

ARTICLE 4
ADDITIONAL REQUIREMENTS FOR SPECIFIC 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 Section 116.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL 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. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - 1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - 2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and downtown revitalization.
 - 3) To not attempt to suppress any activities protected by the "free speech" protections of the U.S. Constitution, but instead to control secondary effects.
 - b. No portion of a building occupied by an Adult Use shall be located within any of the following distances: 1) 400 lineal feet from any residential zoning district boundary or lot line of any existing dwelling, and 2) 1,000 lineal feet from the lot line of any existing primary or secondary school, place of worship, public park, day care center or child nursery.
 - c. No such use shall be located within 1,000 lineal feet of any existing "adult use."
 - d. A 50 foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of 6 feet.
 - e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - f. No such use shall be used for any purpose that violates any Federal, State or municipal law.
 - g. See Section 709, Prohibited Signs.

Fountain Hill Borough Zoning Ordinance - Adopted September 8, 2008

- h. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.
 - i. Adult Uses shall be prohibited in all Districts except where specifically permitted by Article 3.
 - j. A minimum lot area of 25,000 square feet 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.
 - l. No use may include live actual or simulated sex acts nor any sexual contact between entertainers nor between entertainers and customers. This shall specifically prohibit, but not be limited to, entertainers dancing on the laps of 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 for entertainers 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 at the beginning of each year in writing to the Zoning Officer.
 - p. The use shall not operate between the hours of 12 midnight and 7 a.m.
 - q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
2. Adult Day Care Center.
- a. The use shall be fully licensed by the State, if required by the State.
 - b. The use shall include constant supervision during all hours of operation.
 - c. The use shall not meet the definition of a "treatment center."
3. After Hours Club. As a condition of any approval under this Ordinance, the applicant shall prove full compliance with State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). Noise levels shall be in accordance with the provisions of Article 5, Section 505.
4. Assisted Living Facility / Personal Care Center. The same standards shall apply as are listed for nursing homes in this section.
5. Auto, Boat or Mobile / Manufactured Home Sales.
- a. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
 - b. See light and glare standards in Section 507.
 - c. See parking requirements in Article 6.
 - d. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
6. 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 any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 150 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 803.
 - c. Outdoor storage of motor vehicles shall not be within 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 or a dwelling.
 - e. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 30 days within view of a public street or a dwelling. A maximum of 4 junk vehicles may be parked on a lot outside of an enclosed building at any one time, except that additional numbers of vehicles may be parked outside overnight if they: 1) are screened from view from streets and other lots by landscaping or buildings and 2) are actively undergoing repair.
 - f. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.
 - g. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
 - h. The use may include a "convenience store" if the requirements for such use are also met.
 - i. See light and glare control in Article 5.
 - j. See canopy height and lighting provisions in Section 507.
 - k. Equipment shall be available on-site to clean-up spills in accordance with EPA.
7. Auto Service Station. The provisions for Auto Repair Garage listed in this Section shall apply. The uses of Auto Service Station and Auto Repair Garage may be combined, if the requirements for each use are met.
8. Bed and Breakfast Inn.
- a. Within a residential district (if permitted under Article 3), a maximum of 5 rental units shall be provided. A maximum number of rental units shall not apply in other districts where the use is allowed. No more than 3 adults may occupy one rental unit.
 - b. One off-street parking space shall be provided for each rental unit. If 4 or more new off-street parking spaces are provided, they shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
 - c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. Such sign shall only be illuminated externally.
 - d. The use shall have a residential appearance and character.
 - e. The use shall be owned, operated and/or managed by permanent residents of the lot.
 - f. 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.
 - g. No guest shall stay for more than 14 days in any month.
 - h. In a residential district, the use shall be restricted to buildings that existed prior to January 1, 1940.
 - i. Minimum lot area - 3,000 square feet, unless a more restrictive lot area is established by the applicable zoning district.
9. Boarding House (includes 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- 3,000 square feet of lot area per bedroom; 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 803 shall be provided between any boarding house building and any abutting dwelling.
 - g. See also standards for "assisted living facility" which is a separate use.
 - h. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
 - i. Rooms shall be rented for a minimum period of 5 consecutive days.

10. Car Wash.
 - a. Traffic flow and ingress-egress shall not cause traffic hazards on 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 in such a manner as could cause ice hazards.
 - 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.

11. Check Cashing Business. The following additional regulations shall apply to Check Cashing Businesses:
 - a. The building area occupied by a Check Cashing Business shall not be located within:
 - 1) 1,000 feet from the closest building area occupied by another Check Cashing Business or
 - 2) 4,000 feet from the lot line of a Licensed Gaming Facility.

