

# **SEVEN VALLEYS BOROUGH ZONING ORDINANCE**



**RETTW**  
ASSOCIATES, INC.

**JUNE 1999**

**NO. 1999-2  
SEVEN VALLEYS BOROUGH  
ZONING ORDINANCE**

**ADOPTED  
JUNE 1999**

**PREPARED FOR:**

**SEVEN VALLEYS BOROUGH  
P.O. BOX 277  
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**ORDINANCE NO. 1999-2**

**ORDINANCE NO. 1999-2 WITH THE INTENT OF REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES; PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND FOR THESE PURPOSES ESTABLISHING ZONES AND BOUNDARIES AND DESIGNATING AND REGULATING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC, AGRICULTURAL AND CONSERVATION USES WITHIN SUCH ZONES AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF, IN THE BOROUGH OF SEVEN VALLEYS, THE COUNTY OF YORK AND COMMONWEALTH OF PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (ACT 247) AS ENACTED AND AMENDED.**

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

**ARTICLE I**

**SHORT TITLE, PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES**

Section 101 Short Title

This Ordinance shall be known and may be cited as the "SEVEN VALLEYS BOROUGH ZONING ORDINANCE."

Section 102 Purpose

The purpose of these regulations is to provide for the harmonious development of the Borough by facilitating:

- a) The orderly and efficient integration of land development within the Borough.
- b) Proper density of population.
- c) Adequate water and sewerage.
- d) Adequate police protection, schools, parks and other public grounds and buildings.
- e) The protection of water resources and drainageways.

- f) Adequate light and air.
- g) Adequate transportation, parking and loading space.
- h) The greater health, safety and welfare of the citizens of the Borough.
- i) Protection of the agricultural resources of the Borough.
- j) Adequate sites for recreation, conservation, scenic and other open space purposes.
- k) The prevention of blight and overcrowding of land.

**Section 103 Community Development Objectives**

This Ordinance is enacted as part of the overall plan for the orderly growth and development of Seven Valleys Borough. As such, this Ordinance is based upon the expressed or implied community development objectives as contained in the Seven Valleys Borough Comprehensive Plan.

**ARTICLE II**  
**DEFINITIONS**

Section 201 - Interpretation

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the following rules of interpretation shall apply:

- a) Words in the present tense include the future tense.
- b) Words in the singular include the plural and words in the plural include the singular.
- c) The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
- d) The term "such as" shall be considered as introducing a typical or illustrative designation of items, and shall not be interpreted as constituting a complete list.
- e) The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- f) The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- g) The word "lot" includes the words "plot" and "parcel".
- h) The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
- i) The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs.
- j) The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

Section 202 - Specific Words and Phrases

Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated in this Section. Several definitions are further described by sketches included as Appendix A:

ACCESSORY USE – SEE "USE, ACCESSORY".

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



AGRICULTURAL PURPOSES - The use of land for farming, dairying, culture, viticulture, or animal or poultry husbandry including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time farm worker. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

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

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

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

AMUSEMENT ARCADE - A commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g. pinball machines, video games, skeetball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

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

ANTENNA HEIGHT - The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

APARTMENT - Any dwelling unit which is located within a single structure along with at least one (1) other dwelling unit or with a non-residential use, each having a separate location within such structure.

APARTMENT, CONVERSION - A multi-family dwelling constructed by converting an existing building into independent dwelling units for more than one family, without substantially altering the exterior of the building.

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

BED AND BREAKFAST INN - A single-family residence or portion thereof containing not more than two guest rooms which are used by nor more than five guests where rent is paid in money, goods, labor or otherwise.

BLOCK - An area bounded but not traversed, by streets or other physical barriers on all sides.

BOARDING HOUSE - A building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business, more than five (5) and not more than ten (10) individuals that do not constitute a family.

BUFFER AREA - A landscaped area intended to be used as a means of limiting the effects created by a use on adjoining properties, streets and uses.

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

**DETACHED** - A building that has no party wall.

**SEMI-DETACHED** - A building which has only one party wall in common.

**ATTACHED** - A building that has two or more party walls in common.

**BUILDING, ACCESSORY** - A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**BUILDING, FARM** - A building for agricultural uses, namely barns, poultry houses, corncribs, silos, and other similar farm structures.

**BUILDING, PRINCIPAL** - A building which is enclosed within exterior walls or fire walls, built, erected, and framed of component structural parts, designed for housing, shelter, enclosure, and support of individuals, and is the main structure on a given lot.

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

**BUILDING COVERAGE** - That portion of a lot covered or occupied by building and/or structures. For the purpose of computation, building coverage excludes fences, free-standing walls, retaining walls, decks and unenclosed porches extending no more than eight feet from the building wall, playground equipment, wading pools no more than 30 inches above grade, cornices, eaves, gutters, stoops, terraces, balconies, fire escapes, and unenclosed steps. (See Appendix A).

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

**BUILDING LINE** - The actual line of that face of the building nearest an adjacent right of way or street line. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

**BUSINESS CONVERSION**: The conversion of all or a portion of an existing residential or nonresidential building for business use.

**CELL SITE** - A commercial communications antenna site occupied by a cellular telephone antenna and accessory facilities.

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

**CEMETERY** - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

**CHANGE OF USE** - An alteration of a building or a change of existing use within a building or on a lot to a new use that imposes other provisions of the Zoning Ordinance.

**CLUB:** An organization catering exclusively to members and their guests or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs.

**CLUSTER DEVELOPMENT** - An area of land in single ownership to be developed as a residential community in which areas are provided so that the overall density required in that zoning district is maintained.

**COMMERCIAL RECREATION FACILITY** - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult-related uses or amusement arcades, as defined herein.

**COMMON OPEN SPACE** - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain and as are appropriate for the recreation of residents.

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

**COMMUNICATIONS EQUIPMENT BUILDING:** - An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

**COMMUNICATIONS TOWER:** - A Structure other than a building, such as a monopole, self supporting or guyed tower, designed and used to support Communications Antennas.

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

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

**CONVENIENCE STORE** - Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods for off-site consumption, and other goods commonly associated with the same.

**CONVENTIONAL ENERGY SYSTEM** - Any energy system, including, supply elements, furnaces, burners, tanks, boilers, related controls, and energy-distribution components, which

uses any source(s) of energy other than solar energy. These sources include, but are not limited to; gas, oil, coal and nuclear materials but exclude windmills.

DAY CARE FACILITY, CHILD OR ADULT - Any dwelling, building, or portion thereof, including any on-site outdoor play area, where regularly scheduled child or adult day care services other than the following are provided. Where applicable, said facility shall be licensed by the Commonwealth of Pennsylvania, and shall not provide overnight accommodations.

- a) The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person giving care.
- b) The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person receiving care.
- c) Child and adult day care facilities shall be further differentiated by the following two classifications:

COMMERCIAL DAY CARE FACILITY - A facility which provides care for (1) a combined total of seven or more children or adults per day, where the child or adult care areas are being used as a family residence or (2) any number of children or adults per day, where the child or adult care areas are not being used as a family residence.

FAMILY DAY CARE HOME - Any premises or dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one time to up to six non-dependent children or adults per day.

DENSITY - The number of dwelling units per acre.

DENSITY, GROSS - The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, exclusive of exterior public rights-of-way.

DENSITY, NET - The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, floodplains or wetlands.

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. Same as Subdivider.

DEVELOPMENT: SEE "LAND DEVELOPMENT".

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

DRIVEWAY - A minor vehicular right-of-way, other than a street, which provides access between a street and a parking area or garage within a lot or property (often referred to as an access drive).

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

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All dwellings shall be properly connected to approved and permanently designed sewer, water, electrical and other utility systems (See Appendix A).

- a) SINGLE-FAMILY DETACHED - A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and (1) side and rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.
- b) SINGLE-FAMILY, ATTACHED (TOWNHOUSE OR ROW HOUSE) - A building used by one family and having two party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.
- c) DUPLEX - (Two-family; single-family semi-detached) - A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, side and rear yard.
- d) MULTIPLE FAMILY - A building containing three or more dwelling units, at least one of which must be located above or below the remaining units.
- e) TOWNHOUSE - See Dwelling, Single Family, Attached (Townhouse or Row

DWELLING UNIT - Any structure or part thereof, designed for occupancy by not more than one family for living purposes and having complete housekeeping facilities.

EASEMENT - A limited right of use granted on private land for public use or private use by another party or parties and within which the owner of the property shall not erect any permanent structures.

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

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

FAMILY - For the purposes of this Ordinance, a family shall be defined as follows:

- a) Two or more persons related by blood (within and including the degree of first cousin), marriage or adoption, including foster children, living together in a single housekeeping unit and sharing all of the facilities of that unit in common;
- b) Not more than two unrelated persons, persons related to either or both of them by blood (within and including the degree of first cousin) or adoption, and including foster children, provided, however, that they live together in a single housekeeping unit and share all of the facilities of that unit in common; or
- c) One or more individuals with disabilities, as defined and protected by the Federal Fair Housing Act, as amended, who live together primarily for purposes relating to their disabilities as the functional equivalent of a family in a shared living arrangement licensed or certified by the appropriate County, Commonwealth or Federal agency.

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

FARM DWELLING - A dwelling unit occupied by the farm owner, whether or not he is farming the land, or by permanently employed persons and their families who receive housing in lieu of all or part of their wages.

FARM DWELLING, ACCESSORY - An accessory farm dwelling is a second dwelling having as its occupant(s) an owner or one or more full-time laborers (or any family member thereof) on the farm.

FARM OCCUPATION - An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the farm.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses, or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. Flood plain areas include, but are not necessarily limited to, those areas identified as being-flood prone on the Flood Hazard Boundary Map for Seven Valleys Borough as issued by the Federal Insurance Administration.

FLOOD-PRONE AREA - A relatively flat or low land area adjoining a stream, river, or watercourse which is subject to partial or complete inundation; or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures that reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude. For the purposes of this Ordinance the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude, without increasing the water surface elevation of that flood more than one (1) foot at any point.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar, basement and attic floor areas are not devoted to the residential use, but including the area of roofed porches and roofed structures. All dimensions shall be measured between exterior faces of walls.

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

FUNERAL HOME - A building devoted to the care, embalming, and holding of services for the dead, including the sale of funeral equipment as an accessory activity.

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

GROUP HOME - A dwelling shared by handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible to meet their maximum potential.

As used herein, the term "handicapped" shall mean having:

- a) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
- b) a record of having such an impairment; or
- c) being regarded as having such an impairment.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include alcoholism or drug treatment centers, work release facilities for convicts or exconvicts, or other housing facilities serving as an alternative to incarceration.

Operators of a group home shall provide verification to the Borough that a license has been obtained if one is required by an appropriate agency.

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

GUEST ROOM - A room which is intended, arranged or designed to be occupied or which is occupied by one or more guests but in which no provision is made for cooking and not including

dormitories for sleeping purposes. Residential noncommercial guestrooms shall be within or attached to the principal residence and shall be part of the residential utility (sewer, electronic, etc.) service line.

HOME BUSINESS - An occupation, profession, activity or use conducted within a single-family detached dwelling unit or existing accessory building by the residents thereof and not more than two non-resident employees. Home business uses are intended to be of a service nature and may involve the incidental purchase and/or sale of goods on the premises. The use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no external evidence of the home business except a permitted sign, and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Since the use may be of such nature that may require regular visits by customers and/or deliveries, adequate off-street parking space shall be required in addition to the spaces required for the residential use.

HOME OCCUPATION - An occupation, profession, activity or use conducted within a dwelling unit solely by the residents thereof. The use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. The use shall be of such nature that will not require regular visits by customers and/or deliveries and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare.

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

HOTEL: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

HOUSE OF WORSHIP - A nonprofit use of land or a building or buildings as a place of worship, convent, monastery or similar religious institution, including rectory and parish houses for an organization solely or primarily used as a religious institution when located on the same premise.

IMPERVIOUS AREA - Any portion of a lot covered by material impenetrable by precipitation, including buildings, structures, parking lots, parking areas and paved areas. (See Appendix A).

IMPERVIOUS SURFACE - Those surfaces which do not absorb rain. All buildings (including roof overhangs), parking areas, driveways, roads, sidewalks, and concrete, asphalt and stoned areas shall be considered impervious surfaces within this definition.

INDUSTRIAL USE -

- a) GENERAL INDUSTRIAL USE - Manufacturing or storage uses which, because of their shipping, storage and other requirements should not be located in close proximity to residential areas.
- b) LIGHT INDUSTRIAL USE - Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which can be compatible with neighboring residential uses.

INDUSTRIAL PARK - An industrial park is an industrial area --



- a) Organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries, and
- b) Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

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

JUNK - Any discarded materials or articles, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK YARD - Any unlicensed place where junk, as herein defined, is stored, accumulated, or disposed of. (SEE SALVAGE YARD). The deposit or storage on a lot (other than in a licensed salvage yard) of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junk yard." (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that is required to and does not have a valid current registration plate or a certificate of inspection which is more than 60 days beyond the expiration date.) Unlicensed vehicles and equipment routinely used in agricultural operations on the property on which they are parked or stored shall not constitute a "junk yard."

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

LAND DEVELOPMENT - Any of the following activities:

- a) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1) a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- b) A subdivision of land.
- c) Excluded from this definition of land development are the following:
  - 1) the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;

- 2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- 3) the addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

LANDSCAPING - Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs, and bushes, and may also include mulch and/or decorative stone.

LAUNDRY, SELF-SERVICE - A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

LIVESTOCK - Any living creature maintained for commercial use or profit, but not maintained as a pet.

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

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- a) LOT, CORNER - A lot at the point of intersection of and abutting two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines. Front yards are required on all street frontages. One yard other than a front yard shall be deemed a rear yard, and the other, or others, side yards.
- b) LOT, FLAG - A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage. Such lots are not permitted under this Ordinance.
- c) LOT, INTERIOR - A lot other than a corner lot, the sides of which do not abut a street.
- d) LOT, REVERSE FRONTAGE - A lot extending between and having frontage on a major street and a minor street with vehicular access solely from the latter.
- e) LOT, THROUGH - An interior lot having frontage on two parallel or approximately parallel streets.

LOT AREA - The area contained within the property lines of an individual lot, excluding any area within a street right-of-way whether existing or future, but including the area of any easement.

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

LOT DEPTH - The mean horizontal distance of a lot measured between the street right-of-way line and the closest rear property line. On corner and through lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT WIDTH - The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line. Unless otherwise specified, lot width shall be measured at the street right-of-way line.

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

MINIWAREHOUSE - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MIXED USE - Occupancy of a building for more than one (1) use.

MOBILEHOME - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes placed in parks shall meet the requirements for Mobile Home Parks listed in Section 616 of this Ordinance. Mobile homes placed on individual lots shall be considered single-family-detached dwellings, and be bound by the requirements there imposed.

MOBILEHOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

MOBILEHOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

MOTEL - A building or group of buildings, whether detached or in connected units, used as individual sleeping or living units with direct outside access, designed primarily for transient vehicle travelers, and provided with accessory off-street parking facilities. The term includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include mobile home parks.

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

MUNICIPAL USE - Any use owned or operated by the Borough or an authority created by the Borough.

NIGHTCLUB: A bar, restaurant, coffeehouse, or similar establishment where a dance floor or entertainment is provided.

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

- a) NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the enactment to this Ordinance of any amendment heretofore or hereafter enacted, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.
- b) NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Ordinance or any amendment heretofore to hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reasons of annexation. Such nonconforming structures include, but are not limited to, conforming signs.
- c) NONCONFORMING USE - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the applicant of this Ordinance or amendment to its location by reason of annexation.

NONCONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

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

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

OWNER - The owner of record of a parcel of land.

PA DEP - Pennsylvania Department of Environmental Protection

PA DOT - Pennsylvania Department of Transportation

PARCEL - A unit of land that meets all of the following criteria--

- a) Owned by the same owner or owners on (adoption date).
- b) Obtained by its owner or owners at the same time and by the same instrument (deed, will, etc.).

- c) Is contiguous - land shall be considered contiguous even though separated by public or private roads.

PARK, PLAYGROUND OR RECREATION AREA - An open air recreational facility which is not accessory to any other use on the same or any other lot, but excluding amusement parks, and further defined below:

- a) PARK, PLAYGROUND, OR RECREATION AREA, COMMERCIAL: Recreational facilities operated as a business and open to the general public for a fee.
- b) PARK, PLAYGROUND OR RECREATION AREA, RESTRICTED: Recreational facilities operated for restricted use in conjunction with (1) a particular non-profit organization, and open only to its members and guests or (2) a particular housing development or private residences, and open only to the residents and guests of said developments or private residences.
- c) PARK, PLAYGROUND OR RECREATION AREA, PUBLIC: Recreational facilities operated as a nonprofit enterprise by a governmental or nonprofit organization, and open to the general public.

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

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

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

PARTY WALL: A wall, used jointly by two (2) parties under easement agreement, erected upon a line separating two (2) parcels of land, each of which is a separate real estate entity.

