
ZONING ORDINANCE

BOROUGH OF PALMERTON

CARBON COUNTY, PENNSYLVANIA

Ordinance No. 568

ENACTED BY THE BOROUGH OF PALMERTON BOROUGH COUNCIL

ON OCTOBER 28, 1998, WITH AN EFFECTIVE DATE OF

NOVEMBER 2, 1998.

(Includes amendments from Ordinances 582, 583, 602, 660 and 757)

Developed by the Palmerton Borough Zoning Ordinance Committee

Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

THIS ORDINANCE WAS PREPARED UNDER THE DIRECTION
OF THE FOLLOWING BOROUGH OF PALMERTON OFFICIALS - 1998

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USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions, but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district that includes your lot.
- Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in two ways:
 - a) by right,
 - b) by special exception (the Zoning Hearing Board must approve the use, as described in Article 1), or
 - c) by conditional use (the Borough Council must approve the use, as described in Section 112).
- Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be "setback" from streets and other lot lines in each zoning district.
- Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 808 -"Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity "home occupation" businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

If your lot may be flood-prone, see the Borough Floodplain Ordinance. The official "Floodplain Maps" show the areas expected to be flooded during the worst flood in an average 100 year period.

Turn to the following sections for regulations concerning parking, signs and buffer yards:

- ! Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- ! If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- ! Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 804.

The following additional considerations should be kept in mind when using this Ordinance:

- ! An applicant may apply to the Borough **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Borough for legal advertisements and other costs. See Article 1, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code (PMPC), variances are not intended to be granted unless an applicant proves a legal "Hardship".
- ! If one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed or other actions will occur that are specified in Section 801 of this Ordinance, then the requirements and approval procedures of the Borough **Subdivision and Land Development Ordinance (SALDO)** will also apply. This is a separate ordinance available at Borough Hall. The Borough may refuse to grant a zoning permit if a required approval under the SALDO has not been granted.
- ! If there will be significant disturbance of the ground (typically 5 acres or more), it will be necessary to use certain measures to control **soil erosion**. In such case, contact the Carbon Conservation District.

Any questions concerning the Zoning Ordinance should be directed to the Borough's **Zoning Officer**. The Zoning Officer also administers applications for permits.

ORDINANCE NO. 568
REPEALING ORDINANCE NO. 351

TITLE; SEVERABILITY; ENACTMENT

1. TITLE OF THIS ORDINANCE

This Ordinance shall be known and cited as the "Palmerston Borough Zoning Ordinance" of 1998.

This New Zoning Ordinance permits, prohibits, regulates and determines the use of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by areas and structures; and the density of population and intensity of use. The Ordinance further contains provisions for special exceptions and variances to be administered by a Zoning Hearing Board; provisions for administration and enforcement and such other provisions as may be necessary to implement the requirements of the Ordinance pursuant to the authority conferred by the Pennsylvania Municipalities Planning Act, as amended ("PMPC"), the Borough Council of the Borough of Palmerston hereby ordains and enacts the attached New Zoning Ordinance and New Zoning Map.

2. PREFACE

- A. Changing social standards, economics, governmental regulations and political attitudes require periodic revision of the Zoning Ordinance of the Borough of Palmerston. This Zoning Ordinance responds to community, state and national changes during the past 23 years.
- B. Among the purposes of this Ordinance are to: encourage the growth of the tax base of the Borough; minimize parking problems; define accurately the duties and authority of the Zoning Officer, the Zoning Hearing Board, the Planning Commission and the Borough Council; manage difficult issues of the past decade; and improve the quality of life in the Borough.
- C. The Ordinance reflects the joint effort of a Committee of Borough officials and the Planning Commission and Borough Council. Technical assistance was provided by professional consultants and the Staff of the Carbon County Planning Commission.

3. SEVERABILITY. It is hereby declared to be the legislative intent that;

- A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated to be invalid or ineffective in the decision. All other provisions of this Ordinance shall continue to be separately and fully effective.
- B. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof regardless of the fact that any one or more sections or parts thereof might have been declared invalid.

4. REPEALER. This Ordinance shall repeal the Borough of Palmerston Zoning Ordinance, as amended, included portions originally adopted on September 4, 1929 and all other amendments, including the comprehensive amendment adopted April 17, 1974. Any other existing ordinances or parts of ordinances in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed.

5. PROCEDURAL DEFECTS IN ENACTMENT. Any allegation that this Ordinance or amendment was enacted in a procedurally defective manner shall be appealed as provided in State law and be filed not later than 30 days after the intended effective date of the Ordinance or amendment.

6. ENACTMENT. Under the authority conferred by the Pennsylvania Municipalities Planning Code, the Borough Council of the Borough of Palmerton hereby enacts and ordains this New Zoning Ordinance this date of October 28, 1998. This Ordinance shall take effect 5 calendar days after the date of adoption.

Date of Planning Commission Public Meeting: September 9, 1998 and October 26, 1998

Date of Borough Council Public Hearing: September 30, 1998 and October 28, 1998

BOROUGH COUNCIL OF THE
BOROUGH OF PALMERTON

President

Attest, Borough Manager

ARTICLE 1
ADMINISTRATION

101. **APPLICABILITY OF THIS ORDINANCE.**

101.A. It shall be a violation of this Ordinance to erect, construct, reconstruct, move, enlarge or structurally alter any sign or other structure or use of land or a structure unless such activity conforms to the regulations of this Ordinance.

1. However, this Ordinance shall not require any change to any structure or use legally existing at the effective date of this Ordinance, or amendment. See also Section 808 entitled "Non-conformities".

101.B. No sign or other structure or land shall be used, constructed, occupied, enlarged, moved or modified except as permitted by this Ordinance. However, structures and uses that lawfully existed at the time of enactment of this Ordinance shall not be required to change.

101.C. Any lawful construction or use begun prior to the enactment of this Ordinance in compliance with municipal laws in effect at such time will be allowed to proceed to completion if accomplished within one year following the effective date of this Ordinance.

101.D. **Exceptions.**

1. The provisions of the Pennsylvania Municipalities Planning Code (PMPC) concerning Public Utilities shall apply.

(Note: As of the adoption date of this Ordinance, Section 619 of such Act generally stated, among other provisions, that zoning regulations: "shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.")

2. This Ordinance shall not apply to uses or structures owned or leased by the Government of the Borough of Palmerton for legitimate public purposes.

101.E. **Municipalities Planning Code Text.** In certain sections of this Ordinance, sections of the Pennsylvania Municipalities Planning Code are referenced or included in a "Note". Such section references and notes are for general information purposes for the public. If the General Assembly amends a section of the Pennsylvania Municipalities Planning Code that is referenced or stated after a "Note," such amendment to State law shall automatically apply in regards to this Ordinance, regardless of whether the unamended wording of the State law is referenced or included in a "Note."

102. **COMMUNITY DEVELOPMENT OBJECTIVES.**

102.A. This Ordinance is based upon the Comprehensive Plan for the Borough of Palmerton dated 1972, and the following major community development objectives, in order to:

1. Encourage new industrial development in appropriate areas readily served by public utilities and transportation without jeopardizing existing and future uses.
2. Provide adequate parking and loading facilities in all areas of the Borough.
3. Provide varied residential housing densities.
4. Protect the environment.
5. Provide community facilities and utilities which are adequate and convenient.
6. Minimize the dangers resulting from fire, flooding, other hazards and vehicular traffic.

7. Provide an efficient and adequate infrastructure.
8. Prevent the creation of non-conforming lots through subdivision or land development and to prevent the creation of lots or developments which are difficult or impossible to serve and maintain with public utilities.
9. Promote, protect, and facilitate the following:
public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, hospital facilities, public grounds and other public requirements.
10. Prevent the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
11. Serve such other purposes for zoning as are authorized by the State Municipalities Planning Code.
12. Serve the purposes of each district are stated in Section 301.

103. **INTERPRETATION; USES NOT ADDRESSED BY THIS ORDINANCE.**

103.A. Minimum Requirements. The provisions of this Ordinance shall be interpreted as the minimum requirements for the promotion of the health, safety, morals and general welfare. Whenever this Ordinance conflicts with any rule, regulation or ordinance, the greater restriction upon the use of structures or premises, upon the height or bulk of a structure or upon requiring larger open spaces, regardless of its source, shall prevail.

103.B. Uses not Addressed by this Ordinance. Whenever a use is not listed as a permitted by right, conditional use or special exception use by this Ordinance in any district, that use is prohibited in the Borough, except as may be permitted as follows:

1. The applicant may submit an application for consideration of the use by the Zoning Hearing Board.
2. The Zoning Hearing Board may permit such a use if the applicant proves to the satisfaction of the Zoning Hearing Board that the proposed use would clearly:
 - a. be less offensive in impacts and nuisances than permitted uses in that district,
 - b. be compatible with permitted uses in that district,
 - c. be consistent with the purposes of the district,
 - d. meet the criteria as would apply under “special exception uses” in this Article 1, and
 - e. not be a use that is specifically prohibited in the district.

103.C. Sketches. Sketches in this Ordinance are for illustration only.

103.D. Text and Boundary Interpretation. The Zoning Officer shall literally apply the wording of this Ordinance and the location of District boundaries to particular applications. If the applicant believes that the Zoning Officer has not made a proper determination, and believes a differing interpretation is appropriate, then the applicant may appeal the Zoning Officer's determination to the Zoning Hearing Board, after paying the required fees.

104. **PERMITS.**

104.A. **General Procedure.**

1. Anyone who wishes to undertake any new construction, expansion or change of the use of a structure or lot shall apply to the Zoning Officer for a Zoning Permit. The application for a Zoning Permit shall be made by completing a Borough-approved form and submitting the required non-refundable filing fee. When the Zoning Permit is approved, the applicant must then pay the required permit fee.
2. After receiving an application, the Zoning Officer will either issue a Zoning Permit or refuse the permit. If the Zoning Officer refuses a permit, he/she will submit to the applicant the reasons for refusal in writing. The applicant may appeal to the Zoning Hearing Board for further consideration.
3. After the applicant has received a Zoning Permit, and after receiving any other needed permits, the applicant may undertake the action allowed by the permits.
4. Upon the completion of the permitted actions, the applicant shall ask the Zoning Officer for an Occupancy Permit where one is required. If the Zoning Officer determines that the applicant's actions have been in accord with his/her various permits, the Zoning Officer will issue an Occupancy Permit.
5. No permit shall be issued for any parcel of land located in a subdivision or land development for which approval is required and has not been secured in accordance with the requirements of the Pennsylvania Municipalities Planning Code (PMPC). See Section 801 of this Ordinance.
6. If any permit is revoked because of non-approved actions, an additional fee will be charged for any reinstatement of the permit.

104.B. **Zoning Permit Types.** Under the terms of this ordinance, the following types of Zoning Permits may be issued for the following:

1. **Permitted by Right Use.** A Zoning Permit for a Permitted by Right Use may be issued by the Zoning Officer on his/her own authority. See Section 104.C.
2. **Special Exception Use.** A Zoning Permit for a Special Exception Use may be issued by the Zoning Officer upon the order of the Zoning Hearing Board after a hearing, and which may require review by the Planning Commission. See Sections 104.C. and 113.
3. **Conditional Use.** A zoning permit for a conditional use may be issued by the Zoning Officer upon the order of the Borough Council after a review by the Planning Commission. See Sections 104.C. and 112.
4. **Temporary Structure or Use.** A permit for a temporary use or structure may be issued in compliance with Section 809.
5. **Permits issued after Granting of a Variance.** The Zoning Officer may issue a permit ordered by the Zoning Hearing Board after a hearing in response to a variance request. See Sections 104.C. and 107.

104.C. **Applications Under this Ordinance.**

1. All applications shall be made to the Zoning Officer on appropriate Borough forms. Applications shall include a plot plan consisting at least of the dimensions of the lot and property and curb lines, dimensions of side, front and rear yards, dimensions of the ground floor of the building and any projections, the height of the structure, off-street parking facilities, landscaping, the minimum and proposed building setback from lot lines, the distance to adjacent buildings and any other information determined by the Zoning Officer and/or the Zoning Hearing Board to be necessary to evaluate the application.
2. If the applicant alleges that the Zoning Officer has made an error, an appeal should be made directly to the Zoning Hearing Board. All appeals shall be made in writing and shall fully review

the facts and state the reasons and the provisions of the ordinance on which the appeal is based. A filing fee shall be required.

104.D. The Zoning Permit.

1. The purpose of the Zoning Permit is to insure compliance with the Zoning Ordinance. No one shall erect, alter or modify any structure, building or part of a building nor alter the use of any land after the adoption of this ordinance until a Zoning Permit has been issued by the Zoning Officer.
2. Zoning Permits shall be issued in duplicate, and a notice of the Building and Zoning Permit shall be posted conspicuously on the premises. No person shall conduct any construction activity of any kind unless this notice is displayed as required by this ordinance. One copy will be forwarded to the County Assessor's Office.
3. The Zoning Permit may be revoked if the application is revealed to be false or misleading or if the work underway differs materially from that described in the application.
4. Expiration of a Zoning Permit. A zoning permit shall expire 6 months after the date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun within said 6 month period, said permit shall expire in one year, unless the Zoning Officer renews the permit for good cause to expire a total of 2 years after the date of original issuance.
5. No Zoning Permit will be issued for activity contrary to this ordinance except by written permission of the Zoning Hearing Board in cases of Special Use or in the granting of a Variance or in cases of Conditional Use where the Borough Council grants permission.
6. The Borough may issue a separate Zoning Permit. Otherwise, the zoning-related portions of a Building Permit shall be considered to be the "Zoning Permit".

104.E. Occupancy Permit.

1. The purpose of the Occupancy Permit is to insure and certify that the provisions of the Zoning, Building, Plumbing and any other adopted codes of the Borough of Palmerton have been fulfilled. The Occupancy Permit must be granted before the commencement of the use of land and building, or the change in land and building use described in the Zoning Permit. (Note: Prior to the adoption date of this Ordinance, the Borough only required an Occupancy Permit for a new or changed non-residential use.) A fee may be required.
2. A copy of the Occupancy Permit must be posted and kept on the premises and must be available to any Borough Officials. Applications must be made in writing to the Zoning Officer.

104.F. Certification of Non-Conforming Use.

1. The Zoning Officer may identify and register existing non-conforming uses in a manner acceptable by the Borough Council. The owner of a non-conforming premise may secure a letter certifying an existing Non-Conforming Use from the Zoning Officer after providing sufficient written evidence of a legal nonconformity. In case of uncertainty by the Zoning Officer, the certification shall be rejected, and the applicant may then appeal to the Zoning Hearing Board.
2. The certification attests to the owner's right to continue the described non-conforming use.

104.G. Fees. See Section 111.

105. **THE ZONING OFFICER.**

105.A. The Borough Council shall appoint and determine the rate of pay of the Zoning Officer and any assistant Zoning Officer(s).

105.B. The Zoning Officer shall receive and examine all applications required by this Ordinance and shall

respond, issue or refuse permits for permitted by right uses within 30 days of the Borough's receipt of a complete application.

- 105.C. The Zoning Officer shall issue a written notice of alleged violation of this Ordinance to any person, corporation or firm so charged.
- 105.D. The Zoning Officer shall keep records of applications, permits, certificates, variances granted, inspections performed, reports made and notice of orders issued. See also "Certificates of Nonconformity."
- 105.E. The Zoning Officer will make all required inspections and perform all duties assigned by this ordinance.
- 105.F. The Zoning Officer shall administer this Ordinance in accordance with its literal terms. He/She shall not have the power to permit any activities which do not conform to this ordinance.

106. **THE ZONING HEARING BOARD.**

106.A. Appointment. The existing Borough Zoning Hearing Board is hereby continued in effect in accordance with the PMPC. Members shall hold no other office within the Borough. The Board shall consist of three regular members, who shall be residents of the Borough and shall be appointed by the Borough Council to serve for 3 year terms as prescribed by the PMPC. Borough Council may also appoint Alternate Members who shall serve as provided in the PMPC. (Note: As of the adoption date of this Ordinance, such provisions were in Sections 903(b) and 906(b) of such Act.) Vacancies in the Board shall be filled by action of the Borough Council, only for the unexpired portion of the term.

106.B. Organization of Board. The Board shall elect officers, conduct hearings and take actions as permitted by Article IX of the PMPC. The Board may make rules and forms for its procedures consistent with state law.

106.C. Functions of the Board. The Zoning Hearing Board shall be responsible for the following:

1. To hear and decide appeals with regard to the actions of the Zoning Officer.
2. To hear and decide any requests with regard to fact or provision of the Ordinance.
3. To hear and decide all requests for variances.
4. To hear and decide all requests with regard to "Special Exceptions" in accordance with the provisions of this Ordinance.
5. To hear and decide challenges to the validity of this Ordinance or Zoning Map which are within the jurisdiction of this Board.
6. To prepare and submit a summary of its activities annually to the Borough Council.
7. To perform other such duties as may be provided or made necessary by this Ordinance or the State Municipalities Planning Code, as amended.
8. To interpret zoning boundaries.
9. To hold hearings after proper notice.

106.D. Referral to the Planning Commission. All applications for Special Exception Uses, substantive challenges to the Ordinance, and any other application or appeal which the Zoning Hearing Board believes would be appropriate for review by the Planning Commission shall be referred to the Planning Commission prior to the Zoning Hearing Board taking action on such application or appeal. Planning Commission comments must be in writing and submitted to the Zoning Hearing Board prior to the public hearing (rev. 2/09-Ord.660).

1. The Planning Commission may provide advice to the Board. The Planning Commission should

report back to the Zoning Hearing Board within 35 days. Any report of the Planning Commission shall include a written statement.

2. If the Zoning Hearing Board does not receive a report from the Planning Commission within 35 days, or when the Board is required to make a decision under time limits of State law, the Board may proceed to final action.
3. All findings and decisions of the Board shall be made in writing within 45 days after the last hearing before the Board. If the Board does not render a decision within 45 days, the decision will be rendered in favor of the applicant unless he has agreed in writing to an extension of time.
4. The Board shall perform other duties as specified by this Ordinance and the PMPC. These other duties shall include interpretation of district boundaries, the holding of hearings after proper notice and the referral of any pertinent matter to the Planning Commission or Borough Council for review, recommendations and appropriate action.
5. The Board shall keep a full public record and summary of facts in cases within its jurisdiction. The Board also will keep adequate records of its findings and decisions.

106.E. Notice of Hearings. The notice of hearings of the Board shall be given to the public, the applicant, the President of Borough Council, the Zoning Officer, the Chairperson of the Borough Planning Commission, contiguous property owners and any other individual who has made a timely request for such notice. These notices shall be in accordance with definition of "Public Notice" in the Municipalities Planning Code.

1. Additionally, written notice shall be placed conspicuously on the affected tract of land for at least a week prior to the hearing.
2. The notice to the applicant shall be sent by Certified Mail and all other notices shall be sent by ordinary mail.

106.F. Decisions. All findings and decisions of the board shall be made in writing within 45 days after the last hearing before the Board. If the Board does not render a decision within 45 days, the decision will be rendered in favor of the applicant unless he has agreed in writing to an extension of time.

106.G. Records. The Board shall keep a full public record and summary of facts in cases within its jurisdiction. The Board also will keep adequate records of its findings and decisions.

106.H. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are necessary to provide a "reasonable accommodation" under the Americans With Disabilities Act and/or the Federal Fair Housing Act and/or applicable State law, as amended, to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

107. **VARIANCES.**

107.A. **Standards.** The Zoning Hearing Board shall hear requests for Variances to specific requirements of this Ordinance, after the submittal of a proper written application. The Board may grant a Variance where the applicant proves to the Board that the following findings, where relevant, occur:

1. Unique physical circumstances or conditions including irregularity, narrowness, shallowness of lot size or exceptional shape, topography or other physical conditions peculiar to the property exist with regard to the appellants property.
2. The physical condition of the property allows no reasonable method of development in strict conformity to the Zoning Ordinance.
3. The unnecessary hardship because of the physical nature of the property was not created by the appellant.
4. The Variance, if granted, will not alter the essential nature of the vicinity in which the property is located nor will it substantially or permanently impair the use or development of adjacent property. Also the granted Variance will not be detrimental to public welfare.
5. The Variance, if granted, represents the minimum variance which will afford relief and represents the least modification of the regulations in issue.

107.B. **Conditions.** The Zoning Hearing Board may grant a variance with reasonable conditions attached.

108. **AMENDMENTS TO THIS ORDINANCE.**

108.A. **Process.** The Borough Council may amend, supplement, change, modify or repeal this ordinance including the Zoning Map. Before voting on such action, the Council shall hold a public hearing thereon and pursuant to public notice as required by the PMPC.

108.B. **Curative Amendment.** Any landowner or the Borough itself may prepare and propose a Curative Amendment for consideration by the Council in accordance with the PMPC.

108.C. **Planning Commission Review.** In the case of an amendment other than one prepared by the Planning Commission, the Council shall submit each amendment to the Planning Commission at least 30 days prior to the public hearing with regard to the proposed amendment. In all cases the Council shall also submit the proposed amendment to the County Planning Commission at least 30 days prior to the public hearing. These submittals will provide each Planning Commission an opportunity to provide recommendations.

108.D. **Changes After Hearing.** If after any public hearing with regard to an amendment, the proposed amendment is changed substantially, or is further revised, to include land not previously affected by the amendment, then the Council shall hold another public hearing following proper notice before voting on the amendment. At all public hearings, full but reasonable opportunity to be heard shall be given to any citizen and all interested parties.

108.E. **Copy to County.** Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

109. **ENFORCEMENT, VIOLATIONS AND PENALTIES.**

109.A. Cause of Action. The Borough Council, authorized agents of the Council, landowners and tenants may take actions according to the provisions of PMPC in order to prevent and correct violations of this Ordinance. The Council, or its agents may take action anytime following discovery of the violation. However, landowners and tenants must serve notice to the Council 30 days prior to taking any action.

109.B. Enforcement. Enforcement of this Ordinance shall occur as provided in the PMPC. All applicable provisions of such State law, as amended, are hereby incorporated by reference.

1. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall be liable for penalties as specified in the PMPC.
2. Prior zoning enforcement activities of the Borough and its agents shall not be adversely affected by the enactment of this Ordinance.
3. Prior to beginning formal enforcement proceedings, the Zoning Officer may (at his/her option) informally: a) notify a person that a violation of this Ordinance may be occurring, b) request compliance with this Ordinance, and/or c) request additional information or the opportunity to inspect the property to determine whether a violation is occurring.
4. Enforcement Notice. If the Borough has reason to believe that a violation of this Ordinance has occurred, the Borough shall begin enforcement proceedings by sending a formal written enforcement notice. This enforcement notice shall be sent to the owner of record of the parcel on which the violation occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel and to any other person designated in writing by the owner. The Enforcement Notice shall include at least the following:
 - a) The name of the owner of record and any other person against whom the Borough intends to take action.
 - b) The location of the property in question.
 - c) The specific violation with a description of requirements which have not been met, with a reference to the applicable section of this ordinance.
 - d) The date before which compliance must be commenced and the date before which the steps of compliance must be completed.
 - e) The statement that the recipient has the right to appeal to the Zoning Hearing Board within a period of 30 days of receipt of the notice by filing a written application and paying fees to the Borough.
 - f) The statement that failure to comply with the Enforcement Notice within the time specified constitutes a violation with the penalties and sanctions clearly described. An appeal to the Zoning Hearing Board may extend the time to comply with the Enforcement Notice.
5. If activity occurs that violates this Ordinance, the Zoning Officer with approval of the Council may institute civil action to stop such unlawful activity and to require the violator to respond within 30 days. The Zoning Officer or his/her designee may also act to prevent occupancy of the structure or land and to prevent any illegal act on the affected premises.
6. Penalties. Any person, partnership or corporation who or which violates the provisions of the Zoning Ordinance, or permits the violation of this Ordinance to occur on his/her property, shall upon being found liable in a civil enforcement proceeding, pay a judgement of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof.

- a. No judgement shall commence or be imposed, levied or be payable until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Borough shall enforce the judgement pursuant to the applicable rules of civil procedure.
 - b. 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 violation this 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 5th date following the date of the determination of a violation by a District Justice and thereafter each day that a violation continues shall constitute a separate violation.
 - c. All judgements, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Borough.
7. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.
 8. Any hearing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

109.C Habitual Offender Clause – Offenders of these zoning regulations who have been served enforcement action by the Borough at least two (2) times for the same offense shall be considered habitual offenders. Habitual offenders shall be subject to triple (three times) the penalties for violating said regulations. (added 2/09-Ord. 660)

110. **APPEALS.**

110.A. Appeals to the Zoning Hearing Board of an action of the Zoning Officer must be filed no later than 30 days after the date of notification by the Zoning Officer to the appellant. The appeal must be in accord with the provisions of PMPC.

