

PART 1

General Provisions

§27-101 . Title.

This chapter shall be known as and may be cited as the "Borough of Marysville Zoning Ordinance" (hereinafter referred to as "chapter").

§27-102. Statutory authority.

This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, the Pennsylvania Municipalities Planning Code, July 31, 1968, as reenacted and amended by Act 170, December 21, 1988. , as amended from time to time.

§27-103. Purpose.

This chapter is enacted for the following purposes:

- A. To generally implement the Comprehensive Plan and to promote, protect, and facilitate any or all of the following: a land use and development pattern consistent with the proper functioning and requirements of all classes of land use, provide for an adequate and diversified housing supply, maintain healthful and safe housing, provide and maintain attractive, healthful and safe residential environments, provide for ranges of population density to guide new development and future redevelopment; maintain a strong and healthy economic base, maintain a viable and active central business district, provide for convenience shopping and personal service requirements, provide for adequate facilities and programs to meet social, cultural, recreational and aesthetic needs, provide for safe and convenient circulation and movement within the community and to points beyond, and protect to the maximum extent possible and promote the best use of the Borough's natural recreational opportunities and aesthetic resources.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers.
- C. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements.
- D. To manage overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§27-104. Community Development Objectives.

This chapter is to render a legal basis and framework to the future land use plan and development goals established in the Borough of Marysville Comprehensive Plan (hereinafter referred to as "Comprehensive Plan") as prepared by the Planning Commission and adopted on July 13, 2015 by the Borough Council. The objectives of guiding future growth and improvement of existing development within the Borough are to promote the most economical and efficient provision of municipal services; eliminate hazardous and detrimental land uses while encouraging beneficial and compatible land uses; maintain a healthful residential environment with adequate recreational, commercial and industrial supporting areas; protect and conserve open spaces, drainage ways, floodplains, and other environmentally sensitive areas; and to

avoid the problems of random development inconsistent with the Borough-wide goals and objectives. This chapter is found to be in accordance with the intent and goals of the Comprehensive Plan.

§27-105. Interpretation.

In interpreting and applying this chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Borough. Any use permitted subject to the regulations prescribed by the provisions of this chapter shall conform with all regulations and is not intended to interfere with, abrogate, annul, supersede or cancel any reservations contained in deeds or other agreements, but that if this chapter imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of this chapter shall control. To assist in the interpretation of this chapter, land use planning or zoning reference materials such as planning reports, books, etc., may be used.

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

§27-106. Applicability.

The provisions, regulations, limitations and restrictions of this chapter shall apply to all primary and accessory structures, buildings, uses, signs and land, except to the extent that certain activities are regulated by other federal or state statutes in accordance with Section 603.(b) of the MPC, Act 247.

§27-107. Proposed land uses.

All proposed uses for land in the Borough must be reviewed by the Zoning Officer. No use may be initiated without a valid zoning permit which is issued in accordance with the requirements of this chapter.

§27-108. Uses Not Provided For

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Borough Council to hear and decide such request as a conditional use. The Borough Council shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood. For the purposes of this section, a specifically denied use shall be considered a use that is not a permitted use in the zone in question, but is a permitted use in another zoning district.

PART 2

DEFINITIONS

§27-201 Purpose.

The following words are defined in order to facilitate the interpretation of this chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

§27-202. Interpretation.

Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meanings herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes any individual or group of individuals, a corporation, partnership or any other similar entity. The word "lot" includes the words "plot" or "parcel." The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." Any words not included in the following definitions shall be as described in the reference The Latest Illustrated Book of Development Definitions or other planning related materials, or in Webster's Dictionary.

§27-203. Definitions.

The following is a list of definitions:

ABANDONMENT — The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

1. ABUT — To have a common border with, or be separated from such common border by a right-of-way, alley or easement.
2. ACCESSORY — Additional, something extra or complementary.
3. ACCESSORY BUILDING — A detached, subordinate building, use of which is customarily incidental and subordinate to that of the principal building, which is located on the same lot as that occupied by the principal building.
4. ACCESSORY STRUCTURE — A subordinate structure detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.
5. ACCESSORY USE - A use that is clearly incidental to and customarily found in connection with a principal building or use; is subordinate to and serves a principal building or a principal use; is subordinate in area, extent or purpose to the principal building or principal use served; contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served; and is located on the same lot as the principal building or use served.
8. ADDITION - An extension or increase in floor area or height of a building or structure.
9. ADULT ENTERTAINMENT USES — An establishment consisting of, including or having the characteristics of any or all of the following:

A. ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE

- (1) An establishment, which, as one of its purposes, offers for sale or rental in any form or consideration any one or more of the following:
 - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video reproductions, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - (b) Instruments, devices or paraphernalia, which are designed for use in connection with specified sexual activities.
 - (2) An establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its business purposes is the offering for sale or rental for consideration the materials which are characterized by the depiction of specified sexual activities or specified anatomical areas.
- B. ADULT CABARET — A nightclub, bar, restaurant or similar establishment which regularly features:
- (1) Persons who appear in a state of nudity or semi-nudity;
 - (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - (3) Films, motion pictures, videos, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- C. ADULT MOTION PICTURE THEATER — A structure or outdoor area used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to specified anatomical areas or to specified sexual activities for observation by patrons therein.
- D. EROTIC MASSAGE PARLOR — A building, tent, or other structure wherein a substantial or significant portion of the business or nonbusiness activity involves performing masturbation, the engagement in any form of sexual intercourse or involves the erotic fondling, touching or manipulation of the covered or uncovered genitals, pubic region, buttocks or female breasts, whether such conduct is engaged in between members of the same or opposite sex or between humans and animals.
- E. ESCORT — A person who, for consideration, agrees or offers to act as companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- F. ESCORT SERVICE OR AGENCY — A person or business association that furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

- G. LIVE ADULT EXHIBITION — A display for observation by patrons within a building, tent, or other structure of specified anatomical areas of the human body or a demonstration of specified sexual activities.
- H. ADULT ARCADE — Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion-picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- I. ADULT THEATER — A theater, concert hall, auditorium, or similar establishment which regularly features persons who appear in a state of nudity or semi nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
10. AIR POLLUTION — The presence of contaminants in the air in concentrations that interfere directly or indirectly with public health, safety or comfort or with the full use and enjoyment of individual property.
11. AISLE — The traveled way by which cars enter and depart parking spaces.
12. ALLEY — A public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
13. ALLUVIAL SOILS — A soil developing from recently deposited alluvium and exhibiting essentially no horizon development or modifications of the recently deposited material.
- A. ALLUVIUM — ~~A general term for all detrital material deposited or in transit by streams, including gravel, sand, silt, clay and all variations and mixtures of these. Unless otherwise noted, alluvium is unconsolidated.~~
15. ALTERATIONS — As applied to a building or structure, any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
16. AMENDMENT — A change in use in any district which includes revisions to the zoning text and/or the Official Zoning Map; and the authority for any amendment lies solely with the Borough Council.
17. ANIMAL KENNEL — Any structure or premises in which animals are kept, boarded, bred, groomed or trained for commercial gain.
18. ANIMAL SHELTER — A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.
15. ANTENNA — Any exterior apparatus composed of a system of wires, poles, rods, reflecting discs, or similar devices designed for cellular, radio, or television communication through the sending and/or receiving of electromagnetic waves.
16. ANTENNA SUPPORT STRUCTURE - any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

17. APARTMENT — A dwelling unit within a multifamily dwelling.
18. APPLICANT — A landowner, developer or other person who has filed an application for development, building permit, zoning permit, approval to engage in any regulated earth disturbance activity, etc., at a property or project site within the Borough of Marysville.
19. AREA, BUILDING — The total of area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, steps, and stoops.
20. ARTIST LIVE-WORK SPACE: A dwelling unit or building in which an artist or artists reside and work in an artist studio.
21. AUTO BODY SHOP — Any structure or any building or part thereof that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.
22. AUTOMOBILE — A self-propelled, free-moving vehicle, primarily for conveyance on a street or roadway, to include vans, passenger cars, station wagons and pickup trucks, but excluding tractor cabs and trailers, dump trucks, buses and excavating vehicles and equipment.
23. AUTOMOBILE WASH (CAR WASH) — A building on a lot designed and used primarily for the washing and polishing of automobiles.
24. AUTOMOBILE WRECKING YARD — (See also "junkyard.") The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. Prima facie evidence of an automobile wrecking yard would include the presence on any lot or parcel of land of two or more motor vehicles which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale.
25. BAR/TAVERN/MICROBREWERY — Premises used primarily for the sale or dispensing of alcohol by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.
26. BASEMENT — That portion of a building that is partially or wholly below ground level. This portion serves as a substructure or foundation for a building.
27. BEDROOM - A room containing a minimum of seventy (70) square feet in area that is used as a sleeping room and for no other primary purpose. A room smaller than 70 square feet may not be used as a bedroom.
28. BEER DISTRIBUTOR — An establishment for retail sales primarily of beer and similar alcohol products sold in carryout containers.
29. BERM — A landscaped mound of earth or the act of pushing earth into a mound to shield, screen and buffer to separate, incompatible lands uses. Berms may be used to provide visual interest, decrease noise and control the direction of water flow.
30. BLOCK — Land surrounded on all sides by streets (measure at the right-of-way) or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces.
31. BOARD — Any body granted jurisdiction under a land use ordinance to render final adjudications. See "Governing Body" and "Zoning Hearing Board."
32. BOARDING HOUSE — A building used for the lodging, with or without meals, for compensation, by either transient or permanent residents. This definition includes rooming houses and lodging houses.
33. BOROUGH COUNCIL - the Borough Council of the Borough of Marysville, Perry County, Pennsylvania.

34. BRIDGE — A structure having a clear span of more than 20 feet designed to convey vehicles and/or pedestrians over a watercourse, railroad, public or private right-of-way or any depression.
35. BUFFER — A strip of land with landscaping, fences and/or walls located between two (2) uses, or between one (1) use and a public right-of-way, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use or on the public right-of-way.
36. BUILDABLE AREA — The area of a lot remaining after the minimum yard and open space requirements of this chapter have been met.
37. BUILDING — anything enclosed within exterior walls or fire walls; built, erected and framed of component structural parts, designed for the housing, shelter, enclosure or support of individuals, animals or property, of any kind.
38. BUILDING, DETACHED — A building surrounded by open space on the same lot.
39. BUILDING, HEIGHT OF — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.
40. BUILDING PERMIT — Written permission issued by the proper Borough official for the construction, repair, alteration or addition to a structure.
41. BUILDING SETBACK LINE — A line within a lot, defining the minimum required distance between any structure and the adjacent street centerline, or right-of-way line and/or side and rear property lines.
42. BUSINESS SERVICES — Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing and personal supply services.
43. CALIPER — The diameter of a tree trunk, measured in inches, six inches above ground level for trees up to four inches in diameter and 12 inches above ground level for trees over four inches in diameter.
44. CAMPGROUND — A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters of recreation, education or vacation purposes.
45. CAMPGROUND, PRIMITIVE - A campground that is limited to tent only camping and which does not have utilities at the individual campsites.
46. CAMPING UNIT — Any tent, camper, trailer, lean-to or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.
47. CAMPSITE — Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units under the control of the individual occupying the campsite.
48. CARTWAY — The portion of a street right-of-way, paved or unpaved, designed or intended for vehicular use.
49. CELLAR — See BASEMENT
50. CHILD/ADULT DAY CARE CENTER — A facility offering adult care, child care and/or baby-sitting services for six or more individuals unrelated to the owner/operator and where tuition, fees or other forms of compensation for the care is charged, and which meets all

applicable licensing/registration requirements of the Pennsylvania Department of Human Services.