12. Commercial Communications Antennae / Tower as Principal or Accessory Use.

- a. An accessory commercial communications antenna that does not involve a new tower shall be allowed in any district if it meets the following requirements:
 - 1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - a) an electric high voltage transmission tower,
 - b) an existing lawful commercial communications tower,
 - c) a fire station or steeple or bell tower of a place of worship, or
 - d) a water tower.
 - 2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.

- b. Any commercial communications antenna/tower that does not meet Section "a." above shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
 - 1) A new tower, other than a tower on a lot of an emergency services station, shall be set back the following distances, whichever is greater:
 - (a) a distance from the lot line of a lot occupied by an existing dwelling (or that is approved for a new dwelling) that is equal to or greater than the total height of the antenna/tower above the surrounding ground level or
 - (b) the applicable principal building setback.
 - 2) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - 3) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the Building Code.
 - 4) The applicant shall describe in writing the policies that will be used to make available space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region.

- 5) An applicant for a new commercial communications tower shall provide evidence to the Zoning Hearing Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided. At an absolute minimum, placement upon existing or approved towers within a one mile radius shall be considered, in addition to other reasonable opportunities.
 - 6) A maximum total height of 200 feet above the ground shall apply where a freestanding tower is allowed.
 - 7) The Zoning Hearing Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters.
 - 8) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs are preferred over lattice designs.
 - c. Purposes. These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
 - 1) To protect property values.
 - 2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - 3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
 - d. A tower/antenna that primarily serves emergency communications by a Borough-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right.
 - e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
 - f. All utility buildings serving a communications antenna shall have a maximum height of 12 feet. Where a utility building is adjacent to a residential lot(s), it shall meet principal building setbacks along those lot lines.
13. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.
- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
 - b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
 - 1) The building shall maintain the appearance of a one family 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.
 - 2) 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.
 - c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
 - d. Dumpster Screening. See Section 806.
 - e. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.
14. Day Care Center, Child.
- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.

- b. The use shall comply with any applicable state and federal regulations, including having an appropriate State 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 persons delivering and waiting for children.
 - d. In residential districts, where permitted as a principal use, a day care center shall have a minimum lot area of 6,000 square feet and a minimum setback of 10 feet from an abutting "residential lot line."
 - e. The use shall include secure fencing around outdoor play areas.
 - f. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the exterior walls of an abutting existing dwelling.
 - g. A day care center may occur in a building that also includes lawful dwelling units. However, a day care center shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
 - h. In residential districts, any permitted day care center shall maintain an exterior appearance that resembles existing dwellings in the neighborhood.
 - i. See also the standards for a "Place of Worship," which allows a day care center as an adjunct use.
15. Group Homes. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
- a. See definition in Section 202.
 - b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
 - c. A Group Home shall include the housing of a maximum of 5 unrelated persons, except:
 - 1) if a more restrictive requirement is established by another Borough Code, such as a Housing Code;
 - 2) the number of bona fide paid professional staff shall not count towards such maximum; and
 - 3) as may otherwise be approved by the Zoning Hearing Board under Section 111.D.
 - d. The applicant shall provide a written statement describing how the facility will have adequate trained staff supervision for the number and type of residents. The Zoning Officer may require 24 hour on-site staffing if necessary for the number and type of residents.
 - e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer. If such licensing or certification is changed, suspended or revoked, the operator shall provide written notice to the Zoning Officer within 7 days.
 - f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. If there are any changes in such matters, the operator shall provide written notice to the Zoning Officer within 7 days. The Zoning Officer may require a new approval if there are significant changes in the nature of the group home.
 - g. Any on-site medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any on-site staff meetings shall be limited to a maximum of 5 persons at one time.
 - h. A minimum of one off-street parking space shall be provided per on-site employee, plus one space for every 2 residents of a type reasonably expected to be able to drive a vehicle.
 - i. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
 - j. The persons living on-site shall function as a common household unit.
16. Hotel or Motel.
- a. See definitions in Article 2, which distinguish a hotel/motel from a boarding house.
 - b. New buildings shall be setback a minimum of 25 feet from the lot line of a dwelling, unless a wider setback is required by another section.

17. Junkyard. (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.
 - b. Outdoor storage of junk shall be at least: a) 100 feet from any lot line of a primarily residential use 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 12 feet wide aisles 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 803, unless such storage is not visible from an exterior lot line or street. The minimum initial height of the evergreen planting shall be 4 feet, which shall be designed to result in a solid 8 feet high plant screen within 4 years. Secure chain link or similar 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 or dust regulations of Article 5.
 - g. All vehicle fluids shall be stored and disposed of as per EPA regulations and Material Safety Data Sheet (MSDS) information. All batteries shall be removed from vehicles and stored in a suitable area on an impervious and properly drained surface.
 - h. Lot area - 1 acre minimum; 10 acres maximum.
 - i. Tires - see the "Outdoor Storage and Display" standards in Section 403.
 - j. The use shall also comply with the "Junkyard" Chapter of the Codified Ordinances.