110.B. Appeals to Court of an action of the Zoning Hearing Board shall be filed a maximum of 30 days after the date a written decision is issued, in accordance with the PMPC.

110.C. If any person, other than the Borough, brings legal action because of alleged violations of this ordinance, the plaintiff must serve a copy of the complaint to the Borough Council at least 30 days before the action is begun.

111. **FILING FEES.**

111.A. No Zoning permit or hearing application shall be accepted unless the proper filing fee has been paid.

111.B. A schedule of filing fees shall be established by a separate resolution of the Borough Council. All fees shall be transmitted to the Borough's General Fund on a monthly basis. Accurate records should be made of all payments.

112. **CONDITIONAL USES.**

A. Borough Council shall consider the same standards for a conditional use as would be considered by the Zoning Hearing Board for a special exception use, as stated in Section 113, in addition to all other

applicable standards.

B. Decision.

1. Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before Council.
2. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore, conclusions based on any provisions of the PA. Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in the light of the facts found.
3. Deemed Decision. Where Borough Council fails to make a decision within the time period required above, or fails to hold the required hearing with the time period required by State law, 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.
 - a. When a decision has been rendered in favor of the applicant because of the failure of Borough Council to meet or render a decision as required, Borough Council shall give public notice of the decision within 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 the PA. Municipalities Planning Code.
 - b. If Borough Council shall fail to provide such notice, the applicant may do so.
4. 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 the applicant no later than the day following its date.

113. **SPECIAL EXCEPTION USE PROCESS.**

113.A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

113.B. Special Exception Procedure.

1. Applications shall be made as provided in Section 104.
2. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this Ordinance.
3. The Board shall follow the procedures provided in Section 106.

113.C. Approval of Special Exception Uses. The Zoning Hearing Board shall approve a proposed special exception use if the Board finds adequate evidence that any proposed use will comply with specific requirements of this Ordinance and all of the following standards:

1. Other Laws. The use will not clearly be in conflict with other Borough Ordinances or State or Federal laws or regulations known to the Board.
2. Traffic. The applicant shall show that the use will not result in or substantially add to a significant traffic hazard or significant traffic congestion.
3. Safety. The applicant shall show that the use will not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
4. Storm Water Management. The development will follow adequate, professionally accepted engineering methods to manage storm water.
 - (1) Stormwater shall not be a criteria of a decision under this Ordinance if the application clearly would be subject to a separate engineering review and an approval of storm water management under another ordinance.
5. Neighborhood. The use will not significantly negatively affect the desirable character of an

existing residential neighborhood, such as causing substantial amounts of heavy truck traffic to travel through a residential neighborhood, or a significant odor or noise nuisance or very late night/ early morning hours of operation.

6. Site Planning. The development will involve adequate site design methods, including plant screening, berms, site layout and setbacks as needed to avoid significant negative impacts on adjacent uses.

113.D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines is necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
 - B. The word "person" or "applicant" includes a profit or non-profit corporation, company, partnership, trust or individual.
 - C. The word "used" or "occupied" when applied to any land or building shall also imply "intended, arranged or designed to be used or occupied".
 - D. The word "should" means that an action or object is strongly encouraged but is not mandatory.
 - E. The word "lot" is interchangeable with plot of land or parcel.
 - F. The word "shall" is always mandatory.
 - G. The words "street", "highways", and "road" have the same meaning and are used interchangeable.
 - H. The word "sale" shall also include rental.
 - I. The singular shall include the plural and vice versa.
 - J. The masculine gender shall include the feminine and neuter and vice versa.
 - K. If a word is not defined in this Ordinance but is defined in the Borough Subdivision and Land Development Ordinance, as amended, the definition in the latter Ordinance shall apply.
 - L. Any word or term not defined in this Ordinance or other Borough Ordinance shall be used according to the definition in the latest edition of Webster=s Unabridged Dictionary.
 - M. The words "such as", "includes", "including" and "specifically" shall accompany examples which however do not limit a provision to the example provided.
 - N. If a word is defined both in this and another Borough Ordinance, each definition shall apply to its respective ordinance.

202. **DEFINITION OF TERMS.**

Abut. Occurs when areas of lots share a common lot line, but not when lots are entirely separated by a street, alley or railroad. See also "contiguous".

Access Drive. A privately owned constructed and maintained vehicular access roadway which serves more than one dwelling unit or more than one commercial, institutional or industrial principal use. See also "Driveway".

Access Point. One combination ingress/egress point or one clearly defined ingress point separated from another clearly defined egress point.

Accessory Building. A subordinate building, the use of which is customarily incidental to the principal building (such as a garage or shed in the rear yard of a dwelling). This subordinate building shall be located on the same lot as the principal building.

Accessory Structure. A structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building. An accessory building is one type of accessory structure. An accessory structure may also include a private swimming pool or parking area.

Accessory Use. A subordinate use occurring on the same lot as the principal use.

Acre. 43,560 square feet.

Adjacent. See contiguous.

Adult Bookstore. An establishment having a significant or substantial inventory of books, films, magazines, video tapes, novelties or other periodicals which emphasize descriptions of sexual activity or nudity. This inventory shall include but not be limited to, materials that would be illegal for sale to minors under Pennsylvania state law.

Adult Day Care. See “Day Care, Adult”.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the presentation typically to 3 or more persons at one time in a room of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

Adult Use. This term shall include any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use.

Agriculture. This shall include the raising of cash crops, animal husbandry and plant nurseries (see definitions of each).

Alley. A public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation. An official thoroughfare that meets this definition of an alley shall be considered an alley unless it is officially vacated by the Borough.

Alteration. This applies to a building or structure having a change or rearrangement in the structural parts or in existing facilities or an enlargement or clearance, either by extending on a side or by increasing in height, or the moving from one location or position to another. This does not apply to the application of siding or stucco. Structural alterations are any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Animal Hospital. A building used for the treatment, housing or boarding of animals. A “Small Animal Hospital” includes treatment facilities for small domestic animals including but not limited to dogs, cats, rabbits, birds or fowl. A “Large Animal Hospital” may include treatment facilities for animals including horses, cows and pigs.

Animal Husbandry. The raising and keeping of livestock, poultry, or insects for any commercial purpose or the keeping of any animals for any reason beyond what is allowed under the Section on “Keeping of Pets”. For the purposes of this Ordinance, the “keeping of livestock” shall have the same meaning as “animal husbandry”. Animal husbandry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Antenna.

- (1) Amateur Radio: A device partially or wholly exterior to a building that is used for receiving and or transmitting electronic signals or shortwave or citizens band frequencies. This includes supporting structures except principal buildings.
- (2) Commercial Radio and TV: A device exterior to a building that is used for transmitting commercial radio and TV signals.
- (3) Telephone: Includes devices for the reception and transmission of telephone signals and which is exterior to a building. This includes cellular telephone towers.
- (4) Television: A device exterior to a building for the reception of TV signals.
- (5) Satellite Dish:
 - (a) Small: A TV receiving device less than three feet in diameter.
 - (b) Large: A TV receiving device more than three feet in diameter.

Apartment. (See “Dwelling Types”)

Apartment House. (See “Dwelling, Multi-family”)

Applicant. The person or corporation responsible for a particular application for an approval or permit governed by this Ordinance.

Area, Building. The total square footage of areas that are within a building under a permanent roof taken on a horizontal plane at the main grade level of the principal building and all accessory buildings.

Attached Building. (See “Building, Attached”)

Auditorium. A commercial area or structure involving indoor or outdoor seating for meeting, live performance or sports events, but not a use that meets the definition of a movie theater, adult cabaret or standard or fast-food restaurants.

Auto, Boat, and/or Mobile/Manufactured Home Sales Facility. A building or area, other than a street, used for the display, sale or rental of new or used motor vehicles, recreation vehicles, boat trailers, farm equipment, motorcycles, trucks, utility trailers or boats in an operable condition or transportable mobile/manufactured homes in a liveable condition. This use may include an auto repair garage or auto service provided that all requirements of such use are observed. This use shall not include a mobile/manufactured home park or a junkyard. Outside storage and display of motor vehicles, boats or manufactured homes shall be a permitted accessory use.

Auto Repair Garage. Buildings and land where major repairs of motor vehicles are conducted. This use may also include retail sales of motor vehicle fuel and auto parts and the storage of vehicles being currently serviced. Major repairs include major mechanical and body work, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics of an extent greater than normally found in service stations. For the purposes of this Ordinance, this definition will also apply to similar repair of boats and recreational vehicles.

Auto Service Station. Buildings and land areas where motor vehicle fuels, grease, batteries, tires or auto accessories are supplied and dispensed at retail and where minor repairs are conducted. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding or other work involving noise, glare, fumes, smoke, or other characteristics in an extent greater than is customarily incidental to the sale of gasoline. Such use may also include the sale of food and common household products as a clearly accessory use provided that the parking requirements of this Ordinance are honored.

Basement. A story partially below finished grade but having at least one-half of its height, as measured from finished floor to finished ceiling, above the average level of the finished grade where it abuts the exterior walls of the building. A basement shall be considered as one story in the determination of permissible number of stories if more than fifty percent of the exterior of the foundation wall area is above grade.

Bed and Breakfast Inn. A single family detached dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. This use shall only include a use renting facilities for a maximum of 14 days in any month to any person(s) and shall be restricted to transient visitors to the area. See requirements in Section 402.

Billboard. An off-premise sign with a total sign area greater than fifty square feet (see "Sign").

Block. A tract of land, lot or group of lots whose boundaries include streets, railroad rights-of-way, water courses, bodies of water, boundaries of the Borough, or any combination of the above.

Block or Lot Frontage. That portion of a block or lot which fronts a single street.

Board or Zoning Hearing Board. The Zoning Hearing Board of the Borough of Palmerton.

Boarding House. A residential use in which individual rooms which do not meet the definition of a dwelling are rented for habitation and that does not meet the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast, group home, or nursing home. A college fraternity or sorority house shall be considered a boarding house. A boarding house may either involve or not involve the provision of meals to residents.

Borough. The Borough of Palmerton.

Borough Council or "Council". The Borough Council of the Borough of Palmerton.

Buffer Yard. A strip of land separating a land use from another land use or feature which is free of any principal or accessory building, parking, outdoor storage, or any use other than open space or concrete sidewalks. A buffer yard may be a part of the minimum set-back distance, but may not include an existing or future right-of-way.

Building. Any combination of materials forming a structure which is erected on the ground but not necessarily permanently affixed to the ground. This structure is intended, designed, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

- (1) Attached. A building which has two sidewalls or portions thereof in common with adjacent buildings. Additionally, the end units of a group of townhouses shall be deemed as attached buildings.
- (2) Detached. A building surrounded by open space on all four sides within the same lot.
- (3) Semi-Detached. A building which has one wall or portion thereof in common with an adjacent building.

Building Coverage. The ratio expressed in percentage obtained by dividing the maximum horizontal area in square feet of all principal and accessory buildings on a given lot by the total lot area in square feet. The given lot is that which contains all of the buildings involved.

Building Line or Building Set-Back Line. The line within a property defining the minimum required distance between any structure or building or portions thereof and an adjacent right of way. Such line shall be measured at right angles to the front street right-of-way line which abuts the property upon which said building or structure is located or is proposed to be located and shall be parallel to the front street right-of-way.

Campground. A facility which is used primarily for recreational purposes and involves the use of tents or sites leased to recreational vehicles for transient and seasonal occupancy. Also facility may include tents and cabins used for seasonal occupancy by organized youth groups.

Carport. An open area for the storage of one or more motorized vehicles, camping trailers, or boats in the same manner as a garage. Any carport covered by a permanent roof shall be considered a building. If the permanent roof is attached to the principal building, the carport will be considered part of the principal building.

Cartway. The paved portion of a street or highway designed for vehicular traffic and on-street parking but including the shoulder.

Cash Crop. Agricultural crops that are primarily grown for commercial sale, instead of for consumption by the grower's family or the grower's livestock.

Cellar. (See "Basement")

Cemetery. Land or buildings used for burial only of deceased humans and/or cremated remains only of humans (See "Pet Cemetery").

Certificate of Use and Occupancy. An inspection-based statement signed by the Zoning Officer which certifies that a building, structure, sign, and/or land complies with all Borough Ordinances and regulations. Other governmental agencies may mandate additional requirements. This certificate also states that a building, structure, sign, and/or land may be lawfully utilized for specified use(s).

Cluster Development. A grouping of permitted or special uses in a zoning district situated amongst open spaces which compensate for reduced lot sizes.

Commercial District. Districts designated on Zoning Map as "CD", "CF" or "PD."

Commercial Use. This activity includes retail sales, personal services, auto sales, auto repair and garage work, general office procedures, and uses of similar nature. The sale of goods or services from a vehicle or trailer on a lot shall also be considered to be a commercial use.

Commission. The Planning Commission of the Borough of Palmerton.

Comprehensive Plan. The Palmerton Borough Comprehensive Plan.

Conditional Use. A use allowed by the Borough Council pursuant to public notice and hearing and recommendation by the Planning Commission of the Borough of Palmerton and further pursuant to the expressed standards and criteria set for the in the Zoning Ordinance. When allowing a Conditional Use, the Borough may attach such reasonable conditions and safeguards in addition to those expressed in the Zoning Ordinance as necessary to implement the purposes of the district and this Ordinance.

Construction. This activity includes the placing of materials in permanent position and fastening them in a temporary or permanent position. Construction also includes the demolition of a pre-existing building provided that further construction progresses in a diligent manner.

Contiguous. Occurs when areas share a common lot line and/or when lots are entirely separated by a street, alley, railroad or waterway.

Convenience Store. (See also "Mini Mart") A business which primarily sells routine household goods, groceries, and prepared ready-to-eat foods to the general public. This business is not primarily a restaurant and has a sales area less than 5,000 square feet.

Conversion. A change or adaptation of land or structure for a different use, occupancy, or purpose.

Crematorium. A facility involving the incineration of human corpses, animals and pets.

Cul-de-Sac Street. A street that is terminated on one end by a Borough-approved turnaround.

Curative Amendment. A proposed zoning amendment made to the Borough Council by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he/she has an interest.

Day. Calendar day.

Day Care, Adult. A use providing supervised care and assistance primarily to persons who are over age 60 and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimers disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 12 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs. See also the definition of "day care, adult."

(1) The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives", 2) care of children within a place of worship during regularly scheduled religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.

- (2) Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not relatives of the primary care giver. See Section 403.
- (3) Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not relatives of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
- (4) Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not relatives of the primary care giver, 2) does not meet the definition of a Group Day Care Home, and 3) is registered with the applicable State agency.* See Section 402.

* Note: As of 1998 such agency was the PA. Department of Public Welfare.

Deck. An unroofed platform which is intended for seating, dining, or recreation. This platform may or may not have railings.

Decision. The final judgement, opinion, determination, or conclusion of a question or an issue.

D.E.P. The Pennsylvania Department of Environmental Protection or its successor.

Determination. An action by an officer, body, or agency charged with the administration of any land-use ordinance.

Developer. Any landowner or agent thereof who makes a subdivision of land or creates a land development.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. This term also includes any activities defined as "land development" according to the Palmerton Borough Subdivision and Land Development Ordinance.

District. A portion of the Borough of Palmerton within which certain uniform regulations and requirements or combinations thereof apply according to the provisions of this Ordinance.

Dormitory. A building arranged or used for lodging 6 or more persons and having common toilet and bathroom facilities for not more than 20 persons.

Dump. Any area used for solid waste disposal that does not operate under a valid solid waste permit issued by Pennsylvania DEP and is not a permitted junkyard according to this Ordinance.

Dwelling. A building designed or used as living quarters. The term "dwelling" shall not include boarding house, hotel, motel, hospital, nursing home, fraternity, sorority house, or any group residence. A dwelling may include a building which meets the definition of a "modular home". This Ordinance categorizes dwellings according to the following types:

- (1) Apartments. Three or more dwelling units within a building that do not meet the definition of a "Twin Dwelling" or "Rowhouse." For example, three or more dwelling units separated by horizontal floors and not vertical walls would be "Apartments." The individual dwelling units may be leased or sold for condominium ownership.

- (2) Condominium. A type of apartment, townhouse or other dwelling that involved real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, that was created under Pennsylvania law on condominiums that was in effect at the time of creation. To insure adequate provision for maintenance of roads and shared facilities, development of condominium or conversion of an existing development into condominiums shall always be treated as a Subdivision and Land Development.
- (3) Mid-Rise Apartments. Three or more dwelling units within a building that is higher than 35 feet or 3 1/2 stories, and less than 6 stories.
- (4) Modular Home (or "Sectional Home"). A type of dwelling that meets a definition of single-family detached dwelling, twin dwelling, townhouse, or apartment that is insubstantial part but not wholly, produced in sections off the site. The modular home is then assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile/manufactured home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved once assembled to a different site, nor any dwelling that would not fully comply with any and all applicable buildings codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.
- (5) Single Family Detached Dwelling. A dwelling unit accommodating a single family and having two side yards. The term "Single Family Detached Dwelling" shall be deemed to include a single family detached factory-built "Modular Home" placed on a permanent perimeter foundation and a mobile/manufactured home.
- (a) Mobile/Manufactured Home. A type of single family detached dwelling that is: a) transportable, b) designed for permanent placement, c) contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, and d) arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. This home is constructed so that it may be used with or without a permanent foundation.

Mobile/Manufactured Homes shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. The term "Mobile/Manufactured Home" shall not be deemed to include "Recreation Vehicle", nor a "Modular Home" placed on a permanent perimeter foundation, nor a structure of less than 300 square feet floor area. The terms "mobile home" and "manufactured home" have the same meaning.

- (6) Twin Dwelling (Single Family Semi-Detached). One dwelling unit accommodating one family that is attached to and completely separated by a vertical, unpierced fire-resistant wall from only one other dwelling unit. This use is commonly known as one-half of a duplex. Each unit may be on a separate lot.
- (7) Townhouse (Single Family Attached). A one-family dwelling unit that is attached to two or more dwelling units or that is attached to a dwelling unit which is in turn attached to two or more dwelling units. Each dwelling unit shall be completely separated from each other by vertical fire-resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. Townhouses are also commonly known as "row houses".
- (8) Two-Family Detached Dwelling. Two dwelling units in a building that do not meet the definition of a Twin Dwelling or Townhouse. This term would, for example, include one dwelling unit on a first floor and a second dwelling unit on a second floor.

dwelling sketches

Dwelling Unit. One dwelling occupied by only one family and a minimum of two persons who clearly function as domestic employees (see "Family"). Each dwelling unit shall have its own sanitary, sleeping, and cooking facilities. Also each dwelling unit shall have separate access to the outside or to a common hallway or to a balcony that connects to outside access at ground level.

Efficiency Unit. A small dwelling unit contained within a structure usually containing only one room. The living, sleeping, eating, kitchen, and storage sections of the unit are usually screened from each other and there is a separate bathroom.

Engineer, Borough. The Professional Engineer employed, retained or designated by Borough Council as the Borough Engineer.

Essential Services. Gas lines, water lines, cable television lines, telephone lines, electricity lines, steam lines, storm drain lines, sewage lines, or any other public or private utility serving the common good.

Family. One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall include a maximum of 4 persons who are not "related" to each other (see definition in this Section). See the "Group Home" provisions of Section 402, which may allow a greater number of unrelated persons in certain circumstances. A "Treatment Center" shall not be considered a "Family" or a "Group Home." For a use involving greater numbers of unrelated persons, see "Boarding House."

Fees. A charge established by Resolution of Borough Council for services and permits.

- (1) Filing Fee. The charge for application review which is payable upon the submission of application.
- (2) Permit Fee. The charge for the receipt of approved permit, less any filing fee payment. The charge is due upon receipt of permit.
- (3) Extension Fee. A charge for extending the time of validity of a permit.
- (4) Reinstatement Fee. The charge for the renewal of a permit which has been revoked because of non-compliance with permit specifications.
- (5) Hearing Fee. The charge for appearance before the Zoning Hearing Board to request any special exceptions, a variance, or to present an appeal.

Fence. A man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof and is constructed of wood, wire mesh, chain-link metal or chain-link aluminum, and/or plastic inserts. On the other hand, man-made barriers constructed principally of other materials, including but not limited to brick, concrete, or cinder-block, shall be considered a "wall". The term "fence" does not include barriers of landscaped materials such as hedges. Commonly known and acceptable fence types shall include chain link, privacy, split rail and picket.

Fence, Security. A vertical enclosure that:

- (a) is constructed to prohibit the passage of a sphere larger than 4 inches in diameter through an opening or under the fence (Note: for chain link, smaller openings are recommended to deter climbing);
- (b) is designed to withstand a horizontal concentrated load of 200 pounds applied on a one square foot area at any point of the fence;

- (c) is of durable construction with a durable foundation around posts; and
- (d) is maintained in good condition.

(Note: Aluminum alloy or vinyl ornamental fences, vinyl coated chain link fences, or cedar or treated wood fences are recommended to provide an attractive appearance while minimizing maintenance.

Floor Area. The gross floor area of the building or buildings when dimensions are measured from the exterior faces of exterior walls and from the center line of walls shared with adjacent buildings.

Garage, Private or Household. An enclosed building for the storage of one or more motor vehicles, trailers, and/or boats. No business, occupations, or service shall be conducted in a private garage that is accessory to a residence except as permitted by the Home Occupation section of this Ordinance.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods, furniture, and items of a similar nature.

Gasoline Service Station. A building or area used primarily for the sale of gasoline or any other motor vehicle fuel which may or may not include facilities for lubricating, washing, the sale of accessories and otherwise servicing motor vehicles but not including body repair and painting. A business or industry dispensing fuel for its own use will not be deemed a gasoline service station.

Glare. A sensation of brightness within visual field which causes annoyance, discomfort, or loss in visual performance or visibility.

Grade. The mean curb level and/or the finished ground elevation adjacent to the building.

Group Home. The use of any lawful dwelling unit which meets all of the following criteria:

- (1) Involves the care of the maximum number of persons permitted by the "group home" standards of Section 402, and meets all other standards of such section.
- (2) Involves unrelated persons functioning as a common household unit.
- (3) Involves providing non-routine support services and oversight to persons who need such assistance in order to avoid being placed within an institution.
 - (a) If the use involves a higher number of unrelated persons than would be permitted under the term "Family", then the applicant shall prove to the satisfaction of the zoning officer the residents have a physical disability, old age, mental retardation/developmental disability, or another "handicap" as defined by applicable Federal law.
- (4) Does not meet the definition of a "treatment center."
- (5) Does not involve the housing or treatment of persons who: a) could reasonably be considered a threat to the physical safety of others, and/or b) were previously convicted of a sexual felony committed against a minor.

Hazardous Waste. Waste which poses a significant potential for causing adverse public health or environmental impacts if handled, stored, transported, treated, or disposed in a manner customarily accepted for ordinary solid waste. This also includes wastes subject to special State or Federal licensing or regulation including but not limited by the Pennsylvania Solid Waste Management Act.

Hedge. A mostly continuous row of shrubbery intended to form a barrier with a height over 4 feet.

Height, Structure or Building. The vertical distance measured from the average elevation of the proposed surrounding ground level to the highest point of the structure. In the case of a sign, the highest point shall include the supporting structure.

Heliport. An airport whose use is limited to helicopters. This Ordinance is not intended to regulate the emergency landing of helicopters for the transport of seriously ill or injured patients.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- (1) is conducted primarily by a permanent resident of the dwelling;
- (2) meets the requirements for a "home occupation" in Section 404;
- (3) only includes uses that are clearly incidental and secondary to the principal residential use; and
- (4) does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing).
- (5) See list of prohibited home occupations in Section 404. A home occupation shall comply with the limitations on parking of commercial vehicles that is stated in Section 404.D. under "Residential Accessory Structure." Only one home occupation shall be permitted per dwelling unit.

Note: A dwelling which only receives business mail or involves telephone or electronic communications at the address and does not involve the conduct of any other non-residential use shall not, by itself, require a permit under this Ordinance for such activity.

Home Occupation, Moderate Scale. A use that: a) meets the definition and standards for a "home occupation", b) only involves a maximum of one person working on-site at one time who does not reside within the dwelling, and c) does not meet the definition of a "Small Scale Home Occupation" as listed below.

Home Occupation, Small Scale. A use meeting the definition and standards for a "home occupation" and which also complies with all of the following standards:

- (1) meets the standards for a "small scale home occupation" as stated in Section 404;
- (2) primarily involves the operator visiting clients at their home or business or using the mail, telephone or electronic communications, as opposed to having customers routinely visit the home occupation; and
- (3) is limited to only the following types of activities:
 - (a) office-type work (such as writing, editing, drafting, tax preparation and computer use),
 - (b) clerical work (such as typing, stenography, addressing and sending mail),
 - (c) custom sewing and fabric and basket crafts,
 - (d) creation of visual arts (such as painting, sculpture or wood carving),
 - (e) sales and surveys over the telephone,
 - (f) repairs to computers and computer peripherals, and
 - (g) activities an applicant proves to the satisfaction of the Zoning Officer are closely similar to the above activities.