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

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

PERSONAL SERVICE BUSINESS - Personal service businesses shall include barber and beauty shops, radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches, tailor and dressmaking shops are any other similar establishment providing personalized service to customers.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type or dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of the Borough zoning ordinance.

PLANNING CODE - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, as amended by Act 170 of 1988.

PLANNING COMMISSION - The Seven Valleys Borough Planning Commission (unless otherwise indicated).

PROFESSIONAL OR BUSINESS OFFICES - An office which generally operation an appointment basis. Business offices shall include advertising agencies, optician's office, personnel agencies, photographer's studio, and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers, and miscellaneous consulting, services. Also included are offices of a governmental agency, social service organization, district justice or justice of the peace, notary, public or private utility or political organization; or an office of a bank, savings and loan association, credit or loan company, collection agency, or stock and bond broker.

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

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

PUBLIC GROUNDS - includes the following:

- a) parks, playgrounds, trails, paths and other recreational areas and other public areas;
- b) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- c) publicly owned or operated scenic and historic sites.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

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

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the 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 seven days from the date of the hearing. Public notice for rezoning, special exception, conditional use and/or variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the required public hearing.

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

**PUBLIC USES** - Includes public and semi-public uses that are specifically established to offer some public welfare, health, safety, recreation or educational services to the residents, businesses and landowners of Seven Valleys Borough. Such uses can include schools, parks, fire stations, municipal buildings and garages, and etc. Churches are not included in this definition.

**PUBLIC UTILITIES** - Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

**PUBLIC WATER** - A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

**RECREATION, ACTIVE** - Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, site or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

**RECREATION, PASSIVE** - Leisure time activities, usually of an informal nature and which can be carried out with no alteration or disruption to the area in which they occur, such as hiking and picnicking.

**RECREATIONAL VEHICLE** - Tent trailers, campers, travel trailers, and motor homes which provide for eating and/or sleeping for one or more persons are classified as recreational vehicles. These vehicles or units shall have a fixed maximum width of eight (8) feet or less and a maximum length of thirty-two (32) feet or less.

**RETAIL STORE OR SHOP** - Any shop or store whose primary activities involve the sale or lease of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture, gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies, leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio-television and sound equipment, sporting and camping goods, stationery, tobacco, toys and wearing apparel. The wholesale distribution or manufacture of the foregoing products are not included herein and are permitted only as provided in other appropriate sections of this Ordinance. Among the uses not to be interpreted as retail stores or businesses are uses specifically provided for elsewhere in this Ordinance, including, but not limited to, gasoline and motor vehicle service stations, vehicular sales and rental, restaurants, taverns, business offices, contractors offices, mills and lumber yards.

**ROADWAY** - The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder. Often referred to as "cartway."

**ROOMING HOUSE** - A building containing a single dwelling unit and guest rooms, where lodging is provided with or without meals for compensation for at least three (3) but not more than eight (8) persons.

**SALVAGE YARD** - A lot, land or structure, or part thereof, properly licensed by the Commonwealth of Pennsylvania, which is used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, or for the

collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof (SEE "JUNK YARD").

SATELLITE DISH ANTENNA - Any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

SCHOOL - A place of instruction, either public or private, other than a commercial school.

- a) SCHOOL, COMMERCIAL - A school conducted for profit for such special instruction as business, art, music, trades, handicraft, dancing, or riding.
- b) SCHOOL, ELEMENTARY - Any school licensed by the Commonwealth of Pennsylvania and which meets the requirements for elementary education.
- c) SCHOOL, NON-PUBLIC - A private place of instruction other than a commercial school.
- d) SCHOOL, NURSERY - Any place licensed by the Commonwealth of Pennsylvania and which is authorized to provide regular instruction and daytime care for two or more children under the age of elementary school.
- e) SCHOOL, SECONDARY - Any school licensed by the Commonwealth of Pennsylvania and which is authorized to award diplomas for secondary education.

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

SERVICE STATION - SEE "VEHICLE SERVICE STATION".

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

- a) SETBACK, FRONT - The distance between the street right-of-way line and the front setback line projected the full width of the lot. Commonly called "required front yard."
- b) SETBACK, REAR - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required rear yard".
- c) SETBACK, SIDE - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard".

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

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

SIGN - Any structure, device, fixture or placard that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or



entity, or to communicate information of any kind to the public. Specific sign types are defined as follows:

- a) ANIMATED SIGN - Any sign that uses movement or change of lighting to depict action or create a visual effect or scene.
- b) BANNER - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- c) BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- d) BILLBOARD - Any sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
- e) BUILDING MARKER - Any sign indicating the name of a building and data and incidental information about its construction, which sign is cut into a masonry surface or made bronze or other permanent material.
- f) BUILDING SIGN - Any sign attached to any part of a building, as contrasted to a freestanding sign.
- g) CANOPY SIGN - Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area. A marquee is not a canopy.
- h) CHANGEABLE COPY SIGN - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this ordinance.
- i) COMMERCIAL MESSAGE - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.
- j) FLAG - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- k) FREESTANDING SIGN - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- l) IDENTIFICATION SIGN - Any sign indicating the name and address of an occupant of a building.
- m) INCIDENTAL SIGN - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only,"

"telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

- n) LUMINOUS SIGN - Any sign that contains a light shining from any source within the body of the sign.
- o) MARQUEE SIGN - Any sign attached to, in any manner, or made part of a marquee.
- p) NONCONFORMING SIGN - Any sign that does not conform to the requirements of this ordinance.
- q) PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in series, designed to move in the wind.
- r) PORTABLE SIGN - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of way, unless said vehicle is used in the normal day-to-day operations of the business.
- s) PROJECTING SIGN - Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.
- t) REAL ESTATE SIGN - A sign relating to the property on which it is located offering such property for sale, lease or rent.
- u) RESIDENTIAL SIGN - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this ordinance.
- v) ROOF SIGN - Any sign erected and constructed wholly on and over the roof of building supported by the roof structure, and extending vertically above the highest portion of the roof.
- w) ROOF SIGN, INTEGRAL - Any sign erected or constructed as an integral or essentially integral part of a normal roof structure or design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
- x) SUSPENDED SIGN - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- y) TEMPORARY SIGN - Any sign that is used temporarily and is not permanently mounted.
- z) WALL SIGN - Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

- aa) WINDOW SIGN - Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGN SETBACK - The distance from the property line or street right-of-way to the nearest part of the applicable sign, measured perpendicularly to the property line or street right-of-way line.

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

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

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

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 503 of this Ordinance.

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

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

STREET - A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Street includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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

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

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

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

- b) PERMANENT - A structure which cannot readily be removed.
- c) TEMPORARY - A structure which can readily be removed.

SWIMMING POOL - Any pool or open tank containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN, (COCKTAIL LOUNGE) - An establishment whose primary function is to dispense alcoholic beverages incidental to the fact that food is available for sale. This definition shall include those establishments which do not meet the criteria set forth by the Pennsylvania Liquor Control Board regarding eligibility for a Sunday sales permit (that is, where alcoholic beverage sales exceed 40 percent of the establishment's income).

TELEVISION ANTENNA - Any device used for receiving video transmissions.

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

- a) ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.
- b) PRINCIPAL USE - The main or primary use of property or structures, measured in terms of net floor area, or where no net floor area exists, measured in terms of net land area.

USE AND OCCUPANCY PERMIT - A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning permit and the Zoning Ordinance.

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

VEHICLE BODY SHOP - A building or structure on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles, trucks and other vehicles for conveyance.

VEHICLE PARKING LOT OR GARAGE - Commercial: A lot or building or portion thereof, other than an automobile sales lot used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot or garage shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

VEHICLE REPAIR GARAGE - A building or structure on a lot designed and/or used primarily for mechanical and/or body repairs, storage, or servicing to automobiles, trucks and similar vehicles.

VEHICLE SERVICE STATION - A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering vehicle services such as lubrication, washing and minor repairs.

VEHICLE WASH - A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide accessory services as set forth herein for Vehicle Service Stations.

WATERCOURSE: Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

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

YARD - An area between the permitted structures and the property lines.

- a) YARD, FRONT - The area contained between the street right-of-way line and the front face or wall of the principal structure.
- b) YARD, REAR - The area contained between the rear property line and the rear face or wall of the principal structure. On corner and through lots, the rear yard shall be considered that area between the principal structure and the property line directly opposite the street of address.
- c) YARD, SIDE - The area(s) between any side face or wall of a principal structure and any side lot line(s). On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the streets.

ZONING - The designation of specified districts within a community or Borough, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING DISTRICT - A portion of the Borough or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (or the adjacent municipality's Zoning Ordinance).

ZONING HEARING BOARD - The Zoning Hearing Board of and for the Borough of Seven Valleys.

ZONING MAP - The Zoning Map of Seven Valleys Borough adopted hereunder, together with all amendments thereto subsequently adopted.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may be the Building Inspector and serve both offices of the Borough.

ZONING PERMIT - A written statement issued by the zoning officer, authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provision.

## ARTICLE III

### ZONE REGULATIONS

#### Section 301 Zones and Boundaries

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

RA	Rural Agricultural
R	Residential
VC	Village Center
I	Industrial
F	Special Flood Hazard Area

- b) Boundaries of Zones: Where uncertainty exists as to the boundaries of the zones as shown on the zoning map, the following rules shall apply:
- 1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
  - 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - 3) Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
  - 4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  - 5) Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
  - 6) Boundaries indicated as parallel to or extensions of features indicated in Sub-section (1) through (5) shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
  - 7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Sub-section (1) through (6), the Zoning Hearing Board shall interpret the district boundaries.

## Section 302 Use Regulations

- a) Uses Permitted: The uses permitted in the zones established by this Ordinance and the permitted extent of these uses are as shown in Sections 303 through 307. The uses shown as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However,
  - 1) Additional general provisions are set forth in ARTICLE IV.
  - 2) Modifications to the use or dimensional requirements are set forth in ARTICLE VII.
  - 3) Standards for Special Exception and other selected uses are set forth in ARTICLE VI.
- b) All Other Uses: Any use not specifically allowed elsewhere in this Ordinance shall be allowed by Special Exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by Special Exception provided that said use meets the requirements for a Special Exception and does not constitute a public or private nuisance.
- c) Accessory Uses and Structures: Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in Section 401.
- d) Uses With Nuisance Effect: In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.
- e) No more than one principal use is permitted per lot, except in the case of permitted "mixed use" buildings.

## Section 303 Rural Agricultural Zone (RA)

- a) Purpose: The primary purpose of this zone is to maintain and promote the rural-agricultural character of the land within this zone. This zone is composed of those areas in the Borough whose predominant land use is rural residential and agricultural. The regulations of this zone are designed to protect and stabilize the essential characteristics of these areas; to minimize conflicting land uses detrimental to agricultural enterprises and to limit development that requires highways and other public facilities in excess of those required by rural-oriented uses.
- b) Uses by Right: The following principal uses are permitted by right in the RA zone:
  - 1) Single-family Detached Dwellings
  - 2) Farm Buildings
  - 3) Crops, Pasture

- 4) Dairy, Livestock, Poultry, Small Animals
  - 5) Greenhouse, Nursery
  - 6) Forestation and Wildlife Preserve
  - 7) Group Home
  - 8) Home Occupation as an Accessory Use (See Section 610)
- c) Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
- 1) House of Worship (See Section 611)
  - 2) Cemetery (See Section 604)
  - 3) Kennel, Animal Hospital (See Section 613)
  - 4) Sawmill Operation (See Section 627)
  - 5) Park or Other Recreation Area of a Nonprofit Nature (See Section 621)
  - 6) Public Buildings and Facilities (See Section 623)
  - 7) Club Room, Club Grounds, Meeting Hall (See Section 606)
  - 8) Public Utility Building (See Section 624)
  - 9) Home Business as an Accessory Use (See Section 610)
  - 10) Bed and Breakfast Inn (See Section 603)
  - 11) Farm Occupation as an Accessory Use(See Section 633)
  - 12) Family Day Care Home (See Section 635)
  - 13) Communication Antennas (See Section 637)
  - 14) Communication Towers (See Section 637)
- d) Lot Area and Width: Lot area and lot width consistent with the following dimensions shall be provided for each principal use hereafter established in this zone:
- 1) Minimum Lot Area -- one (1) acre
  - 2) Minimum Lot Width -- 150 feet
- e) Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:



- 1) Front setback - Thirty-five (35) feet.
  - 2) Each side setback - Twenty-five (25) feet.
  - 3) Rear setback - Forty (40) feet.
- f) Building Height: The building height limit shall be thirty-five (35) feet, except in the case of farm buildings, in which cases there shall be no height limitation.
- g) Impervious Coverage: Not more than 30 percent of the lot area may be covered by impervious surface.

Section 304 Residential Zone (R)

- a) Purpose: The Residential Zone provides space for day to day living activities. The purpose of this residential zone is to provide for the orderly expansion of residential development, to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities, to provide standards which will encourage the installation of public facilities and the preservation of open space; and to exclude any activities not compatible with residential development.
- b) Uses by Right: The following principal uses are permitted by right in the R zone:
- 1) Single-family Detached Dwelling
  - 2) Two-family Dwelling
  - 3) Crops
  - 4) Group Home
  - 5) Home Occupation as an Accessory Use (See Section 610)
- c) Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
- 1) House of Worship (See Section 610)
  - 2) Cemetery (See Section 604)
  - 3) Park or Other Recreation Area of a Nonprofit Nature (See Section 621)
  - 4) Home Business as an Accessory Use (See Section 610)
  - 5) Public Utility Building (See Section 624)
  - 6) Private Day Care Centers or Nursery School (See Section 622)
  - 7) Mobilehome Park (See Section 616)

- 8) Public Buildings and Facilities (See Section 623)
- 9) Funeral Home (See Section 608)
- 10) Multi-family Dwelling (See Section 618)
- 11) Multi-family or Two-family Conversion (See Section 617)
- 12) Bed and Breakfast Inn (See Section 603)
- 13) Animals, Livestock (See Section 602)
- 14) Family Day Care Home (See Section 635)

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

		Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
<b>Minimum Lot Area:</b>	All uses except two-family dwellings	10,000 sq. ft.	20,000 sq. ft.	43,560 sq. ft.
	Two-Family dwellings	15,000 sq. ft.	30,000 sq. ft.	60,000 sq. ft.
<b>Minimum Lot Width:</b>	All uses except two-family dwellings	80 ft.	100 ft.	120 ft.
	Two-Family dwellings	120 ft.	150 ft.	180 ft.

- e) Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:
  - 1) Front Setback - Thirty-five (35) feet.
  - 2) Each side setback - Fifteen (15) feet. Two-family dwellings shall be considered as one building for this purpose.
  - 3) Rear setback - Thirty (30) feet.
- f) Building Height: The height of a main building shall be two and one-half stories, but not over thirty-five feet. The height limit for accessory buildings shall be two stories, but not over twenty-five (25) feet. There shall be no height limitation for farm buildings
- g) Impervious Coverage: Not more than 45 percent of the lot area may be covered by impervious surface.
- h) Cluster Provisions: In the case of residential developments of ten (10) acres or more, an added degree of flexibility in the placement, bulk and inter-relationship of the buildings and uses within the development may be approved by Borough Council. The overall intensity of use and density of population shall be maintained while providing for new or additional design concepts. The gross area requirement may be waived if the proposed tract abuts an existing cluster development, is within an appropriate zoning classification

and will enable a compatible extension of the existing development. The following guidelines shall be followed:

- 1) Minimum lot area and width, lot coverage, open area and paved area requirements may be waived for individual lots. These standards shall be applied to the total tract area, exclusive of land within the Flood Plain Zones and highway and utility rights-of-way, to determine the total number of permitted dwelling units.
- 2) Setbacks and building height shall remain as required in Section e) and f), respectively.
- 3) Public water and public sewer are required.
- 4) Provisions for the future maintenance of all common areas including, but not limited to, parking and recreation shall be explicitly provided with the proposed project. The provisions and any agreements, such as by-laws for a property owners association, shall be subject to the approval of the Borough Council.
- 5) These provisions shall not apply to mobilehome parks.
- 6) All other provisions of this ordinance and any other applicable ordinance of the Borough shall apply to cluster developments. Housing types include only those permitted by Right or Special Exception. Special Exception procedures and requirements (except for lot area and lot width where individual ownership is not proposed) also apply to Multi-family Dwellings included with a cluster development.

