must:
 - a. Maintain current, valid license plates and inspection stickers (when applicable), and be in operable condition; and
 - b. Be surrounded by a fence or wall at least 6 feet in height.
4. Storage units shall be used solely for the storage of property. The following uses are expressly prohibited upon the site:
 - a. Auctions, commercial wholesale or retail sales, or garage / yard sales.
 - b. Offices or residential dwellings, *except the office for the complex.*
 - c. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - d. The operation of spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

- e. The establishment of a principal warehousing, distribution, and wholesaling business.
 - f. The storage of trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items that are dangerous, noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - g. The applicant shall adequately demonstrate that all rental or use contracts shall specifically prohibit the uses listed in subsections a. through f.
5. *Any storage units shall be separated by a mostly evergreen buffer yard from any Residential Zoning District or existing residential use in a Mixed Use Zoning District.*
 6. Minimum separation between buildings shall be 20 feet, and shall allow safe passage for emergency vehicles.
 7. Exterior trash and recycling receptacles shall be provided. Such trash receptacles shall be routinely emptied to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
2. **Parking Lot / Parking Structure:**
 1. Off-street surface parking lots abutting public street right-of-way, shall be provided with a continuous street-fronting fence, wall, or a perimeter planting at least 36 inches in height. The perimeter planting shall be at least 5 feet in depth measured from all sides of the parking area towards the property / street line with a mix of mid and low level screening in accordance with Part 7. Wall breaks for access drives and driveways shall be not more than 24 feet in width.
 2. In no case shall parking lots be permitted as a principal use or as an accessory use on a lot without a permitted principal use on the lot in the Residential Zoning Districts, or in any zoning district where parking lots are not permitted principal uses. In order to provide for additional accessory parking for a permitted principal use, such parking shall be located on the same lot as the permitted principal use.
 3. All above ground, off-street parking garages and structures shall comply with all provisions for principal buildings and uses in the zoning district where the parking structures and building is proposed.
 4. In a Mixed Use Zoning District:
 - a. Driveways, access drives or other points of ingress/egress for motor vehicles shall generally be taken from alleys.
 - b. Off-street surface parking lots shall not be located along, have frontage on, or otherwise abut Market Street.
 - c. Off-street surface parking lots shall not be located on corner lots, or on or adjacent to the intersection of 2 streets.

- d. Above ground parking garages and structures located along any street right-of-way line, excluding alleys, shall be provided with continuous, usable, street-fronting, ground-level, non-residential facades, space, or uses along the entire length of the structure, except for ingress and egress points necessary for retail store entrances and pedestrian entrances to stairs and elevator lobbies into the garage or structure.

3. Personal Service.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter, including requirements for driveways and parking.

4. Restaurants.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter
2. The applicant shall submit evidence demonstrating compliance with Part 8 of this Chapter relating to *Signs*.
3. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter.

5. Retail Store.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter.

6. School, Trade.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter/
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter including provisions for driveways and parking.

7. Therapeutic Massage Facility, Certified.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter including provisions for driveways and parking.

3. *All persons performing massages within the use shall provide evidence to the Zoning Officer of having a valid license under the Pennsylvania Massage Therapy Law*
4. *The facility shall not be used for any residential purposes, and shall not be combined with a Live Work Use.*

S. Adult Use (includes an “Adult Business”).

1. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - a. To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the City. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - b. To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - c. To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
2. No portion of a building occupied by an Adult Use *or its related parking* shall be located within 500 feet of any of the following:
 - a. Adjacent property in the Residential Zoning Districts or existing residential use in a Mixed Use Zoning District; or
 - b. Property which contains any one or more of the following specified land uses where minors may congregate:
 - (1). Indoor or Outdoor commercial Recreation Facility;
 - (2). Daycare facility primarily for children;
 - (3). Library;
 - (4). Park, Playground, Playfield;
 - (5). Place of Worship;
 - (6). School, Private/Public;
 - (7). Swimming Pool, Public; or

- (8). Other lands, buildings, and uses where minors are permitted to congregate.
2. No materials, merchandise, or film offered for sale, rent lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
3. Any building or structure used and occupied as a sexually oriented business and/or related use shall have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
4. All signs shall comply with Part 8 of this Chapter. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
5. Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
6. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
7. No unlawful sexual activity or conduct shall be permitted.
8. *A 40 feet wide buffer yard shall be provided along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.*
9. *An Adult Use shall be prohibited in all Districts except where specifically allowed under this Ordinance. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.*
10. *A minimum lot area of 30,000 square feet is required.*
11. *For public health reasons, private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.*
12. *No use may include live actual or simulated sex acts nor any sexual contact between employees and entertainers nor or between employees or entertainers and customers.*
13. *Any application for such use shall state the legal name(s) of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis, and who is authorized to accept enforcement notices. A telephone number, official mailing address and email address shall be provided where the on-site manager can be reached during the hours when the business is open. The application shall also include contact information, including the legal name, business phone number and official mailing address for at least one individual who is the primary owner, a corporate official, a partner or the largest shareholder of the business. Such information shall be updated in writing to the Zoning Officer within one business day after it changes.*

14. *The use shall not operate between the hours of 12 midnight and 7 a.m. If State liquor laws require that the Borough allow the sale of alcohol during later hours, the Adult Uses shall still cease at midnight.*
15. *As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).*
16. *An Adult Use shall be open to inspections during its business hours by Borough zoning and code enforcement staff, including health inspectors.*

T. Tavern:

- a. A tavern shall be located and operated in accordance with the provisions of the Pennsylvania Liquor Control Board.