Hospice. A building dedicated to the care of terminally ill patients.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered a "Medical Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel. A building or buildings which include rental rooms for transient persons primarily for stays of less than thirty days. Facilities primarily used for stays exceeding thirty days shall be considered to be a boarding house. The term “hotel” is synonymous with the term “motel” in this Ordinance, but does not include “Bed and Breakfast”.

Impervious Surface. Any area covered by a structure, paving, stone or man-made material which has a coefficient of runoff of 0.8 or greater as determined by the Borough Engineer.

Industrial District. The I/C and I Districts, as designated on the Zoning Map.

Industrial Use. A use which includes manufacturing, distribution, warehousing, and other operations not primarily residential or commercial in nature.

Junk. Any or all discarded material or articles including scrap metal, furniture, appliances, inoperable motor vehicles, inoperable aircraft, glass, industrial waste, abandoned and inoperable machinery, equipment, containers, portions of structures and used building materials. The term “junk” does not include organic solid waste, grass clippings, leaves, tree limbs, or solid waste stored in completely enclosed and sanitary containers awaiting routine collection.

Junk Vehicle. A motor vehicle, recreational vehicle, trailer, truck, or chassis or body of such vehicle which is demolished beyond repair or is described by at least two of the following conditions:

- (1) No display of a license plate with a current registration sticker.
- (2) No display of a valid State inspection sticker.
- (3) Inability to immediately operate on a public street.

Junkyard. A lot, land, or structure or part thereof used for the collection, storage, dismantling, processing, and/or sale of any of the following:

- (1) Junk, scrap metal, and/or discarded material that is not required by the State to be disposed in a sanitary landfill or other State-approved solid waste disposal facility.
- (2) Two or more junk vehicles that are partly or fully visible from an exterior lot line, dwelling, or public street. Vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station do not fall into this category.
- (3) One or more boats which do not have current registration and not currently in seaworthy condition.
- (4) One more mobile or manufactured homes that are not in a habitable condition.

Note: A completely enclosed building containing junk is considered a warehouse.

Kennel. A facility for keeping of more than four dogs or more than six cats that are older than six months. A non-profit animal shelter is also classified as a “kennel”.

Land Development. Any of the following activities shall be considered to be a “land development”:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (a) A group of two or more residential or non-residential principal buildings, whether proposed initially or cumulatively, or a single non-residential principal building on a lot, or lots regardless of the number of occupants or tenure.
- OR
- (b) The division or allocation of land or space whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

- (2) A subdivision of land.
- (3) The conversion of an existing single family detached dwelling or twin dwelling unit into a total of 4 or more dwelling units.

Landowner. The owner of a legal or equitable interest in land, the holder of an option or contract to purchase land, the lessee who possesses the rights of a landowner, any person having a proprietary interest in land, a person possessing notarized powers of attorney allowing him/her to act in the capacity of a landowner or the partnership of several individuals or corporations.

Leaf Composting. The collection and processing of vegetative material in order to allow biological decomposition under controlled anaerobic or aerobic conditions which produce a humus-like product.

Life Care Center. (See “Personal Care Center”) A residential facility used exclusively for persons 55 and older or who are disabled and which includes a nursing home and limited support facilities required by these persons.

Lighting.

- (1) Diffused. Lighting which passes through a translucent cover or shade.
- (2) Direct or Flood. A form of lighting wherein the source is visible and the light is shone directly onto a parking, storage, or recreational area or onto a building.
- (3) Indirect. A form of lighting wherein the light source is entirely hidden and the light is projected directly at a wall or sign from a distance of forty feet or less.

Line, Street. The dividing line between the existing street right-of-way and a lot.

Lot. Land occupied or to be occupied by one or more principal buildings and accessory buildings in addition to such open spaces as required by this Ordinance. This land shall have not less than the minimum area and width as required by this Ordinance and shall have its principal frontage on a street or approved accessway.

Lot, Corner. A lot which has two public streets adjacent to its lot lines, and such streets intersect adjacent to the lot.

Lot, Interior. A lot other than a corner lot.

Lot, Reverse Frontage. Lot which fronts on one public street but provides vehicular access solely from another public street at the rear of the lot.

Lot, Through. A lot having frontage on two approximately parallel streets.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). Lot Area shall not include the following:

- (1) Areas within street rights-of-way, or
- (2) Areas that are currently or will be dedicated as common open space.

Lot Depth. The average horizontal distance between the front and the rear lot lines, measured in the general direction of the side lot lines.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

- (1) Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed (whichever is greater) street right-of-way.

- (2) Rear Lot Line. A lot line opposite and most distant from the front lot line. (A three-sided lot has no rear lot line).
- (3) Side Lot Line. Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

Lot Width. The minimum distance between side lot lines measured at the minimum building front setback line.

Massage Parlor. An establishment where lawful massages are provided for a fee by personnel who receive some form of monetary compensation and who are not State-licensed massage therapists or State-licensed health care professionals, and which occurs in private rooms.

Medical Office or Clinic. A facility for the treatment and examination of patients by State-licensed physicians and dentists. No overnight patients will be accommodated in this facility. The facility will provide testing of tissue, blood, or other human materials for medical and dental purposes.

Membership Club. A facility used by a recreational, civic, social, fraternal, religious, political, or labor association of persons for meetings and routine social affairs which are limited to members and occasional guests and do not include the general public. The facility may not include an outdoor target range, boarding house, tavern, restaurant, or auditorium unless these uses are permitted within the applicable zoning district.

Mineral Extraction. The removal from the subsurface or surface of land of bulk minerals by means of mechanical excavation. "Mineral Extraction" includes, but is not limited to the excavation necessary for the recovery of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore. However, the routine removal of and replacement of topsoil during construction is not considered to be "Mineral Extraction".

Mini-Mart. A facility which combines the activities of a "Gasoline Service Station" and a convenience store.

Mobile/Manufactured Home. (See "Dwelling")

Mobile/Manufactured Home Park. A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile/manufactured homes for non-transient residential use. The individual manufactured homes may be separately owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes.

Modular Home. (See "Dwelling")

Municipalities Planning Code or APMPC. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Nonconforming Lot. A lot which does not exhibit the minimum lot width or area specifications required in the zoning district where the lot is located, but which lot was lawfully established prior to the effective date of this Ordinance or permitted by the granting of a variance by the Zoning Hearing Board.

Nonconforming Structure. A structure or part of a structure whose design does not comply with the provisions of this Ordinance, as amended, but which structure lawfully existed prior to the enactment of this Ordinance. Such structures include signs.

Nonconforming Use. An activity involving land or a structure which does not comply with the "use" provisions of this Ordinance as amended, but which use was lawfully in existence prior to the enactment of this Ordinance or amendment.

Nursery. See "Plant Nursery".

Nursing Home. A facility licensed by the State for the housing and intermediate or skilled nursing care of four or more persons.

Office. A facility used for administrative, clerical, financial, governmental, professional, or similar activities. This facility is not used for retail or industrial activities.

Official Map. The Official Map of the Borough of Palmerton as may be adopted and revised by the Borough Council in accordance with the PMPC.

Official Zoning Map. The map as adopted by the Borough Council which designates the location and boundaries of zoning districts.

Open Area. Land which is not covered by a roof or building.

Open Space (Common). Land and/or water area within a tract which is not occupied by streets, existing or proposed street rights-of-way, buildings, or off-street parking and is intended for active or passive recreation by residents or the general public. Common open space shall not include any area needed to meet a requirement for an individual lot nor any area deeded over to an individual property owner for his own use. Common open spaces shall require a procedure for perpetual maintenance and shall be restricted by deed with regard to the construction of any buildings other than accessory recreational structures. Common open space shall not include any land with right-of-ways eventually intended for overhead electrical transmission lines of 35 kilovolts or greater capacity.

Ordinance, This. The "Palmerton Borough Zoning Ordinance," as amended.

PA. Pennsylvania.

Parking. Off-street parking for motor vehicles. See Article 6.

Patio. A surfaced area or courtyard designed for outdoor living purposes as an accessory use to a structure which shall be completely unenclosed except for any side which may adjoin a structure or for any fences, walls, shrubs, or hedges. Outdoor areas enclosed by a roof or stationary awning shall be considered to be a structure.

Paved Area. Areas covered by gravel and/or impervious surfaces other than those associated with buildings and concrete public sidewalks.

PennDOT. The Pennsylvania Department of Transportation or its successor and its subparts.

Permit. A document issued by the proper Borough authority authorizing the applicant to undertake specified activities. The types of permits are:

- (1) Zoning. A permit which indicates that a proposed use, building, or structure is in accordance with the Borough of Palmerton Zoning Ordinance and authorizes the applicant to proceed with said use, building, or structure with simultaneous conformance with all other applicable laws and regulations.
- (2) Construction. A permit which indicates that the proposed construction, alteration, or reconstruction of a structure is in accordance with the provisions of the Borough=s Building Code as amended.
- (3) Occupancy. A permit issued upon the completion of the construction of a structure, or the change in use of a structure or parcel of land, or the re-occupancy of a structure or land which indicates that the premises comply to the best knowledge of the Zoning Officer with the provisions of the Zoning Ordinance and other relevant Borough ordinances. This permit is also known as a “Certificate of Use and Occupancy”.

Permitted by Right Use. Uses which do not require approval by the Zoning Hearing Board or the Borough Council. A Non-conforming use” shall not be considered a “permitted use”.

Personal Care Center. A residential facility which provides support services to persons usually over age 60 or who are disabled and is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

Personal Service. Service not involving retail or wholesale sales which is oriented to the needs of the general public and includes the activities of barber, beauty, shoe repair, and appliance repair shops. Massage parlors are not included.

Pet Cemetery. Land or buildings used for burial only of deceased small animal pets.

Picnic Grove. An area of open space and pavilions that is not publicly owned and which is customarily rented for picnics and outdoor recreation.

Places of Worship. Buildings, synagogues, churches, retreat houses, monasteries, seminaries, and shrines used primarily for religious and/or spiritual worship and are operated for non-profit and non-commercial purposes.

Planning Commission. The Planning Commission of the Borough of Palmerton.

Plant Nursery. A commercial use including the raising of trees, plants, shrubs, or flowers for sale, but not including lumbering activities. Christmas trees may also be sold.

PMPC. The Pennsylvania Municipalities Planning Code, originally adopted as Act 247 of 1968, as amended, or its successor legislation.

Porch. An extension of a building intended for pedestrian use, and which is not structurally enclosed, but which may be covered by a roof.

Principal Building. The building in which the principal use of a lot is located. Any building attached to the principal building shall be considered part of the principal building.

Principal Use. The dominant use on a lot as opposed to a secondary, accessory use.

Profession. Medicine, osteopathy, chiropractic, dentistry, public accounting, architecture, law, professional engineering, surveying, optometry, ordained ministry, landscape architect, insurance sales, real estate sales,

accounting, law, and closely similar recognized professions. The following characteristics shall be used to classify additional occupations as a "profession":

- (1) Mandatory educational preparation and training.
- (2) Mandatory continuing education.
- (3) A formal association or society associated with the profession.
- (4) Public recognition of the activity as a profession.

The Zoning Hearing Board shall review any request to expand this list of definitions and shall use the above four criteria in the review process.

Professional Offices. The offices of a person conducting a "profession."

Public Notice. Notice as required by Section 107 of the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such definition stated: "Notice published once each week for two successive weeks in a newspaper of general circulation within the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.")

Recreation.

- (1) Public. Provided on land and in facilities owned by a governmental agency or the Borough and is available to the general public.
- (2) Private or Commercial. Provided only to members, guests, or specific groups and is principally commercial in nature.

Recreational Vehicle. A vehicle which transports a person primarily for recreational purposes and may serve as a mobile, temporary dwelling. This vehicle may be self-propelled, towed, or carried by another vehicle. The term Recreational Vehicle applies to watercraft longer than 12 feet, motor homes, travel trailers, all terrain vehicles, and snowmobiles.

Recreation Vehicle Storage Area. An open area used for the storage of two or more recreational vehicles. Retail sales or major repair work are only allowed if permitted in the zoning district.

Recycling Collection Center. A facility used for the collection of household materials for recycling but is not used for processing other than the sorting and weighing of materials.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

Residential Accessory Building, Structure or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse, Children's Play Equipment or a permitted Apartment for Care of Relative. For skateboard ramps, see Residential Accessory Structure Standards in Section 403. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District. The R-1, R-2 and R-3 districts.

Residential Lot Lines. The boundary of a lot occupied by or approved for a primarily residential use.

Restaurant.

- (1) Standard. A facility which serves ready to consume food or drink for compensation and in which waiters and waitresses serve the patrons who are sitting. If sales of alcoholic beverages constitute a majority of the total trade, then the facility is classified as a "tavern". If a substantial portion of the total trade results from entertainment admission charges and if the facility has a capacity for more than 300 persons, the requirements for an auditorium must be met.
- (2) Fast Food. A facility which serves ready to consume food and drink, but does not meet the definition of a standard restaurant primarily because of no table service. The same requirements with regard to the sale of alcoholic beverages and entertainment in standard restaurants also applies to fast food restaurants.

Retail Store. A facility where merchandise is sold or rented to the public but does not include motor vehicles, boats, adult books, and movies. A manufacturing facility, tavern, car wash, auto service station, auto service garage, convenience store, and restaurant are not considered as retail stores. See also SIC Codes in Appendix B.

Retirement Village. A residential development limited exclusively to persons aged 55 or older and their spouses.

Right-of-Way. Land reserved for the public or others as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean existing right-of-way.

Satellite Antenna. (See "Antenna")

School, Public or Private/Primary or Secondary. An educational institution primarily for students between the ages of five and eighteen and which provides State-required or State-funded educational programs.

Screening. A year-round vegetative material of sufficient height and density to buffer incompatible uses from each other. See Section 804.

Self Storage Development. A building or group of buildings divided into individual access units which are rented or leased for the storage of personal and small business property.

Setback Lines.

- (1) The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent right-of-way or exterior lot line (when the property does not abut a right-of-way). Such line shall be measured at right angles from the front street right-of-way line which abuts the property and shall be parallel to the right-of-way.
- (2) Building setbacks shall be measured from the foundation, exterior wall, or other component of the structure which is closest to the right-of-way line or lot line from which the setback is being measured.
- (3) Setback distances apply both to accessory and principal structures.
- (4) In regard to private streets, the setback shall be measured from the right-of-way of such a street. If no right-of-way exists, the right-of-way shall be measured from the edge of the cartway.

Sewage Disposal System. A system permitted by local, State, and Federal law which collects, treats, and disposes sewage.

Sewage Disposal System Types.

- (1) Public Sewer Service. A service which uses a central, publicly-owned and operated sewage treatment plant.
- (2) On-Lot Sewer Service. A service which uses an on-lot septic system or a cluster community system. The service must meet local, State, and Federal standards.

Shed. An accessory structure whose dimensions are not greater than 100 square feet in area and do not exceed eight feet in height at the eaves. The structure may only be used for storage and not the housing of animals.

Shopping Center. A facility combining four or more retail stores, offices, or personal service establishments.

Sight Distance Triangle. A dimension of space, as required by Section 804.B., which must be kept free of visual obstruction.

Sign. A device for visual communication to the public. A sign may include letters, words, a display, a banner, a flag, a device or other representation which is visible from an exterior lot line.

- (1) Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:
 - (a) Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
 - (b) Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
 - (c) Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.
 - (d) Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
 - (e) Off-Premise Sign. A sign which directs attention to an object, product, service, place, activity, person, institution, organization or business that is primarily offered or located at a location other than the lot upon which the sign is located. This includes signs commonly called "billboards".

- (f) Projecting Sign. A sign that extends more than 2 feet beyond the face of a building, such as a sign that projects over a sidewalk.
- (g) Wall Sign. A sign primarily supported by or painted on a wall of a building and which does not project more than 2 feet from such wall.
- (h) Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

Single Family Detached Dwelling. (See “Dwelling”)

Single Family Semi-Detached Dwelling. (See “Dwelling”)

Single Family Cluster Development. A housing area designed as a single entity for a number of single-family detached dwellings.

Site Plan. A map showing existing and proposed features on a lot, to determine compliance with this Ordinance. See Section 810.

Site Plan Review. Review of a site plan by the Planning Commission or the Zoning Hearing Board.

Slaughter House. A facility which involves the killing of animals for the production of food or other commercial product. A commercial stockyard used for the storage or transfer of animals on the way to slaughter shall also be considered a slaughter house. A butcher shop is not considered to be a slaughter house.

Slope. The change in altitude divided by the distance between any two measured altitudes and expressed in percent.

Solicitor. The appointed legal counsel for the Borough of Palmerton or the Zoning Hearing Board.

Solid Waste.

- (1) Any garbage, refuse, sewage sludge, discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities; but not including substances legally disposed into the air or water according to a Federal pollution discharge permit.
- (2) For the purposes of this Ordinance, the following wholly natural and biodegradable materials shall be considered clean fill waste unless the materials would otherwise be disposed in such a manner that a public health and safety hazard is created: portions of trees and shrubs, leaves, mulch, grass clippings, rocks, brick, cinder block, and concrete. Brick, cinder block, and concrete may be described as “junk” if not properly disposed or stored.
- (3) For the purpose of this Ordinance, residual waste resulting from mineral extraction shall not be considered to be solid waste.

Solid Waste Disposal Facility.

- (1) Land and structures where solid waste is processed, incinerated, or disposed. This facility shall only have the following processing units, each of which must appropriate State permits: sanitary landfill, solid waste transfer station, solid waste sorting and/or recycling center, leaf composting, or solid waste-to-energy incinerator.
- (2) The following uses for the purposes of this Ordinance shall not be considered a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill or sludge application.

Solid Waste Landfill. A type of solid waste disposal area wherein solid waste is deposited on land and then is compacted. Then the waste is covered with compacted soil. The operation requires a State permit.

Specified Sexual Activities. One or more of the following:

- (1) Visible human genitals.
- (2) Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- (3) Fondling or other erotic touching of human genitals. See definition of "Adult Use."

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and fact finding consistent with this Ordinance, provided that the use complies with the conditions and standards required by this Ordinance.

Stable, Non-Household. Any facility containing more than two horses or ponies, and may be a commercial or private riding club. The housing of one or two horses or ponies shall be considered an accessory use according to the section "Keeping of Pets".

State. The Commonwealth of Pennsylvania and its agencies.

Steep Slope Area. Land areas having slopes of fifteen percent or greater.

Story and Half Story. The space between floor level and the ceiling next above it is considered a full story when its height exceeds six feet. When the story height is less than six feet, the space will be considered a half story except as provided in the definition of "Basement".

Street. A public or private thoroughfare which affords principal means of access to abutting properties. The term street does not include "alley" or "driveway".

- (1) Arterial Street. Designed for high volumes and moderate speed traffic, with an emphasis on carrying through-traffic and providing access to abutting nonresidential uses.
- (2) Collector Street. Designed to carry a moderate volume of traffic to carry traffic from local streets to arterial streets.
- (3) Local Street. Designed primarily to provide access to the abutting properties and to carry this traffic to collector streets.

Street Center Line. The center of the existing street right-of-way or when the right-of-way is indeterminate, the center will be the center of the cartway.

Structure. Any man-made object which is stationary but not necessarily affixed to a location on or in land or on water. Examples of structures include: signs, stadiums, platforms, communications towers, walkways, steps, porches, raised decks, covered decks, swimming pools, storage sheds, carports, garages, and buildings used for the sale of agricultural products.

Subdivision. See Borough Subdivision and Land Development Ordinance.

Swimming Pool. Any body of water or receptacle for water having a surface area of more than eighty square feet and/or a depth at any point greater than two feet and is used for swimming or bathing. The pool may be in or above the ground.

Tavern. A place where the sale of alcoholic beverages and their service constitutes a substantial portion of the total trade. Food may be served also.

Temporary or Seasonal Occupancy. The use of any premises or structure for living and/or sleeping purposes for one hundred or less days in any calendar year.

Temporary Structure. A structure which is not to be used on a given site for more than one year.

Theater. A building or part of a building devoted to the showing of moving pictures or the performing arts as a principal use. This term does not include adult movie theater or outdoor drive-in theater.

Theater, Outdoor Drive-In. An open lot or portion thereof with appropriate facilities devoted primarily to the showing of moving pictures or to the performing arts to patrons seated in automobiles or on outdoor seats.

Tire Storage, Bulk. The storage of more than 100 tires on a lot except for the manufacture or wholesale or retail sales of new tires.

Tourist Home. A building containing one or more dwelling units or rooms for the rooming and/or boarding of from three to twenty persons for compensation. Occupants would normally stay for less than three months of the year.

Townhouse. (See "Dwelling Types")

Tract. (See Subdivision Ordinance)

Trade School. A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons of ages 4 to 19. Examples of a trade school include a dancing school, a martial arts school, and a ceramics school.

Treatment Center. A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays of less than 1 year and who need such facilities because of:

- (1) criminal rehabilitation, such as a criminal half-way house or a treatment/housing center for persons convicted of driving under the influence of alcohol,
- (2) addiction to alcohol and/or a controlled substance, or
- (3) a type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others. See Section 402.A.35.

Truck Terminal. A facility wherein a variety of materials are loaded primarily from tractor-trailer trucks to other tractor-trailer trucks, and which involves materials owned by numerous companies. A facility which distributes packages weighing an average seventy pounds or less is not considered a truck terminal.

Two-Family Detached Dwelling. See "Dwelling"

Usable Open Space. See "Open Space"

Use. Any purpose for which land or a building is designed, arranged, or for which it is intended. "Use" also refers to any activity, occupation, business or operation conducted in a building or structure or on a lot.

Variance. The granting of permission by the Zoning Hearing Board to use or alter land or structures in a

manner not permitted by this Ordinance so that unnecessary hardship is not inflicted upon the applicant. Variances shall be granted only as permitted by the Municipalities Planning Code.

Veterinary Office. (See “Animal Hospital”)

Wall. (See “Fence”)

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials. The term “warehouse” does not include retail uses or a truck terminal.

Water System. A facility designed to transport water from a source to users in compliance with State and Federal laws.

- (1) Public Water Service. Service by a central water system that is owned and operated by a Municipal Authority or a water company with a service area defined by the State Public Utility Commission and which transmits water from a common source to more than twenty dwellings or principal uses.
- (2) On-Lot or Non-Public Water Service. Service by a water system that does not meet the definition of a “public water service”. Usually this involves an individual well serving an individual lot, but may also include a common well.

Wetlands. An area of land and/or water meeting one or more definitions of a “wetland” under Federal and/or Pennsylvania law and/or regulations.

Wholesale. Sales that primarily involve transactions with other businesses and not the general public.

Wildlife Sanctuary. A non-commercial preservation of land for providing wildlife habitats, forests, or scenic natural features that involve no buildings other than a nature education and/or study center and customary maintenance buildings.

Yard. An area that is not covered by roofs or buildings and that is on the same lot with a building or structure. A building shall not extend into the required minimum front, side, or rear yard for that type of building.

- (1) Front Yard. An open space extending the full width of the lot measured parallel to the existing street right-of-way.
- (2) Rear Yard. An open space extending the full width of the lot measured parallel to the rear lot line.
- (3) Side Yard. An open space extending from the front yard to the rear yard measured parallel to the nearest side lot line.
- (4) The front yard shall be on the side(s) which face a public street.

Year. 365 days.

Zoning Map. The official Zoning Map of the Borough of Palmerton.

Zoning Officer. The administrative officer charged with the duty of enforcing the provisions of the Zoning Ordinance or his/her officially designated agent.

Zoning Ordinance. The "Palmerton Borough Zoning Ordinance" as amended.

**ARTICLE 3
ESTABLISHMENT OF ZONING DISTRICTS**

301. DESIGNATION AND PURPOSES OF DISTRICTS.

301.A. For the purpose of this Ordinance, the Borough of Palmerton is hereby divided into the following types of zoning districts:

| | |
|-----|------------------------------|
| R-1 | Low Density Residential |
| R-2 | Medium Density Residential |
| R-3 | Residential/Light Commercial |
| CD | Commercial Downtown |
| CF | Commercial Fringe |
| PD | Planned Development |
| I/C | Industrial/Commercial |
| I | Industrial |

301.B. For the purposes of this Ordinance, the zoning districts named in Section A shall be of the number, size, shape, and location as shown on the “Official Zoning Map”.

301.C. Any use of the abbreviation listed in Section A shall mean the district named beside the abbreviation.