Section 305      Village Center Zone (VC)

- a) Purpose: The purpose of the Village Center Zone is to provide reasonable standards for the orderly development and the preservation of residential uses and local commercial services where a nucleus of such uses already exists, and where, due to the character of the area such a mixture of uses is appropriate and compatible. The standards of this zone are designed to prevent the overcrowding of land by restricting maximum housing densities; to exclude any activities not compatible with the Village Center environment; to provide for the public convenience; to minimize traffic congestion and to otherwise fulfill the purposes and objectives of this Ordinance.
- b) Uses by Right: The following principal uses are permitted by right in the VC Zone:
  - 1) Single-family Detached Dwelling
  - 2) Two-family Dwelling
  - 3) Retail Store or Shop
  - 4) Personal Service Business
  - 5) Professional or Business Offices
  - 6) Eating Establishment
  - 7) Parking Lot or Parking Garage

- 8) Caretaker or Watchman Dwelling
  - 9) Tavern
  - 10) Funeral Home (See Section 608)
  - 11) Indoor Recreational Establishment (See Section 641)
  - 12) Outdoor and Vehicle Sales, Service, and/or Repair
  - 13) Public Buildings and Facilities (See Section 623)
  - 14) Group Home
  - 15) Home Occupation as an Accessory Use (See Section 610)
- c) Uses by Special Exception: The following principal uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this Ordinance.
- 1) Multi-family Dwelling or Townhouse (See Section 618)
  - 2) Multi-family or Two-family Conversion (See Section 617)
  - 3) Transportation (Passenger) Terminal (See Section 630)
  - 4) Medical or Dental Clinic (See Section 615)
  - 5) Convalescent Home, Nursing Home or Hospital (See Section 607)
  - 6) Vehicle Service Station, Vehicle Body Shop, Vehicle Repair Garage, or Vehicle Wash (See Section 620)
  - 7) Kennel, Animal Hospital (See Section 613)
  - 8) Public Utility Building (See Section 624)
  - 9) Shopping Center or Mall (See Section 629)
  - 10) Home Business as an Accessory Use (See Section 610)
  - 11) Rooming House, Group Quarters (See Section 626)
  - 12) Outdoor Commercial Recreation Establishments (See Section 620)
  - 13) Research Laboratory (See Section 625)
  - 14) Wholesale Vehicle Sales Terminal or Auction (See Section 632)
  - 15) Private Day Care Center or Nursery School (See Section 622)

- 16) Laundry and Dry Cleaning Establishments (See Section 614)
- 17) Heavy Storage Service (ex.: Warehouse, Building Material Yard) (See Section 609)
- 18) Mini-warehouse (See Section 636)
- 19) Commercial Day Care Center (See Section 634)
- 20) Business Conversion (See Section 639)
- 21) Mixed Use (See Section 640)

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

	<b>Public Water and Public Sewer</b>	<b>Public Water or Public Sewer</b>	<b>No Public Water or Public Sewer</b>
<b>Minimum Lot Area:</b>	8,000 sq. ft.	15,000 sq. ft.	43,560 sq. ft.
<b>Minimum Lot Width:</b>	60 ft.	100 ft.	150 ft.

- e) Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:
  - 1) Front setback - Thirty-five (35) feet.
  - 2) Each side setback - Five (5) feet. Two-family dwellings shall be considered as one building for this purpose.
  - 3) Rear setback - Twenty (20) feet.
- f) Building Height: The building height limit shall be three stories, but not more than thirty-five (35) feet. The height limit for an accessory building shall be two stories, but not over twenty-five (25) feet.
- g) Impervious Coverage: Not more than 85 percent of the lot area may be covered by impervious surface.

Section 306      Industrial Zone (I)

- a) Purpose: The purpose of this zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the Borough and otherwise further the purposes of this Ordinance. In promoting these and the general purposes of this Ordinance, the specific intent of this zone is:
  - 1) To encourage the development of and continued use of land for industrial purposes.

- 2) To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the district.
- 3) To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provision of facilities and operation of industrial to minimize air pollution, noise, glare, heat, vibration and fire and safety hazards.

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

- 1) Public Building and Facilities (See Section 623)
- 2) Public Utility Building (See Section 624)
- 3) Parking Lot or Parking Garage
- 4) Enclosed Processing Establishment, e.g., laundry, large appliance or equipment repair shop
- 5) Research Laboratory (See Section 625)
- 6) Light Manufacturing: Manufacturing and Storage Uses that DO NOT
  - cause dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot.
  - cause vibration beyond the boundaries of the lot
  - cause noise exceeding that of street traffic at the front, side and rear lot lines.
  - cause glare observable from beyond the boundaries of the lot.

Permitted light manufacturing uses include but are not limited to:

- printing and publishing
- soft drink bottling
- packaging products in the form of powder or other dry state
- lace manufacture
- sewing apparel
- assembly of electronic apparatus
- instrument making
- tool and die making
- cabinet making

- electroplating metals

- molding plastics

7) General Manufacturing: Manufacturing uses that DO NOT

- constitute an unusual fire or explosion

- create a nuisance by reason of smoke, odor, dust, noise, or glare.

Permitted general manufacturing uses include but are not limited to:

- food, except meat-packing

- furniture

- textiles

- leather

- rubber

- paper

- fabricated metals

- machinery

- stone

- clay

- glass

8) Caretaker or Watchman Dwelling

9) Heavy Storage Service (e.g. warehouse, building material yard) (See Section 609)

10) Vehicle Service Station, Vehicle Body Shop, Vehicle Repair Garage, or Vehicle Wash (See Section 628)

11) Laundry and Dry Cleaning Establishments (See Section 614)

12) Mini-warehouse (See Section 636)

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

1) Truck or Motor Freight Terminal (See Section 631)

- 2) Sawmill Operation (See Section 627)
  - 3) Salvage Yard, Automobile Dismantling Plant (See Section 612)
  - 4) Chemical Manufacturing, Processing and Storage Operations (See Section 605)
  - 5) Wholesale Vehicle Sales Terminal or Auction (See Section 632)
  - 6) Conversion of existing building for retail, personal service and/or office use(See Section 639)
  - 7) Indoor Recreation Establishments (See Section 641)
  - 8) Outdoor Commercial Recreation Establishments (See Section 620)
  - 9) Mixed Use (See Section 640)
  - 10) Adult Bookstores and Adult Theaters (See Section 638)
- d) Lot Area and Width: Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

	<b>Public Water and Public Sewer</b>	<b>Public Water or Public Sewer</b>	<b>No Public Water or Public Sewer</b>
<b>Minimum Lot Area:</b>	10,000 sq. ft.	20,000 sq. ft.	43,560 sq. ft.
<b>Minimum Lot Width:</b>	80 ft.	100 ft.	150 ft.

- e) Setbacks: Each lot shall provide front, side and rear setbacks not less than the following:
- 1) Front setback - Thirty-five (35) feet.
  - 2) Each side setback - Twenty (20) feet.
  - 3) Rear setback - Thirty (30) feet.
- f) Building Height: The building height limit shall be three stories, but not more than thirty-five (35) feet. The height limit for an accessory building shall be two stories, but not over twenty-five (25) feet.
- g) Impervious Coverage: Not more than 85 percent of the lot area may be covered by impervious surface.

Section 307

Flood Plain Zone - Special Flood Hazard Area

- a) Purpose: The purpose of this zone is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:



- 1) Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
  - 2) Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
  - 3) Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.
  - 4) Protecting individuals from buying lands and structures that are unsuited for intended purposes because of flood hazards.
- b) Warning and Disclaimer of Liability: The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jam's and bridge openings restricted by debris. This ordinance does not imply that areas outside the flood plain zone, or land uses permitted within this zone will be free from flooding or flood damages.

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

c) Establishment of the Flood Plain Zone

- 1) Description of Zone: The identified Flood Plain Zone shall be any area of the Borough of Seven Valleys subject to the one hundred (100) year flood, which is identified as a Special Flood Hazard Area (Zone A) on the Flood Hazard Boundary Map (FHBM) as issued by the Federal Insurance Administration dated September 28, 1979.
- 2) Determination of the One Hundred (100) Year Flood Elevation: For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. To determine the one hundred year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in question will be used. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:
  - Corps of Engineers - Flood Plain Information Reports.
  - U.S. Geological Survey - Flood Prone Quadrangles.
  - USDA, Soil Conservation Service - County Soil Surveys (Alluvial Soils) or P.L. 566 Flood Information.
  - Pennsylvania Department of Environmental Protection - Flood Control Investigations.

- Known Highwater Marks from Past Floods.
- Other sources.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or other of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

- 3) Overlay Concept: The aforementioned Flood Plain Zone shall be an overlay to the existing underlying zones as shown on the Official Zoning Map, and as such, the provisions for the Flood Plain Zone shall serve as a supplement to the underlying zone provisions.

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

In the event any provision concerning the Flood Plain Zone is declared inapplicable as a result of any legislative or administrative actions of judicial discretion, the basic underlying zone provisions shall remain applicable.

- 4) Inclusion in Zoning Map: The boundaries of the Flood Plain Zone are established as shown on the Flood Hazard Boundary Map, dated September 28, 1979, prepared by the Susquehanna River Basin Commission for the Federal Insurance Administration. The said map is hereby incorporated into and made a part of the Official Zoning Map of Seven Valleys Borough. A copy of said map shall be kept on file at the Borough office and be available for inspection during regular office hours.
- 5) Zone Boundary Changes: The delineation of the Flood Plain Zone may be revised by Borough Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, or other qualified agency or individual documents the advisability for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA) or its successor agency.
- 6) Interpretation of Zone Boundaries: Initial interpretations of the boundaries of the Flood Plain Zone shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of the zone, the person questioning or contesting the location of the zone boundary shall be given a reasonable opportunity to present his case to the Borough Zoning Hearing Board and to submit his own technical evidence if he so desires. Should the person choose to seek a variance to the zoning regulations to accommodate his development, he must follow the procedures to present his case to the Zoning Hearing Board. Should the person choose to have the zone boundary changed to reflect more accurate flooding data, he must follow the procedures to present his case to Borough Council for a zoning amendment.
- d) Zone Provisions: All uses, activities, land filling and development occurring within the flood plain zone shall be undertaken only in strict compliance with the provisions of this

ordinance and with all other applicable codes and ordinances such as the Borough Building Permit Ordinance and Flood Plain Management Ordinance.

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

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

e) Development Which May Endanger Human Life

1) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volumes or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other application provisions:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Celluloid
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel, oil, etc.)

- Phosphorus
- Potassium
- Sodium
- Sulfur and sulfur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated

2) Where permitted within any Special Flood Hazard Area (Zone A) any new or substantially improved structure of the kind described in Subsection 1) above shall be:

- i) elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one hundred (100) year flood and,
- ii) designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

3) Within any Special Flood Hazard Area (Zone A), any structure of the kind described in Subsection 1) above shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

f) Special Requirements for Mobile Homes

1) Where permitted within any Special Flood Hazard Area (Zone A), all mobile homes and any additions thereto shall be:

- i) anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NFPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other appropriate standards such as the following

- over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
- frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or

more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

- all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.

ii) elevated in accordance with the following requirements:

- the strands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be one and one-half (1 1/2) feet or more above the elevation of the one hundred (100) year flood.
- adequate surface drainage is provided.
- adequate access for a hauler is provided.
- where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.

2) Within any Special Flood Hazard Area (Zone A), mobile homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

g) Prohibited Uses and Activities

The following uses and activities are prohibited if located completely or partially within any of the areas identified as being subject to the one hundred (100) year flood

1) The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- Hospitals
- Nursing homes
- Jails or prisons

2) The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

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

1) The danger of life and property due to increase flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed

use, development, or activity that will cause any increase in flood levels during the one hundred (100) year flood.

- 2) The danger that materials may be swept onto other lands or downstream to the injury of others.
- 3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- 5) The importance or the service provided by the proposed facility to the community.
- 6) The requirements of the facility for a waterfront location.
- 7) The availability of alternative locations not subject to flooding for the proposed use.
- 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- 10) The safety of access of the property in times of flood of ordinary and emergency vehicles.
- 11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwater expected at the site.
- 12) Such other factors which are relevant to the purposes of this ordinance.

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

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

- i) Existing Structures in the Flood Plain Zone: A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:
  - 1) Existing structures and/or uses located in the Flood Plain Zone shall not be expanded or enlarged unless such expansion or enlargement meets the requirements of all applicable Borough ordinances and the effect of the proposed

expansion or enlargement on flood heights is fully offset by accompanying improvements.

- 2) Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain zone to an extent or amount of less than fifty (50) percent or its market value, shall be elevated and/or incorporated flood-proofing measures regardless of its location in the Flood Plain Zone. However, minor repairs shall be exempt from this provision provided that no structural changes or modifications are involved. Minor repairs shall include the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but shall not include any addition, change or modification in construction, exit facilities, and permanent fixtures or equipment.
- 3) The modifications, alternation, repair reconstruction, or improvement of any kind to a structure and/or use located in a flood plain zone to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this any other applicable ordinance.
- 4) Uses or adjuncts thereof which area, or become, nuisance shall not be permitted to continue.

**ARTICLE IV**  
**GENERAL PROVISIONS**

Section 401 Accessory Uses and Structures

- a) Attached Structures: A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- b) Nonattached Structures: A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in a rear yard as long as it is a minimum of ten (10) feet from the rear lot line and a minimum of three (3) feet from any side lot line. For all other requirements a nonattached structure is considered a part of the principal building.
- c) Fences and Walls: No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard area and more than six (6) feet in any other yard area in any zone. Fences may be located up to but not on the lot line.
- d) Solar and Wind Energy Facilities: Solar or wind energy systems either as part of a structure or as an independent structure providing a significant fraction of the electricity, space heating, space cooling or domestic hot water heating for a permitted use in any zone shall be permitted as accessory uses subject to the following constraints.
  - 1) No solar energy system located on the ground shall exceed a height of 8 feet.
  - 2) The maximum ground coverage of a structure supporting a solar collector shall not exceed 25 percent of the area of the ground floor of the principal building.
  - 3) Solar Energy Systems must be reasonably installed and sited in the most aesthetic and architecturally compatible method possible, whether as a part of a structure or incidental to a structure or group of structures nearby.
- e) Satellite Dish Antenna: Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit shall be subject to the following constraints--
  - 1) Such devices shall not be placed within any required setback area.
  - 2) Satellite dish antenna must be located in a side or rear yard only.
  - 3) No ground-mounted dish antenna on any residential lot can exceed an overall diameter of twelve (12) feet or an overall height of fifteen (15) feet.
  - 4) Only one antenna is permitted per building lot.



Section 402 Setback Modifications

- a) Front Setbacks from Major Thoroughfares: For the purpose of protecting residential use from adverse influences of traffic and for the purpose of protecting major thoroughfares for their traffic functions, buildings (including residential and non-residential buildings) along these thoroughfares must be set back at least 50 feet, except in the Village Center Zone, from the right-of-way line of the thoroughfare. Major thoroughfares are or will be any arterial streets and collector streets specified in the Borough Comprehensive Plan and as designated by the Borough Planning Commission.
- b) Front Setback of Buildings on Built-up Streets: Where at least two adjacent buildings within 100 feet of a property are set back a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property.
- c) Sight Distance: Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

<u>Street</u>	<u>Clear Sight Triangle Side</u>
Major Thoroughfare	150 feet
Minor Street	75 feet

No building or construction is permitted in this area except as follows:

- 1) Obstructions or plantings less than three feet in height.
  - 2) If not obstructing view of traffic, post columns and trees not exceeding one foot in diameter.
- d) Setback on Corner Lots: In the case of corner lots, two front yards shall be provided (the second of which will exist in lieu of one side yard).
- e) Accessory or Appurtenant Structures:
- The setback regulations do not apply to --
- 1) School bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions including unenclosed and uncovered porches and unenclosed and uncovered patios.
  - 2) Open fire escapes.
  - 3) Minor utility structures, articles of ornamentation or decoration.
  - 4) Fences, retaining walls.

### Section 403 Height Modifications

The height regulations do not apply to the following projections provided that the height of any such projection above its base shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line:

- a) Structures such as chimneys, standpipes, flagpoles, television antennas or radio towers.
- b) Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than 25 percent of the roof on which they are located.
- c) Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet in height.

### Section 404 Minimum Habitable Floor Area

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

- a) Single Family Detached Structures: Six Hundred (600) square feet per dwelling unit.
- b) Structures with two (2) or more dwelling units: In the case of structures containing dwelling units with one (1) bedroom, the minimum habitable floor area shall be four hundred (400) square feet. In the case of structures containing dwelling units with more than one (1) bedroom, the minimum habitable floor area of such dwelling unit shall be increased by not less than one hundred (100) square feet for each additional bedroom.
- c) Due to the usual small living area that an efficiency apartment provides, the number of occupants would determine the minimum habitable floor area required.

No more than two (2) occupants and generally having one (1) but not more than two (2) rooms, shall have a floor area not less than three hundred (300) square feet, which includes an enclosed area for a water closet, lavatory, and a bathtub or shower. Also, the apartment must provide a cooking unit, baking unit, sink, refrigerator, storage cupboards with shelving for utensils, and closets for food and clothing. An additional one hundred (100) square feet of floor area is required for each occupant over two living in an efficiency apartment.

### Section 405 Outdoor Signs

#### a) Signs Permitted and Extent-of-Use:

- 1) Drive-in Business: For a drive-in business, business signs are permitted as long as their number does not exceed two per street frontage and their combined area does not exceed 50 square feet per street frontage.
- 2) Other Uses: For other uses, one sign is permitted on each street frontage of a lot for each occupancy or purpose and an additional sign for each occupancy or purpose is permitted for every 200 feet of street frontage or major fraction thereof all in

accordance with Subsection (5). However, for business signs, any number of signs are permitted as long as their total area does not exceed the maximum under (5).