U. Veterinary Office.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter including provisions for driveways and parking. .

Section 1104. Additional Requirements for Specific Principal Industrial Uses.

A. Junkyard (includes Scrapyard):

1. All junk, scrap, machinery, or equipment stored outside shall be set back at least:
 - a. 50 feet from any abutting lot line and/or street right-of-way line; and
 - b. 200 feet from any adjacent property in the Residential Zoning Districts or existing residential use in the Mixed Zoning Districts.
2. All junk, scrap, machinery, and equipment stored outside shall be at least 200 feet from any adjacent property in the Residential Zoning Districts or existing residential use in a Mixed Use Zoning District.
3. All completely enclosed buildings used to store junk, scrap, machinery, and equipment shall be set back at least 50 feet from all lot lines.
4. No junk, scrap, machinery or equipment of any kind shall be stored in a required front, side, or rear setback. All unpaved setbacks shall be covered with grass or similar vegetative material and shall at all times be kept clean, vacant, and well maintained.

5. In addition to screening and buffering requirements set forth in Part 7. All materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least 6 feet in height with no less than 100 percent opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
6. No material shall be placed in any establishment in such a manner that it is capable of being transferred off the premises by wind, water, or other natural causes. All paper, cloth, rags and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed building.
7. All junk shall be stored or arranged so as to permit access by emergency responders and to prevent the accumulation of water, and no junk, scrap, machinery or equipment shall be piled to a height greater than 10 feet.
8. No material may be stored or stacked so that it is visible from abutting properties or adjoining street rights-of-way.
9. No material shall be burned or incinerated at any time.
10. No automotive wrecking, junk, scrap storage and sales establishments shall be located on land with a slope in excess of 5 percent.
11. All vehicles within the automotive wrecking, junk, scrap storage and sales establishments shall be completely drained of fuel, lubricants, battery fluid, transmission fluid, brake fluids, coolants, and air conditioning fluids.

B. Manufacturing Use.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter, including relating to driveways and parking.

C. *Medical Marijuana Grower or Processor.*

1. *The applicant shall summarize security measures that will be used.*
2. *The use shall be setback a minimum of: 1) 1,000 feet from the property line of a primary or secondary school or child day care center, 2) 500 feet from a public park or playground, and 3) 250 feet from a residential district.*
3. *The use also shall meet all of the same zoning requirements that would apply to a manufacturing use.*
4. *The applicant shall provide evidence to the Zoning Hearing Board that sufficient measures will be in place to prevent noxious odors from leaving the site.*

D. Mineral Extraction:

1. All areas of excavation shall be set back from property that is not owned by the owner or operator of the mineral extraction use at least:
 - a. 100 feet from existing public street rights-of-way and from all exterior lot lines of the property.
 - b. 150 feet from commercial or industrial uses, unless the owner of the abutting lot and building has provided written consent.
 - c. 150 feet from any abutting lot line of any existing publicly owned recreation area.
 - d. 250 feet from any adjacent property in the Residential Zoning Districts or existing residential use in the Mixed Use Zoning Districts.
2. In addition to screening and buffering requirements set forth in Part 7 relating to *Buffer and Screening Regulations*, except as provided herein, the site shall be surrounded by a 75 feet wide buffer yard, and a fence or wall at least 6 feet in height shall be provided along all exterior lot lines that are within 250 feet of an area of excavation and provide with screening of not less than 100 percent opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
3. In addition to any requirements in Part 9 of this Chapter and/or Chapter 179 relating to subdivision and land development, all access drives serving the site shall have a paved minimum 35 foot wide cartway for a distance of at least 200 feet from the intersecting street right-of-way line. In addition, a 50 foot-long gravel section of access drive should be placed just beyond the preceding 200 foot paved section to help collect any mud that may have attached to a vehicle's wheels.
4. Warning signs shall be placed at intervals of not less than 100 feet along all exterior lot lines that are within 250 feet of an area of excavation.
5. Any new operation or expansion of an existing mineral extraction establishment shall not be approved by the Borough until a Soil Erosion and Sedimentation control plan has been prepared, and found to be satisfactory by the County Conservation District.
6. A copy of all site plan information required by the state DEP shall also be submitted to the Borough as part of the application.
7. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Borough.
8. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state to enable some productive or beneficial future use.

Section 1105. Additional Requirements for Specific Principal Institutional Uses.