51. CHURCH — see PLACE OF WORSHIP
52. CLUB — A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.
53. COMMERCIAL — Pertaining to an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.
54. COMMON ELEMENTS — Land amenities, parts of buildings, central services and utilities, and any other elements and facilities used by planned community or condominium unit owners.
55. 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 and enjoyment of residents or a development, not including streets, off-street parking area and areas set aside for public facilities.
56. COMMUNITY ACTIVITY BUILDING — A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.
57. COMMUNITY RESIDENTIAL HOME — A residence licensed to serve clients of the appropriate governmental agency that provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of a person, a person with disabilities, a developmentally challenged person, a nondangerous mentally ill person regardless of age.
58. COMPREHENSIVE PLAN — An official document adopted by the Borough Council in accordance with the MPC, setting forth its policies regarding the long-term development of the Borough, the preparation of which is based on careful studies of existing conditions and prospect for future growth of the Borough. The Comprehensive Plan shall include but need not be limited to plans for the use of land, transportation of goods and people, community facilities and services, and a map and statement indicating the relationship of the Borough and its proposed development to adjacent municipalities and in concert with the County Comprehensive Plan.
59. CONDITIONAL USE — A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke or noise), is permitted in a district subject to approval by the Borough Council, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.
60. CONDOMINIUM — A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980, as amended, which includes a multiple unit land development in which there is a system of separated ownership of individual units of occupancy and undivided interest of land and common facilities.
61. CONDOMINIUM ASSOCIATION — The community association which administers and maintains the common property and common elements of a condominium.
62. CONGREGATE CARE RESIDENCES — Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents.

63. CONSERVATION ORGANIZATION (CONSERVANCY) — A private or quasi-public nonprofit organization or area designated to preserve and protect natural resources from exploitation and damage through planned management.
64. CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building structure, including the placement of mobile homes.
65. CONTOURS — A line (as on a map) connecting the points on a land surface that have the same elevation.
66. CONTRACTOR — Businesses engaged in heavy construction involving highways, streets, bridges, sewage systems, water systems, railroads, flood control projects and other similar activities. "Contractor" also includes general contractors engaged in managing construction projects for others on a contract or fee basis but assuming no responsibility for the completion of a construction project. "Contractor" also includes businesses engaged in activities of a type that are specialized either to building construction and/or nonbuilding construction projects such as painting, line painting, electrical, carpentry, plumbing, air conditioning, sheet metal, grading, asphalt and concrete construction, and landscaping. "Contractor" shall not include service- and/or repair-oriented businesses.
67. CONVENIENCE STORE — A retail store with a floor space of less than 5,000 square feet that sells groceries and may also sell gasoline; does not include automotive service stations or vehicle repair shops.
68. COOPERATIVE — Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.
69. COVERAGE — That portion or percentage of the lot area covered by impervious materials to include buildings and paved surfaces.
70. CRITICAL AREAS — An area with one or more of the following environmental characteristics: steep slopes; floodplain; soils classified as having high water tables; soils classified as highly erodible, subject to erosion or highly acidic; land incapable of meeting percolation requirements; land formerly used for landfill operations or hazardous industrial use; fault areas; stream corridors; estuaries; mature stands of native vegetation; aquifer recharge and discharge areas; wetlands and wetland transition areas; and habitats of endangered species.
71. DAY CAMP — A plot of ground upon which recreation facilities are located, established or maintained for daytime use for recreational and educational purposes.
72. DAY-CARE CENTER — See the definition of "child/adult day-care center."
73. DECISION — Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the Borough lies.
74. DENSITY — The number of dwelling units per acre of land.
75. DETERMINATION — Final action by an officer, body or agency charged with the administration of any land use ordinance or applications there under, except the following:
- a. The Borough Council;
 - b. The Zoning Hearing Board;

76. DEVELOPER — A landowner, agent of such landowner or tenant with permission from such landowner who makes or seeks to undertake subdivision of land, land development or any earth disturbance activities at a project site in the Borough.
77. DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, filling, grading, paving, excavating, earth disturbance activity, mining, dredging or drilling operations, the placement of mobile homes, streets and other paving, utilities and the subdivision of land.
78. 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. (NOTE: Public facilities include utility easements for sewer collection, water, electric, telephone and gas distribution, transformer, pumping stations, telecommunications, etc.) The phrase "provisions of development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.
79. DISTRIBUTION CENTER — An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle.
80. DRAINAGE — Surface water runoff; the removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.
81. DRAINAGE AREA — That area in which all of the surface runoff resulting from precipitation is concentrated into a particular stream.
82. DRIVE-IN FACILITY — An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile; any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.
83. DRIVEWAY — A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.
84. DUMPSTERS, PERMANENT - any dumpsters that are or will be on a property for more than 180 days in a calendar year.
85. DWELLING — A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
86. DWELLING, ATTACHED — A one-family dwelling attached to two or more one-family dwellings by common vertical walls.
87. DWELLING, DETACHED — A dwelling that is not attached to any other dwelling by any means.
88. DWELLING GROUP — A group of two or more single-family, two-family or multifamily dwellings occupying a lot in one ownership.
89. DWELLING, MULTIFAMILY — A building used by three or more families living independently of each other and doing their own cooking.
90. DWELLING, SINGLE-FAMILY ATTACHED — A dwelling used for one family and having two party walls in common with other buildings (such as a row house or townhouse).

91. DWELLING, SINGLE-FAMILY DETACHED — A building used by one family, having only one dwelling unit and having two side yards.
92. DWELLING, TOWNHOUSE — A one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each is separated from any other unit by one or more vertical common fire-resistant walls and property line/s.
93. DWELLING UNIT — A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
94. EARTH DISTURBANCE ACTIVITY — A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.
95. EASEMENT — A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
96. . EASEMENT, CONSERVATION — An easement for the preservation of natural features that precludes future or additional development to the land.
97. EASEMENT, DRAINAGE — An easement required for the installation and maintenance of storm water sewers, drainage ditches other drainage facilities and/or required for the preservation or maintenance of a natural watercourse, drainage way, channel or stream.
98. ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough.
99. ENVIRONMENTALLY SENSITIVE AREAS — An area on a development site with one or more of the following characteristics: slopes in excess of 20%; floodways and floodplains; soils determined by the United States Department of Agriculture and Soil as having a high water table; land incapable of meeting percolation requirements for on-lot sewage treatment; stream corridors; mature stands of native vegetation; soils determined as prime agriculture soils by the United States Department of Agriculture and Soil Conservation Service; and wetlands as delineated in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.
100. EQUIPMENT BUILDING - a structure enclosed within exterior walls, built, erected and framed of component, structural parts designed and used for the housing, shelter, enclosure or support of equipment necessary for the functioning of the wireless service facility and which may not exceed 250 square feet.
101. ESTABLISHMENT, SEXUALLY ORIENTED — Includes any of the following:
- a. The opening or commencement of any sexually-oriented business as a new business;
 - b. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business;
 - c. The addition or any sexually-oriented business to any other existing sexually oriented business; or
 - d. The relocation of any sexually-oriented business.
102. FACTORY AND INDUSTRIAL, LOW HAZARD — In accordance with the International Code Council Building Code, as amended.
103. FACTORY AND INDUSTRIAL, MODERATE HAZARD — In accordance with the International Code Council Building Code, as amended.

104. FAMILY — A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage or other domestic bond or up to 3 unrelated individuals who maintain a common household and live within 1 dwelling unit.
105. FARM — A parcel of land used for agriculture activities.
106. FARMLAND — A parcel of land used for agricultural activities.
107. FENCE — A freestanding and artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
108. FILL
- a. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom.
 - b. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.
 - c. The material used to make a fill.
109. FINANCIAL INSTITUTION — Establishments operating primarily in the fields of finance. The finance includes depository institutions, nondepository credit institutions, holding companies, other investment companies, brokers and dealers in securities and commodity contracts, and security and commodity exchanges.
110. FLEA MARKET — An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
111. FLOOD — A temporary inundation of normally dry land areas.
112. FLOODPLAIN AREA — 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.
113. FLOODWAY — A "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
114. FLOOR AREA, GROSS — The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet.
115. FLOOR AREA RATIO — The gross floor area of all buildings on a lot divided by the lot area.
116. FOOD PROCESSING — An establishment in which food is processed or otherwise prepared for eventual human consumption but not consumed on the premises.
117. FOOTCANDLE - unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), stated in lumens per square foot and measurable with an illuminance meter, aka light meter.
118. FORESTRY — The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which do not involve any land development (timber harvesting).

119. FREIGHT HANDLING FACILITY — Terminals with the capability of handling a large variety of goods involving various forms of transportation and providing multimodal shipping capabilities, such as rail to truck and truck to air.
120. FUELING STATION — A facility for the purpose of storing and dispensing fuel.
121. GARAGE, PRIVATE — An accessory enclosed or covered space for the storage of one or more vehicles or vessels, provided that no business, occupation or service is conducted for profit therein.
122. GARAGE, PUBLIC — A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.
123. GARDEN STRUCTURES — Any accessory structure located in any side or rear yard not closer than three feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters and freestanding screens or baffles and similar structures. Unscreened, unroofed, unwallled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered as garden structures.
124. GLARE - excessive brightness in the field of view that causes loss in visual performance or annoyance, to jeopardize health, safety or welfare.
125. GRADE, FINISHED — The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.
126. GREENHOUSE — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.
127. GROUND COVER — A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.
128. HEALTH CLUB — An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities and saunas, showers, massage rooms and lockers.
129. HEIGHT — The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.
130. HELICOPTER — A mode of transportation utilizing a manned rotary wing aircraft.
131. HOME OCCUPATION — Any activity carried out for profit or gain by a resident conducted as an accessory use in the resident's dwelling unit or building accessory thereto situated within a residential, agriculture or conservation district.
132. HOMEOWNERS ASSOCIATION — A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.
133. HOSPITAL — An institution providing primary health services and medical or surgical care to persons, inpatients and outpatients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.
134. HOTEL — A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities.