- 3) All Uses: For all uses, an advertising and a business sign must be at least 60 feet apart, and no sign exceeding 30 square feet in area may be located within 75 feet of the Residential zone.
- 4) Determination of Size: The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs the space between such letters, figures and designs shall be included.
- 5) Type, Location and Size of Sign:

<u>Type of Sign</u>	<u>Where Permitted</u>	<u>Maximum Size</u>
Traffic	any zone	--
Home occupation or home business	where use is permitted	2 sq. ft.
No Trespassing	any zone	2 sq. ft.
Utility	any zone	2 sq. ft.
For sale, for rent, sold and rented	any zone	6 sq. ft.
Work sign of builders, painters and other artisans performing work on the premises	any zone	6 sq. ft.
Directional	any zone	6 sq. ft.
Identification and information of churches, schools, and other nonprofit institutions	any zone	20 sq. ft.
Apartment Development, Subdivision	where use is permitted	20 sq. ft.
Temporary sign for sale of agricultural and horticultural products and for construction projects	any zone	12 sq. ft.

<u>Type of Sign</u>	<u>Where Permitted</u>	<u>Maximum Size</u>
Business	VC & I zone	50 sq. ft.
Advertising	VC & I zone	300 sq. ft.
Shopping Center	VC zone	300 sq. ft.

b) Setback of Signs:

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

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

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

- 1) Over a public sidewalk area.
- 2) Over a public highway or street unless specifically authorized by other Borough or State regulations.
- 3) More than 25 feet above the ground except for an attached sign which may project 10 feet above the roof of a building.

e) Illumination of Signs:

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

f) Temporary Signs:

- 1) A temporary sign for the sale of agricultural and horticultural products may be erected for a period not exceeding 60 days.
- 2) A temporary sign for a construction project may be erected and maintained for as long as the project is under construction.

- 3) A temporary sign such as those advertising activities of churches and nonprofit organizations may be erected for a period not exceeding 60 days.
- g) Construction & Maintenance: Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
- h) Termination of Enterprise: Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

#### Section 406 Unenclosed Storage

- a) Recreational Vehicles, Trailers, Trucks and Boats: In the R, VC and I zones (1) unregistered vehicles, (2) recreational vehicles and trailers, and (3) trucks with a vehicle rating over one ton shall not be stored for a period in excess of three days in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot. On-street parking of unregistered vehicles, recreational vehicles and trailers, and trucks with a vehicle rating over one (1) ton is prohibited.
- b) Outdoor Stockpiling: In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in front yards.
- c) Trash or Junk: Except as provided in Section 615 or other Borough Ordinances, the accumulation of trash or junk out-of-doors for a period in excess of 15 days is prohibited in all zones.

#### Section 407 Sale of Agricultural Products

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

#### Section 408 Parking

- a) Size of Parking Space: The parking space must have an area of not less than 200 square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five or more parking spaces are required, the total parking area including passageways and driveways must average 300 square feet per required parking space.
- b) Spaces Required: Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule. When the computation to determine the number of required parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (0.5) shall be disregarded, and fractions over one-half (0.5) shall equal one (1) space.

<u>Type of Use</u>	<u>Minimum Number of Parking Spaces</u>
<u>Parking Requirements for Residential Uses</u>	
Residential Dwelling	Two (2) parking spaces for each dwelling unit
Boarding and Rooming Houses, Hotels, Motels, Bed and Breakfast Inns and Tourist Homes	At least one (1) parking space for each guest room, plus one additional space for every two (2) full-time employees. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall be not less than those required for restaurants, in addition to those required for guest rooms.
Apartment houses	The total number of parking or garage spaces shall be not less than two (2) times the number of dwelling units in the building. A garage accessory to an apartment house shall provide only for the storage of vehicles of the owner, tenants, and employees.
Apartment structures in combination with permitted commercial uses	Parking spaces shall be provided as required if both uses were established separately.
<u>Parking Requirements for Commercial Uses</u>	
Beauty shops and barber shops	Three (3) parking spaces for each chair to be utilized in the business. If, however, the beauty shop or barber shop is legally part of a residence, two (2) spaces for each chair provided there are two (2) parking spaces for the residents.
Bowling Alley	At least five (5) spaces per bowling lane.
Commercial Kennels	One (1) space per employee plus three (3) spaces for customer parking.

<u>Type of Use</u>	<u>Minimum Number of Parking Spaces</u>
Commercial Recreation	One (1) space per five (5) seats or similar accommodation; or one (1) space per two (2) lockers or similar accommodation, whichever yields the larger parking requirement.
Dance Halls, Roller Rinks, Clubs, Lodges and Other Similar Places	At least one (1) parking space for each one hundred (100) square feet of floor area.
Department/Variety Stores	Not less than one (1) parking space per every two hundred (200) square feet of Gross Leasable Area, or fraction thereof.
Drive-through Restaurants or similar establishments	At least two (2) spaces for each fifty (50) square feet of building area.
Food Stores and Pharmacies	At least one (1) space for every one hundred (100) square feet of sales area.
Funeral Homes, Mortuaries and Undertaking Establishments	At least one (1) parking space for each three (3) seats for public use. Such space shall be in addition to employee parking needs, and service area for mobile equipment such as hearses and ambulances.
Home Businesses	One (1) space per non-resident employee plus spaces for customer parking to be determined by the Zoning Hearing Board on a case-by-case basis.
Medical, Dental and Veterinary Offices and Clinics	At least four (4) parking spaces per practitioner.
Office Building	One (1) space per 300 sq. ft. of gross floor area
Open Areas Used For Commercial Purpose	At least one (1) parking space for each one thousand five hundred (1,500) square feet of area, or fraction thereof.

<u>Type of Use</u>	<u>Minimum Number of Parking Spaces</u>
Personal service establishments (not otherwise provided for)	One (1) space for each one hundred (100) square feet of floor space or fraction thereof devoted to such use plus one (1) space per employee.
Restaurants and Bars	At least one (1) parking space for each four (4) customer seats, plus one (1) additional space for every two (2) full-time employees.
Retail Stores	At least one (1) parking space for each two hundred (200) square feet of gross floor area, exclusive of areas not used for sale or display of merchandise.
Self-Service Laundries	One (1) space per every 1.5 washing machines.
Shopping Centers	Not less than 5.5 parking spaces per every one thousand (1000) square feet of Gross Leasable Area, or fraction thereof.
Vehicle Sales and Service or Vehicle Body Shops and Repair Garages	At least two (2) parking spaces for each two hundred (200) square feet of floor area devoted to sales, repairs, or service facilities, in addition to display and storage spaces.
Vehicle Service Stations	At least one (1) parking space for every three (3) service bays plus every two (2) fuel pumps, or fraction thereof. In no case shall the spaces for permitted motor vehicles be less than five (5).
Vehicle Washes	No less than four (4) spaces per wash lane.
All other commercial uses	One (1) space per employee plus such space as may be determined by the Zoning Hearing Board on a case by case basis



<u>Type of Use</u>	<u>Minimum Number of Parking Spaces</u>
<b><u>Parking Requirements for Industrial Uses</u></b>	
Bus and Trucking Terminals	Sufficient parking to accommodate employees, visitors, etc., subject to the approval of the Zoning Hearing Board.
Manufacturing, Printing or Publishing, and other Industrial Establishments	At least one (1) parking space for each employee on the largest shift, or each five thousand (5,000) square feet of gross floor area, whichever is greater.
Wholesale Sales, Storage or Distribution	At least one (1) space for each employee on the 2 largest shifts, or each five thousand (5,000) square feet of gross floor area, whichever is greater.

In addition to all of the above minimum requirements, additional spaces for visitor parking and salesmen shall be provided according to the specific requirements of each use.

**Parking Requirements for Public and Quasi-Public Uses**

Auditorium, Church, Theater & Other such places of Public Assembly	One (1) space per 4 seats
Clubs, Lodges and Other similar places	One (1) space per 100 sq. ft. of gross floor area
Day Care Centers and Nursery schools	One (1) space per employee plus three (3) spaces.
Elementary School	Two and one half (2.5) spaces for each classroom plus one (1) space for each five (5) seats in any auditorium or other place of public assembly.
Golf Course	At least six (6) parking spaces for each tee.
Golf Driving Range	At least one (1) parking space per tee.

<u>Type of Use</u>	<u>Minimum Number of Parking Spaces</u>
Hospitals, Nursing or Convalescent Homes	Parking space shall be provided for visitors at the rate of at least one (1) parking space for each three (3) accommodations (beds) for patients, plus one (1) space for each employee on largest shift.
Miniature Golf Courses	At least two (2) parking spaces per hole.
Public Park or Recreation Area; Private Club for Hunting, Horseback Riding, Tennis or other Racquet Sports; or Other Outdoor Recreational Use	Variable, depending upon intensity of proposed use, and subject to the approval of the Zoning Hearing Board.
Secondary Schools and Similar Educational Establishments	Four (4) spaces for each classroom plus one (1) space for each five (5) seats in any auditorium or other place of public assembly.
Swimming pools	Where a swimming pool is the principal use at least one (1) parking space for each four (4) persons based upon the designed capacity of the pool.

All Other Uses

For other uses that do not fit into one of the above categories, determination of the required number of off-street parking spaces shall be made by the Planning Commission. It is the intent of these regulations that adequate off-street parking and loading facilities are provided for each land use.

- c) Location: The parking area must be on the same or nearby premises. If on nearby premises --
  - 1) The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: 100 feet in the case of a commercial use, 200 feet in the case of a residential use, and 300 feet in the case of an industrial use.
  - 2) The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.
- d) Layout: Parking areas must be arranged so there will be no need for motorists to back over:
  - 1) Local streets, except in the case of residential uses.

- 2) Major thoroughfares.
- e) Parking Area Adjacent to Street: For multi-family and nonresidential uses where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, a pipe railing, post and chain barricade, raised curbs or equally effective devices satisfactory to the Borough must line the public right-of-way except at access points so that parked vehicles will not extend into the street right-of-way.
  - f) Paving: For commercial, industrial and multi-family residential uses, all required parking areas and driveways must be paved with concrete or bituminous paving material.
  - g) Areas Computed as Parking Spaces. Areas that may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a single-family or two-family residence may count as one parking space.
  - h) Large Parking Areas. Parking areas of one-half (1/2) acre or more shall have at least five (5) percent of the total area devoted to landscaping within the interior of the parking area.
  - i) Joint Facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such establishments.
  - k) Combined Spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Zoning Hearing Board by special exception may reduce the total parking spaces required for that use with the least requirement.
  - l) Multiple Uses in Single Structure. When two or more uses that require off-street parking spaces are located in a single structure, the separate parking requirements for each use shall be applied.
  - m) Location and Ownership. Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or elsewhere, provided all spaces therein are located within reasonable walking distance of such lot. In all cases such parking spaces shall conform to all the regulations of the District in which the parking spaces are located; and in no event shall such parking spaces be located in any Residential District unless the use to which the spaces are accessory are permitted in such Residential Districts or upon approval by the Zoning Hearing Board by special exception. Satisfactory arrangements shall be made, and approved by the Zoning Hearing Board, to maintain the required number of spaces available either (a) throughout the existence of such use to which they are accessory, or (b) until such spaces are provided elsewhere.
  - n) On Lots Divided by District Boundaries. When a parking lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces shall apply to all of the lot. Parking spaces on such a lot may be located without regard to district lines, provided that no such parking spaces shall be located in any Residential District, unless the use to which they are accessory is permitted in such district, or upon approval of the Zoning Hearing Board by special exception.

o) Handicapped Parking.

Handicapped accessible parking shall be provided in accordance with the requirements of the Americans with Disabilities Act, as may be amended from time to time.

- 1) Said spaces shall be most accessible and approximate to the building or buildings that the parking spaces shall serve.
- 2) Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access.
- 3) Each space shall be one hundred twenty (120) inches wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto level, paved surface suitable for wheeling and walking.
- 4) Parking spaces shall be provided in accordance with the following Table:

Total Parking Spaces in Lot	Required Minimum Number of Accessible Spaces
1 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 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

- 5) Where possible, such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.
- 6) Where applicable, curb ramps shall be provided to permit handicapped people access from the parking lot to the sidewalk or building entrance.

p) Exemptions to Off-Street Parking Requirements

- 1) Where the occupancy of an apartment building is limited to a special group, such as the elderly or handicapped, not normally requiring off-street parking to the extent of other uses, such building shall be exempted from the parking space requirements of this section; provided, however, that in no instance shall less than one off-street space be provided for each four units in such building.
- 2) When a use is expanded in size or when a use occurs requiring a greater number of off-street parking facilities than the existing use, the owner and/or occupant shall be required to provide only that number of additional off-street parking facilities required by the new use or expanded portion of the existing use; provided, however, no existing off-street parking facilities shall be eliminated unless all applicable off-street parking requirements are met.

Section 409 Loading

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

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

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

Section 410 Driveways

All driveways shall be located and constructed in accordance with the requirements of the Borough's Subdivision and Land Development Ordinance.

#### Section 411 Screens and Buffers

Where an Industrial or Commercial use is proposed in an I or VC zone and it abuts a Residential zone, except for street or alley frontage:

- a) A fence, screen or buffer planting acceptable to the Borough is required to be erected in the Industrial or Village Center zone to screen from view (in the Residential zone) the industrial or commercial use.
- b) The space along the side lot line in the Village Center, and Industrial zones abutting a Residential zone for 20 feet in depth may not be used for commercial or industrial operations. This area must be suitably landscaped and maintained.

#### Section 412 Drainage

- a) Lot Drainage - Lots shall be laid out and graded to provide positive drainage away from new and existing buildings and on-site sewage disposal facilities.
- b) Nearby Existing Facilities - Where adequate existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing storm sewers.
- c) Open Drainageways - When open drainageways are used for the disposal of storm water, the Borough Engineer shall review the design of such open drainageways in relation to the following:
  - Safety: Steep banks and deep pools shall be avoided.
  - Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel.
  - Stagnation: Design of open drainageways shall not create stagnant pools or swampy areas.

Approval: Drainage structures for areas of more than 1/2 mile square shall be subject to approval by the Pennsylvania Department of Environmental Protection.

- d) Drainage Upon Adjacent Properties - In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent properties.
- e) Drainage Upon Streets - In order to prevent improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveways, must be a grade in satisfactory relationship --
  - 1) With the established street grade, or
  - 2) With the existing street grade where none is established.

- f) Obstruction to Drainage Prohibited - The damming, filling or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Borough Council and the Pennsylvania Department of Environmental Protection.

Section 413 Illumination

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

Section 414 Demolition

Demolition of any structure must be completed within three (3) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed as required in the previous sentence. All evidences of the structure that was demolished must be removed from the exterior surfaces of the remaining building.

Section 415 Outdoor Swimming Pool Requirements

Every outdoor swimming pool must conform to all applicable requirements of State Law and in addition must be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension. An above ground pool with a wall measuring at least four (4) feet in height above ground on all sides is not required to have separate fencing. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Farm ponds shall be excluded from the requirements of this section. Non-farm ponds shall meet all fencing requirements.

Section 416 Solar and Wind Energy Facilities

- a) Solar Energy Systems: Solar energy systems shall be permitted relief from previously stated limitations to the following extent:

1) Setbacks

- i) Architectural features needed for the operation of active or passive solar energy systems, including but not limited to canopies, eaves, overhangs, detached solar collectors, reflectors, piping and movable insulation may be permitted to extend up to 10 feet into required yard areas when these devices are a functional component of the space heating or domestic hot water system of the principal building lot.
- ii) The rear or side yard setbacks required may be reduced to zero in order to allow the siting of solar energy systems, provided that:

- No portion of the structure or architectural features project over the property lines.
  - Exposure protection between structures is provided according to the specifications of all applicable fire and safety regulations guaranteeing emergency access, light and ventilation.
  - The placement of all structures, building materials, and finished wall construction along the lot line does not interfere with traffic along adjacent or intersecting rights-of-way or with the site distance at intersections.
  - No other design can be shown to meet the requirements of the zoning ordinance and provide the same solar energy utilization.
  - Existing solar energy systems will not be substantially impaired by shadowing more than ten (10) percent of the collector area between 9:00 a.m. and 3:00 p.m. on a clear winter solstice (December 21st) day.
- 2) Building Height: Solar energy collection equipment, solar energy reflectors, or solar energy storage tanks extending no more than 10 feet above the highest point of the roof are permitted.
- 3) Lot Coverage: Solar collectors and/or solar energy systems shall not be included in the lot coverage calculations provided their installation will not create adverse storm water problems and will not significantly detract from the groundwater recharge potential of the immediate vicinity.
- b) Wind Energy Systems: Wind energy systems shall be permitted relief from previously stated limitations to the following extent:
- 1) Setbacks: The setbacks from any lot line must be equal to the height of the tower, plus the length of the longest extension of the rotor and plus ten feet.
  - 2) Building Height: The height is not restricted unless there is an adverse effect upon the character of the neighborhood or television interference or significant amounts of noise are generated by the unit.
  - 3) Access: Climbing access to the tower is secured from use by unauthorized persons.