301.D. The Floodplain area as defined by the Borough Floodplain Ordinance shall overlay the underlying districts.

301.E. Purposes. In addition to the overall objectives of this Ordinance, the following districts are intended to serve the following major objectives:

R-1 Low Density Residential District - To primarily provide for single family detached dwellings on individual lots, at a low density. To also offer opportunities for cemeteries, and associated funeral services on large tracts that allow substantial setbacks from homes.

R-2 Medium Density Residential District - To provide for a variety of housing types, including singles, twins and rowhouses, at a medium density. To also provide opportunities for expansion of health care centers, in a manner compatible with nearby neighborhoods.

R-3 Residential/Light Commercial District - To provide for a full variety of housing types. To also provide for carefully controlled light commercial uses within areas that have a mixed commercial-residential character.

CD Commercial Downtown District - To encourage uses compatible with a traditional downtown area, particularly emphasizing small to medium-sized businesses that encourage pedestrian traffic. To avoid heavy "auto-related" commercial uses, such as auto sales and car washes, that are likely to cause demolition and loss of the downtown's historic pedestrian-friendly character. To also provide for a mix of residential uses.

CF Commercial Fringe District - To provide for a full variety of commercial uses in locations

outside of the Downtown. To also provide for commercial uses that require larger areas of land than are available in the Downtown.

PD Planned Development District - To encourage carefully planned and compatible development of at least 5 acres of undeveloped land. To offer flexible standards and a wide variety of uses, provided that the perimeter of the development and the road system are closely coordinated with neighboring properties. To promote uses that will expand the tax base of the Borough. To avoid scattered isolated residential uses that will preclude unified development of the land. To make sure that all development has access to an improved public street prior to construction. To allow for commercial, light industrial and residential development.

I/C Industrial/Commercial District - To encourage a wide variety of industrial and commercial uses on large tracts of land. To require heavier uses to be setback substantial distances from residential uses.

I Industrial District - To provide for an area of industrial development separated from the residential areas of the community, where a variety of industrial uses and intense commercial uses are encouraged. To provide a sufficiently wide range of uses to fund the environmental cleanup of lands and the demolition of outdated buildings.

302. **APPLICATION OF DISTRICT REGULATIONS.**

- 302.A. Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use specifically listed in this Ordinance as permitted in the zoning district within which the land, building, or structure is located.
- 302.B. The Borough's Floodplain Ordinance, where applicable, supersedes this Ordinance, except where the provisions of this Ordinance are more restrictive.
- 302.C. The regulations of this Ordinance shall apply uniformly to each class or kind to structure or land except as provided by this Ordinance.
- 302.D. No building, structure, or land shall hereafter be erected, used, constructed, reconstructed, moved, or structurally altered and no building, structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which the building, structure, or land is located.
- 302.E. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

1. Subdivision of Existing Twin Dwellings on One Lot. If two side-by-side twin dwelling units lawfully exist prior to the adoption of this Ordinance, and the two units are located on a single lot, the two dwelling units may be subdivided to result in one dwelling on one lot. Such subdivision shall be permitted without creating a need for zoning variances for lot width, lot area, yards or lot coverage. However, a minimum lot width of 20 feet shall be maintained across each entire lot.
2. Subdivision of Two Principal Buildings on One Lot. If two side-by-side principal buildings lawfully exist prior to the adoption of this Ordinance, and such buildings are located on a single lot, the lot may be subdivided to result in one principal building on each lot. Such subdivision shall be permitted without creating a need for zoning variances for lot width, lot area, yards or lot coverage. However, a minimum lot width of 20 feet shall be maintained across each entire lot.
3. Subdivision of Two Principal Uses on One Lot. If two principal uses lawfully exist in one building with the uses separated by a vertical wall, prior to the adoption of this Ordinance, and such uses are located on a single lot, the lot may be subdivided to result in one principal use on each lot. Such subdivision shall be permitted without creating a need for zoning variances for lot width, lot area, yards or lot coverage. However, a minimum lot width of 20 feet shall be maintained across each entire lot.

302.F. Any territory which may hereafter be annexed to the Borough shall be classified as the R-1 District, unless or until such land is officially classified by Borough Council as an amendment to this Ordinance.

302.G. No more than one principal use shall be permitted on a lot unless specifically permitted by this Ordinance.

303. **ZONING MAP.**

303.A. A map entitled “Borough of Palmerton Zoning Map” accompanies this Ordinance and is declared a part of this Ordinance.

303.B. The Official Zoning Map shall be identified by the signature of the President of the Borough Council attested by the Borough Manager. The map shall bear the adoption date of this Ordinance and the words “Official Zoning Map”.

303.C. Changes of any nature to the Official Zoning Map shall only be made in conformity with the amendment procedures set forth in this Ordinance. All changes should be noted by date and brief description of the nature of the change.

303.D. Regardless of the existence of copies of the Official Map which may be published, the Official Zoning Map located in the Borough Office shall be the final authority on boundaries and districts.

303.E. Replacement of Official Zoning Map.

1. If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of changes or additions, the Borough Council may by Resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map. However, no correction shall include an amendment of the

Map unless the amendment has been duly advertised and adopted.

3. Unless the prior official Zoning Map has been lost or totally destroyed, this prior Map or any part should be preserved together with all available records pertaining to its adoption and amendment.
4. The Borough's Floodplain documents and maps as amended are hereby included in this Ordinance by reference.

304. **DISTRICT BOUNDARIES.** Where uncertainty exists as to boundaries of any district as shown on the Official Zoning Map, the following rules shall apply:

304.A. District boundary lines are intended to follow or be parallel to the center line of street right-of-ways, streams and railroads. Boundaries will also follow lot lines which existed at the time of the adoption of this Ordinance unless the district boundary lines are fixed by dimensions as shown on the Zoning Map.

304.B. In land not subdivided or wherever a district boundary divides a lot, the location of such boundary unless indicated by dimensions shall be determined by the use of the scale appearing on the maps.

304.C. The Zoning Hearing Board shall determine the location of any district boundary if any uncertainty exists.

304.D. Where a district boundary divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district for a distance of not more than 20 feet beyond the district boundary line.

305. **SETBACKS ACROSS MUNICIPAL BOUNDARIES.**

305.A. Intent. The intent of this Section is to promote compatible land uses across municipal boundaries.

305.B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district.

305.C. These same additional setback and buffer yard provisions shall be provided by uses proposed within Palmerton Borough regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in Palmerton.

306. **TABLE OF PERMITTED USES BY DISTRICT.**

306.A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:

| | | |
|----------|---|---|
| P | = | Permitted by right (zoning decision by Zoning Officer) |
| SE | = | Special exception use (zoning decision by Zoning Hearing Board) |
| C | = | Conditional use (zoning decision by Borough Council) |
| N | = | Not Permitted in the district |
| (S. 402) | = | See Additional Requirements in Section 402 |
| (S. 403) | = | See Additional Requirements in Section 403 |

306.B. Unless otherwise provided by law or specifically stated in this Ordinance (including Section 103.B.), any

land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

1. **See Section 103.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section 103.B., any other principal use that is not specifically listed as P or SE in the applicable district in this table is prohibited in that district.**
2. For temporary uses, see Section 104.B.
3. The listing of business land uses in this table is intended to generally follow the 1987 Standard Industrial Classification (SIC) system developed by the U.S. Department of Commerce. This listing is provided as an Appendix to aid in determining whether a proposed use would be within a certain category, such as "Glass and Glass Products Manufacture".

Section 306.B. - Table of Permitted Uses by District

| TYPE OF USE (See definitions in Article 2) | ZONING DISTRICTS | | | | | | | |
|--|------------------|-----|-----|----|----|-----|----|---|
| | R-1 | R-2 | R-3 | CD | CF | I/C | PD | I |
| 4. RESIDENTIAL USES | | | | | | | | |
| Single Family Detached Dwelling (any manufactured home shall also meet S. 402) | P | P | P | N | P | N | P* | N |
| Twin Dwelling, side-by-side, with each dwelling unit on its own lot | P** | P | P | N | P | N | P* | N |
| Townhouse/Rowhouse (S. 402) | P** | P | P | N | P | N | P* | N |
| Apartments (S. 402) or Two-Family Detached Dwellings (not including conversion of a one family dwelling into additional numbers of dwelling units) | N | SE | SE | P | P | N | P* | N |
| Manufactured/Mobile Home Park (S. 402) | N | N | N | N | N | N | C* | N |
| Boarding or Rooming House (S. 402) | N | N | N | SE | P | P | N | N |
| Group Home within a lawful existing dwelling unit, not including a Treatment Center (S. 402) | SE | SE | SE | N | N | N | P* | N |
| Conversion of an Existing Building into 1 or More Dwelling Units (S. 402) | N | N | SE | SE | SE | N | N | N |
| One Dwelling Unit within a Permitted Principal Non-Residential Building | N | N | P | P | P | N | N | N |
| 5. COMMERCIAL USES | | | | | | | | |
| Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Use (S. 402) | N | N | N | N | N | N | N | C |
| After Hours Club - prohibited by State Act 219 of 1990 | N | N | N | N | N | N | N | N |
| Auto Repair Garage or Service Station (S. 402) | N | N | N | N | P | SE | C* | N |
| Auto, Boat or Mobile/Manufactured Home Sales (S. 402) | N | N | N | N | P | P | C* | N |
| Bakery | N | N | P | P | P | P | P* | N |
| Bed and Breakfast Use (S. 402) | N | SE | P | P | P | P | P | N |
| Beverage Distributor, which may include retail and/or wholesale sales | N | N | N | P | P | P | P* | N |
| Campground (S. 402) | N | N | N | N | P | P | P* | N |
| Car Wash (S. 402) | N | N | N | N | P | P | P* | N |
| Commercial Indoor Recreation (S. 402) (includes bowling alley, roller or ice skating, batting practice and closely similar uses) | N | N | N | P | P | P | P* | N |
| Commercial Outdoor Recreation (including miniature golf course, golf driving range, amusement park, boating, fishing, and closely similar uses) | N | N | N | P | P | P | P* | N |
| Communications Tower/Antenna, Commercial (S. 402) See also provisions within residential districts in Section 402. | N | N | N | P | P | P | P | P |

P = Permitted by right (zoning decision by Zoning Officer)
 SE = Special exception use (decision by Zoning Hearing Board)
 C = Conditional Use (zoning decision by Borough Council) N = Not Permitted
(S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403
 * Provided the use is within a "Planned Development" approved as a conditional use under Section 308.
 ** Limited to a tract with an existing lot area of 1 acre or greater.

Palmerton Borough Zoning Ordinance

| TYPE OF USE (See definitions in Article 2) | ZONING DISTRICTS | | | | | | | |
|---|------------------|-----|-------|----|----|-----|-----|----|
| | R-1 | R-2 | R-3 | CD | CF | I/C | PD* | I |
| 5. COMMERCIAL USES (Cont.) | | | | | | | | |
| Construction Company, Tradesperson's Headquarters/ Storage or Landscape Contractor (see also as Home Occupation) (SIC 15 to 17) | N | N | P** | P | P | P | P* | N |
| Convenience Store | N | N | SE*** | P | P | P | P* | N |
| Crafts or Artisan's Studio (see also as Home Occupation) | N | N | N | P | P | P | P* | N |
| Custom Printing, Photocopying, Faxing, Mailing or Courier Service | N | N | P | P | P | P* | N | |
| Exercise Club | N | N | N | P | P | P | P | SE |
| Financial Institution (S. 402), with or without drive-thru | N | N | N | P | P | P | P* | N |
| Flea Market/Commercial Auction House | N | N | N | P | P | P | P* | N |
| Funeral Home (S. 402), not including a crematorium | N | N | P | P | P | P | P* | N |
| Greenhouse or Garden Center | N | N | N | P | P | P | P* | N |
| Kennel (S. 402) | N | N | N | SE | P | N | N | |
| Laundromat | N | N | P | P | P | P* | N | |
| Laundry, Commercial or Industrial | N | N | N | N | P | P | P* | P |
| Lumber Yard | N | N | N | P | P | P | P* | N |
| Massage Parlor (S. 402) | N | N | N | N | N | N | N | C |
| Motel or Hotel (S. 402) | N | N | N | P | P | P | P* | N |
| Office (see also "Hospital") | N | N | P | P | P | P | P* | P |
| Personal Services (includes tailoring, custom dress- making, haircutting/styling, drycleaning, shoe repair, tanning salon, certified massage therapy and closely similar uses) (See also as accessory use in this table) | N | N | P | P | P | P | P* | N |
| Repair Service, Household Appliance | N | N | P | P | P | P | P* | P |
| Restaurant with drive-thru service and/or that primarily involves delivery of ready-to-eat food (S. 402) | N | N | N | SE | P | P | P* | N |
| Restaurant, other than above | N | N | N | P | P | P | P* | N |
| Retail Store (not including commercial uses not individually in this table) | N | N | P*** | P | P | P | P* | N |
| Target Range (S. 402) | N | N | N | N | N | SE | N | P |
| Tattoo Parlor or Body Piercing Establishment | N | N | N | N | SE | N | N | N |
| Tavern which may include a State-licensed micro- brewery | N | N | N | P | P | P | P* | N |
| Theater, Indoor, other than an Adult Use | N | N | N | P | P | P | P* | SE |
| Trade/ Hobby School | N | N | N | P | P | P | P* | SE |
| Veterinarian Office (S. 402) | N | N | N | P | P | P | P* | N |
| Wholesale Sales - see under Industrial Uses | | | | | | | | |

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (decision by Zoning Hearing Board)

C = Conditional Use (zoning decision by Borough Council) N = Not Permitted

(S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403

* Provided the use is within a "Planned Development" approved as a conditional use under Section 308.

** With no outdoor storage of materials visible from a street or dwelling.

*** With no sales of gasoline, propane or similar fuel, and with no hours open to the public between 10 p.m. and 7 a.m.

Palmerton Borough Zoning Ordinance

| TYPE OF USE (See definitions in Article 2) | ZONING DISTRICTS | | | | | | | |
|---|------------------|-----|-----|----|----|--------|-----|--------|
| | R-1 | R-2 | R-3 | CD | CF | I/C | PD* | I |
| <u>6. INDUSTRIAL USES</u> | | | | | | | | |
| Asphalt Plant | N | N | N | N | N | SE**** | N | SE**** |
| Building Supplies and Building Materials, Wholesale Sales of (SIC 5031) | N | N | N | P | P | P | P* | P |
| Distribution as a principal use (other than (other Trucking Company Terminal) | N | N | N | N | N | P | N | P |
| Finishing of Previously Prepared Resin, Vinyl, Polymer or Rubber Products | N | N | N | N | N | P | P* | P |
| Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets | N | N | N | N | P | P | P* | P |
| Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area | N | N | N | N | N | N | N | N |
| Junk Yard (S. 402) | N | N | N | N | N | N | N | SE |
| Liquid Fuel Storage for off-site distribution and use, other than: auto service station, propane distributor, pre-packaged sales or fuel tanks for company vehicles | N | N | N | N | N | N | N | SE |
| Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors: | | | | | | | | |
| - Apparel, Textiles, Shoes and Apparel Accessories (SIC 22 and 23) | N | N | N | P | P | P | P* | P |
| - Cement, Gypsum, Concrete or Plaster Products (SIC 327) | N | N | N | N | N | SE | SE* | P |
| - Ceramics Products (other than Crafts Studio) | N | N | N | N | N | P | P* | P |
| - Chemicals, Bulk Manufacture or Bulk Storage of Highly Hazardous or Toxic Chemicals (certain uses within SIC 28) | N | N | N | N | N | N | N | SE |
| - Chemical Products that are not highly hazardous or toxic (other than Pharmaceuticals) (certain uses within SIC 28) | N | N | N | N | N | SE | N | SE |
| - Electrical and Electronic Machines, Supplies and Equipment (SIC 36) | N | N | N | P | P | P | P* | P |
| - Fabricated Metal Products (except Ammunition or Explosives) (SIC 34, other than 348) | N | N | N | N | N | P | P* | P |

P = Permitted by right (zoning decision by Zoning Officer)
 SE = Special exception use (decision by Zoning Hearing Board)
 C = Conditional Use (zoning decision by Borough Council) N = Not Permitted
(S. 402) = See Additional Requirements in Section 402
(S. 403) = See Additional Requirements in Section 403

"SIC" numbers are for information purposes to assist in determining whether a specific use is permitted. See the list of SIC codes in the Appendix.

* Provided the use is within a "Planned Development" approved as a conditional use under Section 308.
 **** Provided all such manufacturing facilities are setback a minimum of 200 feet from any existing dwelling.

Palmerton Borough Zoning Ordinance

| TYPE OF USE (See definitions in Article 2) | ZONING DISTRICTS | | | | | | | |
|---|------------------|-----|-----|----|----|-----|-----|---|
| | R-1 | R-2 | R-3 | CD | CF | I/C | PD* | I |
| 6. INDUSTRIAL USES (cont.) | | | | | | | | |
| Manufacture and/or bulk processing of the following, provided that manufacturing occurs only indoors: (cont.) | | | | | | | | |
| - Food and Beverage Products, at an industrial scale as opposed to a clearly retail scale (not including uses listed individually in this table) (SIC 20) | N | N | N | P | P | P | P* | P |
| - Furniture and Wood Products (not including raw paper pulp) (SIC 24 and 25) | N | N | N | SE | P | P | P* | P |
| - Glass and Glass Products (other than crafts studio) (SIC 321 to 323) | N | N | N | N | P | P | P* | P |
| - Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Bones, Dead Animals or Offal (other than within an approved solid waste facility) | N | N | N | N | N | N | N | N |
| - Leather, Clay and Pottery Products (other than Custom Crafts) (SIC 31, 325, 326) | N | N | N | N | P | P | P* | P |
| - Machinery (SIC 35) | N | N | N | N | N | P | P* | P |
| - Manufactured or Modular Housing | N | N | N | N | N | P | P* | P |
| - Metal Products, Primary (SIC 33) | N | N | N | N | N | P | SE* | P |
| - Microelectronic Components | N | N | N | P | P | P | P* | P |
| - Miscellaneous Manufacturing as defined by SIC N 39, including toys, jewelry, musical instruments, signs, writing implements, sporting goods | N | N | N | N | P | P* | P | |
| - Paper and Cardboard Products (not including manufacture of raw paper pulp) (SIC 26) | N | N | N | N | P | P | P* | P |
| - Paper - Raw Pulp (SIC 261) | N | N | N | N | N | N | N | N |
| - Paving or Roofing Materials, other than bulk manufacture of asphalt | N | N | N | N | N | P | SE* | P |
| - Pharmaceuticals (SIC 283) | N | N | N | N | P | P | P* | P |
| - Plastics, Polymers, Resins or Vinyl | N | N | N | N | N | P | P* | P |
| - Precision Instruments, Photographic, Medical, and Optical Goods and Watches (SIC 38) | N | N | N | P | P | P | P* | P |
| - Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber | N | N | N | P | P | P | P* | P |
| - Rubber, Natural or Synthetic (SIC 2822 and 30) | N | N | N | N | P | SE* | P | |
| - Soaps, Detergents, Paints, Varnishes or Enamels (SIC 284 & 285) | N | N | N | N | P | SE* | P | |
| - Transportation Equipment (SIC 37) | N | N | N | N | N | P | P* | P |

- P = Permitted by right (zoning decision by Zoning Officer)
 SE = Special exception use (decision by Zoning Hearing Board)
 C = Conditional Use (zoning decision by Borough Council) N = Not Permitted
(S. 402) = See Additional Requirements in Section 402
(S. 403) = See Additional Requirements in Section 403
 * Provided the use is within a "Planned Development" approved as a conditional use under Section 308.

Palmerton Borough Zoning Ordinance

| TYPE OF USE (See definitions in Article 2) | <u>ZONING DISTRICTS</u> | | | | | | | |
|---|-------------------------|-----|------|----|----|-----|-----|----|
| | R-1 | R-2 | R-3 | CD | CF | I/C | PD* | I |
| <u>6. INDUSTRIAL USES (cont.)</u> | | | | | | | | |
| Mineral Extraction (S. 402) and related processing, stockpiling and storage (SIC 10 through 14) | N | N | N | N | N | C | N | C |
| Packaging | N | N | N | P | P | P | P* | P |
| Package Delivery Services Distribution Center | N | N | N | P | P | P | P* | P |
| Photo Processing, Bulk | N | N | P | P | P | P* | P | |
| Printing or Bookbinding (SIC 27) | N | N | N | P | P | P | P* | P |
| Recycling Collection Center (S. 402) | N | N | N | SE | P | P | P* | P |
| Recycling Center, Bulk (other than a solid waste disposal or transfer facility) | N | N | N | N | N | P | SE* | P |
| Research and Development, Engineering or Testing Facility or Laboratory | N | N | N | N | SE | P | P* | P |
| Sawmill/ Planing Mill | N | N | N | N | N | P | P* | P |
| Self-Storage Development (S. 402) | N | N | N | N | P | P | N | P |
| Slaughterhouse or Stockyard (S. 402) | N | N | N | N | N | SE | N | SE |
| Solid Waste Transfer Facility, Solid Waste-to-Energy Plant or Solid Waste Landfill (S. 402) | N | N | N | N | N | SE | N | SE |
| Trucking Company Terminal (S. 402) | N | N | N | N | N | P | N | P |
| Warehousing as a Principal Use (S.402) (warehousing is also permitted as an accessory use to a permitted principal business on the same lot) (SIC 42) | N | N | SE** | P | P | P | P* | P |
| Welding | N | N | N | N | N | P | P* | P |
| Wholesale Sales (SIC 50 and 51) | N | N | N | P | P | P | P* | P |
| <u>7. INSTITUTIONAL USES</u> | | | | | | | | |
| Cemetery (see Crematorium below) | P | P | P | N | N | N | P | N |
| College or University - Educational and Support Buildings | N | N | P | P | P | P* | N | |
| Community Center or Library | N | P | P | P | P | P | P | N |
| Crematorium, which shall be limited to within a cemetery, and shall have a minimum lot area of 5 acres and is setback a minimum of 200 feet from all lotlines | SE | N | N | N | N | N | N | N |
| Cultural Center or Non-Profit Museum | N | SE | P | P | P | P | P | N |
| Day Care Center, Adult (S. 402) | N | N | SE | P | P | P | P | N |
| Day Care Center, Child (S. 402) (See also as an accessory use) | N | N | SE | P | P | P | N | |

- P = Permitted by right (zoning decision by Zoning Officer)
- SE = Special exception use (decision by Zoning Hearing Board)
- C = Conditional Use (zoning decision by Borough Council) N = Not Permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

* Provided the use is within a "Planned Development" approved as a conditional use under Section 308.
 ** Limited to warehousing that is accessory to lawful uses within the R-3 district or an immediately adjacent zoning district.

Palmerton Borough Zoning Ordinance

| TYPE OF USE (See definitions in Article 2) | ZONING DISTRICTS | | | | | | | |
|--|------------------|-----|-----|----|----|-----|-----|----|
| | R-1 | R-2 | R-3 | CD | CF | I/C | PD* | I |
| <u>7. INSTITUTIONAL USES (cont.)</u> | | | | | | | | |
| Hospital (S. 402), which may include accessory medical offices | N | P | N | P | P | P | P* | N |
| Membership Club, other than an "After Hours Club" or "Tavern" | N | SE | SE | P | P | P | P* | N |
| Nursing Home or Personal Care Home (S. 402) | N | SE | P | P | P | P | N | |
| Place of Worship (S. 402) | SE | SE | SE | P | P | P | P | N |
| School, Public or Private, Primary or Secondary (S.402) | P | P | P | P | P | P | P | N |
| Treatment Center (S. 402) | N | N | N | N | N | SE | P | N |
| <u>8. PUBLIC/SEMI-PUBLIC</u> | | | | | | | | |
| Borough-Owned Uses (See Section 101.D.) | P | P | P | P | P | P | P | P |
| Government Facility, other than: offices, Borough-Owned Uses, public schools and other uses listed separately anywhere in this Section 306 | N | N | N | P | P | P | P | P |
| Emergency Services Station, which may include a supporting social club building or facility | N | SE | SE | P | P | P | P | N |
| Publicly-Owned Recreation | P | P | P | P | P | P | P | N |
| Public Utility Facility (See also Section 101.D) | N | N | N | SE | P | P | P | N |
| Swimming Pool, Non-household (S. 402) | SE | N | N | P | P | P | P | N |
| U.S. Postal Service Facility, which may include a leased facility | N | N | P | P | P | P | P | SE |
| <u>9. ACCESSORY USES</u> | | | | | | | | |
| See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use" | | | | | | | | |
| See Additional Requirements in Section 403 for Specific Accessory Uses. | | | | | | | | |
| Day Care Center accessory to and on the same lot as an existing lawful Place of Worship, with a minimum lot area of 12,000 square feet | P | P | P | P | P | P | P | N |
| Day Care, Child (see S. 403): | | | | | | | | |
| - Group Day Care Home | N | N | P | P | P | N | P | N |
| - Family Day Care Home | P | P | P | P | P | N | P | N |
| Home Occupation, Moderate-Scale (S. 404) | N | SE | SE | P | P | P | P | N |
| Home Occupation, Small-Scale (S. 404) | P | P | P | P | P | P | P | N |

- P = Permitted by right (zoning decision by Zoning Officer)
- SE = Special exception use (decision by Zoning Hearing Board)
- C = Conditional Use (zoning decision by Borough Council)
- N = Not Permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403
- (S. 404) = See Additional Requirements in Section 404
- * Provided the use is within a "Planned Development" approved as a conditional use under Section 308.

| | |
|-------------|-------------------------|
| TYPE OF USE | <u>ZONING DISTRICTS</u> |
|-------------|-------------------------|

Palmerton Borough Zoning Ordinance

(See definitions in Article 2)

| | R-1 | R-2 | R-3 | CD | CF | I/C | PD* | I |
|--|-----|-----|-----|-----|----|-----|-----|---|
| <u>10. MISCELLANEOUS USES</u> | | | | | | | | |
| Parking Lot as the Principal Use of a Lot | N | SE | SE | C** | P | P | P | P |
| Raising of Livestock (S. 402) | N | N | N | N | N | SE | P | N |
| Raising of Mushrooms (S. 402) | N | N | N | N | N | SE | P | N |
| Crop Farming, other than Mushrooms | P | P | P | P | P | P | P | N |
| All Uses that will be unable to comply with the performance standards of this ordinance, especially including the "Environmental Protection" requirements of Article V | N | N | N | N | N | N | N | N |

- P = Permitted by right (zoning decision by Zoning Officer)
- SE = Special exception use (decision by Zoning Hearing Board)
- C = Conditional Use (zoning decision by Borough Council)
- N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

* Provided the use is within a "Planned Development" approved as a conditional use under Section 308.