18. Kennel.
 - a. Minimum lot area - 1 acre.
 - b. All buildings in which animals are housed and all runs shall be located at least 200 feet from any lot line of a primarily residential use. This setback shall not apply if the kennel is separated from a residential use by an expressway.
 - c. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
 - d. 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.
 - e. Structures in which animals are kept shall provide adequate shelter from the elements, including being heated during cold weather.
 - f. All animal wastes shall be removed and properly disposed of, at least once a day.
 - g. The operator of the kennel shall exercise all necessary control over the animals and shall not allow a nuisance condition to exist in terms of excessive noise, odor or health hazards.
 - h. The kennel shall be operated in full compliance with the State Animal Welfare Act and applicable State kennel regulations. The kennel shall be open to regular inspection by the Zoning Officer and any designated Health Inspector.

19. Licensed Gaming Facility. The following additional requirements shall apply to a Licensed Gaming Facility and surface parking areas that serve it.
 - a. The applicant shall seek input from the local public bus service provider regarding bus stops. If public transit service will be available, then a public transit stop shall be equipped with a minimum of one shelter. The transit shelter shall be placed such that it does not impede the normal pedestrian functions of the sidewalk.
 - b. Sidewalks shall be provided adjacent to public streets and from any adjacent arterial street to a pedestrian entrance of the use. At least one ADA-accessible pedestrian path shall be provided from

a main pedestrian entrance through the main on-site parking area. This pedestrian path shall be demarcated by pavement markings or differing colors or materials and be separated from adjacent parking spaces by curbing, curb stops or similar barriers.

- 1) Pedestrian sidewalks shall be provided in front of and along all public pedestrian entrances to business buildings and all bus unloading locations. Pedestrian routes and customer and employee parking areas shall be sufficiently illuminated for safety and security. Pedestrian routes and sidewalks shall be a minimum of 5 feet in width. Crosswalks shall be well-marked and be ADA-accessible.
- c. A landscaping plan shall be designed by a registered landscape architect.
- d. A minimum of 5 percent of the land area of off-street surface parking areas shall be within interior islands landscaped with trees, shrubs and vegetative ground cover.
- e. The exterior design of the principal building as viewed from an adjacent arterial street shall be of distinctive design. Exterior finished building materials visible from an adjacent arterial street shall be of an enduring quality, such as glass, transparent materials, brick, architectural masonry, architectural metal and materials of similar quality.
 - 1) Prior to receiving final subdivision or land development approval, the applicant shall submit a set of preliminary proposed architectural sketches to the Borough Planning Commission for review and comment. Such drawings or sketches shall be prepared with the involvement of a Registered Architect.
 - 2) Architectural elements shall be used to reduce the visibility of roof mounted mechanical equipment from adjacent public streets.
- f. A minimum of 10 percent of the total lot area shall be maintained in trees, shrubs, vegetative ground cover and/or a landscaped pedestrian plaza with decorative paving patterns, benches and/or preserved historic features. This 10 percent area may be calculated based upon an entire tract, as opposed to each lot within a development tract. Buffer yards may count towards this requirement.
- g. A row of trees, which may be staggered to allow room for future growth, shall be placed between any on-street parking area and any adjacent perennial river.
- h.. A minimum 10 feet wide landscaped planting area shall be located abutting any public street. This planting area shall not be required where there is a change of grade of more than 5 vertical feet immediately adjacent to the sidewalk. This planting area may include a combination of land inside and outside of the right-of-way, and areas between the curb and the sidewalk may count towards this width. This planting area shall include shrubbery and other landscaping that is designed and located to avoid conflicts with safe sight distances at intersections.
- i. All waste storage areas and tractor-trailer loading docks that are not within a building shall not be located along a facade facing an adjacent arterial street.
- j. Utility service lines that serve the use shall be underground.
- k. Any shrubbery within parking areas is encouraged to involve species with a mature height of less than 3 feet, or regular trimming, to avoid obstruction of views of motorists and pedestrians and to allow clear views for crime prevention. Fences, walls or landscaping should be provided to prevent and or discourage public access to or from dark and/or unmonitored areas.
- l. Signs for a Licensed Gaming Facility shall meet the requirements for signs under Article 7, except for the following requirements:
 - 1) The total area of all signs attached to a building shall not exceed 20 percent of the total vertical area of the exterior building face to which the signs are attached (including any doors or windows).
 - 2) The total sign area of a freestanding sign shall not exceed one square foot for each two (2) square feet of street frontage, in addition to sign area allowed by Section 704.A.
 - 3) For a Licensed Gaming Facility, a maximum of 200 square feet of additional sign area may be attached to the sides of one structure that existed prior to the adoption of this Ordinance.