#### Section 417 Buildings Under Construction

If the construction is completed by one (1) year after the effective date of this Ordinance, a building, the foundation of which was completed before the effective date, may be constructed without being bound by the requirements of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

#### Section 418 Division of Built On Lots

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance.



Section 419 Lots of Record

On a lot held in single and separate ownership on the effective date of this Ordinance or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use providing the setback requirements are not less than the minimum specified herein for the zone in which the lot is located.

Section 420 Status of Subdivision or Land Development Plan

From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision on such applications adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the Zoning Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval.

Section 421 Nonconformities

a) Continuance:

- 1) Except as otherwise provided in this Section, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued, although such use of land or building does not conform to the use regulations specified by the Ordinance for the zone in which such land or building is located.
- 2) Except as otherwise provided in this Section, any nonconforming lot or structure existing at the date of the adoption of this Ordinance may be continued.

b) Expansion:

- 1) Upon application for a special exception and in accordance with the provisions of Sections 504 and 619, the Zoning Hearing Board may approve the expansion of a use of land or building which is not in conformance with the provisions of this Ordinance.

- 2) An existing principal building or structure which does not conform to building setback requirements may be altered or expanded within the required setback area provided that such alteration or expansion --
- i) Does not extend beyond that part of the building or structure which is in nonconformance with the existing building setback requirements or within three (3) feet of the property line whichever is greater.
  - ii) No new dimensional nonconformities shall be created. For example, the expansion shall not extend into the required rear setback area if a dimensional nonconformity does not presently exist there.
  - iii) A letter must be obtained from the adjoining property owner stating that they have no objection to the expansion.
- 3) Any expansion that will reduce the extent of an existing nonconformity shall not require special exception approval.
- c) Replacement: A nonconformity may be replaced only in conformance with the provisions of this Ordinance.
  - d) Restoration: If any nonconformity is destroyed by reason of windstorm, fire, explosion, or other act of God or a public enemy, to an extent of more than seventy-five percent (75%) of the market value as appraised for tax assessment purposes than such destruction shall be deemed complete destruction and the nonconformity may not be rebuilt, restored or repaired except upon issuance of a variance in accordance with Section 502 of this Ordinance. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.
  - e) Abandonment: A nonconforming use shall be presumed as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance.
  - f) Reversion: No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.
  - g) Zone Changes: Whenever the boundaries of a zone shall be changed so as to transfer an area from one (1) zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.
  - h) Identification and Registration: Nonconforming uses and nonconforming structures shall be identified and registered by the Zoning Officer.

## ARTICLE V

### ZONING HEARING BOARD

#### Section 501 Powers and Duties - General

- a) Membership of Board: The membership of the Board shall, upon the determination of the Borough Council, consist of either three (3) or five (5) residents of the Borough appointed by resolution of the Borough Council. The terms of office of a three (3) member board shall be three years (3) and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law. The borough Council shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this subsection. The Board shall promptly notify the Borough Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold not other office in the Borough.

The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provision of Subsection b), an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Section and as otherwise provided by law. Alternates shall hold no other office in the Borough. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, unless designated as a voting alternate member pursuant to Subsection b).

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

- b) Organization of Board: The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 502.

If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for

which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

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

- c) Powers: The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:
- 1) Substantive challenges to the validity of any land use ordinance except those brought before the Borough Council pursuant to Sections 609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended.
  - 2) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Borough and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
  - 3) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - 4) Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
  - 5) Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions with a land use ordinance, pursuant to Section 503.
  - 6) Applications for special exceptions under the Zoning Ordinance or flood plain or flood hazard ordinance or such provision within a land use ordinance, pursuant to Section 504.
  - 7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provision of the Zoning Ordinance.
  - 8) Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Opinion, of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended.
  - 9) Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to

sedimentation and erosion control and storm water management insofar as the same related to development not involving Subdivision and Land Development or Planned Residential Development applications.

- d) Board Calendar: Each application or appeal filed in the proper form with the required data must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reasons, the Board may order the advance of the application or appeal. A hearing must be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.

#### Section 502 Public Hearings

- a) Notice; Conduct of Meeting: Public notes shall be given and written notice shall be given to the applicant, the Zoning Officer, to each property owner within two hundred (200) feet of the property involved and to any person who, at least two (2) weeks prior to the scheduled public hearing, has made request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in the absence of ordinance provisions, by rules of the Board. In addition to the written notice provided herein, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation of the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs however shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision of the hearing officer as final.

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

The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials except advice from their solicitor, unless the parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings with and party or his representative unless all parties are given an opportunity to be present.

- b) Representation: Statements: Parties to the hearings shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

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

Statements are to be made in the following order or as the Chairman may direct:

- 1) Applicant or appellant.
- 2) Zoning Officer and other officials.
- 3) Any private citizen.

The applicant or appellant must be given an opportunity for rebuttal.

- c) Witnesses: The Chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- d) Decision Procedure: The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision of findings is final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered *no later than thirty (30) days after the report of the hearing officer*. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein-above provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection (a) of this Section. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer.

This permit remains valid only as long as the conditions or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

- e) Records: The Board of the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

#### Section 503 Variances

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

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

- b) Referral to Planning Commission: All applications for a variance shall be referred to the Planning Commission for a recommendation.
- c) Standards for Variance: Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made where relevant in a given case:
  - 1) There are unique physical circumstances or conditions, including (a) irregularity, narrowness, or shallowness of lot size or shape, or (b) exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.

- 2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - 3) The unnecessary hardship has not been created by the appellant.
  - 4) The variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - 5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- d) Conditions: In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

#### Section 504 Special Exceptions

- a) Filing of Special Exceptions: For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show --
- 1) Ground floor plans and elevations of proposed structures.
  - 2) Names and addresses of adjoining owners.
- Unless otherwise specified or extended by the Zoning Hearing Board a special exemption authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months of the date of the authorization of the special exception.
- b) Temporary Special Exceptions: A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity which is or will be seasonal or is or will be in the public interest. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which:
- 1) Is beneficial to the public health or general welfare, or
  - 2) Is necessary to promote the proper development of the community, or
  - 3) Is seasonal in nature.

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



- c) Referral to Planning Commission: All applications for a special exception shall be referred to the Borough Planning Commission for a recommendation.
- d) Conditions: The Zoning Hearing Board in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.
- e) Application of Extent-of-Use Regulations: The extent-of-use regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.
- f) General Standards: A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
  - 1) The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone; and
  - 2) That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use; and
  - 3) That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences; and
  - 4) That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
  - 5) That the specific standards set forth for each particular use for which a special exception may be granted have been met.

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact, which are to be determined by the Zoning Hearing Board.
- g) Special Standards: In addition to the general standards for all special exceptions as contained in Section 504.f the specific standards for particular uses as listed in ARTICLE VI must be met prior to the granting of a special exception.

Section 505 Expenditures For Services

Within the limits of funds appropriated by Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Borough Council. Alternate members of the Board may receive compensation, as may be fixed by Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 501, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of Borough Council.

## ARTICLE VI

### STANDARDS FOR SPECIAL EXCEPTION AND OTHER SELECTED USES

#### Section 601 Requirement of Specific Standards

It is the intent of this Article to provide special controls and regulations for particular uses that may be permitted by right or by Special Exception within the various zoning districts established in This Ordinance. In addition to the general standards for all special exceptions as contained in Section 504.f., where applicable, the following sets forth standards that shall be applied to each individual use. These standards must be satisfied prior to approval of any application for a special exception and/or issuance of a zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for the selected use specify different standards; in such cases, the specific-use standards shall apply.

#### Section 602 Animals, Livestock

In the R zone as an accessory use involving the use of land for the keeping of riding horses, ponies and livestock for personal use shall be subject to the following regulations:

- a) All areas used for pasturing, grazing or exercise shall be securely fenced.
- b) All animals and livestock shall, except while pasturing, grazing or exercising, be housed in a building erected or maintained for that purpose.
- c) The building required by subsection b) hereof shall not be erected or maintained within 100 feet of any lot line.
- d) The accumulation and storage of animal waste (manure) or other odor-producing substances shall not be permitted within 100 feet of any lot line, and such accumulation and storage shall not be permitted beyond a reasonable period of time.

#### Section 603 Bed and Breakfast Inn

In the RA and R zones and subject to the requirements of that zone except as herein modified and provided:

- a) Maximum guest stays shall be limited to seven (7) days.
- b) Maximum of two (2) guest rooms.
- c) Breakfast shall be the only meal served to overnight lodgers.
- d) A minimum of one offstreet parking space per guestroom shall be provided in addition to the required parking for the dwelling unit.

- e) One sign may be erected on the property. The maximum size shall be two (2) square feet and it may be illuminated only by indirect lighting.
- f) The inn must comply with local regulations regarding all applicable permits, including but not limited to: Fire, Health and Building Codes.
- g) A business license must be obtained prior to opening.
- h) Bed and Breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single-family dwelling.

#### Section 604 Cemetery

In RA or R zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) All burial plots or facilities shall be located at least 10 feet from all property or street lines.
- b) Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- c) No burial plots or facilities are permitted on flood plain land.
- d) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- e) Pet cemeteries must meet all of the above applicable requirements.

#### Section 605 Chemical Manufacturing, Processing and Storage Operations

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

- a) Setbacks - All buildings must be set back at least 75 feet from a street line.
- b) Access must be via an arterial or collector street as designated by the Borough Comprehensive Plan. Traffic entrances and exits shall be far enough from residential dwellings so that truck noise and vibration will be minimized.
- c) A buffer yard 50 feet wide must be located on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- d) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes). Chemical materials may only be stored in a manner that will not create a public health hazard or a public nuisance and may only be stored or disposed of according to federal and state regulations.

Section 606 Club Room, Club Grounds, Meeting Hall

In an RA zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Access must be on an arterial or collector street as designated in the Borough Comprehensive Plan.
- b) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- c) The use shall not constitute a public or private nuisance.

Section 607 Convalescent Home, Nursing Home or Hospital

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

- a) Setbacks - All buildings shall be located at least 50 feet from all property or street lines.
- b) Access shall be via an arterial or collector street as designated in the Borough Comprehensive Plan.
- c) Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.
- d) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.

Section 608 Funeral Home

In an R zone and subject to the requirements of the zone in which located except as herein modified and provided:

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

Section 609 Heavy Storage Service

In the VC zone and subject to the requirements of that zone except as herein modified and provided:

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

Section 610 Home Occupations and Home Businesses

It is the intent of this Section to establish regulations which will permit home occupations and home businesses in a manner which will preserve the peace, quiet, and tranquility of residential neighborhoods and to ensure the compatibility of such uses with other uses permitted within the same zoning district.

- a) All dwellings containing a home occupation or home business shall comply with the following:
  - 1) The person primarily responsible for the home occupation or home business shall be a full-time resident of the premises.
  - 2) No more than thirty (30) percent of the gross floor area of the dwelling unit or accessory structure, excluding unimproved attics, and unimproved basements of the dwelling, may be used for the practice of a home occupation or home business.
  - 3) No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
  - 4) Storage of materials, products, or machinery used for the home occupation or home business shall be wholly enclosed by the dwelling, within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street.
  - 5) Deliveries shall not restrict traffic circulation.
  - 6) Traffic generated by the home occupation or home business shall not exceed *volumes than would normally be expected in a residential neighborhood.*

- 7) A home occupation or home business shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, or smoke detectable to normal sensory perception on any adjacent lots or streets or electrical interference.
  - 8) The disposal of all materials, fluids, and gases shall be in a manner that complies with all regulations of the Borough and all other applicable government codes.
  - 9) Home occupations or home businesses utilizing, or proposing to utilize, explosive, highly flammable or hazardous materials shall require proof of fire department notification and compliance with applicable building codes prior to using such materials.
- b) Additional Requirements For Home Occupations: In addition to the provisions of a) above, home occupations shall be subject to the following additional restrictive requirements:
- 1) There shall be no more visitations by non-residents for business purposes than would normally occur for a solely residential dwelling.
  - 2) There shall be no retail sales of goods on the premises.
  - 3) No signs shall be utilized.
  - 4) There shall be no need for additional off-street parking.
  - 5) All persons involved in the occupation shall be full-time residents.
  - 6) The home occupation shall be conducted entirely within the dwelling.
- c) Additional Requirements For Home Businesses: In addition to the provisions of a) above, home businesses shall be subject to the following additional restrictive requirements:
- 1) A home business shall limit any external evidence of an occupation to one (1) non-illuminated sign, not exceeding one (1) square feet in sign area, subject to the sign regulations of Article 4.
  - 2) The requirement for additional parking facilities shall be determined by the Zoning Hearing Board.
  - 3) Sales of goods on the premises shall be limited to goods made on the premises and goods which are incidental to services performed on the premises.
  - 4) The Zoning Hearing Board shall approve the permitted hours of operation.
  - 5) Home businesses shall be conducted only in single family detached dwellings and their accessory structures.
  - 6) The home business may employ up to two (2) non-resident employees.

Section 611 House of Worship

In an RA or R zone and subject to the requirements of the zone in which located except as herein modified and provided:

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

Section 612 Salvage Yard, Automobile Dismantling Plant

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

- a) Setbacks - Any area used for this purpose must be at least 50 feet from any property line and 50 feet from any street line.
- b) The area to be used must be completely enclosed with a six foot high fence so constructed as not to have openings greater than six inches in any direction and should include appropriate screening.
- c) Must comply with all applicable state regulations.

Section 613 Kennel, Animal Hospital

In RA or VC zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Setbacks - All buildings, dog runs, fenced enclosures and similar structures shall be located at least 100 feet from all property or street lines.
- b) All animals must be housed within a structure.

Section 614 Laundry, Dry Cleaning Establishment

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

- a) Access shall be via an arterial or collector street as designated by the Borough Comprehensive Plan.
- b) Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.
- c) Satisfactory evidence must be presented to show that adequate disposal of toxic materials will be provided in a manner that will not be a public health hazard or a public nuisance.

Section 615 Medical or Dental Clinic

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

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

Section 616 Mobilehome Park

In an R zone and subject to the requirements of that zone except as herein modified and provided:

- a) Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized, and each mobilehome lot (not including street right-of-way) must be not less than 7,500 square feet in area and not less than 75 feet wide at the building setback line.
- b) Regardless of lot size, the side yard distances measured from outside each mobilehome to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards shall not be less than twenty (20) feet and rear yards shall not be less than ten (10) feet and in no case, shall the distance between any two mobilehomes be less than thirty (30) feet. The total number of mobilehomes shall not exceed an average density of five (5) per acre.
- c) The Zoning Hearing Board may require additional suitable screen planting, or may further restrict the proximity of mobilehomes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobilehome park as the Board may deem necessary to protect the general welfare.



- d) A mobilehome park and extension thereof shall also comply with all applicable state and/or municipal regulations now in effect or hereafter enacted.

Section 617 Multi-Family or Two-Family Conversion

In an R or VC zone and subject to the requirements of that zone except as herein modified and provided:

- a) There shall be a minimum of 4,000 square feet of lot area per dwelling unit.
- b) Where an existing dwelling is converted to a multi-family or two-family dwelling, the character of the existing structure shall be maintained.
- c) The owner shall provide proof that the existing water and sewage disposal systems are adequate for the additional dwelling units, or new ones of adequate capacity shall be provided. The proposed method of sewage disposal must be in compliance with all State regulations and must be approved by the Borough Sewage Enforcement Officer.
- d) Parking, minimum habitable floor area and all other applicable requirements of this Ordinance shall be met.
- e) The structure shall comply with all applicable rules and regulations including but not limited to fire, health, safety and building codes.

Section 618 Multi-Family Dwelling(s) and Townhouse (Single Family Attached) Dwellings

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

- a) In the case of a multi-family dwelling or group of townhouses where individual dwelling units are located on a single lot and share with other units a common yard area (e.g., garden apartments, rental townhouses), the following requirements shall apply:
  - 1) Side setback - minimum side setbacks of twenty (20) feet each shall be provided.
  - 2) Density - the maximum density shall be eight (8) dwelling units per acre of lot area.
  - 3) Public sewer and public water must be utilized.
  - 4) Distance between buildings - where two or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be 40 feet.
  - 5) All parking areas shall be located at least ten (10) feet from any property line or street line.
  - 6) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.

- b) In the case of a townhouse (single family attached dwelling) development where individual dwelling units are located on separate lots, the following requirements shall apply:
- 1) Lot area - each lot shall have a minimum area of 2,000 square feet.
  - 2) Lot width - each lot shall have a minimum width of 20 feet.
  - 3) There shall not be more than six (6) dwelling units in any one row.
  - 4) Dwelling units at the end of a row shall have a minimum side setback of 20 feet.
  - 5) Public sewer and public water must be utilized.
  - 6) Density - the maximum density shall be twelve (12) dwelling units per acre for the tract.