135. **HYDRIC SOILS** — Soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions. (Source: 59 Fed Rg 35680, 7/13/94).
136. **ILLUMINANCE** - quantity of light, measured in footcandles.
137. **IMPERVIOUS MATERIAL** — Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.
138. **IMPERVIOUS SURFACE** — A surface that prevents the infiltration of water into the ground. Impervious surface includes, but is not limited to, any building, structure, building roof, paved parking or driveway areas and any paved streets and concrete sidewalks, concrete features and areas designed to initially be gravel or crushed stone.
139. **INDUSTRIAL** — Uses and structures related to fields of economic activity, including forestry, fishing, hunting and trapping; mining; construction; manufacturing; transportation, communication, electric, gas and sanitary services; and wholesale trade.
140. **INDUSTRIAL PARK** — A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space. An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or covenants, conditions and restrictions. The development may be on one parcel, may be subsidized, and may have condominium ownerships or a combination of these types.
141. **INDUSTRY, HEAVY** — A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
142. **INDUSTRY, LIGHT** — A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.
143. **INTERIOR PARKING LOT** — The entire area within a parking lot which includes parking spaces, access aisles and interior landscaped area, but does not include the driveway entrance or perimeter landscaping.
144. **JUNKYARD** — (See also "automobile wrecking yard.") A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged or sold; an open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed or handled. Materials shall include but are not limited to scrap iron and other metals, paper, cloth, rubber tires and bottles. An automobile wrecking yard is also considered a junkyard.
145. **LAND DEVELOPMENT** — Any of the following activities:
- a. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - i. A group of two 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

- ii. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
 - b. A subdivision of land.
 - c. The exclusion of certain land development from this definition of "land development" is permitted only when such land development involves:
 - i. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - ii. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - iii. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this sub clause, an amusement park is defined as a tract or area used principally as a 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.
146. **LANDFILL** — A lot or land or part thereof used primarily for disposal, by abandonment, dumping, burial or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.
147. **LANDOWNER** — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.
148. **LANDSCAPE PLAN** — A component of a development plan, where required, on which is shown proposed landscape species (such as number, spacing, size at time of planting and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; etc.
149. **LAND USE** — A description of how land is occupied or utilized.
150. **LAND USE PLAN** — An element of the Borough of Marysville Comprehensive Plan that outlines the existing and proposed location, extent and intensity and design objectives of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, conservation, private and public purposes or combination of purposes.
151. **LIGHT TRESPASS** - light emitted by a lighting fixture or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.
152. **LIGHTING**
- a. **DIFFUSED** — That form of lighting wherein the light passes from the source through a translucent cover or shade.
 - b. **DIRECT OR FLOOD** — That forms of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
 - c. **INDIRECT** — That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

153. **LOADING BERTH/SPACE** — An off-street area on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
154. **LOCAL CONTACT PERSON** -A person or agent with actual authority to represent the Owner for purposes of contact and communication regarding the Owner's Short-Term Rental.
155. **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.
156. **LOT AREA** — The area contained within the property lines of a lot or as shown on a subdivision plan, excluding space within any street, but including the area of any easement.
157. **LOT, CORNER** — A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135° and the radius of the street line is less than 100 feet.
158. **LOT COVERAGE** — That portion of a lot covered by buildings and/or other impervious improvements.
159. **LOT, DOUBLE FRONTAGE** — A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.
160. **LOT, INTERIOR** — A lot other than a corner lot.
161. **LOT LINES** — The lines bounding a lot as defined herein
162. **LOT, MINIMUM WIDTH** — The minimum required lot width measured at the building setback line. The width of lots abutting a cul-de-sac shall be measured as the chord distance length at the building setback line.
163. **LOT OF RECORD** — A lot which has been properly recorded in the office of the Recorder of Deeds of Perry County, Pennsylvania.
164. **LOT WIDTH** — The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
165. **LUMEN** - as used in the context of this Section, the light-output rating of a lamp (light bulb).
166. **MAIL ORDER** — Establishments primarily engaged in the retail sale of products by television, catalog and mail order. These establishments do not maintain stock for sale on the premises. (Adopted for home occupation ordinance.)
167. **MANUFACTURED HOME** (see Mobile Home).
- a. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see CFR 3280 for legal definition).
 - b. (Definition to be used as required by Article XV and FEMA regulations.) A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term includes park trailers, travel trailers, recreational vehicles and other similar vehicles which are placed on a site for more than 180 consecutive days.

168. MANUFACTURED HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.
169. MANUFACTURED HOME PARK — A parcel, or contiguous parcels, of land which has been so designated and improved that it contains two or more manufactured home lots for the placement thereon of manufactured homes.
170. MANUFACTURING — The processing and/or converting of raw, unfinished or finished materials or products into an article or substance of a different character or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.
171. MEDICAL AND DENTAL CLINIC — Establishments containing the offices of one or more physicians, dentists, physical therapists, pharmacists, optometrists and other health care professionals, primarily engaged in furnishing outpatient medical, surgical, rehabilitative or other health services to individuals.
172. MEMBERSHIP ORGANIZATION — An organization operating on a membership basis with preestablished formal membership requirements, bylaws and with the objective of promoting the interests of its members.
173. MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
174. MITIGATED WETLANDS — A replacement area of wetlands as designated by the appropriate state agency, usually PADEP, in exchange for some intrusion into a designated wetland area.
175. MOBILE HOME —[SEE MANUFACTURED HOME]
176. MOBILE HOME LOT —[SEE MANUFACTURED LOT]
177. MOBILE HOME PARK—[SEE MANUFACTURED PARK]
178. MONOPOLE - an antenna support structure consisting of a single pole or spire constructed without guy wires or ground anchor.
179. MOTEL — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient vehicular travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges and similar terms.
180. NATURAL DRAINAGE FLOW — The pattern of surface and storm water drainage from a particular site before the construction or installation of improvements or prior to any regrading.
181. NIGHTCLUB — An establishment dispensing liquor and meals and in which music, dancing or entertainment is conducted.
182. NONCONFORMING LOT — A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails by reason of such adoption, revisions or amendment to conform to the present requirements of the zoning district.

183. **NONCONFORMING SIGN** — Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which render such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.
184. **NONCONFORMING STRUCTURE OR BUILDING** — A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to this chapter, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.
185. **NONCONFORMING USE** — A use or activity that was lawful prior to the adoption, revision or amendment of this chapter, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district
186. **NUDITY** — The showing of the human male or female genitals, public area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.
187. **NUDITY, SEMINUDE CONDITION** — The state of dress in which clothing partially or opaquely covers specified anatomical areas.
188. **NURSERY** — Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants, including the buildings, structures and equipment customarily incidental and accessory to the primary use.
189. **NURSING OR CONVALESCENT HOME** — A building with sleeping rooms where persons are housed or lodged and furnished with meals, and nursing care for hire, and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.
190. **OBSCENE MATERIALS**- Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or printed matter which:
- a. Depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed for use in achieving artificial sexual stimulation;
 - b. Taken as a whole, appeals to the prurient interest; and
 - c. Taken as a whole, does not have serious literary, artistic, political or scientific value.
191. **OBSTRUCTION** — Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.
192. **OCCUPANCY PERMIT** — A permit or certificate of occupancy issued by the proper Borough official allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.
193. **OCCUPATION** — Gainful employment in which an individual engages to earn compensation.
194. **OFFICE** — A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.
195. **OFFICE PARK** — A large tract of land that has been planned, developed and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses

with special attention given to circulation, parking, utility needs, aesthetics and compatibility.

196. OFFICE, PROFESSIONAL — A room or rooms used for the carrying on of a profession, including but not limited to physicians, physical therapists, dentists, architects, engineers, accountants, attorneys, real estate brokers, insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.
197. OFF-STREET PARKING SPACE — A temporary storage area for a motor vehicle, trailer or vessel that is directly accessible to a driveway, and which is not located on a dedicated street right-of-way.
198. ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to be equaled or exceeded, on the average, once every 100 years (i.e., that has a one-percent chance of being equaled or exceeded, on the average, each year, although the flood may occur in any year).
199. OPEN SPACE — An area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include but is not limited to lawns, decorative planting, walkways, recreation areas, fountains, wooded areas and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel. Land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.
200. OPEN SPACE, COMMON — 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 a development, not including streets, off-street parking areas and areas set aside for public facilities.
201. OPEN SPACE DEVELOPMENT — A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.
202. OUTDOOR STORAGE — The keeping, in an unroofed area, of any goods, material, merchandise or vehicles in the same place for more than 24 hours.
203. OVERLAY DISTRICT — A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.
204. OWNER — An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.
205. PARKING LOT — (See also "garage, public.") An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking; a tract of land used for the temporary parking of motor vehicles when such use is not accessory to any other use.
206. PARKING SPACE — An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall."
207. PERFORMANCE STANDARDS — A set of criteria or limits relating to nuisance elements which a particular land use or process may not exceed.
208. PERMIT — Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

209. PERSON — An individual, partnership, public or private association or corporation, co partnership or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
210. PERSONAL SERVICES — Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.
211. PERSONAL WIRELESS SERVICE - includes commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
212. PERSONAL WIRELESS SERVICE FACILITIES - facilities for the provision of personal wireless services.
213. PERSONAL WIRELESS SERVICES SITE - a tract or parcel of land that contains a personal wireless service antenna as the principal use, its support structure, accessory building(s), parking and may include other uses and equipment associated with an ancillary to telecommunications signal transmission or processing.
214. PICNIC AREA — A place equipped with tables, benches, grills and trash receptacles for people to assemble, cook, eat and relax outdoors.
215. PLACE 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 premises.
216. PLANNED RESIDENTIAL DEVELOPMENT — An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, to develop a plan which does not correspond in lot size, bulk, type of dwelling or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.
217. PLANNING CODE — The Pennsylvania Municipalities Planning Code, Act 247, as amended.
218. PLANNING COMMISSION — The Marysville Borough Planning Commission appointed by the Borough Council in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.
219. PORCH — A roofed structure projecting from the front, side or rear wall of a building.
220. PRESERVATION TRUST — A locally formed nonprofit organization that acquires and manages land for preservation and public use.
221. PRIME AGRICULTURE SOILS — Soils classified as Class I or Class II land under the United States Department of Agriculture Soil Conservation Service Land Capability Classification System.
222. PRINCIPAL BUILDING — A building that is enclosed within exterior walls or firewalls, and is built, erected and framed of component structural parts. The principal building is also designed for housing, shelter, enclosure and support of individuals, animals or property of any kind, and is a main structure on a given lot.
223. PRINCIPAL USE — The main use of land or structures, as distinguished from a secondary or accessory use; the primary use and chief purpose of a lot or structure.
224. PRIVATE — Not publicly owned, operated or controlled.
225. PROPERLY ENGINEERED FOUNDATION — A foundation that provides adequate support of the home's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the home to the undisturbed ground below the frost line.