20. 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."
21. Mineral Extraction.
- a. Application Requirements. A copy of all site plan information that will be required by the State DEP shall also be submitted to the Borough as part of the Zoning Application.
 - b. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer.
 - c. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
 - d. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation. This yard shall include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
 - e. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - 1) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - 2) 150 feet from a commercial or industrial building, unless released by the owner thereof,
 - 3) 250 feet from a lot line of a dwelling, other than an abandoned dwelling,
 - 4) 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
 - f. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
 - g. Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
 - h. Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.
 - i. Noise and Performance Standards. See Article 5.
 - j. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.
 - k. Hours of Operation. The Zoning Hearing Board, as a condition of special exception approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 - l. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
22. Mobile / Manufactured Home. The following provisions shall apply for a dwelling on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.
- 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 building code for the actual construction of the home itself.)
 - b. Each site shall be graded to provide a stable and well-drained area.
 - c. Each home shall have hitch and wheels 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. Foundation Treatment. The space between the bottom of the home and the ground and/or home

pad shall be enclosed using a durable material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This subsection e. shall not apply within a Manufactured/Mobile Home Park. Metal skirting shall only be permitted within a Manufactured/Mobile Home Park. Provisions shall be provided as necessary for access to utility connections.

- f. The front door of the home shall face onto a public street, except within a Mobile Home Park.
- g. See also the regulations of Section 307.
- h. A mobile/manufactured home shall not be permitted within a State-certified or National Register Historic District.
- i. See provisions in Section 307 regarding dwelling width in certain districts.

23. Mobile / Manufactured Home Park.

- a. Plans shall need approval by the Borough under the Subdivision and Land Development Ordinance.
- b. The minimum tract area shall be 1 contiguous acre, which shall be under single ownership.
- c. Density. The maximum average overall density shall be 4 dwelling units per acre.
 - 1) To calculate this density land in common open space or proposed streets within the park may be included. Land within the 100 year floodway or that has natural slopes of 15 percent or greater shall not be included when calculating density.
- d. Landscaped Perimeter. Each mobile/manufactured home park shall include a 25 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area 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 another other dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- f. The minimum separation between homes and edge of 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. Each home shall comply with the above requirements for Mobile/Manufactured Homes in this Section 402.
- i. Accessory Structures. A detached accessory structure or garage shall be separated by a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- j. 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.
- k. 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, and 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, but all private streets shall meet all other Borough cartway construction standards.

24. 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.