Section 619 Nonconformity, Expansion of

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

- a) Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
- b) The total of all such expansions or alterations of use shall not exceed an additional 35 percent of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities.
- c) Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
- d) Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
- e) Appearance should be harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
- f) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, planting and open spaces.
- g) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities except as provided for in Section 421-b)-2).

## Section 620 Outdoor Commercial Recreational Establishment

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

- a) Setbacks - The area to be used for recreational purposes must be set back at least 35 feet from any property or street line.
- b) The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial and collector street design and improvement requirements.
- c) *Where an outdoor recreational use, other than a golf course, adjoins a residential use, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.*
- d) Required parking shall be based upon the requirements of Article IV of this Ordinance. In addition, any accessory uses (e.g. snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 408 of this Ordinance. When deemed necessary, the Borough may require an unimproved grassed overflow parking area for peak period use, located and designed in a manner which prohibits vehicles from crossing adjoining properties and directly accessing adjoining roads.
- e) All entrances to the commercial recreation facility shall be designed so that vehicle back-up on abutting roads does not occur.
- f) The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
- g) A working plan for the clean up of litter shall be furnished and implemented by the applicant.

## Section 621 Park and Other Recreation Areas of a Nonprofit Nature

In an RA or R zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) *Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated in the Borough Comprehensive Plan.*
- b) The Zoning Hearing Board shall decide the appropriateness of the design of parking, lighting, and similar features of the proposed use to minimize adverse impacts on adjacent properties.

## Section 622 Private Day Care Center or Nursery School

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

- a) The use shall meet all requirements for certification by the State of Pennsylvania where required.
- b) Outdoor play areas shall be sufficiently screened so as to protect the neighborhood from inappropriate noise and other disturbances.
- c) At least one parking space for each person employed plus one space for every 2 children to be served by the facility shall be provided.

#### Section 623 Public Buildings and Facilities

In an RA or R zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Setbacks - All buildings and facilities shall be set back at least 25 feet from any property line and 50 feet from a street line.
- b) Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic then access should be via an arterial or collector street as designated in the Borough Comprehensive Plan.

#### Section 624 Public Utility Building

In RA, R, and VC zones and subject to the requirements of the zone in which located except as herein modified and provided:

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

#### Section 625 Research Laboratory

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

- a) Access shall be via an arterial or collector street as designated by the Borough Comprehensive Plan.
- b) Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.

- c) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, and smoke). Toxic materials may only be stored or disposed of in a manner that will not be a public health hazard or a public nuisance.

Section 626 Rooming House, Group Quarters

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

- a) No facilities for cooking shall be provided in individual rooms or suites.
- b) If an existing dwelling is to be utilized for a rooming house or group quarters, the owner shall provide proof that the existing water and sewage disposal systems are adequate for the proposed number of occupants; or new ones of adequate capacity shall be provided. The proposed method of sewage disposal must be in compliance with all State regulations and must be approved by the Borough Sewage Enforcement Officer.
- c) A rooming house shall be owner-occupied and shall be an accessory use to a single-family dwelling.
- d) Any dwelling proposed for use as a rooming house shall have a floor area, in addition to the floor area required for the principal dwelling, of 300 square feet for each roomer.
- e) Any group quarters shall have a minimum of 250 square feet of habitable floor area required for each occupant and must have a lot area of not less than 1,000 square feet per guest room; however, in no case shall the lot area be less than the minimum specified for the VC zone.
- f) Any rooming house or group quarters shall comply with all applicable federal, state and local laws and regulations including but not limited to fire, health, safety and building codes.

Section 627 Sawmill Operation

In an RA or I zone and subject to the requirements of that zone except as herein modified and provided:

- a) No saw or other machinery shall be less than 50 feet from any property or street line.
- b) All power saws and machinery will be secured against tampering and locked when not in use.

Section 628 Vehicle Service Station, Body Shop, Repair Garage or Vehicle Wash

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

- a) Buildings must be set back at least 40 feet from the street line.

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

**Section 629 Shopping Center or Mall**

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

- a) All buildings must be set back at least 25 feet from any property line and 50 feet from a street line.
- b) Parking must be provided at the minimum ratio of 5.5 parking spaces to each 1,000 square feet of gross leasable floor area of building.
- c) Access must be via an arterial street or collector street as designated in the Borough Comprehensive Plan.
- d) A buffer yard at least 20 feet wide must be provided on the site in all instances where the site adjoins an R zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

**Section 630 Transportation (Passenger) Terminal**

In the VC zone and subject to the requirements of that zone except as herein modified and provided:

- a) Access shall be via an arterial or collector street as designated by the Borough Comprehensive Plan.
- b) A buffer yard at least 25 feet wide must be provided on the site in all instances where the site adjoins an R zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

Section 631 Truck or Motor Freight Terminal

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

- a) Access shall be via an arterial or collector street as designated by the Borough Comprehensive Plan.
- b) A buffer yard at least 50 feet wide must be located on the terminal site in all situations where the site adjoins an R zone or residential use. This yard shall be naturally landscaped, have no impervious cover, and shall not be used for parking, building, loading or storage purposes.
- c) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, and smoke).

Section 632 Wholesale Vehicle Sales Terminal or Auction

In VC and I zones and subject to the requirements of that district except as herein modified and provided:

- a) Access shall be via an arterial or collector street as designated by the Borough Comprehensive Plan.
- b) A buffer yard at least 50 feet wide must be located on the terminal site in all situations where the site adjoins an R zone or residential use. This yard shall be naturally landscaped, have no impervious cover, and shall not be used for parking, building, loading or storage purposes.
- c) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, and smoke).
- d) Vehicle loading and unloading is prohibited between 11:00 p.m. and 6:00 a.m.
- e) Unsold vehicles must be contained within a properly fenced area.

Section 633 Farm Occupations

Farm occupations are subject to the following standards:

- a) For the purposes of this Ordinance, farm occupations may involve the following uses:

- 1) Facilities for the service and repair of farm machinery and equipment, and small engines;
- 2) Facilities contributing to the agrarian lifestyle characteristic of the residents of Seven Valleys Borough. Such facilities include, but are not limited to:
  - i) Arts and crafts manufacturing, with a retail sales display area not to exceed 1,000 square feet;
  - ii) Hat shops;
  - iii) Blacksmith and tool sharpening shops;
  - iv) Carriage, buggy, wagon and related appurtenances manufacturing, sales and service;
  - v) Carpenters;
  - vi) Woodworking, furniture, and cabinet making shops;
  - vii) Metalworking shops;
  - viii) Country housewares, hardware and dry goods stores with a retail display area not exceeding 1000 square feet;
  - viii) Butcher shops; and
  - ix) Tailor and shoe shops
- b) No more than two (2) acres of land shall be devoted to such use including areas used for structures, parking, storage, display, setbacks, landscaping and etc. However, any lane serving the farm related business and a home and/or farm contained upon the same lot shall not be included as lot area devoted to the farm related business;
- c) At least one owner of the farm occupation must live on the property on which the farm occupation is conducted;
- d) All farm occupations shall be conducted upon the same lot as an actively farmed parcel;
- e) Any outdoor storage of supplies, materials or products shall be located behind the building in which the farm occupation is located. Such outdoor storage shall also be screened from adjoining roads and properties;
- f) Any activities that produce noxious dust, odor, light or noise, perceptible at the property line are prohibited;
- g) The Zoning Hearing Board may attach additional conditions upon a farm occupation to preserve the agricultural character of the area, and protect adjoining uses;
- h) Total signage for a farm occupation shall not exceed sixty-four (64) square feet in area; and



- i) No mobile home shall be used for a farm occupation.

Section 634 Commercial Day Care Facilities

Commercial day care facilities are subject to the following criteria:

- a) An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be setback twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially occupied or residentially zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s);
- b) Enrollment shall be defined as the largest number of students and/or children under day care supervision at any one time during a seven-day period;
- c) Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site; and
- d) One off-street parking space shall be provided for each six (6) students enrolled.

Section 635 Family Day Care Homes

Family day care homes-are subject to the following criteria:

- a) All family day care homes shall be conducted within a detached single-family dwelling;
- b) All family day care homes with enrollment of more than three (3) minors shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare;
- c) Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

Section 636 Miniwarehouses

Miniwarehouses are subject to the following criteria:

- a) Off-street parking spaces shall be provided according to the schedule listed in Section 408 of this Ordinance;
- b) Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane;
- c) Required parking spaces may not be rented as, or used for, vehicular storage or the storage of partially dismantled, wrecked, or inoperable vehicles. However, additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially occupied or residentially-zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles;
- d) All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above;
- e) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited;
- f) No door openings for any mini-warehouse storage unit shall be constructed facing any residentially occupied or residentially-zoned property;
- g) Miniwarehouses shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
  - 1) Auctions, commercial wholesale or retail sales, or garage sales;
  - 2) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;

- 3) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
- 4) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all miniwarehouses rental and/or use contracts shall specifically prohibit these uses.

#### Section 637 Communication Antennas, Towers and Equipment

##### a) General requirements for Communications Antennas and Communications Buildings

- 1) Building mounted Communications Antennas shall not be located on any residential structure.
- 2) Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable zoning districts by no more than twenty (20) feet.
- 3) Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- 4) Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- 5) Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- 6) Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Borough Engineer.
- 7) Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment can be accomplished.
- 8) Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 9) Communications Antennas shall not cause radio frequency interference with other communications facilities located within Seven Valleys Borough.
- 10) A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory building.

11) The owner and operator of Communications Antennas shall be licensed by the Communications Commission to operate such antennas, and shall provide a copy of such license to the Borough.

b) General requirements for Communications Towers

- 1) The applicant shall be required to submit to the Borough evidence of the need for the Communications Tower and that all alternatives have been exhausted to constructing the Communications Tower in the Borough. Applicants are required to prove need by:
  - i) Providing evidence, including coverage diagrams and technical reports, that, in terms of location and construction, there are no existing towers, Communications Towers, buildings or structures able to provide the platform for the necessary equipment for one or more of the following reasons:
    - (1) Planned equipment would exceed the structural capacity of the existing Communications Towers, buildings or structures, and existing Communications Towers, buildings or structures, cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost; or
    - (2) Planned equipment will cause interference with other existing or planned equipment for that Communications Tower, building or structure and the interference cannot be prevented at a reasonable cost; or
    - (3) Existing or approved Communications Towers, buildings or structures do not have the space on which planned equipment can be placed so it can function effectively and at least be in parity with other similar equipment in place or planned; or
    - (4) Other reasons make it impractical to place the equipment by the applicant on existing and approved Communications Towers.
- 2) No Communications Tower shall be permitted within Seven Valleys Borough that is of a height that would require attached lighting as required by standards of the Federal Aviation Administration (FAA). Other lighting shall be permitted in accordance with the provisions contained elsewhere in this Ordinance.
- 3) Communications Towers may not be located on a lot that is listed on a historic register or in an officially designated state or federal historic district.
- 4) Communications Towers shall be no closer than one thousand (1,000) feet from another Communications Tower, such distance being measured as a horizontal distance from tower to tower.
- 5) The applicant for a Communications Tower must execute an agreement with Borough, in a recorded instrument legally sufficient to the Borough, reviewed by the Solicitor, requiring the removal of the Communications Tower within one (1) year after the Communications Tower ceases to function as such. Removal of the Communications Tower shall include the tower, all appurtenances or component parts thereof, including any associated buildings or structures.

i) Responsibility of Owner and Occupant of Premises for Removal:

No person, firm, or corporation owning or occupying any property within Seven Valleys Borough shall permit, leave or cause to be left any Communications Tower, appurtenances, or component part thereof, including any associated buildings or structures on said property on and after the aforesaid one year period. A Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures so remaining on the premises after the prescribed removal date shall be deemed in violation of the provisions of this section.

ii) Notice to Conform:

Seven Valleys Borough is hereby authorized, and directed to give notice, by a personal service or US mail to the owner or occupant, or both, as the case may be, by certified mail of the violation of the provisions of this Ordinance, and directing and requiring said owner or occupant to conform with the requirements of this Ordinance within 30 days after issuance of such notice.

iii) Violations and Penalties:

In case any person, firm or corporation shall neglect, fail or refuse to comply with said notice within the period of time stated therein, Seven Valleys Borough may enter the premise and remove the Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures. In such event all costs associated with the removal, together with reasonable attorney's fees and any additional payment authorized by law, may be collected by Seven Valleys Borough, from such person, firm or corporation in the manner provided by law for collection of municipal claims or by an action of assumpsit

- 6) A security fence and gate, of approved design, of not less than eight (8) feet, including barbed wire at the top, shall completely enclose the Communications Tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.
- 7) The applicant shall submit a landscaping plan. Landscaping requirements shall be in accordance with the requirements of the governing Subdivision and Land Development Ordinance.
  - i) Landscaping, consisting of approved evergreen trees, shall be required at the perimeter of the security fencing. Layout and type of trees permitted shall be as set forth in the Seven Valleys Borough Subdivision and Land Development Ordinance.
  - ii) This requirement may be waived by the Borough if there is existing acceptable vegetation along the property lines.
- 8) A minimum of one (1) parking space shall be required. Spaces shall meet requirements of this Ordinance. Parking spaces may be surfaced with a durable and dustless gravel surface.
- 9) Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement of twenty (20) feet in width and shall be improved to a width of at least twelve (12) feet.

- 10) Internal access to the Communications Tower shall be provided by a minimum twelve (12) foot width driveway with a durable and dustless surface, such as concrete or a bituminous surface, for a minimum of thirty-five (35) feet from the centerline of any public street. The length of the driveway beyond this thirty-five feet shall, at a minimum be surfaced with a durable and dustless gravel.
  - 11) Communications Towers shall be fully automated and unattended on a daily basis. The site shall be visited only for periodic maintenance.
  - 12) The Communications Equipment Building shall be identified as an accessory building, and the applicable regulations for the host zoning district shall apply.
  - 13) Guy wires, if utilized, may not be anchored in any setback area of the host zoning district. Guy wires shall not cross or encroach any overhead telephone or electric power lines.
  - 14) Tower height shall be measured from the top of the foundation to the top of the tower
  - 15) A security gate shall be required to be installed a minimum of forty-five feet (45) from the centerline of the public or private roadway.
  - 16) The applicant shall be required to have control over any land that is within a required setback area of this Ordinance. This control, submitted in writing, may be either in the form of ownership, lease, or recorded easement, as reviewed by the solicitor.
  - 17) The applicant shall submit a copy of its current Federal Communications Commission license: the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the amount \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
  - 18) No Communications Tower shall be located closer than five hundred (500) feet from (1) any residential structure or (2) any existing structure, playground, ballfield or other area used for active recreation within a municipal park or school.
  - 19) No more than ten thousand (10,000) square feet of clear-cutting of wooded areas shall be allowed for the site area of the Communications Tower.
  - 20) Setbacks shall be no less than fifty percent (50%) of the tower height from adjacent property lines and public road right-of-way lines. Such distance shall be in a straight line from the Communications Tower to the appropriate line. This set back shall be increased to one hundred fifty (150) feet if any Residential Zone abuts the property in which the Communications Tower is located.
- c) General Requirements for Co-Location of Facilities

The applicant for the Co-Location of Facilities shall be required to submit a Building Permit application for approval.

Section 638 Adult Bookstores and Adult Theaters.

The Zoning Hearing Board may approve Adult Bookstores and Adult Theaters in the I - Industrial District by Special Exception according to the procedures and requirements specified below:

- a) Purpose. The purpose of this Section is to provide for the establishment of adult bookstores within the Borough at such places, and in such manner, as is appropriate and reasonable; and to establish reasonable regulations which take into consideration the potential for adverse impact from such businesses upon adjoining property owners, occupants and uses.
- b) Interpretation and Application. This Section shall be interpreted and applied in a manner consistent with the Constitution and shall not be applied to unduly restrict or infringe upon rights guaranteed thereby.
- c) Severability. The provisions of this Section shall be severable and in the event any one thereof shall be determined to be invalid or unenforceable such determination shall not operate to repeal or invalidate the remaining provisions.
- d) As used in this Ordinance, the following terms, word and phrases shall have the meanings ascribed to them by this Section:
  - 1) Adult Bookstore: An establishment open to the general public in which five (5) percent or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers for sale of sexual devices.
  - 2) Adult Theater: A building or a room within a building open to the general public, used for presenting live entertainment, motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.
  - 3) Sexual Conduct: Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, analingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person be female, a breast.
  - 4) Sexual Device: Any artificial human penis, vagina or anus, or other device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals, pubic area, perineum or anal area, including dildoes, penisators, vibrators, vibrillators, penis rings and erection enlargement or prolonging creams, jellies or other such chemicals or preparations.
  - 5) Sexually Explicit Nudity: The sexually oriented and explicit showing, by any means, including but not limited to, close-up views, poses or depictions in such position or manner which present or expose such areas to the following: postpubertal, full or

partially developed human female breast with less than a fully opaque covering of any portion thereof below the top of the areola or nipple; the depiction of covered human male genitals in a discernible turgid state; or lewd exhibition of the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering.