226. PUBLIC — Owned, operated or controlled by a government agency (federal, state or local, including a corporation and or board created by law for the performance of certain specialized governmental functions).
227. PUBLIC GROUNDS — Public grounds include 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.
228. 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 in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.
229. 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 in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.
230. PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days prior and the second publication shall not be less than seven days from the date of the hearing. Or, as amended from time to time.
231. PUBLIC SEWER OR WATER SYSTEM — Any system other than an individual septic tank, tile field or individual residential well that is operated by a municipality, governmental agency or a public utility or other regulated entity for the collection, treatment and disposal of wastes and the furnishing of potable water.
232. PUBLIC UTILITY — A closely regulated private enterprise with an exclusive franchise for providing a public service.
233. PUBLIC UTILITY FACILITIES — Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.
234. PUBLIC UTILITY, UNDERGROUND — A public utility facility whose distribution system is primarily underground but may be partially above ground.
235. RECREATION AREAS — A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Public recreation areas are those owned and operated by a unit of local government or nonprofit organization. Private recreation areas are those owned and operated by a nonprofit organization, and open only to bona fide members and their guests. Commercial recreation areas are those operated as a business and open to the public for a fee.
236. RECREATION, PASSIVE — Activities that involve relatively inactive or less energetic activities such as walking, sitting, picnicking, card games, chess, checkers and similar table games.
237. REPAIR SERVICES — Any building, premises and land in which or upon which a business or industry involving the maintenance, servicing or repair to products is conducted or rendered; establishments primarily engaged in providing assistance, as opposed to products.

238. **RETAIL SALES** — Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
239. **RESEARCH LABORATORY** — A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
240. **RESIDENTIAL** — Pertains to uses and structures of or related to residence or residences; used as a residence or by residents.
241. **RESTAURANT**
- a. An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms and outdoor cafes.
 - b. A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.
242. **RESTAURANT, FAST-FOOD**
- a. An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.
 - b. Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either foods, frozen desserts or beverages are usually served in paper, plastic or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or the establishment includes a drive-up or drive-through service facility or offers curb service.
243. **RIGHT-OF-WAY** — A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.
244. **ROCK OUTCROPPINGS** — The part of a rock formation that appears at the surface of the ground.
245. **SCENIC VIEW** — An area visible from a highway, waterway, railway or hiking, biking or equestrian trail where the natural or man-made features of which are visually significant or geologically or botanically unique.
246. **SCHOOL** — Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.
247. **SCREENING**
- a. The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

- b. A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development.
 - c. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition: walls, berms or plantings.
- 248. SELF-SERVICE STATION — An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.
- 249. SERVICE STATION (See also "garage, repair")
 - a. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body fender work are conducted.
 - b. Buildings and premises where the primary use is the supply and dispensing as retail motor fuels, lubricants, batteries, tires and motor vehicle accessories.
- 250. SEXUALLY-ORIENTED BUSINESS — An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion-picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- 251. SHOPPING CENTER — A grouping of retail business and service uses on a single site with common parking facilities; a group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit. For the purposes of this chapter, a shopping center is defined as a group of three or more stores on a single parcel of ground.
- 252. SHORT-TERM RENTAL - Any Dwelling Unit owned or managed by a person, firm or corporation which is rented or leased for a period of less than thirty (30) consecutive days, during which time the owner or manager is not present on a full-time basis.
- 253. SHORT-TERM RENTAL PERMIT - Permit granted by the Borough to utilize a Dwelling Unit for Short-Term Rental Use.
- 254. SIDEWALK — A paved surface or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- 255. SIGHT TRIANGLE — A triangular-shaped portion of land at a street intersection or private exit way in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- 256. SITE-BUILT HOUSING — A home that is constructed on the building site.
- 257. SITE DEVELOPMENT PLAN — A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, lot dimensions, as well as accurately depicting the use, location and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-ways, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures and other such data necessary for municipal officials to determine compliance with this chapter and appropriate provisions of other such ordinances, as they may apply.
- 258. SPECIFIED ANATOMICAL AREAS — Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernible turgid state, even if completely covered.

259. SPECIFIED SEXUAL ACTIVITIES — Any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- c. Excretory functions as part of or in connection with any of the activities set forth in Subsections A and B above.

260. STACKING SPACE — A temporary improved waiting area where customers receive services or obtain goods while waiting in a motor vehicle. A stacking space for automobiles shall be 20 feet. A stacking space for a tractor trailer truck shall be 80 feet.

261. STEEP SLOPE — Land areas where the slope exceeds 25%.

262. STORAGE, SELF-SERVICE

- a. A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.
- b. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of a customer's goods or wares.

263. STORY — That portion of any building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, then the space between such floor and the ceiling next above it.

264. STREAM — A watercourse with definite bed and banks which confine and convey continuously or intermittently flowing water.

265. STREET — A public or private right-of-way constructed to municipal standards which affords primary vehicular traffic or pedestrian access to abutting properties, which includes an avenue, boulevard, road, highway, freeway, parkway and viaduct, but shall not include an alley for the purpose of this chapter.

266. STREET, COLLECTOR — A major street or highway which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

267. STREET, CUL-DE-SAC — A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

268. STREET LINE — The dividing line between the street and the lot, also known as the "right-of-way line".

269. STREET, MINOR — A street used primarily for access to abutting properties

270. STREET WIDTH — The distance between street right-of-way lines measured at right angles to the center line of the street.

271. STRUCTURE

- a. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- b. (Definition to be used as required by Article XV and FEMA regulations.) Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, mobile homes and other similar items.

272. STUDIO — A building or portion of a building used as a place of work by an artist, photographer or artisan, or used for radio or television broadcasting.

273. **STUDIO, DANCING OR MUSIC** — The use of premises by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with "dancing school" and "music school," and other similar expressions.
274. **SUBDIVISION** — (See "land development.") The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwelling, shall be exempted.
275. **SWIMMING POOL** — A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 18 inches, designed, used and maintained for swimming and bathing. Not to include hot tubs or spas.
276. **THEATER** — A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.
277. **TOWER, CELLULAR** — A communications tower using low power transmitters (approximately 100 watts) to transmit signals in a cell or cellular radio-telephone services (cellular), personal communications services (PCS), enhanced specialized mobile radios (ESMR), truck mobile cellular radios, paging services and similar cellular-based communications to the general public. Cellular communications are considered a public utility.
278. **TOWER, COMMUNICATIONS** — A vertical structure that is designed primarily for the purpose of supporting one or more antennas
279. **TOWER, FREESTANDING** — A tower constructed to be self supporting for its' height, weight, intended antennas, and dynamic loads of wind, snow or ice.
280. **TOWER, GUY WIRE** — A tower requiring support from guy wires radiating out from the tower at various levels and various angles
281. **TOWER, PRIVATE ANTENNA** — A tower using low power (approximately 100 watts) to transmit and receive signals by private individuals or clubs.
282. **TOWER, RADIO** — A tower used for the transmission of AM or FM band radio frequencies to the general public.
283. **TOWER, TELEVISION** — A tower used for the transmission of very high frequency (VHF) and ultra high frequency (UHF) band television frequencies to the general public.
284. **TRANSFER OF DEVELOPMENT RIGHTS** — The removal of the right to develop or build, expressed in dwelling units per acre, from one zoning district to land in another district where such transfer is permitted.
285. **UPLAND BUFFER** — Areas elevated around a stream, waterway or woodland existing in a natural state physically separating, visually shielding and protecting sensitive hydrological features from land uses.
286. **USE** — The specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.
287. **USE, PERMITTED** — Any use allowed in a zoning district and subject to the regulations applicable to that zoning district.
288. **VARIANCE** — Relief granted by the Zoning Hearing Board from technical requirements of this chapter which if strictly adhered to would inflict unnecessary hardship upon the applicant. Procedures and criteria for granting such relief shall comply with the

Pennsylvania Municipalities Code, Act 247, as amended. Editor's Note: See 53 P.S. § 10101 et seq.

- 289. **VEGETATIVE COVER** — Such cover shall consist of trees, shrubs, flowers, grass or similar natural cover.
- 290. **VEHICLE, MOTOR** — A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.
- 291. **VETERINARY SERVICES** — Veterinary facilities, as well as establishments providing support to the veterinary profession and animal care, such as veterinary laboratories and miscellaneous types of veterinary supplies and services.
- 292. **WAREHOUSE** — A building used primarily for the storage of goods and materials.
- 293. **WAREHOUSING AND DISTRIBUTION** — A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.
- 294. **WATERCOURSE (WATERWAY)** — A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow (Ref. MS4 document).
- 295. **WATERSHED** — A region or area bounded peripherally by a contour elevation devising line where surface water drains into a particular waterway or stream. A watershed is the total area drained by a stream or tributary.
- 296. **WETLANDS** — Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)
- 297. **WHOLESALE BUSINESS** — Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- 298. **WILDLIFE HABITAT** — Land set aside for animal habitation.
- 299. **WILDLIFE PRESERVE** — An area restricted for the protection and preservation of natural resources and wildlife.
- 300. **WILDLIFE PROPAGATION** — Raising of nondomestic wildlife.
- 301. **WILDLIFE PROPAGATION** — Raising of nondomestic wildlife.
- 302. **WOODLANDS** — Areas covered with stands of trees, the majority of which are greater than twelve-inch caliper, covering an area greater than 1/4 acre; or a small concentration of mature trees without regard to minimum area consisting of substantial numbers of individual specimens.
- 303. **YARD** — An open space that lies between the principal building or buildings and the nearest lot line.
- 304. **YARD, BUFFER** — A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this chapter, and on which is placed (planted) year-round shrubbery, hedges, evergreens or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection

and immediate screening to an abutting property or district, and may include a wall, as provided for in this chapter.

305. YARD, FRONT — A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.
306. YARD, REAR — A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
307. YARD, SIDE — A yard extending from the front yard to the rear lot line between the principal building and the side lot line, and measured perpendicular to the building at the closest point to the side lot line; or a yard which is not a front or rear yard.
308. ZONING DISTRICT — The part, zone or geographic area as depicted on the Borough of Marysville Zoning Map (Editor's Note: The Zoning Map is on file in the Borough offices.) within which certain zoning and development regulations apply.
309. ZONING HEARING BOARD — The Borough of Marysville Zoning Hearing Board appointed by the Borough Council in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended. (Editor's Note: See 53 P.S. § 10101 et seq.)
310. ZONING MAP — The official zoning map setting forth the boundaries of the zoning districts of the Borough which shall be part of this chapter. (Editor's Note: The Zoning Map is on file in the Borough offices.)
311. ZONING OFFICER — The duly constituted Borough official designated to administer and enforce this chapter.
312. ZONING PERMIT — A permit signed by the Zoning Officer, as required in this chapter, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the municipal zoning or authorized variance therefrom.

PART 3

DESIGNATION OF ZONING DISTRICTS

§27-300. Enumeration of zoning districts.

1. Districts: For the purpose of this chapter, the Borough of Marysville is hereby divided into the following districts:

- A. Conservation (C).
- B. Single Family Residential (R-1).
- C. Multi Family Residential (R-2).
- D. Neighborhood Commercial (C-1).
- E. General Commercial (C-2).
- F. Industrial (I).