A. Cemetery:

1. The total impervious lot coverage shall not exceed 10 percent of the lot area.
2. All burial plots and all structures shall be located at least 25 feet from any lot line or street right-of-way line.
3. No burial plot shall be permitted in any 100 year floodplain area.
4. Where permitted, any materials not within completely enclosed buildings shall in addition to the requirements set forth in Part 7 relating to *Buffer and Screening Regulations*, be surrounded by a fence or wall at least 6 feet in height, and provided with screening of not less than 80 percent opacity.
5. The owner(s) and operator(s) of a cemetery shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
6. At no time shall a corpse be exposed or visible from a public right-of-way or adjacent property.
7. *The applicant shall describe in writing measures that will be used to fund perpetual maintenance .*
8. *The applicant shall describe in writing measures that will be used to prevent subsidence, such as a requirement to use vaults.*

B. Membership Club:

1. Where permitted, all outdoor recreation and activity areas shall be set back at least 50 feet from any lot line.
2. *The use shall only serve as a restaurant or tavern if the requirements for that use are also met.*

C. Community Center.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter, such as driveway and parking requirements.

D. *Criminal Halfway House.*

1. *No portion of a building occupied by a criminal halfway house shall be located within 250 feet of any adjacent*

property in the Residential Zoning Districts or existing residential use in a Mixed Use Zoning District.

2. *No portion of a building occupied by a criminal halfway house shall be located within 500feet of any property which contains any one or more of the following specified land uses where minors may congregate:*
 - a. *Day care facility primarily for children;*
 - b. *Library;*
 - c. *Park, playground, playfield;*
 - d. *Place of Worship;*
 - e. *School, Private/Public;*
 - f. *Swimming Pool, Public.*

3. *Each application shall be accompanied by a statement describing the following:*
 - a. *The composition of the treatment center;*
 - b. *The policies and goals of the treatment center and the means proposed to accomplish those goals;*
 - c. *The characteristics of the residents and number of residents to be served;*
 - d. *The operating methods and procedures to be used; and*
 - e. *Any other facts relevant to the proposed operation of the use.*

E. Day Care, Principal:

1. An outdoor play area for children shall be provided. Off street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located in the front yard between the principal building and the public street, excluding alleys. All outdoor play areas must provide a means of shade (such as shade tree[s] or pavilion[s]). Any vegetative materials located within outdoor play areas shall be of a non-harmful type (such as poisonous, thorny, allergenic, etc.).
 - a. Additionally, outdoor play areas shall be located at least 20 feet from any abutting property in the Residential Zoning Districts or existing residential use in a Mixed Use Zoning District, provided with fence of at least 4 feet in height and screened in accordance with Part 7. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.

F. Emergency Services Station.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.

2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter including provisions for driveways and parking.

G. Government Facility, Other Than Municipal Owned Use:

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter including provisions for driveways and parking

H. Group Home:

1. Whenever a party or parties seeks to occupy a dwelling or other building as a group care facility, the party or parties shall file a detailed statement of intent with the Borough describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrated need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
2. A group care facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the group home.
3. A use that meets the definition of a “criminal halfway house” or “treatment center” shall not be considered a group home.

I. Hospital:

1. To the maximum extent feasible, emergency entrances shall not be located or oriented directly toward any adjacent property in the Residential Zoning Districts or existing residential use in a Mixed Use Zoning District.

J. Library:

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter.

K. Nursing Home, Personal Care Facility, Assisted Living Facility *or Hospice*.

1. Whenever a party or parties seeks to establish one of these uses, the party or parties shall file a detailed statement of intent with the Borough describing the proposed use and development of the lot or dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use will be conducted in a responsible manner without detriment to surrounding properties and neighborhood.

2. In addition to residential unit's living and sleeping quarters with or without kitchen facilities, the following accessory uses may be provided for the use of residents and their guests:

- a. Medical offices and clinics.
- b. Common dining facilities.
- c. Community gardens.
- d. Parks and other non-commercial recreation uses.
- e. Indoor recreation uses.
- f. Daycare.
- g. Bank.
- h. Retail business.
- i. Food services.
- j. Personal services.
- k. Place of worship.

3. In instances where there is more than one building on a single lot, the following minimum building separation requirements shall apply:

- a. Front to front: 70 feet.
- b. Front to side: 50 feet.
- c. Front to rear: 40 feet.
- d. Side to rear: 20 feet.
- e. Side to side: 15 feet.
- f. Rear to rear: Thirty (30) feet.
- g. Corner to corner: Twenty (20) feet.

B. Minimum vegetative coverage shall be 35 percent.

C. A long term care facility or personal care facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the long term care facility or personal care facility.

L. Park, Playground and Other Non-Commercial Recreational Use:

1. Active recreation facilities shall be developed in a manner that preserves natural features, watercourses, unique rock outcrops, slopes of greater than 15 percent, and vegetation.

M. Place of Worship.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter, including provisions for driveways and parking
3. *In residential district, there shall be a minimum lot area of 30,000 square feet for a new place of worship, unless a larger lot size is required under another section.*
4. *The lot may include a maximum of one dwelling unit, which shall be limited to occupancy by one family, including a religious staff-person of the place of worship..*

M. School, Public or Private.

1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter, including provisions for driveways and parking.