- e) The use and occupancy of any land, building or structure as an adult bookstore or an adult theater shall be subject to the following:
  - 1) An adult bookstore or an adult theater shall be permitted only in an I - Industrial District.
  - 2) An adult bookstore or an adult theater shall not be permitted to be located within five hundred (500) feet of any of the following:
    - i) Any building or other structure used for residential purposes.
    - ii) The geographical boundary line of the Borough.
    - iii) Any public park.
  - 3) An adult bookstore or an adult theater shall not be permitted to be located within one thousand (1,000) feet of any of the following:
    - i) Any other adult book store or adult theater.
    - ii) Any public or private school, public playground, or any church or other house of worship.
  - 4) No materials, merchandise, or film offered for sale, rent, lease, and loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.
  - 5) Any building or structure used and occupied as an adult book store or adult theater shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, live entertainment or film shall be visible from outside of the building or structure.



Section 639 Business Conversions.

Business Conversions shall be subject to the procedures and requirements specified below:

- a) Permitted Uses. Conversion of an existing residential structure to a non-residential use or an existing non-residential use to another non-residential use. The conversion can be a total conversion from residential use or a conversion of a portion of the premises, with the retention of one or more dwelling units. (As in the case of a first-floor retail or office use with apartment(s) on the second and higher floors.)
- b) Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply.
- c) Parking Requirements. Off-street parking spaces shall be provided on said lot for each distinct use located on it, in accordance with Section 408.
- d) Supplemental Regulations
  - 1) If apartment units are proposed, each unit shall be provided with complete kitchen facilities, flush toilet and bathing facilities within the unit.
  - 2) Fire escapes where required shall be located on the rear and/or the interior side of the building. A sketch of the proposed fire escape location shall be supplied as part of the application for zoning approval.

Section 640 Mixed Use.

When two (2) or more principal uses occupy the same building on the same lot, all parking, lot area and building area requirements pertaining to each use shall be met in full.

Section 641. Indoor Recreation Facilities

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

- a) All activities shall take place within a wholly enclosed building.
- b) Required parking shall be based upon the requirements of Article IV of this Ordinance. In addition, any accessory uses (e.g. snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 408 of this Ordinance. When deemed necessary, the Borough may require an unimproved grassed overflow parking area for peak period use, located and designed in a manner which prohibits vehicles from crossing adjoining properties and directly accessing adjoining roads.
- c) The subject tract shall front on and gain access from either an arterial, major collector, or minor collector road as identified in the Zoning Ordinance, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial and collector street design and improvement requirements.

- d) All entrances to the commercial recreation facility shall be designed so that vehicle back-up on abutting roads does not occur.
- e) The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
- f) A working plan for the clean up of litter shall be furnished and implemented by the applicant.

## ARTICLE VII

### ADMINISTRATION AND ENACTMENT

#### Section 701 Permits

a) Building Permits: A building permit, which must be obtained from the Zoning Officer, shall be required for the erection, enlargement, repair, alteration, moving or demolition of any structure as set forth in the Seven Valleys Borough Building Permit Ordinance. Fences for agricultural purposes in the Rural Agricultural Zone are exempt from the building permit requirement. Work on the proposed construction and/or development shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Time extension shall be granted only if a written request is submitted by the applicant that sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request. The permit application must be accompanied by a site plan showing as necessary to demonstrate conformity to this Ordinance --

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

For lots less than one half (1/2) acre, the site plan must be at the scale of one (1) inch equals twenty (20) feet; for larger lots, the site plan must be at scale of one (1) inch equals forty (40) feet. The north point must be shown on all site plans.

- b) Use Certificates: A use certificate, certifying compliance with this Ordinance must be obtained from the Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established:
- 1) Use of a structure erected, structurally altered or extended, or moved after effective date of this Ordinance.
  - 2) Use of vacant land except for agricultural purposes.
  - 3) Any change in a conforming use of a structure or land.
  - 4) Any change from a nonconforming use of a structure or land to a conforming use.
  - 5) Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

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

Section 702 Enforcement - Zoning Officer

- a) Appointment and Powers: For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Borough, shall be appointed by the Borough Council. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use that does not conform to this Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. He issues all building permits, use certificates, and at the direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer shall identify and register nonconforming uses and nonconforming structures together with the reasons why they were identified as nonconformities. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with consent of the owner.
- b) Forms: The Zoning Officer must provide a form or forms approved by the Borough Solicitor for --
- 1) Building permits.
  - 2) Special exceptions.
  - 3) Use certificates.
  - 4) Appeals.
  - 5) Variances.
  - 6) Registration of nonconforming uses and nonconforming structures.
- c) Transmittal of Papers: Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Borough Planning Commission, copies of all papers constituting the record upon the special exception, variance, or appeal.
- d) Action on Building Permits: Within fifteen (15) days, except for holidays, after receipt of an application for a building permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the building permit ordinance and this Ordinance, the Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds of his refusal.
- e) Action on Use Certificates: Within fifteen (15) days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds of his refusal.

- f) Revoking Permits/Approvals: The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of a fact in an application or on the plans on which the permit or approval was based. Any permit issued in error shall in no case be construed as waiving any provision of this Ordinance and such permit may be revoked.
- g) Enforcement: Upon determining that a violation of any of the provisions of this Ordinance exists, the Zoning Officer must send an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:
- 1) The name of the owner of record and any other person against whom the Borough intends to take action.
  - 2) The location of the property in violation.
  - 3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
  - 4) The date before which the steps for compliance must be commenced (within fifteen (15) days of issuance of notice) and the date before which the steps must be completed (within forty-five (45) days of issuance of notice).
  - 5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within fifteen (15) days of issuance of said notice in accordance with procedures set forth in Article VII.
  - 6) That failure to comply with the notice within the time specified unless extended by appeal to the Zoning Hearing Board constitutes a violation in accordance with Section 708 of this Ordinance.
- h) Records: The Zoning Officer must keep record of --
- 1) All applications for building permits, use certificates, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
  - 2) All complaints of violations of provisions of this Ordinance and the action taken on them.
  - 3) All plans submitted.
  - 4) Nonconforming uses and nonconforming structures.
- All such records and plans shall be available for public inspection.
- i) Reports: At intervals of not greater than six (6) months, the Zoning Officer must report to the Borough Council --

- 1) The number of building permits and use certificates issued.
- 2) The number of complaints of violations received and the action taken on these complaints.

Section 703 Amendments

- a) The Borough Council may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance.
- b) Public Hearing(s): Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice before proceeding to vote on the amendment.
- c) County Planning Commission Review: At least thirty (30) days prior to the hearing on any amendment by the Borough Council, the Borough shall submit the proposed amendment to the County Planning Commission for recommendations.
- d) Amendments Involving Zoning Map Changes: If the proposed amendment involves a zoning map change, notice of the required public hearing shall be conspicuously posted by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. In addition written notice of the hearing shall be sent to the property owner and all adjoining property owners.
- e) Enactment of Amendments: Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in one (1) newspaper of general circulation in the Borough not more than sixty (60) days or less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not advertised, then --
  - 1) A copy thereof shall be supplied to the newspaper in general circulation in the Borough at the time the public notice is published, and
  - 2) An attested copy of the proposed ordinance shall be filed in the County Law Library or other County offices designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the Ordinance.

In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Borough Council shall, at least ten (10) days prior to enactment, readvertise in one (1) newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Within thirty (30) days after enactment of any amendment to the Zoning Ordinance, a copy of the amendment shall be forwarded to the County Planning Commission.

- f) Landowner Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.
- g) Municipal Curative Amendments: If the Borough determines that its Zoning Ordinance or any portion thereof is substantially invalid, the Borough shall declare by formal action, its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity as provided for and in accordance with the procedures set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.

#### Section 704 Fees

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

#### Section 705 Appeals

Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, Borough Engineer, Zoning Hearing Board or Borough Council may appeal in the manner set forth in either Article IX or X-A of the Pennsylvania Municipalities Planning Code, as reenacted and amended, whichever is applicable.

Section 706 Repealer

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

Section 707 Interpretation

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

Section 708 Violations

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Borough Council or, with approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough Council at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough. No such action may be maintained until such notice has been given.

Section 709 Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of the provision of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Borough.



Section 710 Validity

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

Section 711 Effective Date

This Ordinance shall take effect immediately upon adoption and publication according to law.

Adopted by the Borough Council of Seven Valleys Borough, York County, Pennsylvania into an ordinance the \_\_\_\_ day of \_\_\_, 1999.

Attest:

Borough Council  
Seven Valleys Borough  
York County, Pennsylvania

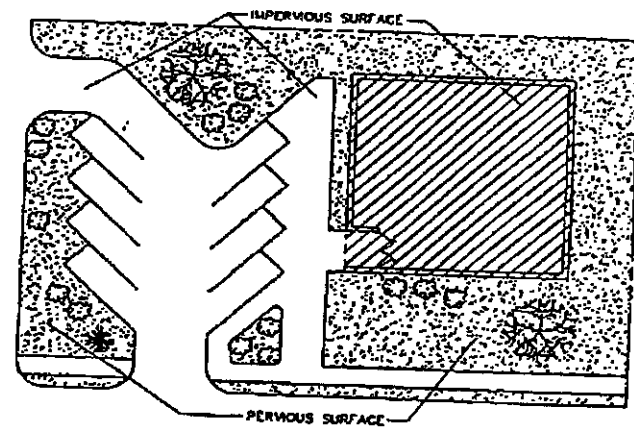
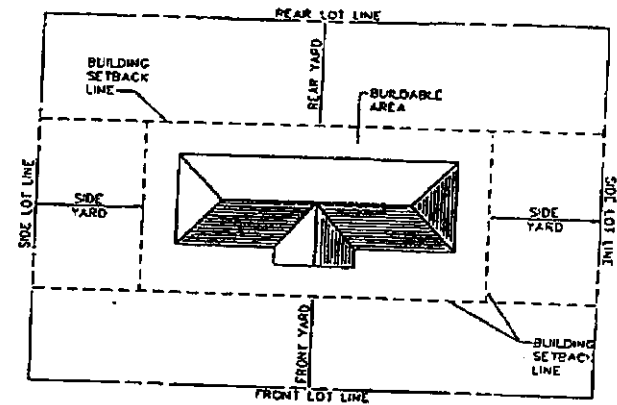
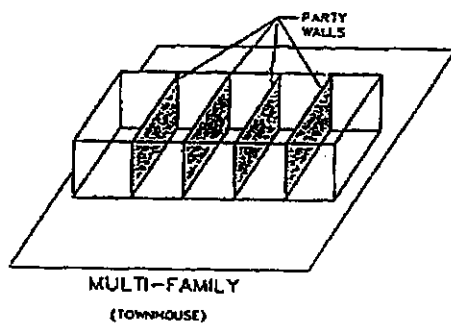
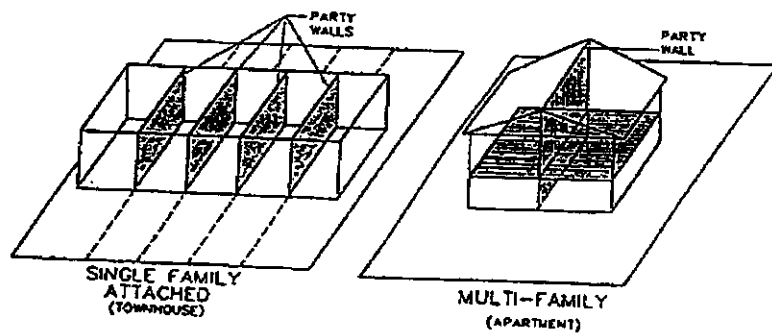
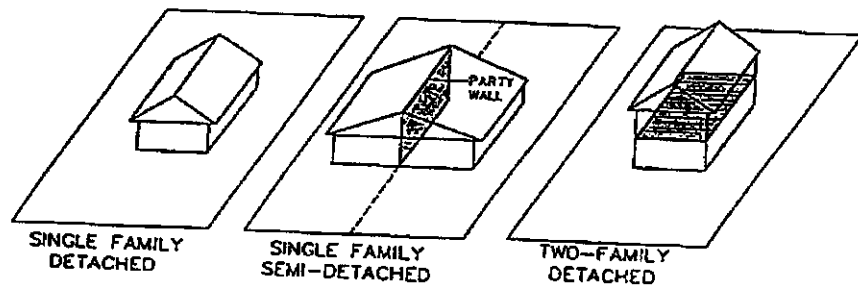
/s/ \_\_\_\_\_  
\_\_\_\_\_, Secretary

By: /s/ \_\_\_\_\_  
\_\_\_\_\_, President

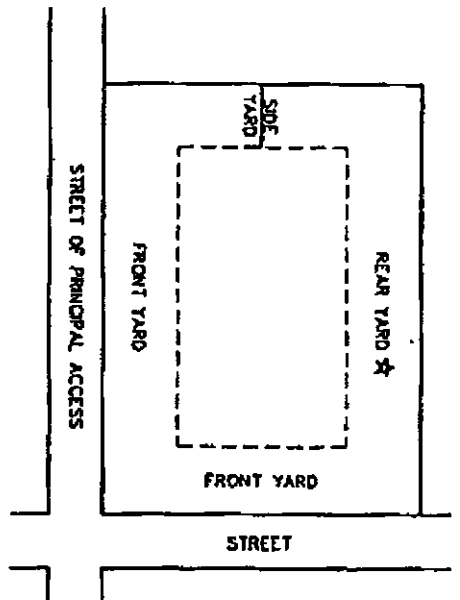
Seven Valleys Borough  
York County, Pennsylvania  
Approved by the Mayor of Seven Valleys Borough

By: /s/ \_\_\_\_\_  
\_\_\_\_\_, Mayor

## **APPENDIX A**

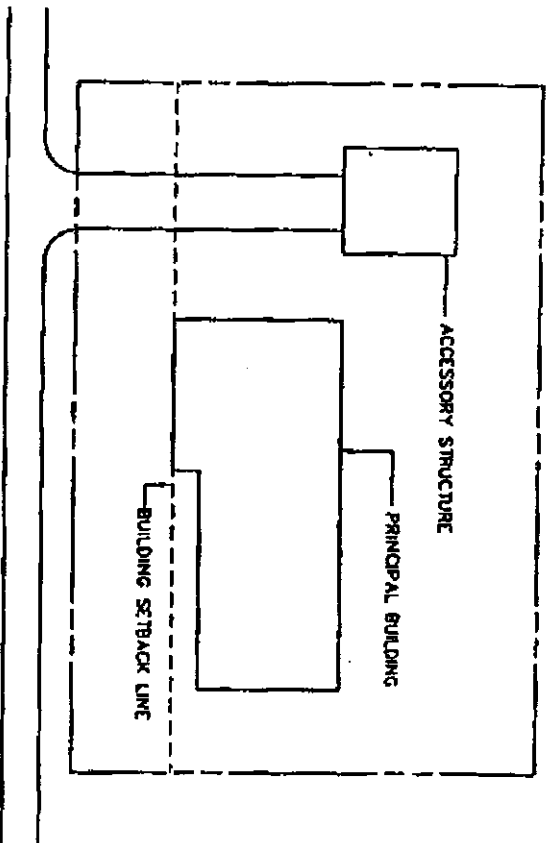
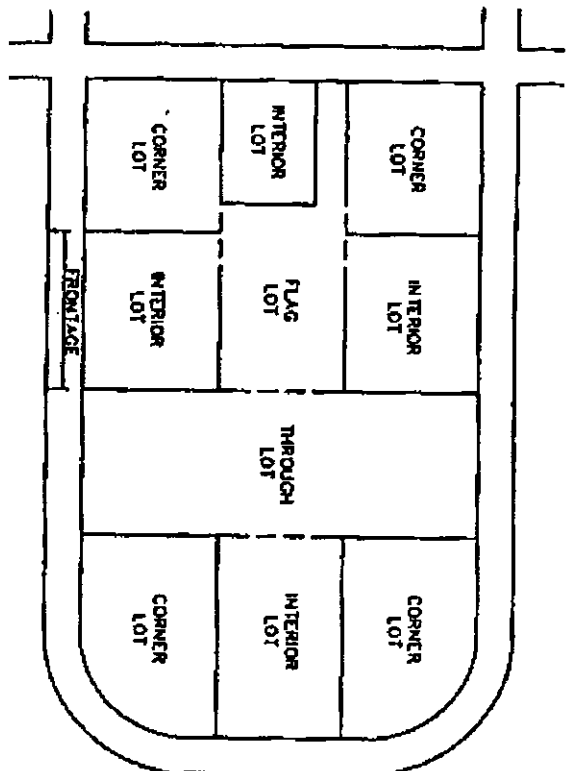
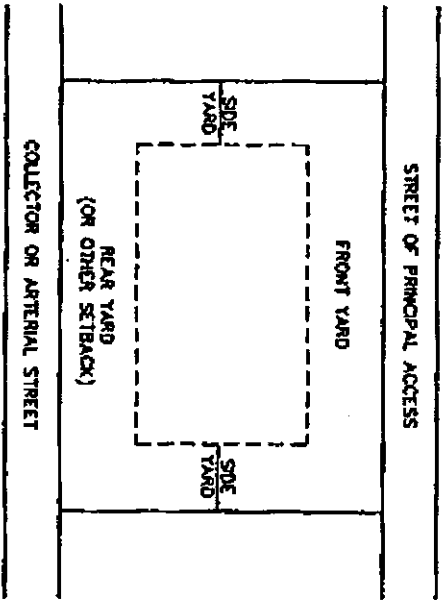


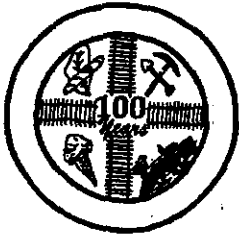
**LOT DESIGN  
CORNER LOT**



★ REAR YARD TO BE DESIGNATED BY  
LANDOWNER/SUBDIVIDER

**REVERSE FRONTAGE LOT**





SEVEN VALLEYS BOROUGH  
PO BOX 277  
SEVEN VALLEYS, PA 17360

January 22, 2008

To: All Planning Commission and Zoning Hearing Board Members:

Dear Members:

It has been brought to my attention that you may not all have the latest updated copy of the Zoning Ordinance. I have lost track of what editions of the 1999 document that you each have. I am therefore sending you copies of all the amendments to the original document.