2. Overlays: This Chapter recognizes the existence of the following overlays for the purpose of protecting the unique character of these areas and protecting the health and welfare of the residents of the Borough, including the follow:

- G.
 - A. Environmental Protection Overlay (EPO).
 - B. Stream and River Protection Overlay (SRPO)
 - C. Steep Slope Protection Overlay (SSPO)
 - Lake and Pond Protection Overlay (LPPO)
 - Wetland Protection Overlay (WPO)
 - Floodplain Overlay (FO).

H.

§27-301. Establishment of Zoning Map.

- A. The boundaries of the C, R-1, R-2, C-1, C-2 and I Districts shall be shown on the Zoning Map which is on file in the Borough office. This map shall be known as the "Zoning Map of the Borough of Marysville" (hereinafter "Zoning Map") and is hereby made a part of this chapter. A copy of the Zoning Map accompanies this chapter.
- B. The boundaries of the EPO District shall serve as overlays to the underlying districts as specifically delineated in accordance with the standards of the Article.
- C. The boundaries of the FO District shall serve as overlays to the underlying districts as specifically described in Section 27-1307, the Floodway Data Table and the most recent one-hundred-year-flood delineation in the Flood Insurance Study by the Flood Insurance Administration and adopted by the Borough as periodically updated.

§ 27-302. Interpretation of boundaries.

- A. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map or in circumstances not covered by Subsections A through B herein, the Zoning Hearing Board shall interpret the district boundaries.

PART 3

DESIGNATION OF ZONING DISTRICTS

- B. When a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations of each zoning district shall apply.

PART 4

District Provisions

Section 27-401. R-1 Single Family Low Density Residential District.

- A. Purpose. The R-1 Single Family Low Density Residential District provides areas for low density residential development.
- B. Principal permitted uses, buildings and structures. Principal permitted uses, buildings and structures are as follows:
 - 1. Community residential homes.
 - 2. Cemeteries and mausoleums.
 - 3. Government administrative offices.
 - 4. Non-profit emergency services.
 - 5. Public libraries
 - 6. Public parks, playgrounds and open space.
 - 7. Public utilities and facilities in accordance with Section 27-808.F of the General Regulations.
 - 8. Single family detached dwellings.
 - 9. Single family attached dwellings of no more than 2 units.
 - 10. Any use determined by the Zoning Officer to be of the same general character as the above-listed permitted uses.
- C. Principal conditional uses, buildings and structures. Principal conditional uses, buildings, and structures, when approved by the Borough Council in accordance with Part 11, are as follows:
 - 1. Community activity buildings.
 - 2. Places of worship.
 - 3. Private recreation areas.
- D. Accessory permitted uses, buildings and structures. Accessory permitted uses, buildings, and structures incidental to the principal permitted uses are as follows, including but not limited to:
 - 1. Accessory buildings in accordance with Section 27-802.A. of the General Regulations.
 - 2. Fences or walls in accordance with Section 27-802.B of the General Regulations.
 - 3. Home occupations in accordance with Section 27-807 of the General Regulations.
 - 4. Off-street parking in accordance with Part 5.
 - 5. Signs in accordance with Part 6.

6. Swimming pools in accordance with Section 27-802.D.
7. Short Term Rentals for no more than 21 days per calendar year in accordance with Section 27-820.
8. Any use determined by the Zoning Officer to be of the same general character as the above-listed accessory permitted uses.

E. Development requirements.

1. Height regulations. The height of a principal building shall not be greater than 35 feet. Accessory buildings and structures are as specified in Section 27-802.A & B.
2. Lot area regulations. The minimum lot area shall be as follows:
 - a. Where public sewer and public water are not available: 40,000 square feet
 - b. Where only public water is available: 20,000 square feet
 - c. Where only public sewer is available: 15,000 square feet
 - d. Where public sewer and public water are available: 10,000 square feet
3. Lot width regulations. At the required minimum front building setback line, the lot width shall be a minimum
 - a. 60 feet for lots less than 20,000 square feet
 - b. 100 feet for lots 20,000 square feet to 39,999 square feet
 - c. 150 feet for lots 40,000 square feet or larger
4. Yard regulations. Each lot shall have front, side and rear yards of not less than the depth and width indicated below:
 - a. Front yard depth: 25 feet.
 - b. Minimum one side yard shall be not less than 7 feet. The total width of the two required side yards shall be not less than 16 feet. On a corner lot, the yards abutting the street shall be not less than 16 feet in width.
 - c. Rear yard depth: 35 feet.
5. Lot coverage regulations. The buildings, structures and impervious surfaces coverage shall not be more than 30%.

F. Off-Street Parking Requirements. Development shall meet the requirements of the Off-Street Parking Requirements in accordance with Part 5.

G. Floodplain District. Development located in affected floodplain areas shall be in accordance with Part 12.

H. Environmental Protection Overlay District. Development shall meet the requirements of the Environmental Protection Overlay District in accordance with Part 13.

H. Development Standards. Development shall meet the requirements of the Development Standards in accordance with Part 14.

I. Performance Standards. Development shall meet the requirements of the Performance Standards in accordance with Part 15

Section 27-402. R-2 Multi Family Higher-Density Residential District

A. Purpose. The R-2 Multi-Family Higher Density District provides areas of higher density residential development.

B. Principal permitted uses, buildings and structures Principal permitted uses, buildings and structures are as follows:

1. Bed and Breakfast
2. Community residential homes.
3. Condominiums.
4. Elementary and secondary schools and institutions of higher education
5. Government buildings and uses.
6. Non profit emergency services
7. Parks, playgrounds and public recreation areas.
8. Places of Worship.
9. Public libraries.
10. Public utilities and facilities in accordance with Part 8 – Section 27-808.F. of the General Regulations.
11. Single family attached dwellings in accordance with Section 27-812.
12. Single family detached dwellings.
13. Any use determined by the Zoning Officer to be of the same general character as the above-listed permitted uses.

C. Principal conditional uses buildings and structures. Principal conditional uses, buildings, and structures, when approved by the Borough Council in accordance with Part 11, are as follows:

1. Apartment buildings.
2. Boarding house.
3. Community activity buildings
4. Manufactured or mobile homes parks.
5. Private recreation areas.

D. Accessory permitted uses, buildings and structures. Accessory permitted uses, buildings, and structures incidental to the principal permitted uses are as follows, including but not limited to:

1. Accessory buildings in accordance with Section 27-802.A or as amended.
2. Fences or walls in accordance with Section 27-802.B. of the General Regulations.
3. Home occupations in accordance with Section 27-807 or as amended of the General Regulations.
4. Off-street parking in accordance with Part 5.

5. Signs in accordance with Part 6.
6. Swimming pools in accordance with Section 27-802.D or as amended.
7. Short Term Rentals for no more than 21 days per calendar year in accordance with Section 27-820.
8. Any use determined by the Zoning Officer to be of the same general character as the above-listed accessory permitted uses.

E. Development requirements.

1. Height regulations. The height of a principal building shall not be greater than 35 feet. Accessory buildings and structures are as specified in Section 27-802.A & B.
2. Lot area regulations. The minimum lot area shall be as follows.
 - a. Where public sewer and public water are not available: 40,000 square feet
 - b. Where only public water is available: 20,000 square feet
 - c. Where only public sewer is available: 15,000 square feet
 - d. Where public sewer and public water is available:
 - i. 6,000 square feet – single-family detached dwellings per dwelling.
 - ii. 2,000 square feet – attached dwellings or townhouses per dwelling
3. Lot width regulations. At the required minimum front building setback line, the lot width shall be a minimum of:
 - a. 40 feet for lots less than 20,000 square feet
 - b. 100 feet for lots 20,000 square feet to 39,999 square feet
 - c. 150 feet for lots 40,000 square feet or larger
4. Yard regulations. Each lot shall have front, side and rear yards of not less than the depth and width indicated below:
 - a. Front yard depth: 10'
 - b. Minimum one side shall be:
 - i. Single-family detached dwelling or an apartment building – not less than 5 feet. The total width of the two required side yards shall be not less than 12 feet. On a corner lot, the side yard abutting the street shall be not less than 10 feet.
 - ii. Townhouse end units and attached dwelling end units – 0 feet one side. Not less than 6 feet on the other.
 - iii. Attached dwelling interior units – 0 feet both sides.
 - c. Rear yard depth: 30'
5. Lot coverage regulations. The buildings, structures and impervious surfaces coverage shall not be more than:
 - a. 40% - single-family detached dwelling.
 - b. 50% - townhouse of 2 units
 - c. 60% - attached dwelling, apartment building, multi-family building, townhouses of 3 or more units.
 - d. 50% - nonresidential.

- E. Off-Street Parking Requirements. Development shall meet the requirements of the Off-Street Parking Requirements in accordance with Part 5

- F. Floodplain District. Development located in affected floodplain areas shall be in accordance with Part 12.
- G. Environmental Protection Overlay District. Development shall meet the requirements of the Environmental Protection Overlay District in accordance with Part 13.
- H. Development Standards. Development shall meet the requirements of the Development Standards in accordance with Part 14.
- I. Performance Standards. Development shall meet the requirements of the Performance Standards in accordance with Part 15

Section 27-403. C-1 Neighborhood Commercial District

- A. Purpose: The C-1 Neighborhood Commercial District provides suitable development opportunities to permit combined business, office and residential activities to be established in a compatible manner.
- B. Principal permitted uses, buildings or structures. Principal permitted uses, buildings or structures are as follows:
 - 1. Residential
 - 1. Apartments
 - 2. Artist Live-Work Space
 - 3. Bed and Breakfast
 - 4. Boarding house
 - 5. Community residential homes
 - 6. Condominiums
 - 7. Congregate care residences
 - 8. Short Term Rentals for more than 21 days per calendar year in accordance with Section 27-820.
 - 9. Single family attached dwelling in accordance with Section 27-812
 - 10. Single family detached dwelling
 - 2. Nonresidential
 - 1. Administrative offices
 - 2. Amusement arcades
 - 3. Art galleries, Museums or Historical Societies
 - 4. Artist studio
 - 5. Business services.
 - 6. Child/adult day care centers
 - 7. Community activity buildings
 - 8. Convenience stores
 - 9. Elementary, secondary schools or institutions of higher education
 - 10. Financial institutions

11. Funeral homes
12. Government buildings or uses
13. Health clubs
14. Health Services
15. Laundromats
16. Membership organizations
17. Nonprofit emergency services
18. Nursing or convalescent homes.
19. Office parks
20. Personal services.
21. Pharmacies
22. Places of worship
23. Professional offices
24. Public libraries
25. Public recreational areas.
26. Public utilities and facilities in accordance with Section 27-808.F
27. Rental services
28. Restaurants, excluding drive in
29. Retail sales.
30. Theaters
31. Veterinary services or animal services
32. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

C. Principal conditional uses, building or structures. Principal conditional uses, buildings or structures, when approved by the Borough Council in accordance with Part 11, are as follows:

1. Animal kennel or animal shelter.
2. Bars
3. Commercial recreation areas.
4. Hospitals
5. Motels or hotels
6. Public or commercial parking garages in accordance with Section 27-819 and 27-1112.
7. Private recreation areas.