O. Treatment Center:

1. A treatment center shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the treatment center.
2. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
3. The residents of the treatment center shall reside on the premises.
4. No portion of a building occupied by a treatment center shall be located within 250 feet of any adjacent property in the Residential Zoning Districts or existing residential use in a Mixed Use Zoning District.
5. No portion of a building occupied by a treatment center use shall be located within 500 feet of any property which contains any one or more of the following specified land uses where minors may congregate:
 - a. Day care facility primarily for children;
 - b. Library;

- c. Park, playground, playfield;
 - d. Place of Worship;
 - e. School, Private/Public;
 - f. Swimming Pool, Public.
6. Each application shall be accompanied by a statement describing the following:
- a. The composition of the treatment center;
 - b. The policies and goals of the treatment center and the means proposed to accomplish those goals;
 - c. The characteristics of the residents and number of residents to be served;
 - d. The operating methods and procedures to be used; and
 - e. Any other facts relevant to the proposed operation of the treatment center.
- O. University / College:
- 1. The applicant shall submit evidence demonstrating compliance with Part 7 of this Chapter.
 - 2. The applicant shall submit evidence demonstrating compliance with Part 9 of this Chapter

Section 1106. Additional Requirements for Specific Principal Miscellaneous Uses.

- A. Livestock or Poultry, Raising of..
- 1. The raising and/or keeping of livestock and poultry shall only be permitted in the LIN Zoning District, in accordance with Chapter 71 relating to animals.
 - 2. The applicant shall demonstrate that the methods of disposing of dead animals are in strict compliance with applicable standards established by PA DEP. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.
 - 3. Any manure storage facility shall be located in accordance with the building / structure setback requirements established by Act 38 of 2005 known as ACRE.
 - 4. The applicant shall demonstrate that the agricultural operation allows for the safe and efficient movement of all vehicles associated with the operation.
 - 5. The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater run-off and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 23 relating to stormwater management and approved by the Borough Engineer. At a minimum,

surface water and stormwater run-off from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 7 of this Chapter relating to *Performance Standards for All Uses*.

B. Community Garden:

1. The following shall be permitted as part of a community garden:
 - a. Greenhouses, hoopouses, cold-frames, and similar structures used to extend the growing season.
 - b. Open space associated with and intended for use as garden areas.
 - c. Unless otherwise prohibited or regulated in Part 8 of this Chapter, signs signs limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign.
 - d. Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, children's play areas, and beehives and chicken coops which shall be limited to the LIN Zoning District.
 - e. Buildings, limited to tool or utility/storage sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.
 - f. Off-street parking and walkways.
 - g. Uses and structures shall be developed and maintained in accordance with the following regulations.
 - (1). Location. Buildings shall be set back at least 5 feet from any abutting property in the Residential Zoning Districts or existing residential use in the Mixed Use Zoning Districts.
 - (2). Height. No building or other structure shall be greater than 25 feet in height.
 - (3). Building Footprint. The combined area of all buildings, excluding greenhouses and hoopouses, shall not exceed 15 percent of the garden site lot area.
 - (4). Parking and Walkways. Off-street parking shall be required only for those garden sites exceeding 15,000 square feet in lot area. In addition to the parking reduction and alternative accommodations (especially for drainage, surface, and maintenance) and provided for in Part 9 of this Chapter relating to relating to *Parking Reductions*

and Alterations, such parking shall be limited in size to 10 percent of the garden site lot area and shall be graded for proper drainage and shall be improved with a durable and dustless surface (e.g., concrete or bituminous concrete unless an alternative material and/or design as part of a readily accepted stormwater BMP in accordance with Chapter 174 relating to stormwater management, Chapter 179 relating to subdivision and land development, or any other construction materials specifications adopted by the Borough), and approved by the Borough Engineer. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.

- (5). Signs. Unless otherwise prohibited or regulated in Part 8 of this Chapter, signs shall not exceed 4 square feet in area per side and shall not exceed 4 feet in height, and shall otherwise comply with Part 8 of this Chapter.
 - (6). Seasonal Farm Stands. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
2. The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater run-off and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 174 relating to stormwater management and approved by the Borough Engineer. At a minimum, surface water and stormwater run-off from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 7 of this Chapter relating to *Performance Standards for All Uses*.
- C. Forestry (Timber Harvesting): Forestry or commercial timber harvesting operations where the value of the trees, logs, or other timber products removed exceeds \$1,000, but excluding the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement are permitted, subject to the following criteria:
1. All forestry and commercial timber harvesting operations shall comply with the following:
 - a. Timber harvesting practices shall protect nearby structures and utility lines.
 - b. Felling or skidding on or across any public street right-of-way is prohibited without the express written consent of the Borough or PennDOT, whichever is responsible for maintenance of the public street.
 - c. No tops or slash shall be left within 25 feet of any public or private street right-of-way or easement (as applicable) providing access to abutting residential property.
 - d. All tops and slash shall be lopped to a maximum height of 4 feet above the ground in the following circumstances:

- (1). Between 25 and 50 feet from a public or private street right-of-way or easement (as applicable) providing access to adjacent residential property; and
 - (2). Within 50 feet of an abutting residential property.
 - e. No tops or slash shall be left on or across any property line of any abutting property without the consent of the owner thereof.
 - f. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
2. All applications for timber harvesting shall include the information required for approval pursuant to Part 12 of this Chapter relating to *Applications for Zoning Permits*. In addition, the applicant shall specify the land on which harvesting will occur, the expected size of the harvest area and, as applicable, the anticipated starting or completion date of the operation. This written notification shall also specify any roads affected, dates of affect, plans to restore any damages to roads and contact information for the logging operations submitted to owners abutting the street right-of-way used to access the logging site.
- a. Preparation of a Logging Plan. Every landowner on whose land timber harvesting is to occur shall prepare and submit a written logging plan as set forth herein this subsection below, and shall submit the logging plan as part of the information required for approval pursuant to Part 12 of this Chapter relating to *Applications for Zoning Permits*. The provisions of this plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request.
 - b. Responsibility for Compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
 - c. Contents of the Logging Plan. 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 (e.g., culverts, broad-based dips, filter strips and water bars).
 - (3). Design, construction and maintenance of stream and wetland crossings.
 - (4). The general location of the proposed operation in relation Borough streets and state highways, including any accesses to those streets and highways.
 - d. Each logging plan shall include a site map containing the following information:

- (1). Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property.
 - (2). Significant topographic features related to potential environmental problems.
 - (3). Location of all earth disturbance activities (e.g., roads, landings and water control measures and structures).
 - (4). Location of all crossing of waters of the Commonwealth.
 - (5). The general location of the proposed operation to Borough streets and state highways, including any accesses to those streets and highways.
- e. Compliance with State Laws and Regulations. The logging plan shall address and comply with the requirements of all applicable state laws and regulations, including, but not, limited to, the following:
 - f. Soil Erosion and Sedimentation control regulations and standards of the County Conservation District and/or PA DEP requirements.
 - g. Stream crossing and wetlands protection regulations of PA DEP and/or the U.S. Army Corps of Engineers.
 - h. Relationship of State Laws, Regulations, and Permits to the Logging Plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. A soil erosion and sedimentation control plan that satisfies the requirements of Section 25 Pennsylvania Code, Chapter 102 shall also satisfy the minimum requirements for the logging plan and associated site map, provided that all information required by these subsections is included or attached.
 - i. Responsibility for Road Maintenance and Repair; Road Bonding. The landowner and/or the operator shall be responsible for repairing any damage to Borough streets caused by traffic associated with the timber harvest operation pursuant to the provisions of Section 67 Pennsylvania Code, Chapter 189, hauling in excess of posted weight limit. The Borough may require the landowner and/or operator to furnish a bond to guarantee the repair of any such damage, pursuant to the said provisions of the Pennsylvania Code.
- D. Telecommunication Signal Site: Telecommunication signal sites are permitted subject to the following criteria:
1. Applications for the construction of telecommunication antennas, support structures, and related facilities shall include a written report containing the following:
 - a. Information describing the tower height and design.
 - b. A cross section of the structure.

- a. Engineering specifications detailing construction of tower, base, and guy wire anchorage.
 - c. Information describing the proposed painting and lighting schemes.
 - a. Information describing the tower's capacity, including the number and type of antennas that it can accommodate.
 - b. All tower structure information shall be certified by a qualified professional engineer licensed and registered to practice in Pennsylvania.
 - c. Certification that there is not suitable space on existing sites or structures where the intended facility can be accommodated and function as required without reasonable modification.
 - d. Technological evidence that the facility must go where proposed in order to satisfy its function in the grid system and provide the quality of service required by law.
 - e. Written authorization from the property owner of the proposed site.
2. Inventory of existing towers and potential antenna support structures within a 2 mile radius of the proposed site, discussing the unavailability of sites and reasons therefore.
 3. Evidence of the applicant's good faith efforts to locate the antenna on an existing structure.
 4. Applicant shall demonstrate that they are licensed by the FCC to operate a telecommunications tower and/or telecommunications antenna.
 5. Telecommunication towers and related buildings shall not be permitted in the Residential Zoning Districts or Mixed Use Zoning Districts.
 6. Telecommunication antennas located in the Residential Zoning Districts or Mixed Use Zoning Districts shall employ "stealth" siting and design solutions.
 7. All other uses ancillary to the antenna, tower, and associated equipment are prohibited, except accessory equipment buildings, unless otherwise permitted in the applicable zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depots, and vehicle storage.
 8. Any utilities extended to the tower site shall be placed underground.
 9. Other standards of approval for antenna support structures and antenna-related facilities include the following:
 - a. Setbacks requirements:

- (1). Antenna support structures shall be set back from all lot lines a distance equal to the height of the antenna.
 - (2). The structure shall be self-collapsing or have a clear fall area setback equal to the height of the structure and any attached antennas.
- b. Antenna support structure height is subject to the following criteria:
- (1). The maximum height of any single antenna support structure located at on a single site for one antenna shall be at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure, to be supplied to the applicant.
 - (2). An antenna support structure may exceed the maximum allowable height to allow for the collocation of another antenna, provided that the applicant shows evidence that the antenna support structure will be a shared location site.
- c. Landscaping and screening are subject to the following criteria:
- (1). If the antenna support structure site is located in an area of existing trees and vegetation, the existing trees and vegetation shall be in accordance with Part 7 of this Chapter relating to *Landscaping & Vegetation Preservation*, preserved to the maximum extent feasible to keep the area as close as to its original condition. The existing trees and vegetation shall be supplemented as needed to fully screen the antenna support base.
 - (2). If the site lacks adequate trees and vegetation, the entire perimeter of the fence surrounding the antenna support structure compound shall be in accordance with Part 7, provided with screening with no less than 90 percent opacity.
- d. Equipment or accessory buildings for towers. Accessory buildings must conform to the applicable building requirements for the applicable zoning district in which the tower is located.
- e. Security, maintenance, and fencing are subject to the following criteria:
- (1). The site shall be completely enclosed by a minimum 8 foot high fence with a self-locking gate, or the climbing apparatus shall be fully contained and locked within the tower structure.
 - (2). All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.
 - (3). All equipment and buildings must comply with Borough building, health, safety, property and other applicable local ordinances.