25. Outdoor Storage and Display. The provisions listed under Section 403 are hereby included by reference.
26. Pawn Shop. The following additional regulations shall apply to Pawn Shop uses:
- a. The building area occupied by a Pawn Shop facility shall not be located within:
 - 1) 1,000 feet from the closest building area occupied by another Pawn Shop or
 - 2) 4,000 feet from the lot line of a Licensed Gaming Facility.
 - b. The Pawn Shop shall fully comply with record-keeping requirements of the State Pawnbrokers License Act, as amended, and such records shall be available for review by the Borough Police upon request.
27. Picnic Grove, Private.
- a. Minimum lot area - 1 acre, unless a larger lot area is required by another section of this Ordinance.
 - b. All buildings, pavilions and active recreation areas shall be setback a minimum of 50 feet from any lot line of an existing principal dwelling, unless a larger setback is required by another section of this Ordinance.
 - c. The use shall not be open to customers/patrons between the hours of 11 p.m. and 7 a.m.
28. Place of Worship.
- a. Minimum lot area - 25,000 square feet in a residential district. In other districts, the standard minimum lot area shall apply.
 - 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. Other uses shall only be permitted if all of the requirements for such uses are also met, including being permitted in the applicable district.
 - 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.
29. Recreation, 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 and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.
 - b. A 20 feet wide buffer yard in accordance with Section 803 shall be required.
 - c. Any swimming pool shall meet the requirements for such use, as stated in this Article.
 - d. Lighting, noise and glare control - See Article 5.
30. 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.
 - d. A 20 feet wide buffer yard with screening as described in Section 803 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 land filling 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 and within 500 feet of an existing dwelling.
31. Research Laboratory. Defined herein as a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.
- a. No building or other structure shall be located within five-hundred feet (500') of a residential zoning district.
 - b. All buildings, structures and storage areas shall be enclosed with a minimum eight-foot (8') high safety fence.
 - c. The use shall not have or create any potential for environmental, fire, explosion, chemical, biological, or genetic hazards; or pose any other threat to the general health, safety and welfare of the Borough.
 - d. No material which is dangerous due to explosion, toxicity, fire hazard or radioactivity shall be used, stored or manufactured.
 - e. No offensive waste shall be discharged into any stream, storm drainage systems or sanitary disposal systems.
 - f. No offensive dust, dirt, fly ash, offensive odors or noxious toxic or corrosive fumes, gases or liquids shall be emitted.
 - g. No noise or vibration which is objectionable due to volume, intermittence, beat frequency, or shrillness shall be transmitted outside the property where it originated.
 - h. Evidence shall be submitted documenting the degree to which the propose use will comply with the above regulations, the other environmental protection provisions of Article 5.
32. Residential Conversions. See "Conversions of an Existing Building" within this Section.
33. Restaurant.
- a. Screening of Dumpster and Waste Containers - See Section 806.
 - b. See "Drive-Through" service in Section 403.
 - c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.
34. School, Public or Private, Primary or Secondary.
- a. Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area for that district.
 - b. No building, children's play equipment, basketball courts or illuminated recreation facilities shall be within 25 feet of a residential lot line, unless a more restrictive setback is established by another section of this Ordinance.
 - c. The use shall not include a dormitory unless specifically permitted in the District.
35. Self-Storage Development.
- a. All storage units shall be of fire-resistant construction.
 - b. Outdoor storage shall be limited to 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. See Section 803 concerning buffer yards. In addition, any garage doors or outdoor storage areas within 200 feet of a street right-of-way shall be screened from that street by a buffer yard meeting Section 803.
 - h. Minimum separation between buildings- 20 feet, which shall allow passage by emergency vehicles.
36. Swimming Pool, Non-Household.
- a. The water surface shall be setback at least 50 feet from any existing dwelling.
 - b. Minimum lot area- 30,000 square feet.
 - c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting Section 803.
 - d. The water surface shall be surrounded by a secure, well- maintained fence at least 6 feet in height.
 - e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
37. Target Range.
- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.
 - b. The design of the outdoor firearms target range shall be compared by the applicant with any applicable published guidelines of the National Rifle Association.
 - 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.
38. Terminal, Storage or Transfer Facilities for Trucking (including Motor Freight Terminal), Busing or Railroad Facilities, and Solid Waste Transfer Facilities.
- a. All areas used for vehicle storage, loading or maneuvering shall be paved.
 - b. The parking area shall be arranged so that all internal traffic movements can be made without entering the public right-of-way.
 - c. All repair operations shall be conducted within enclosed buildings.
 - d. All storage shall be within enclosed structures.
 - e. There shall be a 10 acre minimum lot size for motor freight terminals containing up to 5 truck bays, plus an additional 1 acre for every 5 truck bays or fraction thereof. Other facilities shall have a 5 acre minimum lot size.
 - f. A 20 foot buffer yard with a protective planting screen as described in Section 803.D shall be provided.
 - g. The use shall be on a lot abutting an arterial or collector street (as defined by the Borough's Street Classification Map), and the applicant shall prove that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trucks through or alongside existing residential or residentially zoned areas.
 - h. The amount of building areas devoted to truck, bus or vehicle maintenance shall not exceed 25 percent of the total building area.
 - i. Maintenance and incidental repairs shall be performed within a building.

- j. All maintenance and incidental repairs shall be performed only on those trucks, buses or vehicles which use the facility.
- k. The outdoor storage of truck parts, junked trucks or abandoned motor vehicles and junk shall be prohibited.
- l. The use shall comply with all the provisions in Article 5, Environmental Protection.
- m. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled or maintained.
- n. No storage or transfer of hazardous substances, animals, animal carcasses or skins or similar items shall be permitted.
- o. Any exterior lights shall be located so as not to shine beyond the boundaries of the property.
- p. Solid Waste Transfer Facilities shall also comply with the following additional requirements:
 - 1) The entire transfer process, which includes unloading, compaction and loading onto the transfer trucks, shall occur inside a building.
 - 2) Solid waste shall not remain on the site for more than seventy-two (72) hours.
 - 3) All waste materials shall remain within the vehicles delivering wastes to the facility for treatment or disposal and any material that may be dropped upon roads or neighboring properties shall be promptly removed by the operator of the facility.
 - 4) At the end of each workday all municipal solid waste on the site shall be compacted in a transfer container.
 - 5) Oversized items and items that cannot be compacted because of their size or construction shall be stored in the building. These items shall not remain on the site for more than fifteen (15) days.
 - 6) Each facility shall be operated and maintained in such a manner as to prevent health hazards, odors, dust, noise, environmental degradation, unsightliness, the attraction, harborage or breeding of insects, rodents or vectors, and to eliminate conditions which create safety hazards or impose an undue burden upon the Borough or its municipal services infrastructure.
 - 7) The hours of operation shall be limited to between 7 a.m. and 9 p.m.