D. Accessory permitted uses, buildings or structures.

Accessory permitted uses, buildings or structures incidental to the principal permitted uses are as follows, including but not limited to the following. An accessory use is not permitted unless there is a principal use on the lot. A fence is an accessory use to land for a vacant lot.

1. Accessory residential buildings in accordance with Section 27-802.A.
2. Fences in accordance with Section 27-802.B.

3. Home occupations in accordance with Section 27-807
4. Off-street parking in accordance with Part 5.
5. Public or private parking garages in accordance with Section 27-808.F.(Not 808.F; no Parking garages in general regs, we need to add.)
6. Signs in accordance with Part 6.
7. Short Term Rentals for no more than 21 days per calendar year in accordance with Section 27-820.
8. Swimming pools in accordance with Section 27-802.D

E. Development Requirements.

1. Height regulations. The height of a principal building shall not be greater than three stories or 35 feet. Accessory building or structure heights are as specified in Section 27-802.B.
2. Lot area regulations – public water and sewer are required:

A. Residential.

- i. Apartments. Minimum lot area shall be 2,000 square feet per dwelling
- ii. Bed and Breakfast. Minimum lot area shall be 6,000 square feet
- iii. Community residential homes. Minimum lot area shall be 6,000 square feet.
- iv. Congregate care residences. Minimum lot area shall be 6,000 square feet.
- v. Single-family attached dwelling. Minimum lot area shall be 2,000 square feet per unit.
- vi. Single-family detached dwelling. Minimum lot area shall be 6,000 square feet.
- vii. Townhouse. Minimum lot area shall be 2,000 square feet.

B. Nonresidential. Minimum lot area shall be 4,000 square feet.

3. Lot width regulations.

A. Residential

- i. Apartments. Minimum lot width shall be 30 feet.
- ii. Bed and Breakfast. Minimum lot width shall be 40 feet.
- iii. Community residential homes. Minimum lot width shall be 40 feet.
- iv. Congregate care residences. Minimum lot width shall be 40 feet.
- v. Single-family attached dwellings. Minimum lot width shall be 20 feet per unit.
- vi. Single family detached dwelling. Minimum lot width shall be 40 feet.
- vii. Townhouses. Minimum lot width shall be 20 feet.

B. Non-residential. Minimum lot width shall be 30 feet.

4. Yard regulations.

- A. Front yard.
 - i) 0 feet when parking is located in the side or rear yard.
 - ii) 50' when parking is located in the front yard.
- B. Side yard requirements.
 - i. Single family detached dwelling –5' each side of the building
 - ii. Single family attached dwelling– 5' total side yards.
 - iii. Townhouse – 0' each side when abutting other unit; 5' one side on end unit
 - iv. Nonresidential:
 - 1. Attached – 0' each side
 - 2. Semi-attached – 0' one side; 3' total side yards.
 - 3. Detached – 3' each side
- C. Rear yard requirements. 50'.
- 5. Coverage regulations. The building(s), structure(s) and impervious surface coverage shall not be more than 80%.
- F. Floodplain Overlay District. Development located in affected floodplain areas shall be in accordance with the requirements of the Floodplain Overlay District.
- G. Environmental Protection Overlay District. Development shall meet the requirements of the Environmental Protection Overlay District in accordance with Part 13.
- H. Development Standards. Development shall meet the requirements of the Development Standards in accordance with Part 14.
- I. Performance Standards. Development shall meet the requirements of the Performance Standards in accordance with Part 15
- J. Off-Street Parking Requirements. Development shall meet the requirements of the Off-Street Parking Requirements in accordance with Part 5.

27- 404 C-2 General Commercial District

- A. Purpose. The C-2 General Commercial District provides suitable development opportunities for highway-oriented commercial activities.
- B. Principal permitted uses, buildings or structures. Principal permitted uses, buildings or structures are as follows:
 - 1. Administrative offices
 - 2. Artist Live-Work Space in accordance with Section 27-808.A
 - 3. Artist Studios
 - 4. Auto body shops in accordance with Section 27-808.A.(all references need to be adjusted)

5. Automobile garage in accordance with Section 27-808.B.
6. Automobile service and self service stations in accordance Section 27-808.C.
7. Automobile washing
8. Bars
9. Beer distributors.
10. Building supplies sales.
11. Business services
12. Convenience stores
13. Equipment retail sales
14. Financial institutions
15. Flea markets in accordance with Section 27-808.D.
16. Government buildings or uses
17. Health clubs
18. Health services
19. Hospitals
20. Laundromats
21. Massage therapist business.
22. Membership organizations
23. Medical and dental clinics
24. Motels or hotels
25. Motor vehicle retail sales, new or used.
26. Nightclubs
27. Parking garages public or commercial in accordance with 27-819
28. Personal services
29. Pharmacies
30. Professional offices
31. Public libraries
32. Public utilities and facilities in accordance with 27-808.F
33. Recreation, public or private
34. Rental services
35. Repair services
36. Restaurants
37. Restaurants, fast food, drive thru
38. Retail sales
39. Short Term Rentals for more than 21 days per calendar year in accordance with Section 27-820.
40. Theaters
41. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

C. Principal conditional uses, building or structures

Principal conditional uses, buildings or structures, when approved by the Borough Council in accordance with Part 11, are as follows:

1. Storage self-service facilities

2. Light industrial uses as defined herein which are of low or moderate hazard in accordance with IBC National Building Code.
3. Personal Wireless Services Facilities.

D. Accessory permitted uses, buildings or structures.

Accessory permitted uses, buildings or structures incidental to the principal permitted uses are as follows, including but not limited to the following. An accessory use is not permitted unless there is a principal use on the lot. A fence is an accessory use to land for a vacant lot.

1. Accessory buildings in accordance with Section 27-802.A or as amended.
2. Fences in accordance with Section 27-802.B or as amended.
3. Off-street parking in accordance with Part 5.
4. Public or private parking garages in accordance with Section 27-819.
5. Residential use when directly connected to primary commercial use, such as but not limited to an art studio with residences or craft making, in accordance with Section 27-808A.
6. Signs in accordance with Part 6.
7. Home occupations in accordance with Section 27-807
8. Short Term Rentals for more than 21 days per calendar year in accordance with Section 27-820.

E. Development Requirements.

1. Height regulations. The height of a principal building shall not be greater than three stories or 35 feet. Accessory building or structure heights are as specified in Section 27-802.A.
2. Lot area regulations: None
3. Lot width regulations. Minimum lot width shall be 30 feet.
4. Yard regulations
 - (1) Front yard.
 - i. 0 feet when parking is located in the side or rear yard.
 - ii. 50' when parking is located in the front yard.
 - (2) Side yard requirements.
 - i. Attached – 0' each side
 - ii. Semi-attached – 0' one side; 3' total side yards.
 - iii. Detached – 3' each side
 - (3) Rear yard requirements. 15'.
5. Lot coverage regulations. The building(s), structure(s) and impervious surface coverage shall not be more than 90%.

F. Floodplain Overlay District. Development located in affected floodplain areas shall be in accordance with Part 12.

- G. Environmental Protection Overlay District. Development shall meet the requirements of the Environmental Protection Overlay District in accordance with Part 13.
- H. Development Standards. Development shall meet the requirements of the Development Standards in accordance with Part 14.
- I. Performance Standards. Development shall meet the requirements of the Performance Standards in accordance with Part 15
- J. Off-Street Parking Requirements. Development shall meet the requirements of the Off-Street Parking Requirements in accordance with Part 5.

Section 27-405 I – General Industrial District

- A. Purpose: The I-Industrial District provides suitable development opportunities for assembling, fabrication, processing, production, distribution, manufacturing and warehousing activities. It is intended to maximize industrial potential while ensuring compatibility with surrounding zoning districts. The regulations for this district are intended to promote high quality development projects in keeping with the Borough's design and performance standards.
- B. Principal permitted uses, buildings or structures.
Principal permitted uses, buildings or structures are as follows:
 - 1. Breweries.
 - 2. Contractors
 - 3. Distribution centers.
 - 4. Food processing.
 - 5. Freight handling facilities or terminals.
 - 6. Industrial parks.
 - 7. Low hazard factory and industrial uses.
 - 8. Public utilities and facilities in accordance with Section 27-808.F
 - 9. Research laboratories.
 - 10. Storage self-service facilities.
 - 11. Short Term Rentals for more than 21 days per calendar year in accordance with Section 27-820.
 - 12. Truck terminals.
 - 13. Warehousing.
 - 14. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.
- C. Principal conditional uses, building or structures

Principal conditional uses, buildings or structures, when approved by the Borough Council in accordance with Part 11, are as follows:

1. Adult Entertainment Uses.
2. Junkyards.
3. Moderate hazard industrial uses, including factories, as defined herein which are of moderate hazard in accordance with IBC National Building Code.
4. Public or private parking garages in accordance with Section 27-808.E.
5. Personal Wireless Service Facilities.

D. Accessory permitted uses, buildings or structures.

Accessory permitted uses, buildings or structures incidental to the principal permitted uses are as follows, including but not limited to the following. An accessory use is not permitted unless there is a principal use on the lot. A fence is an accessory use to land for a vacant lot.

1. Accessory buildings in accordance with Section 27-802.A or as amended.
2. Fences in accordance with Section 27-802.B or as amended.
3. Off-street parking in accordance with Part 5.
4. Signs in accordance with Part 6.
5. Storage buildings in accordance with Section 27-802.A or as amended.
6. Short Term Rentals for more than 21 days per calendar year in accordance with Section 27-820.

E. Development Requirements.

1. Height regulations. The height of a principal building shall not be greater than three stories or 35 feet. Accessory building or structure heights are as specified in Section 27-802.
2. Lot area regulations: None
3. Width regulations. Minimum lot width shall be 30 feet.
4. Yard regulations.
 - a. Front yard.
 - iii) 0 feet when parking is located in the side or rear yard.
 - iv) 50' when parking is located in the front yard.
 - b. Side yard requirements.
 - i. Attached – 0' each side
 - ii. Semi-attached – 0' one side; 20' total side yards.
 - iii. Detached – 20' each side
 - c. Rear yard requirements. 15'.
9. Coverage regulations. The building(s), structure(s) and impervious surface coverage shall not be more than 75%.
10. Screening: A buffer yard of 25 feet shall be required between industrial uses or districts and all other uses or districts. Level One screening in accordance with Part 14 shall be required within the buffer yard

- F. Floodplain Overlay District. Development located in affected floodplain areas shall be in accordance with the Part 12.
- G. Environmental Protection Overlay District. Development shall meet the requirements of the Environmental Protection Overlay District in accordance with Part 13.
- H. Development Standards. Development shall meet the requirements of the Development Standards in accordance with Part 14.
- I. Performance Standards. Development shall meet the requirements of the Performance Standards in accordance with Part 15
- J. Off-Street Parking Requirements. Development shall meet the requirements of the Off-Street Parking Requirements in accordance with Part 5.

Section 27-406. C- Conservation District.