**Rev.2/09-Ord.660

306. C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Adult or Child Day Care as an accessory use, including care of a maximum of 3 persons
2. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
3. Fence* or Wall*
4. Garage, Household
5. Garage Sale*
6. Keeping of Pets*
7. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
8. Recreational Facilities, non-commercial, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
9. Residential accessory structure (see definition in Article 2) *
10. Signs, as permitted by Article 7
11. Swimming Pool, Household *
12. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

* See standard for each in Section 403.

306.D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Amusement machines, coin or token operated as accessory uses
2. Outdoor or indoor food, beverage and toy machines, coin operated*
3. Outdoor or indoor newspaper sales machines, coin operated*
4. Outdoor or indoor telephones, coin operated*
* Such uses completely inside an enclosed principal building are permitted by right accessory uses to any use.
5. Storage of fuels for on-site use or to fuel company vehicles
6. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Internal cafeteria without drive-thru service,
 - b. Day care center or
 - c. Noncommercial recreational facilities.

307. **DIMENSIONAL REQUIREMENTS BY DISTRICT.**

A. The following dimensional requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) | Min. Lot Width | Min. Front Yard Setback | Min. Rear Yard Setback ** | Min. Side Yard Setback ** (each) | Max. Building Coverage ***** |
|---|--|--|---|---------------------------|---|--|
| <p>R-1: a) Single family detached dwelling *</p> <p>b) Twin dwelling unit *</p> <p>c) Townhouse *</p> <p>d) Other allowed principal use</p> <p>Each dwelling unit shall have a minimum enclosed principal building width and length of 18 feet.</p> | <p>a) 10,000</p> <p>b & c) A minimum average of 7,000 per dwelling unit, and provided there is a minimum total tract area of 1 acre</p> <p>d) 12,000</p> | <p>a) 80 feet</p> <p>b) 45 feet per dwelling unit</p> <p>c) 24 feet per dwelling unit, 34 ft./end units</p> <p>d) 90 feet</p> | <p>30 feet (10 feet of which may include an unenclosed front porch)</p> | <p>40 feet</p> | <p>10 feet, except 0 at the shared lot line of attached dwellings</p> | <p>a, b & d) 30%</p> <p>c) 40%</p> |
| <p>R-2: a) Single family detached dwelling *</p> <p>b) Twin dwelling unit *</p> <p>c) Townhouse *</p> <p>d) Apartments ***** or Two-Family Detached Dwelling</p> <p>e) Other allowed principal use</p> | <p>a) 5,000</p> <p>b) 4,000 per dwelling unit</p> <p>c & d) A minimum average of 4,000 per dwelling unit</p> <p>e) 6,000</p> | <p>a) 60 feet</p> <p>b) 40 feet per dwelling unit</p> <p>c) 20 feet per dwelling unit, 30 feet/end units</p> <p>d) 80 feet</p> <p>e) 80 feet</p> | <p>25 feet (10 feet of which may include an unenclosed front porch)</p> | <p>30 feet</p> | <p>10 feet, except 0 at the shared lot line of attached dwellings *****</p> | <p>50%</p> |
| <p>R-3: a) Single family</p> | | | | | | |

Palmerton Borough Zoning Ordinance

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) | Min. Lot Width | Min. Front Yard Setback | Min. Rear Yard Setback ** | Min. Side Yard Setback ** (each) | Max. Building Coverage ***** |
|--|---|--|--|----------------------------------|---|--------------------------------------|
| detached dwelling * b) Twin dwelling unit * c) Townhouse * d) Apartments ***** or Two-Family Detached Dwelling e) Other Allowed Principal Use, which may include one accessory dwelling unit | a) 5,000 b) 4,000 per dwelling unit c & d) A minimum average of 4,000 per dwelling unit ***** e) 3,000, plus 3,000 per accessory dwelling unit | a) 50 feet b) 35 feet per dwelling unit c) 20 feet per dwelling unit, 28 feet/end unit d) 80 feet e) 80 feet | 25 feet (10 feet of which may include an unenclosed front porch) | 30 feet | 8 feet, except 0 at the lot line of attached dwellings ***** | 60% |
| CD: a) Allowed principal non-residential use, which may include accessory dwelling units b) Any allowed principal residential use shall meet the same requirements as the R-3 district | a) 3,000, plus 2,000 per accessory dwelling unit | 20 feet | 0 | 10 feet | 0, except 3 feet from existing parallel windows or doors of adjacent building | 80% Building 90% Impervious ***** |
| CF: a) Residential uses shall meet the same requirements as the R-3 district. b) Other allowed use | b) 10,000 | b) 50 feet | b) 25 feet**** | b) 10 feet *** | b) 10 feet **** | 60% Building 90% Impervious ***** |
| PD: See Section 308, except a mobile/manufactured home park shall meet the requirements for such use as stated in Section 402. | | | | | | |

Palmerton Borough Zoning Ordinance

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) | Min. Lot Width | Min. Front Yard Setback | Min. Rear Yard Setback ** | Min. Side Yard Setback ** (each) | Max. Building Coverage ***** |
|------------------------------|------------------------|----------------|-------------------------|---------------------------|----------------------------------|---|
| I/C: Any allowed use. | 50,000 | 150 feet | 60 feet *** | 25 feet*** | 25 feet *** | 60% Building 70% Impervious ***** |
| I: Any allowed use. | 50,000 | 150 feet | 60 feet | 25 feet | 25 feet | 60% Building 100% Impervious |

Notes: Corner lot setbacks - see Section 803.B.

See also Section 302.E. which allows subdivision of existing twin homes and other existing buildings without meeting dimensional requirements.

* = Each dwelling unit is required to be on its own fee-simple or condominium lot.

** = Except that the following reduced setbacks shall apply for structures that are accessory to dwellings:

- A 3 feet side and rear yard setback shall apply.
- No side or rear setback is required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached. However, if a dwelling is attached along side lot lines to two other buildings on two adjoining lots, then a 3 feet minimum setback shall be provided along one side lot line.
- A wood deck attached to a dwelling may extend into a rear yard, provided that it is setback a minimum of 15 feet from the rear lot line.
- In no case shall an accessory building be located less than 5 feet from the right-of-way of a common or public alley, nor less than 10 feet from the right-of-way of a street.

*** = Except 75 feet minimum setback for any new or expanded area of an industrial building or truck loading dock from the lot line of a principal residential use.

**** = New principal buildings including 6 or more dwelling units shall be setback a minimum of 25 feet from the lot line of any existing single family detached dwelling.

***** = Except that the following reduced setbacks shall apply to existing principal residential structures:

- Additions may follow nonconforming setbacks established by virtue of the existing dwelling unit's proximity to side property line(s) for a maximum distance of seventy-five (75%) percent of the existing structure. (amended 10/31/02,Ord.602)

***** = "Minimum average" lot area per dwelling unit shall be calculated after deleting existing right-of-way of existing streets and alleys, but may include the following: right-of-way of proposed streets and alleys and areas of proposed parking courts, common open space, and stormwater detention basins.

The minimum average lot area may be decreased to 1,500 square feet of lot area per dwelling unit if a lot includes 6 or more dwelling units and all the units are permanently restricted by deeds and leases to persons age 55 and older, or age 62 and older, the physically handicapped and their spouses.

***** = A minimum of 10 percent of the total lot area of any lot(s) including a principal non-residential use, apartment building or townhouse development shall be landscaped in vegetative ground cover, trees and shrubs, except within the I district. If approved as part of the official subdivision plans, then the amount of landscaped area on each lot may vary, provided that legally binding provisions would ensure that 10 percent of the total lot area of all of the lots will be landscaped.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum

Space under an unenclosed porch may be used for storage.

307. B. Height. All districts shall have a maximum height for buildings of 3.5 stories and 40 feet, whichever is more restrictive, except as follows:

1. in the R-2 district, a hospital and closely related health care uses may have a maximum height of 4 stories or 60 feet, whichever is more restrictive;
2. in the CD, CF and I/C districts, the maximum height shall be 4 stories or 45 feet, whichever is more restrictive;
3. unless specifically stated otherwise in this Ordinance for a specific use;
4. except as exempted by Section 802 "Height Exceptions";
5. except residential accessory structures, which shall have a maximum height of 1.5 stories (with the 1/2 story limited to non-habitable storage areas) and 25 feet.

C. Sewage and Water Service. Every new principal building shall be served by both public water service and public sewage service, unless the applicant proves to the satisfaction of Borough Council that such service is not feasible. If a buildable lot will not be served by public sewage service, then the minimum lot area shall be increased to one acre.

308. **ADDITIONAL REQUIREMENTS WITHIN THE PD DISTRICT.**

308.A. Purposes. See Section 301.

308.B. Permitted Uses. See Section 306.

308.C. Planned Development. Section 306 states that certain uses are only permitted within the PD district if they will be located within an approved "Planned Development." A Planned Development shall require conditional use by Borough Council after providing the Planning Commission with an opportunity for a review. The applicant shall prove that the following minimum standards will be met for a Planned Development:

1. A coordinated development plan for a total tract area of at least 5 acres shall be submitted for approval. After conditional use approval is granted, and provided there is compliance with the

Borough Subdivision and Land Development Ordinance (SALDO), portions of the tract may be sold and developed in logical phases.

2. There shall be a well-coordinated system for traffic access.
3. There shall be an efficient system for public water and sewage services.
4. There shall be sufficient setbacks and buffer landscaping between differing uses within the tract and adjacent to the tract in order to minimize conflicts among uses. The width of such setbacks and the types and sizes of buffer landscaping shall be stated on the development plan. Borough Council may require additional setbacks, landscaping and/or earth berms where necessary in order to minimize conflicts among uses.
5. There shall be an acceptable system for stormwater management and erosion control prepared by a qualified professional.
6. There shall be clearly designated areas for each type of land use that is proposed. The overall development plan shall state the proposed housing type and/or the proposed types or range of proposed types of non-residential uses within each area.
7. All housing units (except mobile/manufactured home parks) shall meet the dimensional and other requirements of an R-2 district. All allowed non-residential principal uses shall meet the same dimensional and other requirements as apply within the I/C district.
8. A mobile/manufactured home park shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section.
9. If the development is to occur in phases, they shall be shown on the development plan. The applicant shall prove that each phase could function properly prior to completing later ones.
10. Major changes to a development plan that has been granted conditional use approval shall require re-approval by Borough Council. The Zoning Officer may permit minor technical corrections or additions of information. Examples of minor technical corrections or additions of information are changes up to 5 percent in size of a structure, minor shifting of off-street parking spaces, changes in species of landscaping or minor adjustments in location of utilities.
11. The development plan shall include an overall landscaping plan, which shall be binding upon either the subdivider or developers of individual lots.
12. The applicant shall submit the substance of a proposed set of deed restrictions or covenants on properties within the development.
13. On any non-residential or apartment lot:
 - a. a minimum of 15 percent of the lot area of each lot shall be landscaped in attractively maintained vegetation ground cover, trees and shrubs, and
 - b. a 15 feet wide planting strip shall be provided adjacent to the right-of-way of a public street, except for perpendicular driveway crossings.
14. A minimum of 20 percent of each tract occupied by apartments or townhouses shall be maintained as common open space for the residents, or be dedicated to the Borough as public recreation land.
 - a. The Borough shall not be under any obligation to accept a proposed dedication of common open space. If the Borough does not accept dedication of common open space, then the applicant shall prove to the satisfaction of Borough Council that there will be an appropriate permanent system to own, fund and maintain the common open space.
 - b. Areas counted towards the minimum amount of common open space shall have a minimum width of 30 feet and shall not include areas within 20 feet of a principal building.

308.D. Signs. See Article 7.

308.E. Street Access and Utilities. A lot in the PD district shall not be used for construction of a principal building unless it will, prior to occupancy: a) have vehicle access to a dedicated public street with an

absolute minimum paved width of 20 feet, b) be served by both public water and public sewage service, and c) meet all other requirements of Borough Ordinances, whichever are more restrictive.

308.F. Individual Lots. Each single family detached, twin or townhouse dwelling unit shall be on its own fee-simple or condominium lot.

307. **DIMENSIONAL REQUIREMENTS BY DISTRICT.**

A. The following dimensional requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) | Min. Lot Width | Min. Front Yard Setback | Min. Rear Yard Setback ** | Min. Side Yard Setback ** (each) | Max. Building Coverage ***** |
|--|---|---|--|----------------------------------|---|-------------------------------------|
| R-1: a) Single family detached dwelling * b) Twin dwelling unit * c) Townhouse * d) Other allowed principal use Each dwelling unit shall have a minimum enclosed principal building width and length of 18 feet. | a) 10,000 b & c) A minimum average of 7,000 per dwelling unit, and provided there is a minimum total tract area of 1 acre d) 12,000 | a) 80 feet b) 45 feet per dwelling unit c) 24 feet per dwelling unit, 34 ft./end units d) 90 feet | 30 feet (10 feet of which may include an unenclosed front porch) | 40 feet | 10 feet, except 0 at the shared lot line of attached dwellings | a, b & d) 30% c) 40% |
| R-2: a) Single family detached dwelling * b) Twin dwelling unit * c) Townhouse * d) Apartments **** or Two-Family Detached Dwelling e) Other allowed principal use | a) 5,000 b) 4,000 per dwelling unit c & d) A minimum average of 4,000 per dwelling unit e) 6,000 | a) 60 feet b) 40 feet per dwelling unit c) 20 feet per dwelling unit, 30 feet/end units d) 80 feet e) 80 feet | 25 feet (10 feet of which may include an unenclosed front porch) | 30 feet | 10 feet, except 0 at the shared lot line of attached dwellings **** | 50% |
| R-3: a) Single family | | | | | | |

Palmerton Borough Zoning Ordinance

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) | Min. Lot Width | Min. Front Yard Setback | Min. Rear Yard Setback ** | Min. Side Yard Setback ** (each) | Max. Building Coverage ***** |
|---|---|--|--|---------------------------|---|--------------------------------------|
| detached dwelling * b) Twin dwelling unit * c) Townhouse * d) Apartments **** or Two-Family Detached Dwelling e) Other Allowed Principal Use, which may include one accessory dwelling unit | a) 5,000 b) 4,000 per dwelling unit c & d) A minimum average of 4,000 per dwelling unit ***** e) 3,000, plus 3,000 per accessory dwelling unit | a) 50 feet b) 35 feet per dwelling unit c) 20 feet per dwelling unit, 28 feet/end unit d) 80 feet e) 80 feet | 25 feet (10 feet of which may include an unenclosed front porch) | 30 feet | 8 feet, except 0 at the lot line of attached dwellings **** | 60% |
| D: a) Allowed principal non-residential use, which may include accessory dwelling units b) Any allowed principal residential use shall meet the same requirements as the R-3 district | a) 3,000, plus 2,000 per accessory dwelling unit | 20 feet | 0 | 10 feet | 0, except 3 feet from existing parallel windows or doors of adjacent building | 80% Building 90% Impervious ***** |
| F: a) Residential uses shall meet the same requirements as the R-3 district. b) Other allowed use | b) 10,000 | b) 50 feet | b) 25 feet*** | b) 10 feet *** | b) 10 feet *** | 60% Building 90% Impervious ***** |
| D: See Section 308, except a mobile/manufactured home park shall meet the requirements for such use as stated in Section 402. | | | | | | |
| C: Any allowed use. | 50,000 | 150 feet | 60 feet *** | 25 feet*** | 25 feet *** | 60% Building |

Palmerton Borough Zoning Ordinance

| Zoning District: Type of Use | Min. Lot Area (sq.ft.) | Min. Lot Width | Min. Front Yard Setback | Min. Rear Yard Setback ** | Min. Side Yard Setback ** (each) | Max. Building Coverage ***** |
|------------------------------|---------------------------|-------------------|-------------------------------|------------------------------------|---|---------------------------------|
| | | | | | | 70% Impervious ***** |
| Any allowed use. | 50,000 | 150 feet | 60 feet | 25 feet | 25 feet | 60% Building 100% Impervious |

Notes: Corner lot setbacks - see Section 803.B.

See also Section 302.E. which allows subdivision of existing twin homes and other existing buildings without meeting dimensional requirements.

* = Each dwelling unit is required to be on its own fee-simple or condominium lot.

** = Except that the following reduced setbacks shall apply for structures that are accessory to dwellings:

- A 3 feet side and rear yard setback shall apply.
- No side or rear setback is required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached. However, if a dwelling is attached along side lot lines to two other buildings on two adjoining lots, then a 3 feet minimum setback shall be provided along one side lot line.
- A wood deck attached to a dwelling may extend into a rear yard, provided that it is setback a minimum of 15 feet from the rear lot line.
- In no case shall an accessory building be located less than 5 feet from the right-of-way of a common or public alley, nor less than 10 feet from the right-of-way of a street.

*** = Except 75 feet minimum setback for any new or expanded area of an industrial building or truck loading dock from the lot line of a principal residential use.

**** = New principal buildings including 6 or more dwelling units shall be setback a minimum of 25 feet from the lot line of any existing single family detached dwelling.

***** = Except that the following reduced setbacks shall apply to existing principal residential structures:

- Additions may follow nonconforming setbacks established by virtue of the existing dwelling unit's proximity to side property line(s) for a maximum distance of seventy-five (75%) percent of the existing structure. (amended 10/31/02, Ordinance 602)

***** = "Minimum average" lot area per dwelling unit shall be calculated after deleting existing right-of-way of existing streets and alleys, but may include the following: right-of-way of proposed streets and alleys and areas of proposed parking courts, common open space, and stormwater detention basins.

The minimum average lot area may be decreased to 1,500 square feet of lot area per dwelling unit if a lot includes 6 or more dwelling units and all the units are permanently restricted by deeds and leases to persons age 55 and older, or age 62 and older, the physically handicapped and their spouses.

***** = A minimum of 10 percent of the total lot area of any lot(s) including a principal non-residential use, apartment building or townhouse development shall be landscaped in vegetative ground cover, trees and shrubs, except within the I district. If approved as part of the official subdivision plans, then the amount of landscaped area on each lot may vary, provided that legally binding provisions would ensure that 10 percent of the total lot area of all of the lots will be landscaped.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum

Space under an unenclosed porch may be used for storage.

307. B. Height. All districts shall have a maximum height for buildings of 3.5 stories and 40 feet, whichever is more restrictive, except as follows:

1. in the R-2 district, a hospital and closely related health care uses may have a maximum height of 4 stories or 60 feet, whichever is more restrictive;
2. in the CD, CF and I/C districts, the maximum height shall be 4 stories or 45 feet, whichever is more restrictive;
3. unless specifically stated otherwise in this Ordinance for a specific use;
4. except as exempted by Section 802 "Height Exceptions";
5. except residential accessory structures, which shall have a maximum height of 1.5 stories (with the 1/2 story limited to non-habitable storage areas) and 25 feet.

C. Sewage and Water Service. Every new principal building shall be served by both public water service and public sewage service, unless the applicant proves to the satisfaction of Borough Council that such service is not feasible. If a buildable lot will not be served by public sewage service, then the minimum lot area shall be increased to one acre.

308. **ADDITIONAL REQUIREMENTS WITHIN THE PD DISTRICT.**

308.A. Purposes. See Section 301.

308.B. Permitted Uses. See Section 306.

308.C. Planned Development. Section 306 states that certain uses are only permitted within the PD district if they will be located within an approved "Planned Development." A Planned Development shall require conditional use by Borough Council after providing the Planning Commission with an opportunity for a review. The applicant shall prove that the following minimum standards will be met for a Planned Development:

1. A coordinated development plan for a total tract area of at least 5 acres shall be submitted for approval. After conditional use approval is granted, and provided there is compliance with the

Borough Subdivision and Land Development Ordinance (SALDO), portions of the tract may be sold and developed in logical phases.

2. There shall be a well-coordinated system for traffic access.
3. There shall be an efficient system for public water and sewage services.
4. There shall be sufficient setbacks and buffer landscaping between differing uses within the tract and adjacent to the tract in order to minimize conflicts among uses. The width of such setbacks and the types and sizes of buffer landscaping shall be stated on the development plan. Borough Council may require additional setbacks, landscaping and/or earth berms where necessary in order to minimize conflicts among uses.
5. There shall be an acceptable system for stormwater management and erosion control prepared by a qualified professional.
6. There shall be clearly designated areas for each type of land use that is proposed. The overall development plan shall state the proposed housing type and/or the proposed types or range of proposed types of non-residential uses within each area.
7. All housing units (except mobile/manufactured home parks) shall meet the dimensional and other requirements of an R-2 district. All allowed non-residential principal uses shall meet the same dimensional and other requirements as apply within the I/C district.
8. A mobile/manufactured home park shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section.
9. If the development is to occur in phases, they shall be shown on the development plan. The applicant shall prove that each phase could function properly prior to completing later ones.
10. Major changes to a development plan that has been granted conditional use approval shall require re-approval by Borough Council. The Zoning Officer may permit minor technical corrections or additions of information. Examples of minor technical corrections or additions of information are changes up to 5 percent in size of a structure, minor shifting of off-street parking spaces, changes in species of landscaping or minor adjustments in location of utilities.
11. The development plan shall include an overall landscaping plan, which shall be binding upon either the subdivider or developers of individual lots.
12. The applicant shall submit the substance of a proposed set of deed restrictions or covenants on properties within the development.
13. On any non-residential or apartment lot:
 - a. a minimum of 15 percent of the lot area of each lot shall be landscaped in attractively maintained vegetation ground cover, trees and shrubs, and
 - b. a 15 feet wide planting strip shall be provided adjacent to the right-of-way of a public street, except for perpendicular driveway crossings.
14. A minimum of 20 percent of each tract occupied by apartments or townhouses shall be maintained as common open space for the residents, or be dedicated to the Borough as public recreation land.
 - a. The Borough shall not be under any obligation to accept a proposed dedication of common open space. If the Borough does not accept dedication of common open space, then the applicant shall prove to the satisfaction of Borough Council that there will be an appropriate permanent system to own, fund and maintain the common open space.
 - b. Areas counted towards the minimum amount of common open space shall have a minimum width of 30 feet and shall not include areas within 20 feet of a principal building.

308.D. Signs. See Article 7.

308.E. Street Access and Utilities. A lot in the PD district shall not be used for construction of a principal building unless it will, prior to occupancy: a) have vehicle access to a dedicated public street with an

absolute minimum paved width of 20 feet, b) be served by both public water and public sewage service, and c) meet all other requirements of Borough Ordinances, whichever are more restrictive.

308.F. Individual Lots. Each single family detached, twin or townhouse dwelling unit shall be on its own fee-simple or condominium lot.

ARTICLE 4
ADDITIONAL REQUIREMENTS FOR SPECIFIC
PRINCIPAL AND ACCESSORY USES

401. **APPLICABILITY.**

401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.

1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Article 1.