39. Townhouses / Rowhouses and Apartments.

- a. Maximum Number of Townhouses Attached in any manner - 6.
- b. Paved Area Setback. 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 15 feet from any dwelling.
- c. Garages. Townhouses shall be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- d. Mailboxes. 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 specifically discouraged.
- e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.

40. Treatment Centers.

- a. See definition in Section 202.
- b. The applicant shall provide a written description of all types of persons intended to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
- c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.

- d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
 - e. If the use involves 5 or more residents, a suitable on-lot outdoor recreation area shall be provided that is supervised by the center's staff.
41. Veterinarian Office. (includes Animal Hospital)
- a. Minimum lot area - 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 within the buildings cannot routinely be perceived within any adjacent dwellings.
 - c. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
 - d. Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.
42. Warehouse and Wholesale Trade.
- a. Truck parking and loading shall meet the minimum standards of this Ordinance and in unique situations shall be provided according to maximum standards of the industry for the specific type of warehouse, wholesale trade distribution activity to be conducted.
 - b. Truck or rail access and operations shall not conflict with the convenience and safety of auto traffic and parking.
 - c. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins or similar items shall be permitted.
 - d. A 20 foot buffer yard with a protective planting screen as described in Section 803.D shall be provided.
 - e. The use shall comply with all the Environmental Provisions in Article 5.
 - f. Any exterior lights shall be located so as not to shine beyond the boundaries of the property.
 - g. The applicant shall prove that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trucks through or alongside existing residential or residentially zoned areas.
43. Wind Energy Facility.
- a. This Section applies to all Wind Energy Facilities to be constructed after the effective date of the Ordinance, except that Wind Turbines, as defined in Article 2, shall be permitted by right in all districts and shall not be required to meet the additional requirements of this Section provided:
 - 1) only one wind turbine shall exist on the lot,
 - 2) it shall be constructed for on-site use of the energy that is generated, except for incidental off-site sale,
 - 3) the total height of the wind turbine above the ground level shall not exceed the distance from the base of the wind turbine to the nearest lot line or street right-of-way line.
 - b. All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
 - c. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.
 - d. Wind Turbines shall be set back from the nearest occupied dwelling located on another lot a distance of not less than 5 times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the dwelling.
 - e. All Wind Turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements for that zoning classification where the turbine is

- located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
- f. All Wind Turbines shall be set back from the nearest public street a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
 - g. Audible sound from a Wind Energy Facility shall not exceed fifty (55) dBA, as measured at the exterior of any existing dwelling on another lot.
 - h. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on another lot.
 - i. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within 12 months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. Decommissioning shall include removal of Wind Turbines, buildings, electrical components, roads, and any other associated above-ground facilities.

403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- 403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.
- 403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
 1. Antenna, Standard. (includes amateur radio antenna)
 - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 70 feet.
 - b. Anchoring. An antenna shall be properly anchored to resist high winds.
 2. Bus Shelters.
 - a. A bus shelter that complies with this Section shall be allowed to provide refuge for mass transit riders from adverse weather conditions.
 - b. Only the following signs shall be permitted: a) one two-sided sign with a maximum sign area of 30 square feet (which may be illuminated) and b) non-illuminated signs identifying the name of the transit provider, route schedules and maps.
 - c. A bus shelter with advertising signs shall only be allowed within commercial and industrial districts. The location of a bus shelter shall be approved in advance by the transit provider and Borough Council. The applicant shall prove to the Zoning Officer that the location will not interfere with pedestrian traffic along the sidewalk and with safe sight distances at intersections. The Borough may also require a written agreement for use of the public right-of-way.