- A. Purpose: The Conservation (C) Zoning District is established to protect Marysville's most sensitive environmental areas. The Conservation Zoning District applies to lands identified in the Borough's Comprehensive Plan as having severe limitations based on their slope, vegetative, historic, physiographic, geologic, hydrologic and soil characteristics. The district is intended to support policies established in the Comprehensive Plan for lands to be preserved for conservation by discouraging inappropriate urban land uses and development in these areas and maintaining open areas and appropriate low-intensity land uses. This zoning district identifies these sensitive lands and distinguishes them from other areas in the township, which are identified in the Comprehensive Plan as appropriate for urban land uses.
- B. Uses by Right. The following uses, buildings or structures are permitted by right within the Conservation District:
 - 1. Conservation areas or structures for the conservation of open space, water, soil or wildlife or plant resources.
 - 2. Forestry in accordance with 27-808.H.
 - 3. Game Farm, such as deer, pheasant or other small animal; not involving a structure or structures.
 - 4. Hunting or trapping.
 - 5. Passive Recreation.
 - 6. Pedestrian, hiking, horse or bicycle trails.
 - 7. Public and Private recreational areas
 - 8. Public Utilities and Facilities, in accordance with Section 27-808.F.
 - 9. Wildlife Propagation and management.

10. Wildlife sanctuaries.
 11. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.
- C. Uses Permitted by Conditional Use. The following uses, buildings or structures are permitted by conditional use when approval is granted by the Borough Council in accordance with Part 11 as follows
- A. Nurseries or Tree Farms in accordance with §27-1119.
 - B. Open Space Developments in accordance with §27-1120.
 - C. Primitive Campgrounds in accordance with §27-1121.
 - D. A single family detached dwelling on existing lots of record in existence prior to *January XX, 20XX* (the effective date of this section) in accordance with §27-1122.
- D. Accessory Permitted Uses, Buildings or Structures. Accessory uses, buildings or structures incidental to the principal permitted uses are permitted if located on the same lot except:
- A. Accessory buildings or uses in accordance with §27-802.A shall be limited to 400 square feet. When on land with 15% slope or greater the maximum impervious coverage shall not exceed 5%.
 - B. Fences or walls in accordance with 27-802.B
 - C. Private antenna towers in accordance with 27-802.E
- E. Height Regulations. The height of a principal building shall not be more than 35 feet.
- F. Lot Area Regulations. The minimum lot area shall be as listed below, except as modified by §27-1120.
- A. Property with a 0-7.99% slope – 2.5 acres.
 - B. Property with 8-14.99% slope on 50% or more of the site – 5 acres.
 - C. Property with 15-24.99% slope on 50% or more of the site – 10 acres.
 - D. Property greater than 25% slope on more than 50% of the site, single family dwelling(s) shall be prohibited.
- G. Lot Width. At the required minimum front building setback line, the lot width shall be a minimum of 200 feet.
- H. Yard Regulations. Each lot shall have front, side and rear yards of not less than the depth and width indicated below:
- A. Front Yard – 50 feet.
 - B. Side Yard – 40 feet on each side. On a corner lot, the side yard abutting the street shall not be less than 50 feet.

C. Rear Yard- 50 feet.

- I. Coverage Regulations. Impervious surfaces coverage shall not be more than 10%.
- J. Woodland Preservation Requirements. In existing wooded areas (as of effective date of this ordinance) at least 80% of the number of trees of a minimum trunk caliber of 6 inches measured 4 ½ feet above the ground that currently exist shall be maintained or replaced immediately following construction and prior to occupancy. Replacement trees shall be a minimum of 2 inches in diameter measured at a height of 4 ½ feet above the finished grade. Only those areas necessary for the construction of buildings, structures and other uses for which a zoning permit has been issued shall be cleared of existing woodland.
- K. Disturbed Area. No more than 33% of the total lot area shall be disturbed during construction.
- L. Roofs and Exterior Finishes. Roofs and exterior finishes on structures shall be of a color that blends in with the natural environment.

PART 5

Off Street Parking

§ 27-501. Purpose.

The Borough recognizes in its Comprehensive Plan that off-street parking areas are necessary to accommodate the needs of commercial businesses, residential uses and the general public. It is the intent of this article to promote public health, safety and welfare by providing reasonable standards for off-street parking areas that:

- A. Minimize conflicts between pedestrians and motor vehicles.
- B. Create visually attractive parking areas.
- C. Ensure a sufficient number of spaces for the intended use of the property.
- D. Ensure adequate lighting.
- E. Ensure adequate drainage.
- F. Provide for efficient maneuverability and safe vehicle and pedestrian circulation.
- G. Protect the character and stability of residential, business, institutional and industrial areas.
- H. Preserve the value of land and buildings on surrounding properties.
- I. Provide landscaping for commercial and industrial uses and visual buffering adjacent to residential uses.
- J. Lessen Congestion in and on the streets

§27-502. General parking regulations.

- A. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided.
- B. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
- C. All commercial, public, institutional and industrial uses shall provide handicapped parking spaces in accordance with the Americans with Disabilities Act Accessibilities Guidelines for Buildings and Facilities, developed by the U.S. Architectural and Transportation Barriers Compliance Board. The applicant shall certify in writing or plan note that a zoning application and/or subdivision/land development plan complies with all relevant ADA requirements.
- D. In residential districts, no part of any minimum front yard setback shall be used for parking purposes, except that the driveway area located within the front yard setback may be used for off-street parking. For nonresidential uses, parking may be permitted no closer than 15 feet from the street right-of-way line.
- E. Parking requirements for each use shall be calculated individually.

§27-503. Off-street parking requirements.

Any of the following permitted uses or buildings hereafter established, erected or enlarged; any use or building hereafter converted into one of the following uses; and any open space hereafter used shall be provided with not less than the minimum off-street parking spaces as set forth below, together with adequate access drives, driveways or other means of circulation and access to and from a street. However, in no case shall the minimum number of off-street parking spaces be less than two.

Off-Street Parking Space Requirements

Uses	Required Parking Spaces
Residential	
Bed-and-breakfast	1 space per sleeping room, plus 2 for permanent residents
Community residential homes, Congregate care residences	1 space per 2 beds; plus 1 space per employee on the largest work shift
Multifamily dwelling units	2.5 per unit
Single-family attached, detached	2 per unit
Manufactured home park	2 per dwelling
Nonresidential	
Agricultural services, animal services or kennels	1 space for each 400 square feet of gross floor area
Assembly uses such as theaters, stadiums, auditoriums, sports arena, place of worship	1 space for every 3 fixed seats or 1 space for every 50 square feet of gross assembly area when there is no fixed seating
Automotive services	2 spaces for each service bay, plus 1 space for each employee on the largest work shift. Service bay is not a parking space.
Automobile wash	2 stacking spaces for each washing module, plus 1 parking space for each washing module. A washing module is not a parking space.
Bar or nightclub	1 space for each 100 square feet of gross floor area
Barber or beauty shop	3 spaces for each operator chair. "Chair" does not include dryer chairs, washing/rinsing chairs or waiting area chairs.
Business services, repair services	1 space for each 400 square feet of gross floor area
Financial institution	1 space for each 175 square feet of gross floor area
Government buildings and uses	1 space for each 400 square feet of office space, plus 1 space for each 50 square feet of assembly area, meeting room, conference, etc.
Home occupations in R-1 Zoning District	1 space per home occupation
Home occupations in R-2	2 space per home occupation

Zoning District

Hotels, motels, boarding and lodging/rooming houses	1 space for each guest room, plus 1 space for each 2 employees on the largest shift
Industrial	1 space for each 600 square feet of gross floor area used for industrial purposes (processing, assembly, treatment, storage, fabrication, etc.) or 1 space for each 3 employees on the largest shift, whichever is greater, plus 1 space for every 400 square feet of office administration, management area
Laundromat	1 space for each 3 washing or drying machines
Library	1 space for each 400 square feet of gross floor area
Membership organizations	1 space for each 400 square feet of office space, plus 1 space for each 50 square feet of assembly area, meeting room, conference, etc.
Museum or art gallery	1 space for each 300 square feet of gross floor area
Medical or dental office clinics	1 space for each 200 square feet of gross floor area
Office building	1 space for each 400 square feet of gross floor area
Open space	2 spaces per 20 acres
Personal services	1 space for each 300 square feet of gross floor area
Place of Worship	1 space for every 3 fixed seats or 1 space for every 50 square feet of gross assembly area where there is no fixed seating
Public utilities and facilities	1 space for each 400 square feet, plus 1 space per stored vehicle
Recreation areas:	
Athletic fields	20 spaces per field
Basketball courts	5 spaces per court
Billiard halls	2 spaces per table
Bingo	1 for every 100 square feet of gross floor area or 1 for every 2 persons
Bowling alley	5 for each alley
Campground	1 parking space for each campsite
Golf:	
Regulation	7 spaces for each golf hole
Driving range	2 spaces for each driving tee
Miniature golf	3 spaces for each hole

Health club	1 space for each 200 square feet of gross floor or 1 space for every 2 persons allowed within the maximum occupancy, whichever is greater
Park	2 spaces per acre
Skating rink	1 space per each 100 square feet of area
Swimming pool	2 spaces for every 100 square feet of floor area
Tennis courts or racquetball courts	2 spaces per each court, plus 1 for each 200 square feet of clubhouse noncourt floor area
Restaurant	1 space for each 4 seats.
Restaurant, fast-food	With seating: 1 space for each 100 square feet of gross floor or 1 space for every 2 persons allowed within the maximum occupancy, whichever is greater Without seating: 1 space for each 50 square feet of gross floor area, with a minimum of 10 spaces With drive-in facilities: In addition to the parking spaces required above, 8 stacking spaces for the drive-in window with a minimum of 5 spaces for the ordering station. Such spaces shall be designed so as not to impede pedestrian or vehicular circulation on the site or on any abutting street.
Retail, general:	
Under 2,000 square Feet	1 space for each 250 square feet of gross floor area
2,000 to 100,000 square feet	1 space for every 275 square feet of gross floor area
Over 100,000	1 space for every 200 square feet of gross floor area
Retail, grocery and convenience store	1 space for every 200 square feet of gross floor area
Schools:	
Elementary, secondary	1 space per classroom, plus 1 space for every 400 square feet of administrations areas or 1 space for each 6 seats in an auditorium or other places of assembly, whichever is greater
High school	2.5 spaces per classroom, plus 1 space for every 400 square feet of administration areas or 1 space for each 6 seats in an auditorium or other places of assembly, whichever is greater
Trade, technical school	1 space for every 2 students based on the design capacity of the building, plus 1 for every 400 square feet of administrative area
Studio	1 space for every 600 square feet of floor area
Studio, dancing or	5 spaces, plus 1 space for every 150 square feet of studio

Music	area in excess of 500 square feet
Truck stop	In addition to the vehicle parking space requirements for each use provided at a truck stop, 50% of the required vehicle parking spaces shall be truck parking spaces
Truck terminals	1 space for each 1,000 square feet of gross floor area or 1 space for each employee on the largest shift, whichever is greater. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each additional loading berth.
Veterinary services	1 space for every 500 square feet of gross floor area
Warehousing.	1 space for each 1,000 square feet of building area up to 20,000 square feet, plus 1 space for each 2,000 square feet of building area between 20,000 square feet and 40,000 square feet, plus 1 space for each 3,000 square feet of building area in excess of 40,000 square feet, or 1 space for each employee on the largest shift, whichever is greater. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths.
Wholesaling.	1 space for each 1,000 square feet of gross floor area, or 1 space for each employee on the largest shift, whichever is greater. In addition to the off-street parking requirements and when there are 10 or more loading berths provided, trailer parking spaces shall be provided at 1 trailer parking space for each 4 loading berths

§27-504. Location and management requirements.