- f. Lighting and signs are subject to the following criteria:
 - (1). No signs shall be mounted on a telecommunications tower except as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), or other governmental agency which has jurisdiction.
 - (2). All telecommunications towers shall have lights as may be required by the FCC, FAA, or other governmental agencies which have jurisdiction. If lighting is not required by other agencies, then lighting acceptable to the Borough shall be required.
- g. Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise required by the FAA regulations. The use of grays, blues, and greens may be appropriate.
 - (1). Antenna support structure design and structural integrity. The owner of the antenna or antenna support structure shall provide a report documenting that the structure meets the structural standards of the Chapter 79 relating to building construction and Chapter 90 relating to construction code, uniform, prepared by a qualified professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania.
- h. Other Provisions.
 - (1). Prior to issuance of a zoning permit for the erection of an antenna or antenna support structure, the applicant shall obtain any required land development approvals.
 - (2). A formal land development plan is not required if the antenna is to be mounted on an existing structure.
 - (3). Evidence shall be submitted from a qualified professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with location.
 - (4). The applicant, owner, or operator of the antenna shall be licensed by the FCC.
 - (5). The tower shall comply with all applicable FAA and PennDOT Bureau of Aviation regulations.
- (6). Certification of insurance evidencing general liability in the minimum amount of \$1,000,000 per incident and property damage coverage in the minimum amount of \$1,000,000 per incident is required to cover the tower, antenna and structures.
- i. Abandonment.

- (1). If an antenna support structure is unused, as evidenced by notice to the FCC of intent to cease operations, for a continuous period of 12 months after said notice, it shall be deemed abandoned.
- (2). Any antenna support structure or antenna that is deemed to be “abandoned” must be removed within 90 days.
- (3). Removal of the antenna support structure shall be the responsibility of the owner of the antenna support structure. At the time of land development plan approval, the owner and/or his successors and assigns of the antenna support structure must enter into an agreement with the Borough regarding the removal of an abandoned antenna support structure, as herein defined.
- (4). In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.

Section 1108. Additional Requirements for Specific Accessory Uses.

A. Accessory Apartment.

1. The principal use of the building and property must be a single-family detached dwelling.
2. No more than 2 total dwelling units shall be permitted per lot.
3. The accessory apartment dwelling unit shall not be less than three hundred fifty (350) and not more than 800 square feet.
4. The accessory apartment must have separate kitchen and bathroom facilities, living/sleeping spaces, as well as access to the outside or a common hallway or balcony.
5. The owner must reside on the premises. Proof of residency shall be provided.
6. Accessory apartments within the principal single-family detached building are permitted as long as there shall be no alterations to the exterior appearance of the building and that it continues to resemble and is compatible with any existing dwellings in the neighborhood. No modifications to the external appearance of the principal building, including additional door/wall openings, except fire and safety requirements, which would alter its residential character, shall be permitted.
7. Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
8. Accessory apartments in accessory buildings shall not otherwise occupy ground floor, off-street garage floor area/space, thereby displacing required off-street parking spaces provided on the lot.
9. All new accessory structures constructed for the exclusive use as an accessory apartment shall be designed to have an appearance that is architecturally compatible with the principal building, including design, materials, and colors, and roof pitch.

B. Day Care, Family.

1. All principal structures permitted to be family day care facilities shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building, except fire and safety requirements, which would alter its residential character, shall be permitted.
2. Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
3. An outdoor play area for children shall be provided. Off street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located in the front yard between the principal building and the public street, excluding alleys. All outdoor play areas must provide a means of shade (e.g., shade tree[s] or pavilion[s]). Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (e.g., poisonous, thorny, allergenic, etc.).
 - a. Additionally, outdoor play areas shall be located at least 10 feet from any abutting property in the Residential Zoning Districts or existing residential use in a Mixed Use Zoning District, provided with a fence of at least 4 feet in height, and screened in accordance with Part 7 of this Chapter relating to *Buffer and Screening Regulations*. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.

C. Drive-Through Facility for Allowed Use:

1. All drive-through facilities shall be designed and planned to incorporate and be compatible with natural and built features of the site and area.
2. Drive-through facilities, including intercom, stacking lanes and spaces, and service windows, shall be located along the side or rear faces of the building.
 - a. In no event shall the drive-through facility be permitted in the front yard between the principal building and the public street right-of-way, excluding alleys.
 - b. To the maximum extent feasible, the drive-through facility shall be located on a building wall facing away from an abutting property in the Residential Zoning Districts or existing residential use in the Mixed Use Zoning Districts.
3. Drive-through facilities, including intercom, stacking lanes and spaces, and service windows, shall not be permitted within any required building setback, yard, nor buffer yard area.
4. Sufficient stacking facilities for drive-through facilities shall be provided, in accordance with Part 9 of this Chapter relating to *Stacking Standards*.