402. **ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS AND OTHER USES.**

402.A. Each of the following uses shall meet all of the following requirements for that use:

1. Adult Use. (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Use)
 - a. No such use shall be located within: 1) 500 lineal feet of the lot line of any library, public park, existing dwelling, or any site marked as a proposed future park location on any Township Official Map nor b) 1,000 lineal feet of the lot line of any primary or secondary school, place of worship, day care center or child nursery.
 - b. No such use shall be located within 1,000 lineal feet of any existing "adult use."
 - c. A 30 feet wide buffer yard shall be provided along the side and rear lot lines in accordance with Section 804.C., regardless of zoning district. Plantings shall have an initial minimum height of 5 feet.
 - d. No pornographic material, displays or words shall be placed in view of persons who are not inside the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - e. No such use shall violate any Federal, State or Municipal law.
 - f. See Section 709, Prohibited Signs.
 - g. No such use shall be allowed in combination with the sale of alcoholic beverages.
 - h. No sign shall include the sale or display of "obscene" materials as defined by State law, which may be amended by applicable Court decisions.
 - i. Such uses are specifically prohibited in all Districts except where specifically permitted by Article 3.
 - j. A minimum lot area of 2 acres is required.
 - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet.
 - l. No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers.
 - m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.

- n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment use."
 - o. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Such information shall be updated in writing to the Zoning Officer at the beginning of each year.
2. Adult Day Care Center.
- a. Shall be fully licensed as required by the State.
 - b. Shall include constant supervision during all hours of operation.
 - c. Shall not meet the definition of a "treatment center."
3. After Hours Club. See State Act 219 of 1990, which generally prohibits this use.

Apartments. See "Townhouses and Apartments" in this Section.

4. Auto, Boat or Mobile/ Manufactured Home Sales.
- a. No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area. See buffer yard provisions in Section 804.C.
 - b. See light and glare standards in Article 5.
 - c. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
5. Auto Repair Garage.
- a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from adjacent buildings. Outdoor major repairs such as body work, grinding and outdoor welding shall not occur within 250 feet of a "residential lot line."
 - b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 804.C.
 - c. Outdoor storage of motor vehicles shall not encroach upon any required buffer yard or street right-of-way.
 - d. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street, alley or a dwelling.
 - e. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 20 days within view of a public street, alley or a dwelling. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any area used for junk vehicle outside overnight storage shall be screened from view of abutting dwellings by plantings or mostly solid wood fencing.
 - f. Service bay doors shall not face an abutting dwelling. This provision shall not regulate doors facing a dwelling separated from the garage by a street or alley.

6. Auto Service Station.

- a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
- b. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- c. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
- d. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- e. Any "junk vehicle" (as defined by Article 2) shall not be stored more than 20 days within view of a public street or a dwelling. No more than 6 junk vehicles shall be stored on the lot outside of an enclosed building at any point in time. Any area used for junk vehicle outside overnight storage shall be screened from view of abutting dwellings by plantings or mostly solid wood fencing.
- f. The use may include a "convenience store" if the requirements for such use are also met.

Bed and Breakfast. See under "Conversion of an Existing Building".

7. Boarding House (or Rooming House).
 - a. Minimum lot area- 20,000 square feet
 - b. Minimum side yard building setback - 20 feet side
 - c. Minimum lot width- 100 feet
 - d. Maximum density- 6 bedrooms per acre; shall serve a maximum total of 20 persons.
 - e. Each bedroom shall be limited to 2 adults each.
 - f. A buffer yard with screening meeting Section 804.C. shall be provided between any boarding house building and any abutting dwelling.
 - g. This use shall not include a "personal care home" which is a separate category.
 - h. Signs - See Article 7.
 - i. Rooms shall be rented for a minimum period of 5 consecutive days.
8. Campground.
 - a. For each acre of total lot area, there shall be a maximum average of: a) 3 recreational vehicle sites, b) 4 tent sites or c) cabin sleeping capacity for 8 persons. Such sites may be clustered in portions of the tract.
 - b. Any store shall be limited to sales of common household and camping items to persons camping on the site.
 - c. A commercial campground shall include at least one gravel or paved entrance road from a public street, with a minimum width of 20 feet.
 - d. Minimum lot area - 2 acres.
 - e. All campsites, recreational vehicle sites, buildings and vehicle parking shall be set back a minimum of 150 feet from all residential lot lines. Any existing healthy trees within such setback shall be preserved, except at needed perpendicular crossings.
9. Car Wash.

- a. Traffic flow and ingress-egress shall not cause traffic hazards upon adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
 - b. Adequate provisions shall be made for the proper and convenient disposal of refuse. 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.
 - c. Water from the car wash operation shall not flow onto sidewalks or streets.
 - d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
10. Communications Tower or Antenna, Commercial. As an accessory or principal use. (See also "Antenna, Standard" in Section 403.D.1.)
- a. A commercial communications tower/antenna with a height greater than 20 feet shall be setback a minimum distance equal to its height from all lot lines and existing street right-of-way lines, unless the applicant provides a written certification from a professional engineer that because of the design, such setback is not necessary to avoid injury to persons or damage to property.
 - b. The base of a freestanding antenna/tower shall be surrounded by a secure fence with a minimum height of 8 feet.
 - c. Any freestanding tower/antenna that is attached to the ground and has a height greater than 50 feet and is within 100 feet of a public street or dwelling shall be surrounded (except at the driveway crossing) by evergreen screening or preserved existing trees meeting the requirements of Section 804.
 - d. Antenna with a height less than 20 feet may be placed on top of an existing non-residential principal building or apartment building in the CD, CF, I/C, I and PD districts, or an existing institutional principal building in another district, without additional regulation by this Section.
 - e. Where an antenna/tower is permitted, it may also include an accessory equipment building or cabinets. Any accessory equipment building shall meet minimum setbacks for a principal building.
 - f. An antenna/tower clearly primarily used for emergency communications by a police department, fire company or emergency medical organization is not regulated by this Ordinance.
 - g. For any tower/antenna higher than 50 feet, the applicant shall provide certification from a registered professional engineer stating that the antenna/tower would meet the wind resistance requirements stated in the latest version of the BOCA National Building Code.
11. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units or Bed and Breakfast.
- a. The buildings shall meet applicable State fire safety requirements.
 - 1) The following regulations shall apply to the conversion of an existing single-family detached dwelling into a greater number of dwelling units:
 - a) The building shall maintain the appearance of a single-family detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.

- b) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard.
 - 2) A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
 - 3) Dumpster Screening - See Article 5.
 - 4) This use shall be limited to within a principal building in existence for at least 20 years.
 - 5) A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance. The conversion of a single family dwelling to more than three units is to be considered a land development.
 - 6) Each unit shall meet the definition of a dwelling unit.
- b. **Bed and Breakfast**
- 1) A maximum of 5 rental units shall be permitted. No more than 3 adults may occupy one rental unit and no more than 12 guests total may occupy the facility at any time. For uses involving more than 12 guests see Section 402.7.
 - 2) There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single non-illuminated sign with a maximum sign area of 4 square feet on each of 2 sides and with a maximum height of 8 feet.
 - 3) The use shall have a residential appearance and character.
 - 4) The use shall be operated by permanent residents of the lot.
 - 5) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
 - 6) No guest shall stay for more than 14 days in any month.
 - 7) The use shall be restricted to the conversion of buildings that have existed as residences for a minimum of 20 years.
12. **Day Care Center.**
- a. See also "Day care as an accessory use in Section 403 and definitions in Section 202.
 - b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
 - c. Convenient parking spaces within the requirements of Article 6 shall be provided for clients.
 - d. In residential districts, where permitted as a principal use, shall have a minimum lot area of 10,000 square feet and a minimum setback of 10 feet from an abutting "residential lot line."
 - e. Shall include secure fencing around outdoor recreation areas.
 - f. Outdoor recreation areas of a day care center involving the care of 25 or more clients at any one time shall be setback a minimum of 25 feet from the exterior walls of an abutting existing occupied dwelling.
 - g. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.

- h. Any permitted day care use within residential districts shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
 - i. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
 - j. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.
13. Financial Institution. Any drive-in window(s) and waiting lane(s) shall be located and have capacity for sufficient numbers of vehicles to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the use.
14. Group Home.
- a. Any group home as defined in Article 2 shall be required to be licensed or certified under applicable State, County or Federal law, as a condition of Borough approval. A copy of any such license or certification shall be filed with the Borough, and shall be required to be shown to the Zoning Officer in the future upon request.
 - b. The group home shall register its location, general type of treatment/ care, maximum number of residents and sponsoring agency with the Borough. Such information shall be available for public review upon request.
 - c. The group home shall notify the Borough in writing within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/ license expires, is suspended or is withdrawn.
 - d. There shall be adequate 24 hour supervision as required by the licensing/certifying agency with a sufficient number of person(s) trained in the field for which the group home is intended.
 - e. Any medical or counselling services provided on the lot shall be limited to residents.
 - f. A minimum of two parking spaces is required. These shall include one space for each employee on duty at any one time and one for every resident who may reasonably be expected to drive a vehicle. Off-street parking areas of more than four spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of Section 804.
 - g. The use shall not meet the definition in Section 202 of a "treatment center." A group home shall not house persons who can reasonably be considered to be a physical threat to others.
 - h. If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.
 - i. The maximum number of unrelated persons permitted to live in a dwelling unit shall meet the definition of "family." This limit shall not include bona fide employees required to supervise and care for the residents.
 - j. A home serving physically handicapped or developmentally disabled/retarded persons may have an increased number of unrelated persons as follows:
 - 1) A Single Family Detached Dwelling with a minimum lot area of 10,000 square feet, minimum building setbacks from all lot lines of 10 feet, and approved central sewage service may have 8 unrelated persons.
 - 2) Any other lawful dwelling unit may have 5 unrelated persons.

- k. See Section 106.C., which provides the Zoning Hearing Board with authority to modify these provisions if necessary to comply with Federal and/or State law.
15. Hotel/Motel.
- a. See definition in Article 2, which distinguishes between a hotel/motel and a boarding house.
 - b. Buildings shall be a minimum of 50 feet from any "residential lot line."
16. Junk Yard. (includes automobile salvage yard)
- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up. Pick-up shall occur in not more than 7 days after placement of garbage.
 - b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
 - c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
 - d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 804.C., unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
 - e. Burning or incineration is prohibited.
 - f. See the noise and dust regulations of Article 5.
 - g. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
 - h. Lot area - 3 acres minimum; 20 acres maximum.
 - i. Tires - see the "Outdoor Storage and Display" standards in Section 403.
17. Kennel.
- a. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
 - b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent principal building.
 - c. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
18. Livestock, Raising of.
- a. Any livestock shall be kept on the property of the owner of the livestock, and be confined to be kept from streets and other properties.
 - b. Any structure, other than the inside of a dwelling, used for the keeping of 6 or more animals over the age of 4 months shall be setback a minimum of 100 feet from the lot line of any existing dwelling.

19. Membership Club.
 - a. See definition in Article 2.
 - b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."

20. Mobile/Manufactured Home. The installation upon an individual lot or within a mobile home park approved after the adoption of this ordinance shall meet the following criteria:
 - a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede any BOCA Code for the actual construction of the home itself.)
 - b. Each site shall be graded to provide a stable and well-drained area.
 - c. The hitch, wheels and axles shall be removed.
 - d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that secures the home to the ground to prevent shifting, overturning or uneven settling of the home, with a secure base for the tie-downs.
 - e. Each mobile/manufactured home shall have a secure enclosure that has the appearance of a foundation of a site-built home, from the ground level to the bottom of the home. Such enclosure shall have the appearance of concrete, stucco or similar materials. Such enclosure shall have ventilation as needed and access to utility connections. Skirting shall not be used.
 - f. Homes on individual lots, not within a mobile/manufactured home park, shall be located with the longest side facing any boundary public street.

21. Mobile/Manufactured Home Park. The density and setback provisions listed below shall supersede the density and setback provisions in the Subdivision Ordinance.
 - a. Plans and Permits. Plans for all mobile/manufactured home parks submitted for review by the Borough shall comply with the mobile/manufactured home park provisions of the SALDO and all other ordinances. These include the submission, approval and improvements provisions (other than specific provisions altered by this Section).
 - b. Tract Area. The minimum tract area shall be 5 contiguous acres, which shall be under single ownership. This tract may include land in an abutting existing mobile home park held in common ownership. The tract shall have a minimum width at the minimum building setback line of 200 feet. Two abutting lots may be merged together to form a single mobile/manufactured home park.
 - c. Density. The maximum average overall density shall be 5 dwelling units per acre.
 - 1) Density Calculation. Land in common open space or proposed streets within the park may be included. Other land within the 100 year floodway or that has natural slopes of 15 percent or greater shall not be included.
 - 2) Phases. If an existing mobile home park is expanded into an area not previously part of that mobile home park, the maximum density and minimum common open space for the new area shall be considered separately from the previously approved areas of the park. All expansions to an existing park shall also meet all other provisions of this and other applicable ordinances.

- d. Landscaped Perimeter. Each park shall include a 25 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter. Planting should not obstruct safe sight distances for traffic. A planting plan shall be approved by the Zoning Hearing Board as part of any required special exception approval. Such landscaped area shall not be required between adjacent mobile home park developments. This landscaped area shall be 35 feet wide abutting existing single family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.
 - e. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from any other dwelling within the park. Unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
 - f. The minimum separation between a home and an interior street cartway or parking court cartway shall be 25 feet.
 - g. The minimum principal and accessory building setbacks from exterior/boundary lot lines shall be 40 feet.
 - h. Accessory Structures. A detached accessory structure or garage shall be separated with a space of at least 15 feet from any dwelling units which the accessory structure is not accessory to.
 - i. Common Open Space for a Mobile Home Park. A minimum of 10 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents.
 - j. Streets.
 - 1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - 2) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet. Other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
 - 3) Curbs and sidewalks are not required on the private streets. All private streets shall meet all other Borough cartway construction standards.
 - k. Utilities. All units within the mobile home park shall be connected to a public water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements.
22. Nursing Home.
- a. Licensing. See definition in Article 2.
 - b. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
23. Outdoor Storage and Display. See this use under Section 403.
- 23.1 Parking Lot as the Principal Use of a Lot (added 2/09-Ord.660)
- a. All parking lots as a principal use in the CD or CF zoning districts shall provide buffer yards in accordance with Section 804.C.
 - b. At least ten percent (10%) of the lot shall be maintained in a vegetative state.
 - c. Within one (1) year of installation, the parking lot shall be improved with a surface of asphalt, concrete, or paving block.

24. Personal Care Home. The standards for nursing homes in this section shall apply.
25. Picnic Grove, Private.
- a. All parking and activity areas shall be located a minimum of 250 feet from an existing dwelling. The use shall not operate between the hours of 11 p.m. and 7 a.m.
 - b. See noise and glare standards in Article 5.
 - c. Minimum lot area - 3 acres.
26. Place of Worship.
- a. Minimum lot area- 25,000 square feet.
 - b. 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 place of worship. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot.
 - c. Two dwelling units may be accessory to a place of worship on the same lot provided that they are only used to house religious leaders and their families.
27. Recreation, Commercial Outdoor.
- a. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened. Sound insulation shall be provided to protect the neighborhood from any possible noise which violates Borough Noise regulations and the Borough Nuisance Ordinance.
 - b. A 20 foot wide buffer yard shall be required in accordance with Section 804.
 - c. A swimming pool shall meet the requirements for such use, as stated in this Article.
 - d. Lighting, Noise and Glare Control. See Article 5.
- 27A Recreation, Publicly-Owned (added 2/09-Ord. 660)
- a. Public-owned outdoor activity areas shall not be converted to any other Use without the express approval by Conditional Use application properly brought before the Borough Council.
 - b. Any proposed Change in Use shall include a plan showing how the vacated recreation areas shall be replaced or improved in other areas of the community, subject to the review and approval of the Borough Council.
28. Recycling Collection Center.
- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
 - b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
 - c. Adequate provision shall be made for movement of trucks if needed and for off-street parking of one space for each on-duty employee.

- d. A 20 foot wide buffer yard with screening as described in Section 804 shall be provided between this use and any abutting "residential lot line."
 - e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Borough-owned use, subject to the limitations of this section.
 - f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
 - g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
 - h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
 - i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district or within 500 feet of an existing dwelling.
29. Residential Conversions. See "Conversions of an Existing Building" within this Section.
30. Restaurant.
- a. Screening of Dumpster and Waste Containers - See Section 508.
 - b. See "Drive-Thru" service in Section 403.
 - c. Drive-thru service shall only be provided where specifically permitted in the applicable district regulations.
31. School, Public or Private, Primary or Secondary.
- a. Minimum Lot Area. 25,000 square feet if less than 50 students, one acre if 100 students or over.
 - b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 25 feet of a residential lot line.
 - c. The use shall not include a dormitory unless specifically permitted in the District.
32. Self-Storage Development.
- a. All storage units shall be fire-resistant and water-resistant.
 - b. Outdoor storage shall be limited to automobiles, trucks, recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
 - c. 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.
 - d. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
 - e. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
 - f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.

- g. Any areas within 200 feet of a street right-of-way shall be screened from that street by a buffer yard meeting Section 804.
 - h. Minimum separation between buildings shall be 20 feet.
 - i. Area shall be enclosed by a security fence at least six feet in height.
33. Swimming Pool, Non-Household.
- a. The water surface shall be setback at least 50 feet from any existing dwelling.
 - b. The minimum lot area shall be one acre.
 - c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting Section 804.
 - d. The water surface shall be surrounded by a well-maintained security fence at least six feet in height.
 - e. Drainage of the water from the pool shall not flood other property.
34. Target Range.
- a. All outdoor target ranges shall have an earthen barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
 - b. An outdoor firearms target range shall comply with any applicable published standards of the National Rifle Association and other applicable Federal, State and local regulations.
 - c. An outdoor firearms target range and any firing stations shall be located a minimum of 250 feet from any "residential lot line", unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from homes and streets.
 - d. An outdoor firearms target range shall be properly posted.
 - e. The applicant shall provide evidence that the noise limits of Article 5 will be met.
 - f. An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
35. Townhouses/Rowhouses and Apartments.
- a. The maximum number of townhouses attached in any manner shall be eight.
 - b. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
 - c. All townhouses shall be designed so that garages and/or carports are not an overly prominent part of the view from public streets. Parking courts, common garage or carport structures or garages at the rear of dwellings are preferable to individual garages opening onto the front of the building.
 - d. Any 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 not permitted.
 - e. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial or collector street.
36. Treatment Center.
- a. The applicant shall provide a written description of all types of treatment available to residents. Any future additions or modifications to this list shall require approval of the Zoning Hearing Board as a special exception.

- b. The applicant shall prove to the satisfaction of the Zoning Hearing Board that such use will involve adequate supervision and security measures to protect public safety.
- c. The Zoning Hearing Board may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

37. Veterinarian Office. (includes Animal Hospital)

- a. The minimum lot area shall be 15,000 square feet.
- b. Any structure in which animals are treated or housed shall be a minimum of 50 feet from any residential lot line. Buildings shall be adequately soundproofed so that sounds generated from within cannot routinely be heard within any adjacent dwellings.
- c. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m. The runs shall be at least 150 feet from any existing dwelling. Dog runs shall be separated by visual barriers at least four feet in height.
- d. Although animals may be kept as an accessory use, a commercial kennel shall only be allowed where permitted. Applicable requirements must be met.

38. Trucking Company Terminal and/or Warehouse (Added 4/22/21-Ordinance 757)

- a. Each and every building containing this use shall have amenities for the truck drivers/operators of the vehicle using the facility in addition to any similar amenities provide to on-site warehouse/distribution employees. The following provisions shall apply:
 - (1) The amenities shall include, at a minimum, a suitable lounge for drivers/operators, with restroom facilities, including at least three sinks, stalls, etc., per restroom, and dispensing machines or other facilities to provide food and beverage.
 - (2) At least one amenity shall be proportionate to the number of loading/unloading docks/doorways of the use. Each amenity shall contain not less than one seat per 10 docs/doorways, with a minimum area to accommodate six seats and one four-person table.
 - (3) The size of each such amenity shall be proportionate to the number of loading/unloading docks/doorways, with a minimum area to accommodate six seats and one four-person table.
 - (4) Parking for the amenity shall be provided in close proximity to the amenity and in a suitable, safe, and separately defined location. There shall be provided at least one twelve-foot-by-eight-foot truck parking space for each required lounge seat of the amenity.
 - (5) Trucks parked in amenity parking spaces shall not leave engines idling unless required for safety or weather-related reasons. Electrical outlets shall be included in parking areas to trucks to utilize.
 - (6) All trucks awaiting access to a loading/unloading dock/doorway shall park in the designated amenity parking spaces unless all such spaces are already occupied.

- b. Where guard shacks or checkpoints are proposed at the entrance(s) to such facilities, adequate queuing space shall be provided within the property boundaries to prevent stacking off tractor-trailers on or along public streets.
- c. This use shall reserve a minimum of 5% of the proposed total tractor-trailer parking spaces for outbound trucks which are required to layover or rest due to hours-of-service regulations. Such spaces must be made available to tractor-trailers during and/or after the facility's operating hours as necessary.
- d. The facility parking and driveway layout shall be designed to reduce mixing of truck traffic and car traffic, particularly in areas where cars would have to maneuver around or through truck loading/unloading areas.
- e. Driveways and drive aisles shall be designed with adequate turning radii to allow tractor-trailers to complete turning maneuvers within their designated lanes.
- f. Truck drivers shall be instructed regarding acceptable routes between the facility and the nearest expressway with respect to the class of vehicle accessing the facility.
- g. No storage of garbage (other than is routinely produced on site and awaiting regular collection) shall be permitted.
- h. All tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from beyond the exterior lot lines of the use shall be screened by a fifty-foot buffer yard meeting the following requirements:
 - (1) Include a dense evergreen screen which will provide, within three years, a complete visual screen of at least 10 feet in height.
 - (2) Include deciduous shade trees meeting the following requirements:
 - (a) Shall meet provisions of the subdivision and land development ordinance concerning removal of shade trees.
 - (b) Shall be placed abutting and along every 50 feet of lot perimeter that does not abut a public street (such trees are not required to be planted at regular intervals but may be clustered.)
 - (c) Shall be of types selected to be resistant to diesel exhaust.
 - (d) Shall be planted on the exterior side of any required berm (or any wall that might be permitted in place of such berm), any wall used for screening, any fence and any evergreen screening.
 - (e) Shall not be planted on the top of any berm, in order to provided effective screening.
 - (3) Where buffer yards are contained within, or contain within themselves, utility easements, such buffer yards shall be taken in addition to the utility easements.

- i. Any tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from and are within 250 feet of the exterior lot lines of the use shall be separated from such lot lines by an earthen berm. Such berm shall meet the following conditions:
 - (1) Average a minimum of 10 feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.
 - (2) Not have one completely continuous height, but instead shall vary in height by one foot or two feet in places.
 - (3) Have a maximum side slope of three horizontal to one vertical.
 - (4) Be covered by a well-maintained, all season, natural ground cover, such as grass.

- j. Loading dock openings shall not face a residential district.

403. **ADDITIONAL REQUIREMENTS FOR ACCESSORY USES (Other than Home Occupations).**

- 403.A. Accessory buildings, structures or uses that are clearly customary to a use permitted by right, special exception or conditional use are permitted by right, except as provided for within this Ordinance. Business not permitted by this ordinance shall not be conducted as an accessory to a dwelling.

- 403.B. Setback requirements of the applicable district shall apply to every accessory building, structure or use. This Article may provide a more or less restrictive standard for a particular use. Accessory setback requirements shall not apply to permitted surface parking lots, fences or signs.

- 403.C. No accessory building, structure or use shall be permitted in a required front yard within any district, unless specifically permitted by this Ordinance.

- 403.D. Each of the following accessory uses shall comply with the special standards listed for that use:
 - 1. Antenna, Standard. (including amateur radio)
 - a. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. An antenna shall be properly anchored to resist high winds.

 - 2. Day Care in Combination with a Dwelling.
 - a. A permanent resident of the dwelling shall actively operate the use.
 - b. The dwelling shall retain a residential appearance with no exterior change other than cosmetic improvements.
 - c. The use shall comply with any applicable state and federal regulations. If required, it shall have an appropriate registration certificate or license from the State Department of Public Welfare or its successor.
 - d. See also "Day Care Center" as a principal use in Section 402 and "Day Care as an accessory to a Place of Worship" in Section 306.B.