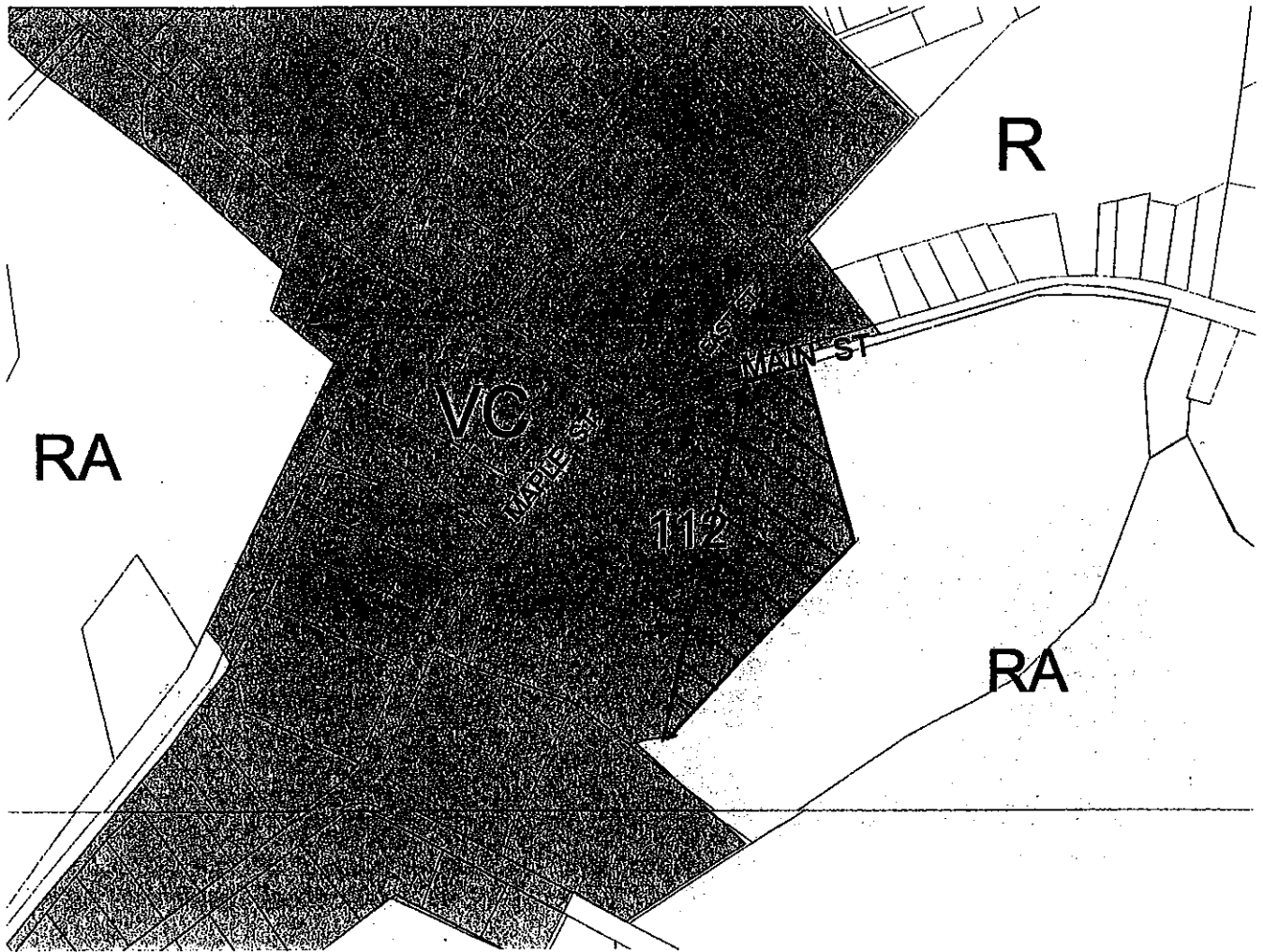
Enclosed are as follows  
Ordinance #1-2008  
Ordinance #6-2005  
Ordinance #1-2005

Please feel free to contact me at 717 792-1261 or [thebahns1@verizon.net](mailto:thebahns1@verizon.net) if you need any further information.

Sincerely yours,


Cheryl D. Bahn  
Borough Secretary

YCPC File #83-04-12-20-622



TAX MAP FH

SEVEN VALLEYS BOROUGH

 Area to be re-zoned from Village Center (VC) to Rural Agricultural (RA)



ORDINANCE NO. 2005-1

**BOROUGH OF SEVEN VALLEYS  
YORK COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF SEVEN VALLEYS,  
YORK COUNTY, PENNSYLVANIA, AMENDING THE  
ZONING ORDINANCE OF THE BOROUGH OF SEVEN  
VALLEYS TO AMEND THE ZONING MAP OF THE  
BOROUGH OF SEVEN VALLEYS TO RE-ZONE PROPERTY  
LOCATED OFF MAIN STREET FROM VILLAGE CENTER  
TO AGRICULTURAL; AND PROVIDING AN EFFECTIVE  
DATE**

**BE IT ENACTED AND ORDAINED**, by the Council of the Borough of Seven Valleys, and it is hereby enacted and ordained, in lawful session assembled, that the Seven Valleys Borough Zoning Map contained in the Seven Valleys Borough Zoning Ordinance is hereby amended as follows:

**SECTION 1.** The following change is hereby made to the zoning map of the Borough of Seven Valleys:

The area bounded as follows is hereby re-zoned from Village Center (VC) to Rural Agricultural (RA). This is more fully identified on the attached Exhibit "A":

BEGINNING at an iron pin at corner of lands now or formerly of William F. Goodling and Hilda W. Goodling, and lands now or formerly of Liberty Christian Fellowship; thence along lands now or formerly of Liberty Christian Fellowship, North fifteen (15) degrees fifty-eight (58) minutes thirteen (13) seconds East, one hundred thirty-six and thirty-three one hundredths (136.33) feet to an iron pin; thence continuing along lands now or formerly of Liberty Christian Fellowship, North twenty-eight (28) degrees forty-four (44) minutes twenty-five (25) seconds East, three hundred thirty-four and thirty-eight one hundredths (334.38) feet to an iron pin; thence continuing along lands now or formerly of Liberty Christian Fellowship, North twenty-one (21) degrees zero (00) minutes thirty-two (32) seconds East, two hundred eighty-nine and forty-four one hundredths (289.44) feet to a point at the southern side of Main Street (SR 3018); thence along the southern side of Main Street, North seventy-nine (79) degrees thirty (30) minutes zero (00) seconds East, one hundred thirty-five and forty-four one hundredths (289.44) feet to a point at corner of lands now or formerly of William F. Goodling and Hilda

W. Goodling; thence along lands now or formerly of William F. Goodling and Hilda W. Goodling, South ten (10) degrees thirty (30) minutes zero (00) seconds East, three hundred fifty and no one hundredths (350.00) feet to a point at corner of lands now or formerly of William F. Goodling and Hilda W. Goodling; thence continuing along lands now or formerly of William F. Goodling and Hilda W. Goodling, South fifty-one (51) degrees forty-nine (49) minutes fifty (50) seconds West, six hundred and sixty one hundredths (600.60) feet to an iron pin at corner of lands now or formerly of Liberty Christian Fellowship, the place of BEGINNING. Containing 3.3212 acres.

SECTION 2. This Ordinance shall become effective immediately upon enactment and approval.

Enacted and Ordained by the Council of the Borough of Seven Valleys, County of York, Pennsylvania, this 4th day of April, 2005.

SEVEN VALLEYS BOROUGH COUNCIL

Attest:

Cheryl D. Balin  
Secretary

BY: Mr. Lynn W. Kuro  
President

~~APPROVED~~/DISAPPROVED this 4<sup>th</sup> day of April, 2005.

Ray A. Dretsch  
Mayor



ORDINANCE NO. 6-2005

BOROUGH OF SEVEN VALLEYS  
YORK COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF SEVEN VALLEYS, YORK COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF SEVEN VALLEYS TO REMOVE THE EXISTING DEFINITION OF "ALTERATIONS"; REMOVE THE EXISTING DEFINITION OF "ALTERATIONS, STRUCTURAL"; TO ADD A DEFINITION OF "ALTERATION"; TO ADD A DEFINITION OF "REPAIR" TO AMEND SECTION 701 TO CHANGE THE WORD "BUILDING" TO "ZONING" AND FURTHER REVISE THAT SECTION; AND PROVIDING AN EFFECTIVE DATE

BE IT ENACTED AND ORDAINED, by the Council of the Borough of Seven Valleys, and it is hereby enacted and ordained, in lawful session assembled, that the Seven Valleys Borough Zoning Ordinance is hereby amended as follows:

SECTION 1. The following changes are hereby made to the zoning ordinance of the Borough of Seven Valleys:

A. Section 202 is hereby amended as follows:

- i. The existing definition of "ALTERATIONS" is deleted and removed in its entirety.
- ii. The existing definition of "ALTERATIONS, STRUCTURAL" are deleted and removed in its entirety.
- iii. The following definitions are added:

ALTERATION - Any change, rearrangement, enlargement, addition, moving, relocation, removal, or demolition of any structure or of the structural parts thereof; or any modification which may change the valuation for tax assessment purposes of the building, structure, or site involved, but not including the repairing by replacement of worn or damaged parts or the mere painting or finishing of surfaces when not accompanied by any other activity herein referred to, provided that the original configuration, plan and form of the structure are not altered.

REPAIR - Replacement of existing worn or damaged materials with equivalent materials for the purpose of routine maintenance and upkeep; but not including any alteration.

- B. Section 701 a) is hereby amended to delete the existing first paragraph in its entirety and replace it to read as follows:

Zoning Permits: A zoning permit, which must be obtained from the Zoning Officer, shall be required for the erection, enlargement, alteration, moving, or demolition of any structure. Fences for agricultural purposes in the Rural Agricultural Zone are exempt from the zoning permit requirement. Work on the proposed construction and/or development shall be completed within twelve (12) months after the date of issuance of the zoning permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Time extensions shall be granted only if a written request is submitted by the applicant that sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request. The permit application must be accompanied by a site plan showing as necessary to demonstrate conformity to this Ordinance.

**SECTION 2.** This Ordinance shall become effective immediately upon enactment and approval.

Enacted and Ordained by the Council of the Borough of Seven Valleys, County of York, Pennsylvania, this 5<sup>th</sup> day of December, 2005.

SEVEN VALLEYS BOROUGH COUNCIL

Attest:

Charles D. Bahr  
Secretary

Ma Lynn W. Kuebe  
President

~~APPROVED~~/DISAPPROVED this 5<sup>th</sup> day of December, 2005.

Paul A. Dietrich, Jr.  
Mayor

ORDINANCE NO. L-2008

**BOROUGH OF SEVEN VALLEYS  
YORK COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF SEVEN VALLEYS,  
YORK COUNTY, PENNSYLVANIA, AMENDING THE  
ZONING ORDINANCE OF THE BOROUGH OF SEVEN  
VALLEYS AND PROVIDING AN EFFECTIVE DATE**

**BE IT ENACTED AND ORDAINED**, by the Council of the Borough of Seven Valleys, and it is hereby enacted and ordained, in lawful session assembled, that the Seven Valleys Borough Zoning Ordinance, Ordinance No. 1999-2, is hereby amended as follows:

**SECTION 1.** The following changes are hereby made to the zoning ordinance of the Borough of Seven Valleys:

A. Section 202 is hereby amended as follows:

i. The following definitions are added:

**ADVERTISING SIGN** - A sign, whose purpose is for directing attention to a business commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same location on which the sign is located. Also known as a Billboard.

**DIRECTIONAL SIGN** - A temporary sign not to be erected for greater than 10 days during any 90 consecutive day period, which directs people to a community, development, event of public interest, public use or building not located on the same premises, provided that the contents of the sign shall contain only the name of the item or event and a directional arrow or mileage indicator.

**OFFICIAL SIGN** - A sign erected by a governmental body for public purpose.

**OFF-SITE DIRECTIONAL SIGN FOR BUSINESS** - A sign directing attention to the location of a business or commercial activity not located on the same lot.

**SIDEWALK SIGN** - A non-attached sign to direct attention to business or commercial activity on the premises. Examples include 1). an A-frame, inverted V-shaped sign resting on the ground with no permanent attachment, known as a "Sandwich Sign", 2). A single board or ornamental sign with information or illustration related to the business or commercial activity.

ii. The definition of **BILLBOARD** is deleted.

B. Section 405 a)3) is amended to delete current language and read as follows:

a) Signs near Residential Zone: No illuminated Advertising sign and no illuminated Business sign exceeding thirty (30) square feet shall be permitted to be located within seventy-five (75) feet of the Residential Zone boundary.

b) Advertising Signs:

- 1) No more than one advertising sign per road frontage per lot shall be permitted.
- 2) No advertising signs shall be located within five hundred (500) feet of another advertising sign.
- 3) All advertising signs shall be a minimum of fifty (50) feet from all side and rear property lines.
- 4) All advertising signs shall be setback a minimum of twenty-five (25) feet from any street right of way line.

C. Section 405 a) 5) is amended to add the following restrictions on Directional signs:

6 sq. ft.; 1 per lot; three (3) ft. max. height; two (2) ft. setback from ROW; not in any clear sight triangle of intersection

D. Section 405 a) 5) is amended to add the following:

Off-Site Directional Sign for Business or Commercial Activity	any zone	6 sq. ft.; 1 per lot; three (3) ft. max. height; two (2) ft. setback from ROW; not in any clear sight triangle of intersection; not more than two (2) such signs anywhere in Borough for each off-site business
Sidewalk	VC	8 sq.ft. on each of two (2) sides, max width three (3) feet, max. height four (4)

feet. 1 per lot. Not allowed to be in any clear sight triangle of intersection or interfere with sight exiting and parking lot or driveway

E. Section 405 b) is hereby amended to add a new sub-section 3) to read as follows:

- 3) Sidewalk Signs: May be on or adjoining the sidewalk provided a minimum of three (3) feet of clear path for pedestrians is maintained, and the sign is removed during all hours when the business is not open to the public.

F. Section 405 f) is amended to delete current language and read as follows:

f) Signs Not Requiring Permits:

The following signs shall be permitted by right in all zoning districts without a permit, subject to the size restrictions, if any, contained in Section 405 a) 5):

- 1) Temporary signs for the sale of agricultural or horticultural products for a period not exceeding sixty (60) days in any calendar year, provided notice of the installation of the sign is given to the zoning officer.
- 2) Work signs as long as the project is under construction.
- 3) Directional signs
- 4) Garage or Yard Sale signs
- 5) Prohibitory signs such as "No Trespassing" and "No Hunting".
- 6) Flags containing the word "Open", and all Governmental flags or flags without an advertising message.
- 7) Historic signs, Holiday decorations, and Official Signs.
- 8) Non-illuminated signs in windows which are constructed of paper, cardboard or similar materials, or painted directly on the window .
- 9) Signs containing messages of a political, religious or other constitutionally protected nature.
- 10) For sale, for rent/lease, sold and rented/leased

G. A new section 405 i) is hereby added to read as follows:

i) Off-Premises signs: Notwithstanding any other provision of this ordinance, no sign except Directional, Off-Site Directional Signs for Business Activity, Official, Political or Public Service Signs shall be erected or placed on a property to which it does not relate to the activity on the property.

**SECTION 2.** This Ordinance shall become effective immediately upon enactment and approval.

Enacted and Ordained by the Council of the Borough of Seven Valleys, County of York, Pennsylvania, this 7<sup>th</sup> day of JANUARY, 2008.

**SEVEN VALLEYS BOROUGH COUNCIL**

Attest:

Cheryl A. Baker  
Secretary

Ma. Lynn W. Kasha  
President

APPROVED/DISAPPROVED this 7<sup>th</sup> day of JANUARY, 2008.

Todd A. Selvi  
Mayor