5. All drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet.
6. Unless otherwise prohibited or regulated in Part 8 of this Chapter, a maximum of 2 outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each, if the words on such signs are not readable from beyond the lot line.
7. *Any part of an outdoor ordering station or a building window used for restaurant motor vehicle drive-thru service shall be setback a minimum of 150 feet from a residential zoning district boundary. This setback shall not apply to a walk-up window or a parking space used for customers to pick up orders that were made in advance over the phone or the internet, and which do not involve use of an intercom system.*

D. Home Occupation:

1. In the Residential,, MDRO, or MDRO1 Districts, home occupations may involve a limited range of commercial uses including:
 - a. Office, Business and Professional and Medical;
 - b. Personal Service Business;
 - c. Crafts / Artisan Studio; and
 - d. Food Service Facility, excluding direct retail sales of goods to customers / patrons visiting the business and on-site consumption of products;

as long as it remains secondary and clearly incidental to and compatible with the residential dwelling.
2. In the other zoning districts where permitted, home occupations may involve the limited range of commercial uses set forth in the underlying or base zoning district, as long as it remains secondary and clearly incidental to and compatible with the residential dwelling.
3. No more than 2 non-residents shall be employed by the home occupation.
4. The owner of the home occupation must reside on the premises, and at least one resident must be engaged in the home occupation. Proof of residency shall be provided.
5. The home occupation may be located in the principal dwelling unit and/or an accessory building.
6. Any permitted home occupation use shall maintain an exterior appearance that resembles and is compatible with any existing dwelling on the lot and in the neighborhood. No modifications to the external appearance of the building used for the home occupation, except fire and safety requirements, which would alter its residential character, shall be permitted.

- a. Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
7. All business activities shall take place in a completely enclosed building. No outdoor storage, unenclosed storage, or outside display / sales related to the home occupation shall be permitted.
8. Home occupations shall be limited to not more than 25 percent of the gross floor area of the principal dwelling unit, or 500 square feet of gross floor area, whichever is less, even if the home occupation is conducted within an accessory building.
9. No sales of any goods or merchandise shall occur on the premises other than those goods or merchandise which are produced on the premises or are customarily incidental to the accessory home occupation and directly related thereto (e.g., hair care products by a barber or beautician).
10. No goods shall be displayed or stored so as to be visible from any property line.
11. Activities associated with the home occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and compliance with other performance standards in accordance with Part 7 of this Chapter relating to *Performance Standards for All Uses* is required.
12. All parking areas shall be:
 - a. Located to the side or rear (behind) of the principal residential dwelling.
 - b. Provided with screening of not less than 90 percent opacity in accordance with Part 7 of this Chapter relating to *Buffer and Screening Regulations*.
13. The home occupation shall not require delivery or pickup by tractor-trailer trucks.
14. In the Residential Zoning Districts, MDRO Zoning District, or HDRO Zoning District, home occupations shall not be conducted in a manner that is perceptible to other residents between the hours of 8:00 p.m. and 8:00 a.m. Otherwise, the hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance, or interruption.
15. The home occupation shall not involve commercial repair of motor vehicles or similar type equipment, but may include lawn and garden equipment and similar type of equipment.
16. Drive-through uses shall be prohibited.

17. The home occupation shall not involve any illegal activity.

E. *Low-Impact Home Occupation:*

1. *The use shall meet all of the requirements provided in this section for Home Occupations, and shall also meet the terms of the definition in Article 2 for “Low-Impact Home Occupation.”.*

F. *Outdoor Café / Dining.*

1. Outdoor furnishings shall be limited to tables, chairs, umbrellas, benches, trash/recycling type facilities, outdoor heaters, and reservation podium.
2. Outdoor furnishings shall be stored in an enclosed facility (which may include fencing) after normal operating hours.
3. The limits of the outdoor dining area shall be defined. In addition to decorative fencing and landscaping, decorative planters, posts with ropes, and other removable enclosures, as well as reservation podium are encouraged as a way of defining the area occupied by the outdoor dining area.
4. Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on abutting property in the Residential Zoning Districts or existing residential use in the Mixed Use Zoning Districts in accordance with Part 7 of this Chapter relating to *Performance Standards for All Uses*.
5. Exterior trash and recycling receptacles shall be provided. Such trash receptacles shall be routinely emptied to prevent the scattering of litter and debris. All permit applications shall include a description of a working plan for the cleanup of litter.
6. *In addition to permitted signs, non-illuminated signs may also be incorporated into umbrellas and canopies.*
7. Outdoor dining shall not impede public sidewalks. Where permission is granted by the entity having jurisdiction over the public right-of-way to have the outdoor dining extend into the right-of-way, a minimum of 6 feet of uninterrupted (obstacle free) pedestrian and wheelchair pathway shall be continuously maintained.