- e. Care of unrelated children through age 11 is permitted within a dwelling under the following circumstances:
 - 1) The primary caregiver may in each of the following cases serve two additional related children. Any more related children shall be included within the permitted unrelated maximum.
 - 2) Any day care center involving seven or more unrelated children at one time shall be considered a principal use and meet the standards of Section 402. They may only be cared for within a single family detached dwelling with a minimum lot area of 12,000 square feet and a ten foot minimum setback from all existing dwellings on abutting lots.
 - 3) Four to six unrelated children shall only be cared for at one time within a building that is not attached to another dwelling. A minimum of 200 square feet of safe exterior play area shall be available.
 - 4) The care of less than four unrelated children at one time may occur within any lawful dwelling unit.
 - 5) Outdoor play areas shall be located only in rear yards. A security fence shall surround any such play area.
 - 6) See Section 306 and the definitions in Section 202 concerning the number of children who may be cared for at one time in a family day care home or a group day care home within the different zoning districts.
 - f. Care of adults as defined within any lawful dwelling unit shall not exceed four at any one time.
3. Drive-thru Facilities.
- a. All drive-thru facilities shall be designed to minimize conflicts with pedestrian and vehicular traffic.
 - b. Traffic flow and ingress-egress facilities shall not cause traffic hazards upon adjacent streets.
 - c. On-lot traffic circulation shall be clearly marked.
 - d. There shall be adequate space for waiting vehicles.
4. Fences and Walls.
- a. Fences and walls are permitted by right within all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences or walls that have deteriorated shall be replaced or removed.
 - b. No fence, wall or hedge shall violate the sight distance requirements of Section 804.B.
 - c. No fence or wall shall be built within an existing street right-of-way.
 - d. Fences:
 - 1) A fence is not required to comply with minimum setbacks for accessory structures. A fence associated with a residential district dwelling may be constructed without a setback from a lot line. However, a one foot or greater setback is recommended in order to provide space for future fence maintenance.
 - 2) Any fence located within the required front yard of a residential district lot shall not exceed three feet in height and be constructed entirely out of wood, wrought iron or any other material that closely resembles either wood or wrought iron.
 - 3) Any residential district fence in a location other than a required front yard shall have a maximum height of 6.5 feet. A maximum height of 12 feet shall be

permitted wherever the applicant proves to the Zoning Officer that a taller height around a specific hazard is necessary to protect public safety.

- 4) No maximum height shall apply to fences that are not within a residential district or planned residential development.
 - 5) Barbed, chicken or turkey wire shall not be used as part of fences around dwellings. Electrically charged fences shall only be used to contain animals and shall be of such low intensity that they do not permanently injure humans. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.
- e. Walls:
- 1) Engineered retaining walls necessary to hold back slopes are exempt from setback regulations and the regulations of this section with the exception of rights-of-way. They are permitted by right as needed within all Districts.
 - 2) No wall greater than three feet in height shall be located within a required residential district front yard, except as a backing for a permitted sign at an entrance to a development.
 - 3) A residential district wall outside of a required front yard shall have a maximum height of three feet if located within the minimum accessory structure setback and six feet if it is not.
 - 4) Walls attached to a building shall be regulated as a part of that building.
5. Garage/Yard Sale. Reserved.
6. Home Occupation. See Section 404 and definitions in Section 202.
7. Outdoor Storage and Display.
- a. This is a permitted principal or accessory use within either a commercial or an industrial district.
 - b. Outdoor storage shall not occupy any part of an existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use, or a required parking area. Temporary displays upon such areas shall be limited to no more than 18 consecutive hours during any 24 hour period.
 - c. No storage or display shall occur on a slope in excess of 35% or within a 100 year floodplain.
 - d. See Section 804.C. concerning screening requirements.
 - e. No open storage of more than 50 used tires shall be permitted within a commercial or an industrial district. Such storage within a residential district shall be limited to four per household.
8. Pets, Keeping of.
- a. This accessory use is permitted by right within all districts.
 - b. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets".
 - 1) Examples of allowed pets include dogs, cats, rabbits, pot-bellied pigs, gerbils, lizards, non-venomous snakes, fish and other animals commonly sold in a retail pet store.

- 2) Prohibited species include bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, and full-sized farm animals such as cows, hogs, goats and sheep.
 - c. Animals shall be permitted provided they do not create nuisances such as health hazards due to unsanitary conditions, noxious odors, excessive noise and/or public safety hazards for neighbors.
 - 1) Animal owners shall be responsible for collecting and properly disposing of all fecal matter from pets on a weekly basis.
 - 2) No dangerous animals shall be kept outdoors within a residential district except within a secure, completely caged or sufficiently high fenced area or on a leash under full control of the owner.
 - 3) A maximum of four dogs and/or cats over four months in age may be kept within or adjacent to a dwelling unit on a lot of less than one acre.
 - 4) A minimum lot area of two acres shall be required for the keeping of horses.
 - 5) On a residential lot in a residential district: a) a maximum of 8 rabbits or similar sized animals shall be kept, and b) chickens, turkeys and livestock shall not be kept.
9. Residential Accessory Structure or Use.
- a. Accessory structures and uses (except fences) shall meet the minimum setbacks established by Section 307. For residential accessory structures or uses, see the "Notes" at the end of the table in Section 307.
 - b. Accessory buildings upon a lot within a residential district with an area of less than two acres shall meet the following additional requirements:
 - 1) Accessory buildings shall count towards the maximum building coverage regulations in Section 307.
 - 2) The maximum total floor area of all accessory buildings shall not exceed 60% of the principal building's floor area.
 - 3) A maximum of three accessory buildings may be placed on a lot.
 - c. See Section 307.B. for height requirements.
 - d. The parking of commercial vehicles upon a primarily residential lot within a residential district is prohibited. Vehicle(s) needed by residents of the dwelling in order to travel to and from work may be exempt under one of the following conditions:
 - 1) A maximum of two vehicles, each with a gross weight of not more than six tons, is permitted.
 - 2) One vehicle with a gross weight of more than six tons is allowed, provided such vehicle is kept a minimum of 30 feet from any dwelling on another lot.
 - e. No maintenance or repair of either of the following shall occur on a principally residential lot:
 - 1) Vehicles not owned or leased by a resident of the lot or his/her "relative".
 - 2) Trucks with an aggregate gross vehicle weight over 12,000 pounds.
 - f. Recreational vehicles as defined in Section 202 of these regulations shall be limited to no more than two per residential lot or more than one of each type (added 2/09-Ord.660).
10. Swimming Pool, Household. (hereafter referred to as "pool")
- a. The following regulations concern any private, noncommercial pool, designed to contain a water depth of 24 or more inches.

- b. It shall be located in either a rear or side yard, not less than four feet from any side or rear lot line.
 - 1) Any pool, deck or shelter that is elevated above the average surrounding ground level shall meet the applicable setback requirement for an accessory building.
 - 2) Patios around pools that are level with the average surrounding ground level are not required to meet setbacks.
 - 3) The water surface of a pool shall not be located under or within 20 feet of any overhead utility lines or over a water or sewage easement.
- c. A permanent fence, not less than six feet in height, or a portion of a building shall entirely enclose any new or existing pool in order to deter unsupervised access by small children.
 - 1) All gates or openings to an in-ground pool area, other than a door to a building, shall be self-closing with a self-latching device no less than four feet above ground level on the poolside in order to keep the gate or door securely closed whenever the pool is not in use.
 - 2) An above ground pool's walls may be part of its enclosure. Such pools shall be equipped with an access ladder that can be raised and locked into a position that is a minimum of four feet above the surrounding ground level or be otherwise completely inaccessible to children whenever the pool is not in use.
- c. If the water surface of a pool will be within 6 feet of a lot line of an abutting residential property, then mostly solid fencing or another suitable mostly solid barrier shall be used to prevent pool water from splashing into the abutting yard.
- d. Drainage of water from the pool shall not overload storm sewers or flood other property.
- e. The Borough does not assume responsibility for guaranteeing to the public that all existing pools fully comply with these provisions.

404. **HOME OCCUPATIONS.**

404.A. Home occupations are permitted in all districts provided they meet the requirements of this Section 404 and are clearly secondary and incidental to a the principal residential use.

404.B. Each home occupation within any district shall:

- 1. involve a resident of the dwelling as the principal operator;
- 2. occupy a maximum of 25 percent of the dwelling's floor area or 50 percent of its basement area;
- 3. not reduce the exterior residential appearance of a dwelling;
- 4. involve no outdoor storage of equipment, supplies or other materials;
- 5. not involve deliveries by trucks with more than two axles;
- 6. be permitted to have only one sign, which shall not exceed 144 square inches in area:
 - a. Such a sign shall be made of carved wood, cast metal, or material with a closely similar appearance.
 - b. Such a sign shall be placed parallel to the front setback line and attached to the building.
- 7. limit customer and client visits to between 8:00 a.m. and 9:00 p.m. prevailing time;
- 8. meet environmental standards found in Article 5;
- 9. adhere to other federal, state, county and local regulations;
- 10. receive Zoning Officer approval prior to beginning operation; and

11. be subject to an annual review by the Zoning Officer in order to insure continued compliance with this Section 404.

- 404.C. Home occupations classified as "Small Scale" are permitted within all districts. They shall:
1. have no more than two persons working on-site and no nonresident involved in the enterprise;
 2. have no more than two visiting customers or clients per hour;
 - a. Three at one time shall be permissible in training or tutoring classes.
 3. meet criteria stated in Section 404.B.

404.D. Home occupations, whose needs exceed the limits stated in Section 404.C., are considered to be "Moderate Scale Home Occupations."

1. Moderate Scale Home Occupations shall need special exception approval, and are allowed within all districts except R-1.
2. Moderate Scale Home Occupations shall:
 - a. have no more than a total of three people involved in the operation, with a maximum of one person not being a resident of the dwelling;
 - b. provide on-site parking for two vehicles in addition to those required for the residential unit;
 - c. have no more than six visits per hour by customers, clients, students and/or delivery people;
 - d. be permitted to use an accessory building with a floor area not exceeding 500 square feet in place of dwelling area allowed in Section 404.B.2.; and
 - e. meet all other criteria stated in Section 404.B.

404.E. Permitted Home Occupations.

| | SMALL- SCALE | MODERATE -SCALE |
|---|-----------------|--------------------|
| 1. Catalogue Sales | P | SE |
| 2. Consulting Services | P | SE |
| 3. Crafts or woodworking which produce little noise | P | SE |
| 4. Custom dressmaking, millinery and tailoring | P | SE |
| 5. Electronically linked services | P | SE |
| 6. Hair/Beauty Salons | P | SE |
| 7. Music lessons in single home with one student | P | SE |
| 8. Professional offices and services | SE | N |
| 9. Rooming and boarding of no more than four persons | SE | SE |
| 10. Training or tutoring in classes of no more than 3 at one time | P | SE |

- 404.F. Any home occupation not specified in Section 404.E. shall be subject to Zoning Officer review in order to determine if the proposed activity is consistent with the requirements of this article. The Zoning Officer shall have discretionary power to either issue a permit, refer the proposal to the Zoning Hearing Board for special exception action or reject it.
- 404.G. Animal hospitals, stables, kennels, funeral services, auto repair, retail stores and restaurants shall not be eligible home occupations.
- 404.H. A home occupation proprietor shall be required to obtain an annual renewal permit to continue the enterprise.
1. The Zoning Officer's review shall determine if the home occupation:
 - a. Continues to meet the criteria under which the previous year's permit was issued, or
 - b. Has created a parking deficiency within the neighborhood.
 2. If the review reveals any problems which cannot be promptly resolved, the Zoning Officer shall be empowered to recall the permit and to order the home occupation to cease operation.

**ARTICLE 5
ENVIRONMENTAL PROTECTION**

501. **EROSION CONTROL.** The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.
- 501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- 501.B. Any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan to the County Conservation District.
- 501.C. See State erosion control regulations (Note: as of 1997 in 25 PA. Code Chapter 102).
- 501.D. See also Section 810.A., which may require site plan review.
502. **NUISANCES AND HAZARDS TO PUBLIC SAFETY.** No landowner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
- 502.A. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
- 502.B. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
- 502.C. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
- 502.D. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
- 502.E. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.
503. **WETLANDS.** The Zoning Officer may require an applicant to prove that a suspect area proposed for alteration does or does not meet the State or Federal definition of a "wetland."
504. **FLOOD-PRONE AREAS.** See the Borough Floodplain Ordinance, as amended.
505. **NOISE.**
- 505.A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

| LAND USE OR ZONING DISTRICT <u>RECEIVING</u> THE NOISE | HOURS/ DAYS | MAXIMUM SOUND LEVEL |
|--|--|----------------------------|
| At a Lot Line of a Residential Use in a Residential District | 1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day | 1) 67 dBA 2) 61 dBA |
| At any Other Lot Line | All times and days | 70 dBA |

Note: dBA means "A" weighted decibel.

505.B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 9 p.m., except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawnmowers between the hours of 8 a.m. and 9 p.m.
4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
5. Public celebrations specifically authorized by the Borough Council or a County, State or Federal Government agency or body.
6. Unamplified human voices or the sound of a single animal.
7. Routine ringing of bells and chimes by a place of worship or municipal clock.
8. Vehicles operating on a public street, railroads and aircraft.

506. **ODORS AND DUST.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.

507. **CONTROL OF LIGHT AND GLARE.** This section 507 shall only regulate lighting that spills across lot lines or onto public streets.

507.A. This Section 507 shall not apply to street lighting that is owned, financed or maintained by the Borough or the State.

507.B. No luminary, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.

507.C. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.

507.D. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

507.E. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights.

508. **WASTE CONTAINERS.**

508.A. **Screening.** All newly located trash dumpsters and existing dumpsters where feasible shall be screened on 3 of 4 sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.

508.B. Setback from Dwellings. If physically possible, any solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from a dwelling unit on an abutting lot.

509. **ADDITIONAL INDUSTRIAL STANDARDS.**

509.A. No industrial use shall:

1. cause electrical or electronic interference with radio or television reception on other properties;
2. cause vibration perceptible without the use of instruments on other lots, except for blasting necessary for land development;
3. involve the emission of air or water pollutants that do not comply with applicable State or Federal law.

**ARTICLE 6
OFF-STREET PARKING AND LOADING**

601. REQUIRED NUMBER OF PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. SALDO. The requirements for numbers of parking spaces in this Section shall supersede any requirements for amount of parking within the Subdivision and Land Development Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS

| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|---|--|---|
| A. <u>RESIDENTIAL USES:</u> | | |
| 1. Dwelling Unit | 2 per dwelling unit, except 1 per conversion apartment that only includes one bedroom or is an efficiency unit. | |
| 2. Home Occupation, Moderate-Scale | See Section 404 | |
| 3. Home Occupation, Small-Scale | None additional required | Non-Resident Employee |
| 4. Housing Permanently Restricted to Persons 55 Years and Older and/or the Physically Handicapped | 1 per dwelling/ rental unit, except 0.5 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old | Non-Resident Employee |
| 5. Boarding House | 1 per rental unit or bed for adult, whichever is greater | Non-Resident Employee |
| 6. Group Home | See Section 402 | |
| 7. Manufactured/Mobile Home Park | 2 per dwelling unit | |
| C. <u>INSTITUTIONAL USES:</u> | | |
| 1. Place of Worship or Church | 1 per 4 seats in room of largest capacity | Employee |
| 2. Hospital | 1 per 2 beds | 1.2 Employees |

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| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|--|---|--|
| 3. Nursing Home | 1 per 6 beds | 1.2 Employees |
| 4. Personal Care Home | 1 per 4 beds | 1.2 Employees |
| 5. Day Care Center | 1 per 10 children, plus 2 spaces designed for safe and convenient drop-off and pick-up | 1.2 Employees |
| 6. School, Primary or Secondary | 1 per 4 students aged 16 or older | Employee |
| 7. Utility Facility | 1 per vehicle routinely needed to service facility | |
| 8. College, University or Trade School | 1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing) | Employee |
| 9. Library, Community Center or Cultural Center or Museum | 1 per 4 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided) | Employee |
| 10. Treatment Center | 1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times | Non-Resident Employee |
| 11. Swimming Pool, Non-Residential | 1 per 40 sq. ft. of water surface, other than wading pools | Employee |
| <u>C. COMMERCIAL USES:</u> | All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance. | |
| 1. Auto Service Station or Repair Garage | 5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps | Employee; plus any parking needed for a convenience store under "retail sales" |
| 2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales | 1 per 15 vehicles, boats, Rvs or homes displayed 1 per 10 Recreational vehicles/Manufactured Home Sales | Employee |
| 5. Bed and Breakfast Use | 1 per rental unit plus the 2 per dwelling unit | Non-resident employee |
| 6. Bowling Alley | 2 per lane plus 2 per pool table | 1.2 Employees |
| 7. Car Wash | 2 per washing lane or stall, which may be located in drying or vacuuming areas | 1.2 Employees |
| 8. Financial Institution | 1 per 200 sq. ft. of floor area accessible to | Employee |

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| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|--|--|---|
| (includes bank) | customers, plus 3 convenient spaces for each automatic banking transaction machine | |
| 9. Funeral Home | 1 per 5 seats in rooms intended to be in use at one time for visitors | Employee |
| 10. Miniature Golf | 2 per hole | 1.2 Employees |
| 11. Haircutting/ Hairstyling | 2 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work | 1.2 Employees |
| 12. Hotel or Motel | 1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant) | 1.2 Employees |
| 13. Laundromat | 1 per 3 washing machines | On-site Employee |
| 14. Offices or clinic, Medical/ Dental | 5 per physician and 4 per dentist | 1.2 Employees |
| 15. Offices, other than above | 1 per 300 sq. ft. of total floor area | |
| 16. Personal Service Use, other than haircutting/ hairstyling | 1 per 200 sq. ft. of floor area accessible to customers (min. of 2 per establishment) | Employee |
| 17. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club | 1 per 4 persons of maximum capacity of all facilities | Employee |
| 18. Outdoor Recreation (other than uses specifically listed in this table) | 1 per 3 persons of capacity (50% may be on grass overflow areas with major driveways in gravel) | 1.2 Employees |
| 19. Restaurant | 1 per 4 seats | 1.2 Employees |
| 20. Retail Sales (other than Types separately listed) | 1 per 200 sq. ft. of floor area of rooms accessible to customers. | |
| 21. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering | 1 per 400 sq.ft. of floor area accessible to customers | |
| 22. Tavern | 1 per 30 sq. ft. of total floor area | 1.2 Employees |
| 23. Theater or Auditorium | 1 per 4 seats, one-half of which may be met by convenient parking shared with other | 1.2 Employees |

| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|---|---|---|
| | business uses on the same lot that are typically not routinely open beyond 9:30 p.m. | |
| 24. Trade/Hobby School | 1 per 2 students on-site during peak use | 1.2 Employee |
| 25. Veterinarian Office | 5 per veterinarian | 1.2 Employee |
| <u>E. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing) | In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.2 employee, based upon the maximum number of employees on-site at peak period of times | 1 visitor space for every 10 managers on the site |
| Self-Storage Development | 1 per 20 storage units | 1.2 Employee |

601.B. Parking Reduction in CD District.

1. Purposes. To recognize the availability of on-street parking in the CD district, and the limited ability to provide parking to serve existing buildings, and the potential of customers walking to businesses in the CD District.
2. The numbers of required off-street parking spaces within the CD District shall be modified as follows:
 - a. Off-street parking shall not be required for lawful non-residential uses within the CD District within buildings that existed prior to the adoption of this Ordinance.
 - b. Off-street parking shall be required for any new residential units, any new building and any expansion of a building (beyond the waiver for minor additions permitted in Section 602.C.2).

602. **GENERAL REGULATIONS FOR OFF-STREET PARKING.**

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If an existing lawful use includes less parking than would be required, then that deficit of parking shall be grandfathered for new uses. For example, if an existing store included 3 parking spaces and was required to provide 7 spaces, there is a deficit of 4 spaces. Therefore, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of 6 spaces (10 minus the pre-existing deficit of 4).
2. If a use expands by an aggregate total maximum of 10 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required.
3. See exemption for parking in the DC district in Section 601.B.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer/Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 400 feet of the entrance of the principal use being served. The Zoning Officer/Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

603. **DESIGN STANDARDS FOR OFF-STREET PARKING.**

603.A. General Requirements.

1. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces serving a single family, twin or townhouse dwelling.
3. Parking areas shall not be within a required buffer yard or street right-of-way.
4. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet.
2. All spaces wherever practical shall be marked to indicate their location, except those of a one or two family dwelling.

603.C. Aisles.

1. Each aisle providing for one-way traffic to access parking stalls shall have the following minimum width:

| Angle of Parking | Minimum Aisle Width |
|------------------------|---------------------|
| Parallel or 30 degrees | 12 feet |
| 45 degrees | 14 feet |
| 60 degrees | 18 feet |
| 90 degrees | 20 feet |

Minimum
Aisle Width

2. Each aisle providing access to stalls for two-way traffic shall be a minimum of 24 feet in width. A width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.

603.D. Access Drives and Driveways.

1. Width of Driveway/Accessway at Entrance onto a Public Street, at the edge of the cartway*

| | 1-Way Use | 2-Way Use |
|---------|-----------|-----------|
| Minimum | 12 feet * | 25 feet * |
| Maximum | 20 feet * | 30 feet * |

* Unless a different standard is required by PennDOT for an entrance to a State road, or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.

2. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Borough may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt or concrete or paving block.
 - (a) However, private parking areas may use a 2A modified gravel surface.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Section 507.

603.G. Handicapped Parking.

1. Any lot including 4 or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:

| TOTAL NO. OF REQUIRED PARKING SPACES ON THE LOT | REQUIRED MINIMUM NO./ PERCENT OF HANDICAPPED PARKING SPACES |
|---|---|
| 4 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1,000 | 2% of required number of spaces |
| 1,001 or more | 20 plus 1% of required number of spaces over 1,000 |

2. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
4. Handicapped parking spaces shall be located in areas of less than 6 percent slope in any direction.
5. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.
6. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

604. OFF-STREET LOADING.

604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street.

604.B. At the time of review under this Ordinance and/or under the Subdivision and Land Development Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Borough Council

may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

- 604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.
605. **FIRE LANES.** Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by borough Fire Officials.

**ARTICLE 7
SIGNS**

701. **APPLICABILITY.**

701.A. Purposes. This Article is intended to: promote and maintain a good overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.

701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.

701.C. Changes in Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

702. **NONCONFORMING SIGNS.**

702.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.

702.B. An existing non-conforming sign may only be replaced with a conforming sign, except a lawful non-conforming sign serving a lawful non-conforming principal use on the same lot may be replaced with a new sign advertising the nonconforming use if the new sign is not more nonconforming in any manner than the previous sign.

703. **MISCELLANEOUS SIGNS NOT REQUIRING PERMITS.** The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS OF LESS THAN 2 ACRES | MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES | OTHER REQUIREMENTS |
|---|---------------------------|--|--|---|
| <u>Christmas Tree Sign</u> - Advertises the seasonal sale of Christmas trees. | 2 | 8 | 20 | Shall only be posted during seasons when such products are actively offered for sale. |
| | | | | |

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| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS OF LESS THAN 2 ACRES | MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES | OTHER REQUIREMENTS |
|--|---------------------------|--|--|---|
| <u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization. | 2 | 4 | 20 for each of 2, or 40 if only a single sign is used | Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event. |
| <u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business. | 2 | 8 | 20 | Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated. |
| <u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising. | No max. | 3, other than signs painted on pavement | 3, other than signs painted on pavement | Directional signs within a residential development shall not be illuminated. |
| <u>Flag</u> - a banner or pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind and that includes some type of commercial message. | 2 | 50 | 50 | Governmental flags and flags without a commercial message are not regulated by this Ordinance. |
| <u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction. | 2 per event | 2 per sign | 2 per sign | Shall be placed a max. of 48 hrs. before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends. |
| <u>Home Occupation Sign</u> - advertises a permitted home occupation. | 1 | 1 | 1 | Shall not be illuminated. See Section 404.B. |
| <u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising. | 1 | 1, except 2 for a principal non-residential use | 6 | Maximum height of 8 feet. |
| | | | | |

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| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS OF LESS THAN 2 ACRES | MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES | OTHER REQUIREMENTS |
|---|----------------------------|--|--|--|
| <u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent. | 2 per event | 4 | 4 | Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days. |
| <u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body. Section removed 4/22/21 – Ordinance 757 | No maximum | 15 per sign | 40 per sign | Shall be placed a max. of 30 days prior to election, vote or referendum and removed a max. of 7 days after such election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign" (see Section 712). |
| <u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience. | No max. | 2 | 2 | |
| <u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease. | 1 per street the lot abuts | 6 | 32 | Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease. |
| <u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location. | 2 | 2 | 2 | Maximum of 2 such signs per such organization or place of worship. |
| <u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages. | 1 | Not permitted | 40 | |

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| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS OF LESS THAN 2 ACRES | MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES | OTHER REQUIREMENTS |
|---|---------------------------|--|--|--------------------|
| <u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot. | No max. | 2 | 4 | |

* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

In addition, the following types of signs are not regulated by this Ordinance:

- 703.A. Historic Sign. Memorializes an important historic place, event or person and that is specifically authorized by the Borough or a County, State or Federal agency.
- 703.B. Holiday Decorations. Commemorates a holiday recognized by the Borough, County, State or Federal Government, and which do not include advertising.
- 703.C. Not Readable Sign. Not readable from any public street or any exterior lot line.
- 703.D. Official Sign. Erected by the State, County, Borough or other legally constituted governmental body, or specifically authorized by Borough ordinance or resolution, and which exists for public purposes.
- 703.E. Required Sign. Only includes information required to be posted outdoors by a government agency or the Borough.
- 703.F. Right-of-Way Sign. Posted within the existing right-of-way of a public street and officially authorized by the Borough or PennDOT.