- d. The applicant shall prove to the Zoning Officer that there is a legally binding commitment by a responsible entity to properly maintain the bus shelter and to remove the shelter if it is not needed in the future or if it falls into disrepair.
 - e. Such shelters shall be durably constructed, with a roof. For security and safety purposes, the majority of the side walls of the shelter shall be constructed of a clear shatter-resistant material.
 - f. Any light bulbs/lighting elements shall not be directly visible from outside of the shelters. The lighting may be diffused by an allowed sign. Glare shall not be created.
 - g. A bus shelter shall not be located directly abutting a single family detached dwelling or a twin dwelling.
 - h. A bus shelter shall only be allowed within a commercial district or an immediately abutting sidewalk.
3. Day Care, Child as accessory to a Dwelling (includes Family Day Care Home or a Group Day Care Home).
- a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
 - b. In any case, 7 to 12 more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling with a minimum lot area of 12,000 square feet and a 10 feet minimum setback from all existing dwellings on another lot(s). Four to 6 children, in addition to children who are "related" to the primary caregiver, shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.
 - c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - d. The use shall be actively operated by a permanent resident of the dwelling.
 - e. If 4 or more children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.
 - f. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
 - g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
 - h. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
4. Drive-through Facilities.
- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation shall be clearly marked.
 - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
5. Fences and Walls.
- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
 - b. No fence, wall or hedge shall obstruct the sight requirements of Section 803.C.
 - c. Fences.
 - 1) Front Yard. Any fence located in the required front yard of a lot in a residential district shall:
 - a) Be an open-type of fence (such as picket, metal post or split rail) with a minimum ratio of 1:1 of open to structural areas,
 - b) Not exceed 4 feet in height, and

- c) In a Historic District, such fence shall not be constructed from chain link metal. Fences are encouraged to be constructed using weather-resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic-style metal post fences.
 - 2) On a "corner lot," the maximum height of any fence shall be 4 feet within a yard that faces a street (not including a lot along an alley).
 - 3) Brick may be used for posts or as a base for a fence, provided the maximum fence height is not exceeded.
 - 4) On a corner lot, a fence shall meet the same requirements along both streets as would apply within a front yard. However, a fence in the second front yard may have a height of 6 feet and is not required to be an open-type fence if it is located to the rear of the principal building. A fence shall not be required to comply with minimum setbacks for accessory structures.
 - 5) Height. Fences that are not within a residential district shall have a maximum height of 6 feet in a minimum front yard setback and 8 feet in other locations. A fence in a residential district, other than a required front yard, shall have a maximum height of 6 feet.
 - a) However, a maximum of height of 12 feet shall be permitted where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard, such as around an electric substation.
 - b) Structural posts of a fence may extend above the height of the fence.
 - 6) Setbacks. No fence shall be built within an existing street right-of-way. A fence is not required to be set back from a lot line, but a small setback is recommended to provide for future maintenance of the fence.
 - 7) Fence materials. Barbed wire shall not be used as part of fences around dwellings. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.
 - 8) Facing of Fence. If one side of a fence includes posts or supports, those posts or supports shall be placed on the interior of the fence, as opposed to facing onto a street or another lot.
 - d. Walls.
 - 1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts.
 - 2) Walls in the minimum front yard or the side or rear accessory building setback in a residential district shall have a maximum height of 3 feet. On a "corner lot," the maximum height of any wall shall be 3 feet within a yard that faces a street. Any other wall that is within a required yard shall have a maximum height of 6 feet.
 - a) This height limit shall not apply to a wall serving as a backing for a permitted sign if permitted by Section 704.
 - 3) Walls that are attached to a building shall be regulated as a part of that building.
6. Garage Sale.
 - a. See definition in Section 202. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
 - b. If accessory to a dwelling, no garage sales as an accessory to a dwelling shall be held on a lot during more than 4 days total in any 12 consecutive months.
 - c. The use shall be clearly accessory to the principal use.
 - d. See also the provisions for "Garage Sales" in the Codified Ordinances.
 - e. See sign provisions for Garage Sales in Section 703.
7. Home Occupations. (Also see No-Impact Home Based Business.)
 - a. All home occupations shall meet the following requirements:
 - 1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property.

- 2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 - 3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
 - 4) One off-street parking space shall be required per non-resident employee. In addition, for a Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
 - 5) The use shall not require delivery or pickup by tractor-trailer trucks.
 - 6) The regulations of Section 403.A.11.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 - 7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
 - 8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
 - 9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
 - 10) A barber or beauty shop shall not include any non-resident employees.
 - 11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
 - 12) The only allowed sign shall be one Home Occupation Sign meeting Section 703. Such sign shall not be illuminated and shall be attached to a building.
 - 13) The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the amount of deliveries that will be needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and the setbacks from other dwellings.
 - 14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
 - 15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a General Home Occupation, and if specifically approved as part of a special exception approval. Such retail sales shall be limited to sales that are clearly accessory to an approved barber shop or similar on-site service.
 - 16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
 - 17) A zoning permit shall be required for any home occupation.
 - 18) If a tenant is seeking special exception approval, written consent for the application shall be provided from the owner of the property.
 - 19) If a home occupation is discontinued for a period of over one year, then a new approval shall be required before the home occupation may be re-established.
8. No-Impact Home-Based Business. No-Impact Home-Based Businesses are permitted-by-right accessory uses. The business or commercial activity must satisfy the following requirements:
- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - b. The business shall employ no employees other than family members residing in the dwelling.

- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - g. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
 - h. The business may not involve any illegal activity.
9. Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, buffer yard, sidewalk or other area intended or designed for pedestrian use or required parking area.
 - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodway.
 - c. Screening. See Section 803.
 - d. Any storage of more than 50 used tires shall only be permitted as part of a Borough-approved junkyard. Any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet.
10. Pets, Keeping of.
- a. This is a permitted by right accessory use in all districts.
 - b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
 - c. See the "Animal" section of the Codified Ordinances, which regulates the control and number of animals. In any case, if more than 4 dogs, cats, rabbits or similar animals are kept on a lot, it shall be regulated by this Ordinance as a "kennel".
 - d. The keeping of up to 2 total pigeons, chickens, ducks, geese and/or similar sized animals shall be permitted on lot with a minimum lot area of 10,000 square feet.
 - e. Animals shall only be permitted provided they do not create unsanitary conditions or noxious odors for neighbors.
 - f. A minimum lot area of 2 acres shall be required for the keeping of a horse or similar sized animal, with one additional acre required for each additional such animal.
 - g. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards, but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, hogs or sheep.
 - h. It shall be unlawful on a residential property to maintain any "exotic wildlife" as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.

11. Residential Accessory Structure or Use. (see definition in Article 2)
 - a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within 10 feet of any street right-of-way line (such as on a corner lot).
 - b. Accessory buildings in a residential district shall meet the following requirements:
 - 1) Maximum total floor area of all accessory buildings- 1,000 square feet.
 - 2) Maximum of 2 accessory buildings per lot. (Note: This limit does not include household swimming pools or fences.)
 - c. Height. See Section 307.B.
 - d. Parking of Trucks and Buses. The overnight parking of commercial trucks and buses on a primarily residential lot in a residential district is prohibited, except that the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
 - 1) The parking of a maximum of 2 vehicles, each of up to 14,000 pounds aggregate gross vehicle weight.
 - e. Repairs. No maintenance or repair of either of the following shall occur on a principally residential lot:
 - 1) Trucks with an aggregate gross vehicle weight of over 14,000 pounds aggregate gross vehicle weight, or
 - 2) Vehicles not owned or leased by a resident of the lot or his/her "relative."
 - f. See setback exceptions in Section 803.B.
 - g. A maximum of one motor vehicle that does not display a current State registration and license plate may be stored on a residential lot outside of an enclosed building. However, such unregistered motor vehicle shall not be stored for more than 30 days in any calendar year. See also the Abandoned Vehicle section of the Codified Ordinances.
12. Swimming Pool, Household. (referred hereafter as "pool")
 - a. Enclosure Pools. A new or existing swimming pool shall include a secure fence with a minimum 4 feet height or other enclosure meeting the requirements of the applicable Building Code.
 - b. Location. Any pool deck or shelter that is elevated above the average surrounding ground level and the water surface of any pool shall be setback a minimum of 6 feet from any lot line. Patios around pools that are level with the average surrounding ground level are not required to be setback from lot lines. A pool is not permitted within a required front yard. A pool shall comply with limitations of any water or sewer easement.
 - c. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property. Such method may be subject to approval of the Zoning Officer.
13. Unit for Care of Relative.
 - a. The use shall meet the definition in Section 202.
 - b. The accessory unit shall be occupied by a maximum of two persons, who shall be close "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
 - c. The applicant shall prove to the Zoning Hearing Board that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit after the relative no longer resides within the unit. A written plan shall be submitted showing how the separate unit will be changed to no longer be a separate unit. The accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area.
 - d. The applicant shall establish a legally binding mechanism that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.

- e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
 - f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines.
 - g. Additional parking for the accessory unit may be waived by the Zoning Hearing Board as part of the special exception approval if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.
14. Wind Turbine. Wind Turbines, as defined in Article 2) shall be permitted by right in all districts and shall not be required to meet the additional requirements for a Wind Energy Facility in Section 402.A.43:
- a. Only one wind turbine shall exist on the lot,
 - b. It shall be constructed for on-site use of the energy that is generated, except for incidental off-site sale,
 - c. The total height of the wind turbine above the ground level shall not exceed the distance from the base of the wind turbine to the nearest lot line or street right-of-way line.