G. *Outside Display and Sales:*

1. To be considered outside display and sales, the goods, material, and merchandise which are being displayed, must be offered for sale to customers. Otherwise, it shall be considered outdoor storage or stockpiling and must comply with outdoor storage and outdoor stockpile provisions set forth in Part 7 of this Chapter relating to *Outdoor Storage and Outdoor Stockpiling*.
2. Except as provided in this subsection below, outside display and sales of goods, material, and merchandise shall not occupy any public right-of-way (including public sidewalk areas), setbacks, buffer yards, or required parking and loading areas. In no case shall the location of such outside display and sales areas occur within any area used for

- pedestrian or vehicular circulation, parking or loading, or emergency vehicle access (e.g., fire lanes).
- a. Within the DT District or CN District, outside display and sales of goods, material, and merchandise shall be limited to front porches.
 - b. In the other zoning districts where permitted, outside display and sales of goods, material, and merchandise is permitted, the use may be located within the front yard and front setback.
3. Where permitted, outside automobile and other similar light duty motor and passenger vehicles; and/or heavy equipment, boat, mobile / manufactured home, recreational vehicle, truck and other similar large or heavy duty motor vehicles; or other similar establishments with outside sales/rental inventory/display areas for other similar motor vehicles, abut a street right-of-way, a perimeter landscape strip, a minimum of 5 feet in width planted with a hedge, masonry wall, and/or other desirable planting of at least 2 feet in height, along with grass or other living ground cover shall be planted, mulched and maintained on all portions of the perimeter landscape strip, and shall be provided and protected by permanent curbing, or otherwise comply with Part 9 of this Chapter.
4. The location of the outside display and sales shall not:
- a. interfere with or otherwise obstruct pedestrian and vehicular traffic or traveling within a public right-of-way including sidewalks and streets;
 - b. interfere with entering or leaving the lot or adjacent lots (including access drives and driveways); and
 - c. be located within any required clear-sight triangle as required herein Part 9 of this Chapter relating to *Driveways and Access Drives*.
5. No outside display and sales shall occur on areas with a slope in excess of 15 percent or within any area designated as the 100 year floodplain.
6. In order to prevent dust, erosion, and excessive water flow across streets or abutting property, all areas used for the outside display and sales shall be graded for proper drainage and shall be improved with a durable and dustless surface (e.g., concrete or bituminous concrete unless an alternative material and/or design as part of a readily accepted stormwater BMP in accordance with Chapter 174 relating to stormwater management or any other construction materials specifications adopted by the Borough), and approved by the Borough Engineer.
7. Outside display and sales areas shall be kept in an orderly fashion to maintain circulation for emergency response.
8. Outside display and sales areas shall be graphically depicted and otherwise indicated upon any required site plan as part of a permit application pursuant to Part 12 of this Chapter relating to *Applications for Zoning Permits*.

Section 1109. Additional Requirements for Specific Temporary Uses.

- A. Accessory Dwelling Unit for Care of Relative.
1. The principal use of the building and property must be a single family dwelling.
 2. No more than 2 total dwelling units shall be permitted per lot.
 3. The accessory dwelling unit must have separate kitchen and bathroom facilities, living/sleeping spaces, as well as access to the outside or a common hallway or balcony.
 4. The owner must reside on the premises.
 5. No more than 2 persons, whom shall be close relatives of the owner of the principal single- family dwelling unit, shall occupy the accessory dwelling unit. At least one resident of the accessory dwelling unit shall need such accommodations including special needs adults, elderly persons (generally 62 years of age and older), mentally disabled, and/or physically handicapped persons who need assistance because of their limited physical abilities, Alzheimer's disease, or development disabilities.
 6. The applicant shall furnish information demonstrating the accessory dwelling unit has been designed and constructed so that it can be easily reconverted into part of the principal single- family dwelling unit after the relative no longer resides within the unit. A written plan shall be submitted showing how the separate accessory dwelling unit will be changed to no longer be a separate accessory dwelling unit.
 7. The applicant shall establish a legally binding mechanism that will prohibit the use of the accessory dwelling unit as a separate dwelling unit after the relative no longer resides within the accessory dwelling unit.
 8. Accessory dwelling units within the principal single-family dwelling are permitted as long as there shall be no alterations to the exterior appearance of the building and that it continues to resemble and is compatible with any existing dwellings in the neighborhood. No modifications to the external appearance of the principal single-family dwelling, including additional door/wall openings, except fire and safety requirements, which would alter its residential character, shall be permitted.
 9. Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
 10. Accessory dwelling units in accessory buildings shall not otherwise occupy ground floor, off- street garage floor area/space, thereby displacing required off-street parking spaces provided on the lot.
 11. All new accessory structures constructed for the exclusive use as an accessory dwelling unit shall be designed to have an appearance architecturally compatible with the principal building, including design, materials, and colors, and roof pitch.

12. Parking in accordance with Part 9 of this Chapter shall be provided for both the principal dwelling unit and the accessory unit, unless the applicant can demonstrate by credible evidence that the resident(s) of the accessory unit will not routinely operate a vehicle.
13. The owner shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal single-family dwelling unit continues to reside within the accessory dwelling unit.