704. **FREESTANDING, WALL AND WINDOW SIGNS.**

704.A. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 202.

| ZONING DISTRICT OR TYPE OF USE | MAXIMUM HEIGHT OF FREESTANDING SIGNS | MAXIMUM AREA OF WALL SIGNS | MAXIMUM AREA OF WINDOW SIGNS | MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS |
|--|--------------------------------------|--|---|---|
| R-1, R-2 and R-3 Districts for permitted principal non-residential uses.-(rev. 4/22/21 – Ordinance 757) For home occupation signs, see Section 404. No new signs in the R-1 and R-2 district shall be internally illuminated. | 8 feet | 20 square feet on each side of a building. | May be used in place of a wall sign with the same restrictions | 1 sign on each street the lot abuts, each with a maximum sign area of 20 sq.ft. |
| CD District | 15 feet | 10% of the vertical area of the building side on which the signs are attached. * | Temporary non-illuminated signs are not regulated. Other window signs are regulated under wall signs. | 1 sign per street that the lot abuts, each with a maximum area of 30 sq.ft. |
| CF, I and I/C Districts; and permitted principal non-residential uses in the PD District | 25 feet | 15% of the vertical area of the building side on which the signs are attached. | Temporary non-illuminated signs are not regulated. Other window signs are regulated under wall signs. | 1 sign per street that the lot abuts, each with a maximum area of 50 sq.ft.** |

* In the CD district, a portion of the permitted wall sign area may be used for a projecting sign, provided such sign has a minimum clearance over the sidewalk of 8 feet, is constructed of a durable material, has a maximum sign area on each of 2 sides of 20 square feet, and is securely attached to the building. (Amended 8/31/00, Ordinance 582).

** The maximum freestanding sign area may be increased to 100 square feet along one street if a lot includes 5 or more principal uses or more than 300 feet of lot frontage on that street. In such case, the 100 square feet sign area placed on one sign or two signs that total 100 square feet per side.

704.B. **Maximum Height of Wall Signs.** The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached.

704.C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Definition of a "Portable Sign"- A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.
3. Portable signs are prohibited in all districts, except one sign with a maximum sign area of 40 square feet may be permitted once for a maximum of 20 days in any one year.

705. **ABANDONED OR OUTDATED SIGNS.** Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. **LOCATION OF SIGNS.** The following shall regulate the location of signs:

706.A. Setbacks. A sign, except Official Signs, Nameplate Signs, Public Service Signs and Directional Signs, shall:

1. not project over any existing street right-of-way, except for permitted "projecting signs" within the CD district or a sign serving a public purpose that is approved by the Borough (such as a banner over a street advertising a charitable event);
2. for a freestanding sign for a commercial or industrial business, shall not be located within 10 feet of an abutting lot line of a lot that only includes one dwelling unit.

706.B. Sight Distance. No sign shall be so located that it interferes with the sight distance requirements of Section 803.

706.C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. See Section 712.

706.D. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received from the pole or property owner.

706.E. Utility Poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.

707. **ILLUMINATION OF SIGNS.** See "Light and Glare Control" in Article 5.

708. **VEHICLES FUNCTIONING AS SIGNS.** Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

709. **PROHIBITED SIGNS.** The following signs are prohibited in all zoning districts:

709.A. Any moving object used to attract attention to a commercial use. Flags and banners except as is permitted by Section 703 and except for flags or banners meeting the requirements for a particular type of sign.

709.B. Flashing, blinking, twinkling, animated or moving signs of any type. Time and temperature signs may flash. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.

709.C. Signs which emit smoke, visible vapors or particles, sound or odor.

709.D. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Ordinance.

709.E. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger").

709.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic.

709.G. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure for more than 2 days and that are primarily intended for advertising purposes.

709.H. Floodlights and outdoor lasers for advertising purposes.

710. **CONSTRUCTION OF SIGNS.** Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Borough may repair or remove such sign at the expense of such owner or lessee.

711. **MEASUREMENT OF SIGNS.**

711.A. **Measurement of Sign Area.**

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
2. The sign area shall not include any structurally supporting framework, bracing, or clearly defined wooden framing if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

712. OFF-PREMISE SIGNS (Including Billboards).

- 712.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 701.
- 712.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- 712.C. PennDOT and Borough Sign. Signs erected and maintained by PennDOT are permitted by right in all Districts. Also, a banner or other sign approved by the Borough within or over a public right-of-way for a public or charitable purpose shall be permitted.
- 712.D. Permitted Off-Premise Signs. An off-premise sign is only permitted if it meet the following requirements:
1. District. An off-premise sign is only permitted in the I District.
 2. Location. An off-premise sign is only permitted if the sign is within 300 feet of the existing right-of-way of an arterial street and if all portions of the sign are a minimum of 40 feet from all of the following: any lot line or any existing street right-of-way.
 3. Maximum Sign Area. 150 square feet.
 4. Spacing. Any off-premise sign shall be separated by a minimum of 1,000 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign.
 5. Maximum Height. 40 feet above the elevation of the adjacent street, measured at the street centerline.
 6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign may have two sign faces of 150 square feet each if they are placed approximately back-to-back.
 7. Lighting and Glare. See standards in Article 5.
 8. Residences. No off-premise sign greater than 10 square feet in sign area shall be located within 500 feet of an existing dwelling.

ARTICLE 8
GENERAL REGULATIONS

801. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE APPROVAL.

801.A. Land Development Approval for Certain Uses. In addition to zoning approval, the following uses are classified as a "land development", requiring approval under the applicable provisions of the Borough Subdivision and Land Development Ordinance (SALDO).

1. A group of two or more residential or nonresidential principal buildings, whether proposed initially or cumulatively.
2. A single nonresidential principal building on a lot or lots regardless of the number of occupants or tenure.
3. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
4. A subdivision of land.
5. The conversion of an existing single-family detached dwelling or twin dwelling unit into a total of 4 or more dwelling units.

The development of any accessory building, including farm buildings, on a lot or lots which are subordinate to an existing principal building shall not be classified as a "Land Development".

801.B. Subdivision Approval Required for Certain Uses. In addition to zoning approval, the following uses are classified as a "subdivision", requiring approval under the applicable provisions of the Borough Subdivision and Land Development Ordinance:

1. The division or redivision of a lot, tract or parcel by any means into two or more lots, tracts, parcels, or;
2. Other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

The subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted from the definition of "subdivision."

802. STREET FRONTAGE, BUILDINGS PER LOT AND SIZE OF DWELLINGS.

802.A. Street Frontage Required. Every principal building shall be built upon a lot with frontage upon a public or private 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, excepting however, those principal buildings specifically approved by Borough Council.

802.B. Two or More Buildings on a Lot. Two or more principal buildings on a lot are permitted within the CD or CF Districts.

1. They shall be separated by at least twice the required side yard in such District, and
2. Conform to the standards and improvements required for a land development by the Subdivision and Land Development Ordinance.

802.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 sq.ft. of enclosed habitable, indoor, heated floor area, not including areas that are shared among dwellings.

803. **HEIGHT EXCEPTIONS.** The maximum structure height specified for each district shall not apply to: communications towers, standard antenna, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, skylights, windmills, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.

804. **SPECIAL LOT AND YARD REQUIREMENTS, SIGHT TRIANGLE AND BUFFER YARDS.**
The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance.

804.A. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Nonconforming Lots. See Section 808.
2. Irregularly Shaped Lots. In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the rear line of the minimum required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than 70 percent of the minimum lot width except in the following situations: on cul-de-sacs or courts or street centerline curves of less than 300 feet radius where the lot frontage measured at the street right-of-way line shall not be less than 40 percent of the minimum lot width. *However, in no case shall the setback from a public street be less than ten (10') feet* (added 2/09-Ord.660).

3. Through Lots. Front yards shall be provided along all portions of a through lot abutting any street, except where a provision of a different yard will comply with the prevailing front yard pattern on adjoining lots.
4. Corner Lots. Front yards shall be provided along all portions of a corner lot abutting any street, except where the provision of a different yard will comply with the prevailing yard pattern on adjoining lots.
5. Steps, Porches, Basement Doors and Ramps. Steps providing access to a building, ground level unroofed porches, basement "Bilko"-type doors, and ramps necessary for wheelchair access are not required to meet the minimum setback requirements of this Ordinance.
6. Wood Decks. See note after the table in Section 307.A.

804.B. Traffic Visibility Across Corners.

1. For a subdivision or land development, see the applicable clear sight triangle provisions of the Borough Subdivision and Land Development Ordinance. (Note - As of the adoption date of this Ordinance, such provisions were in Section 502.10 and included the measurements described in subsection "2." below.)
2. If an application is not a subdivision or land development, then under this Zoning Ordinance a clear sight triangle shall be required meeting the following requirements:
 - a. Clear sight triangles shall be established and shown on site plans at each intersection of two or more streets. The two shorter legs of the triangle shall be measured 30 feet along the street lot lines from their point of juncture. The ends of the two shorter legs shall be connected by a longer leg.
 - b. Within this triangle, no building shall be permitted and no structure over 2 feet in height shall be permitted that would obstruct views of traffic, except for sign posts and tree trunks. Such restriction shall be binding upon current and future owners of the property.

804.C. Buffer Yards. Any nonresidential use which borders any Residential District shall provide buffer yards which comply with the following standards:

1. Size, Location.
 - a. A 5 feet wide buffer yard shall be required, unless otherwise indicated in this Ordinance.
 - b. The buffer yard shall be measured from the district boundary line or from the street right-of-way line (where a street serves as the district boundary line). Buffer yards shall not be within an existing or future street right-of-way and shall be in addition to that right-of-way.
 - c. The buffer yard may be part of a required front, side or rear yard, provided the larger yard requirement shall apply in case of conflict.
2. Characteristics.
 - a. The buffer yard shall be a landscaped area free of structures, dumpsters, manufacturing or processing activity, materials or vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
 - b. In all buffer yards, all areas not within the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, grass more than 12 inches in height, or weeds.
3. Planting Screen.
 - a. Each buffer yard shall include a planting screen of trees, shrubs and/or other plant materials extending the full length of the lot line to serve as a barrier to visibility, airborne particles, glare or noise.
 - b. Any fence in a buffer yard shall be placed on the inside of any required plant screen.
 - c. Each planting screen shall meet the following requirements:
 - 1) Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of 1 shade or ornamental deciduous tree shall be placed for each 50 feet of length of the buffer yard. Such trees may be clustered or spaced unevenly.

- 2) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 4 years an 80 percent year-round visual screen at least 6 feet in height.
 - 3) The plant screen shall be permanently maintained by present and future landowners. Any plants needed to form the visual screen that die or are removed shall be replaced within 180 days.
 - 4) The plant screen shall be placed so that at maturity the plants will be at least 5 feet from any cartway and will not grow over an exterior lot line.
 - 5) The plant visual screen shall be interrupted only at: a) approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with sight distance requirements, and c) locations needed to meet other specific State and Borough requirements.
- d. In circumstances where it is impractical for a Planting Screen to meet all the requirements of this Section or would create an undue hardship, the Zoning Hearing Board may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements.

4. Plans.

- a. Prior to the issuance of any Zoning Permit, the applicant shall submit plans showing:
 - 1) the location and arrangement of each buffer yard,
 - 2) the placement, species and size of all plant materials, and
 - 3) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. Such plans shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this Ordinance.

805. **ESTABLISHMENT OF FUTURE RIGHT-OF-WAY WIDTHS FOR STREETS.**

805.A. Purpose. Minimum future right-of-way widths are established for streets where the existing right-of-way is less than that indicated in Section 805.B. for the particular class of road.

805.B. Measurement.

1. The right-of-way shall be measured the following distances from the centerline of the existing street. However, no future right-of-way width shall apply in the CD District.

| <u>Type of Street</u> | <u>Distance from Centerline</u> |
|-----------------------|---------------------------------|
| Arterial Street | 40 feet |
| Collector Street | 30 feet |
| Local Street | 25 feet |

2. All front yards and other appropriate yards shall be measured from the right-of-way line.
3. The specific classification of each road is shown on an Official Street Map.
4. The Zoning Officer may permit the future right-of-way width to be reduced where the applicant proves that the additional width would not have any valid present or future purpose.

806. **LANDSCAPING.**

806.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.

1. However, within the I/C district, groundcover and landscaping is only required surrounding any new or expanded building, as opposed to all open areas of the entire lot.

806.B. See the buffer yard provisions in Section 803.

807. **FRONTAGE DEVELOPMENT ALONG ARTERIAL STREETS.** In order to encourage the sound development of frontage along arterial streets (as defined on the Official Street Map) and to minimize traffic congestion and hazard, the following provisions shall apply plus any applicable PennDOT requirements.

807.A. **Off-Street Parking and Loading.** All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the street by a raised curb, planting strip, wall or other suitable barrier against unchannelled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading or storage area. All parking areas or lots shall be designed to prohibit vehicles from backing out on the street, and the capacity of each lot shall provide adequate storage area and distribution facilities upon the lot to prevent backup of vehicles on a public street while awaiting entry to the lot.

807.B. **Access.** Each use with less than 100 feet of frontage on an arterial street shall have not more than one accessway to each such street, and no business or other use with 100 feet or more of frontage on an arterial street shall have more than two accessways to any one street for each 300 feet of frontage. Where practical, access to parking areas shall be provided by a common service driveway in order to avoid direct access to an arterial or collector street.

807.C. **Planned Developments.** In the case of a shopping center, office complex, group of apartment dwellings or similar grouping of principal buildings on a lot, and in any other case where practical:

1. Each principal building shall front upon a marginal access street, service road, common parking lot or similar area and not directly upon a public street carrying through-traffic.
2. Each point of vehicular access to and from a public street shall be located at least 150 feet from the intersection of any public street right-of-way lines. A point of vehicular access which converts a "T" intersection into an intersection of two streets which cross one another shall be permitted.
3. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the unified development, without undue congestion to, or interference with normal traffic flow within the Borough.
4. All streets and accessways shall conform to the specifications determined by the Borough Engineer and the requirements of the Borough Subdivision and Land Development Ordinance. Provision shall be made for adequate signalization, turn, standby and deceleration lanes, and similar facilities where deemed necessary by the Borough Engineer.
5. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those related to a dwelling shall be adequately illuminated during night hours of use at no cost to the Borough.

807.D. **Reverse Frontage Encouraged.** Direct vehicular access from individual lots abutting arterial or collector streets shall be strongly discouraged. Reverse frontage shall be encouraged.

808. **NONCONFORMITIES.**

808.A. **Purposes.** Within the zoning districts established by this Ordinance, as amended, there exists and will exist certain nonconformities which, if lawful before these Ordinances were passed or amended, may

be continued subject to certain regulations. Ordinarily these nonconforming conditions would be prohibited, regulated or restricted by these ordinances and amendments.

1. In order to avoid hardship, this Ordinance will not require a change in plans, construction or designated use of any building or structure where actual construction has lawfully begun prior to the effective date of adoption or amendment of this Ordinance. The actual building construction must have and must continue in a diligent manner.

808.B. Registration of Nonconforming Uses and Structures. See Section 104.F.

808.C. Continuation. Any lawful nonconforming use, structure or lot may be continued, maintained, improved and repaired, provided it conforms to the remainder of this section.

808.D. Changes in Construction and Size.

1. Nonconforming Structure.

- a. A nonconforming structure may be altered, reconstructed or enlarged provided that such alteration, reconstruction or enlargement does not increase the nonconformance or the nonconforming part of the structure.
- b. In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension or enlargement shall also meet the requirements of Section 808.D.3.

2. Nonconforming Lots.

- a. Single Family Dwellings. In any zoning district where single family dwellings are permitted, a single family dwelling may be constructed on any nonconforming single lot of record at the date of adoption or amendment of this Ordinance subject only to the following requirements: (amended 10/31/02, Ordinance 602)
 - 1) Lots for single homes in an R-1 district must comply with 80% of this Ordinance's requirements for lot area, lot width, rear yard dimension, side yard dimensions, front yard dimensions and maximum building coverage.
 - 2) Lots for single homes in R-2 and R-3 districts must comply with 60% of this Ordinance's requirements for lot area, lot width, rear yard dimensions, side yard dimensions, front yard dimensions and maximum building coverage.
- b. Buildings in Districts other than R-1, R-2 and R-3. Buildings may be placed on any single legal nonconforming lot subject to the following requirements:
 - 1) The building may not exceed two stories.
 - 2) The building must house a permitted use.
 - 3) Parking and loading areas must conform to this Ordinance.
 - 4) The front, side and rear yards must conform to the general nature of the neighborhood.
 - 5) A side yard clearance of at least ten feet must be maintained where the lot abuts a residential district.
- c. Paragraphs a and b above only apply to nonconforming lots whose owner does not own adjacent property. When adjacent property with continuous frontage is owned at the time of adoption of this Ordinance, the entire parcel of land will be considered as a single entity. This parcel of land may not be used, sold or subdivided in a manner which creates a lot whose width or area does not meet the requirements of this Ordinance.

3. Nonconforming Use. Nonconforming uses shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:

- a. Such alteration, reconstruction, extension or enlargement shall be permitted only by special exception.
- b. Such alteration, reconstruction, extension or enlargement shall be only upon the same lot which existed when the use became nonconforming.
- c. Any increase in volume or area of the nonconforming use shall not exceed an aggregate of more than 50 percent of said volume or floor area during the life of the nonconformity.
- d. Only the portion of the ground area of any lot upon which a nonconforming use exists shall be considered in computing the area occupied by such a use. The computations of volume and area, both to establish the extent of the nonconformity, and to determine the limits of its expansion shall be separate.

808.E. Restoration. A nonconforming building or any building containing a nonconforming use destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced within one year from the date the building was destroyed or condemned and shall be completed within one year of the date commenced. An Application must be made for a building permit to rebuild; the fee shall be waived.

808.F. Ownership. Whenever a nonconforming use, structure or lot changes ownership, a previously lawful nonconforming use may be continued by the new owner. The Zoning Officer may require a new owner to re-register the nonconforming use with the Zoning Officer.

808.G. Abandonment.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 365 consecutive days, subsequent use of such building or land shall conform with the regulations of the district in which it is located.
2. The act of abandonment and the intent to abandon shall be presumed to commence on the date when customary efforts to continue the use (operation, lease, sale, etc.) cease.

808.H. Changes in Use.

1. No structure or land once changed to a conforming use shall be permitted to revert to a nonconforming use.
2. A nonconforming use may be changed to another nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board after the following conditions are met:
 - a. The applicant shall show that the nonconforming use cannot reasonably be changed to a conforming use.
 - b. The applicant shall show that the proposed change will be equally or less objectionable in external effects than the existing nonconforming use with regard to:
 - 1) Traffic generation and congestion (including truck, passenger car, bicycle and pedestrian traffic),
 - 2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration,
 - 3) Storage and waste disposal, and
 - 4) Appearance.

808.I. District Changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another, the foregoing provisions shall also apply to any nonconforming uses or structures existing within the district to which the area was transferred.

809. **TEMPORARY STRUCTURE OR USE.** A temporary permit may be issued by the Zoning Officer for routine and customarily incidental structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:

809.A. The Zoning Officer shall establish a reasonable maximum time limit, which shall be stated on the permit. In no case shall the permit exceed an absolute maximum of one year. The permit may be renewed for good cause for one additional year. Such permit may not be renewed more than twice.

809.B. Upon expiration of the permit, the use shall cease, and such structure or use shall be completely removed without cost to the Borough.

809.C. A nonrefundable filing fee shall be required in addition to the other usual permit fees.

809.D. Tension membrane structures as defined in BOCA Codes shall be permitted as temporary structures. They shall be erected for no more than four months in any twelve-month period. These structures shall require permitting and are subject to all other zoning regulations such as use and setbacks. (Amended 10/26/00, Ordinance 583)

810. **SITE PLAN REVIEW.**

810.A. Scope.

1. Procedures. Before a zoning permit is issued for any use requiring Site Plan review, the procedures of this Section shall be followed in order to more effectively administer, enforce and implement the purposes, intent and requirements of this Ordinance.
2. Land Development. Any proposed development which constitutes a "Land Development" (as defined in the Borough Subdivision and Land Development Ordinance) shall not be required to follow the procedures of this Section.
3. When Required. This Site Plan Review submission and review shall be required for the following:
 - a. Any expansion of more than 2,000 square feet in the floor area of a nonresidential building.
 - b. Any new or expansion of a paved area of greater than 5,000 square feet.
 - c. Any earth disturbance involving over 1,000 square feet of land area.

810.B. Procedure.

1.
 - a. When the applicant applies to the Zoning Officer for a Zoning Permit, the applicant shall submit 3 complete sets of Site Plans.
 - b. No Zoning Permit shall be granted until after the Planning Commission submits its recommendation to the Zoning Officer or after 45 days of the date the Site Plans were submitted.
 - c. Site Plan approval shall not relieve the applicant from any other provisions of this Ordinance nor constitute a recommendation for a variance or other relief that the applicant may seek from the Zoning Hearing Board.
2. The Zoning Officer shall forward two copies of the Site Plan to the Planning Commission within seven days of the date of official plan submission. The Zoning Officer shall retain one copy of the Site Plan for review.
3.
 - a. The Planning Commission shall make a written recommendation to the Zoning Officer within 45 days of the date the Plan was submitted on whether the Site Plan indicates that a Zoning Permit should be granted or denied.

- b. The written recommendation shall include the underlying findings and reasons affecting the recommendation.
 - c. Failure to make a written recommendation within such 45 days shall be considered a recommendation to issue such Zoning Permit.
- 4. a. The Zoning Officer shall review the Site Plan and the Planning Commission's recommendations and issue or deny the Zoning Permit within 60 days after the Site Plan was officially submitted.
 - b. The decision of the Zoning Officer shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than the day following the decision.
 - c. The decision shall indicate the specific provisions of this Ordinance and other laws which have not been met and the specific reasons therefor.

810.C. Site Plan Requirements. The following information shall be included on the site plan:

- 1. A statement describing the proposed use.
- 2. A site layout drawn to a scale of not less than one inch = 50 feet showing the location, dimensions and area of each lot, the location, dimensions and height of proposed buildings, structures, streets and any existing buildings in relation to property and street lines. If the application relates 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.
- 3. The location, dimensions (numbers shown) and arrangements of all open spaces and yards, landscaping, fences and buffer yards including methods and materials to be employed for screening.
- 4. The location, size (numbers shown), 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.
- 5. The dimensions (numbers shown), location and methods of illumination for signs and exterior lighting.
- 6. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
- 7. Provisions to be made for treatment and disposal of sewage and industrial wastes and water supply.
- 8. 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.
- 9. 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.
- 10. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
- 11. All proposed site grading and drainage provisions and proposals.
- 12. Zoning districts and setback.
- 13. Floodplain delineations (if required by Zoning Officer).
- 14. Plan signed by owner.

810.D. Site Design Guidelines. The following guidelines are divided into eight categories to assist the applicant in the preparation of site and building plans and to assist the Planning Commission and the Zoning Officer in their reviews of all Site Plans. These guidelines are meant to encourage creativity, innovation, and well-designed developments. They apply to principal buildings and structures and to all accessory buildings, structures, signs and other site features.

1. Relation of Proposed Buildings to the Surrounding Environment. Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and related open space between all existing and proposed buildings.
2. Drive, Parking and Circulation. For vehicular and pedestrian circulation (including walkways, interior drives and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.
3. Surface Water Drainage.
 - a. Give special attention to proper site surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system.
 - b. Remove and efficiently carry away all storm water from all roofs, canopies and paved areas.
 - c. Collect surface water from all paved areas to permit vehicular and pedestrian movement.
4. Advertising Features. Ensure that the size, location, lighting and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.
5. Special Features. Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
6. Preservation of Landscape. Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.
7. Solar Energy Use. Consider the desirability and feasibility of active and passive solar energy use. Orient proposed buildings and provide structures to provide for solar energy use and to preserve solar access of adjoining properties.

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