A. Existing parking. Buildings and uses existing on the effective date of this chapter shall not be subject to the requirements of this article in accordance with the following:

- (1) The type or extent of use is not changed; and
- (2) Provided that any parking facility now serving such structures or uses shall not in the future be reduced.

B. Changes in requirements. Whenever there is an alteration of a building or a change or extension of a use which increases the parking requirements, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of this article.

C. Conflict with other uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

D. Continuing obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Reasonable precautions are to be taken by the property owner or business owner to assure the availability of required facilities for the employees or other persons for whom the parking

areas are designed to serve. The property owner or business owner shall ensure that the parking area at no time constitutes a nuisance, hazard or unreasonable impediment to traffic.

E. Drainage, surfacing and maintenance.

(1) The area of parking lots, including driveways, shall be graded, surfaced in accordance with other applicable codes and ordinances enacted by the Borough and approved by the Borough.

(2) The use of permeable pavement is encouraged on sidewalks, plazas, driveways and parking lots. Permeable pavement shall not be located on industrial sites, fueling stations, sites with expansive soils or high depth to bedrock, areas draining to the permeable pavement greater than 5 acres, areas with the water table less than two feet below the bottom of the pavement base, and less than 100 feet from drinking wells.

Permeable pavement is not allowed on anything intended for dedication to the Borough.

(3) In all cases, such drainage, surfacing and maintenance activities and plans shall conform to other applicable Borough codes and ordinances. (4) Parking areas shall be kept clean and free from rubbish and debris.

F. Joint use. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually.

G. Computation of spaces. Where the computation of required parking spaces results in a fractional number, any fraction shall be counted as one.

H. Location of spaces.

(1) Off-street parking spaces for single- and two-family residential uses shall be provided on the same lot.

(2) Parking spaces for multifamily dwelling building(s), townhouses, commercial, industrial and other nonresidential uses shall be readily accessible to the building(s) served. Such space shall be in the same zoning district as the principal building or use, and conform to the following requirements:

(a) Required parking spaces shall be located within 100 feet of the principal building or use when located on the same side of the street.

(b) Required parking spaces shall be located within 300 feet of the principal building or use when linked to a pedestrian trail or sidewalk when located on the same other-side of the street.

(c) Fifty percent of the required parking spaces may be located across a minor or local collector street with the following conditions:

[i] Crosswalks shall be provided in order to ensure safe pedestrian access to and from the parking area.

[ii] Safety lighting shall be provided at the crosswalk to illuminate the cross area when the parking area is used in early morning or at night.

[iii] A pedestrian crossing sign in accordance with PennDOT Publications 68 and 236, or as from time to time amended by PennDOT, shall be provided on each side of the road.

[iv] Parking lots located across a street shall be safe for pedestrian use. To ensure safety, the design of the crosswalk shall consider the speed limit, sight distance, visibility, road conditions and other safety factors. In the event that the crosswalk is deemed to be unsafe, the Zoning Officer shall not permit parking areas across a street.

(d) The distances specified herein shall be measured from the nearest point of the parking lot to the nearest point of the principal building or use that the parking lot is required to serve.

(3) The applicant for a use or building permit shall submit, with his application, a legal document approved by the Borough Solicitor that subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Prior to the issuance of a zoning permit, the Zoning Officer shall cause such legal documents to be recorded in the office of the Recorder of Deeds.

I. Lighting.

(1) All public parking lots shall be adequately lighted during nighttime and early morning operating hours.

(2) Any lighting used to illuminate off-street parking or loading areas shall be in accordance with the Subdivision and Land Development Ordinance, Section 22-403.A.13. and 22-823 Outdoor Light or as from time to time amended

J. Landscaping.

(1) Interior of parking lot.

(a) A minimum of 5% of the interior parking lot area shall be landscaped when new lots are constructed or existing lots are reconstructed or expanded and:

[1] There are a total of 25 or more parking spaces in the parking lot; or

[2] There are one or more interior space aisle(s) provided in the parking lot with 10 or more parking spaces.

(b) The required 5% interior parking lot landscaped area shall be landscaped with shade trees and ground cover. The following alternatives are permitted separately or in combination:

[1] Provide a continuous landscape strip between every four rows of parking. The landscape strip shall be a minimum of eight feet in width to accommodate shade trees and other landscaping.

[2] Provide large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees and ground cover located at the ends of parking rows.

[3] Provide planting islands at a minimum of nine feet wide between every 10 to 15 spaces to avoid long rows of parked cars.

(c) A minimum of one shade tree shall be required for each eight spaces.

(2) Perimeter of parking lot. Perimeter landscaping located within the ten-foot required parking setback from a building shall be ground cover and shrubs or hedges. Shade trees are not required in the ten-foot setback area.

K. Trees.

(1) Trees.

	Small ³	Medium ⁴	Large ⁴
Interior dimension	5 feet	NA	NA
Setback (from trunk perimeter)	NA	6 feet ²	10 feet ²
Area, single tree	90 ¹	250 ¹	800 ¹
Area, each additional tree in a group	25 ¹	90 ¹	200 ¹

NOTES:

¹Square feet.

²The largest tree in any group will be considered as the first tree for counting purposes.

³Each small tree shall be located in a planting area of at least 90 square feet (plus 25 square feet for each additional tree in a group) with a minimum interior dimension of five feet.

⁴Each medium and large tree shall be located in a planting area or undisturbed area that conforms to the minimum as specified in the chart above.

(2) Perimeter of parking lot. Perimeter shade trees and ground cover shall be planted within an eight-foot-wide landscape strip around the entire perimeter of the lot, except along the street where street trees shall be planted, to be planted in accordance with Section 27-1403.B. Existing shade trees may be used to meet the perimeter requirement of this section. The eight-foot-wide landscape strip may include a sidewalk or walkway. Perimeter landscaping may be in any required buffer yard. Perimeter landscaping does not constitute screening.

(3) Contiguous properties. When a parking lot abuts a residential use or residential district, Level Three screening in accordance with Section 27-1404 shall be provided along the entire property line.

L. Maintenance. Maintenance of parking lot landscaping shall be in accordance with Section 27-1403.

§27-505. Design standards.

A. The minimum dimensions of parking facilities to be provided shall be as follows:

(1) In all districts, noncompact parking spaces per vehicle shall be not less than nine feet wide and 19 feet long.

(2) Parking space and aisle dimensions shall be not less than those listed in the following table.

Angle of Parking (degrees)	Parking		Aisle -- Width	
	Stall Width	Stall Depth*		
(feet)				
(feet)	One-Way			
(feet)	Two-way			
(feet)				
90°	9	19	25	25
60°	9	19	18.5	20
45°	9	19	13.5	20

30°	9	19	12	20
Parallel	8	22	12	20

*NOTE:

Depth of parking space is the measurement from the curb or edge of the parking space toward the interior portion of the space to be occupied by a parked vehicle and not including any part of the aisle or driveway.

(3) All dead-end parking lots shall be designed to provide sufficient backup area for the end parking spaces of the parking area.

(4) Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

(5) Trucks and trailers.

(a) Where truck parking spaces or trailer parking spaces are provided and/or required, parking space and aisle dimensions shall not be less than listed in the following table:

Angle of Parking (degrees) (feet) (feet) (feet) (feet)	Parking		Aisle -- Width	
	Stall Width			
	Stall Depth*			
	One-Way			
	Two-way			
90°	12	60	75	75
60°	12	60	56	60
45°	12	60	41	60
30°	12	60	36	60

*NOTE:

Depth of parking space is the measurement from the curb or edge of the parking space toward the interior portion of the space to be occupied by a parked vehicle and not including any part of the aisle or driveway.

(b) Where truck parking spaces or trailer parking spaces are provided and/or required, the minimum width shall be 12 feet and the minimum depth shall be 60 feet. Aisle widths in truck parking areas shall be 75 feet for one-way or two-way.

B. Setbacks for parking areas shall be provided as follows:

(1) All parking spaces and access drives shall be located at least ten-feet from any multiple dwelling building, office, commercial, institutional, industrial and other similar nonresidential buildings located on the lot. The ten-foot setback between the parking area and building shall be for the purpose of providing a four-foot pedestrian access walkway six-foot perimeter landscaping.

(2) All parking spaces and access drives shall be at least 6 feet from any side or rear lot line, except where buffer yards are required, in which case the standards set forth in Section 27-1402 shall apply. The required setback shall not include screening.

(3) No off-street parking area shall be located within a public right-of-way.

C. Separation.

(1) In no case shall parking lots be designed to require or encourage vehicles to back into a public or private street in order to leave the parking areas.

(2) All paved off-street parking spaces shall be marked with paint or other methods so as to indicate their location.

D. Curbing. Curbing is important for safe and efficient parking areas.

(1) Curbing within a parking lot may be required in a land development if determined necessary by the Borough Engineer to:

(a) Channelize and control vehicular movement in a safe manner through the parking area.

(b) Direct storm water and drainage within the parking area.

(c) Define parking areas.

(d) Delineate and/or protect perimeter and interior landscaped areas from vehicles.

(e) Separate vehicle movement from pedestrian movement as necessary for safety.

(2) When required, curbing shall be constructed in accordance with Section 22-602-4. Subdivision and Land Development Ordinance.

(3) Construction specifications for curbing to be installed in parking areas shall be submitted with the land development application.

(4) Where curbs are provided in a parking lot, the minimum curb radii shall be in accordance with the following figure. However, larger curb radii may be designed when necessary for trucks, buses, etc.

E. Curb radius. Where curbs are provided in a parking lot, a minimum of a five-foot radius curvature shall be required for all curb lines.

§27-506. Off-street loading and unloading.

A. Required berths and spaces.

(1) In addition to the off-street parking requirements set forth herein, any building erected, converted or enlarged for commercial, office, manufacturing, institutional, hospital or other similar uses requiring the delivery or pickup of products or materials shall provide adequate off-street areas for the loading and unloading of vehicles. Such areas shall be provided for as follows:

Use	Gross Floor Area (square feet)	Number of Spaces
Commercial, wholesale manufacturing, hospital laundry, institutional, or similar uses	2,000 to 8,000	1
	8,000 to 40,000	2
	Over 40,000 to 100,000	3

		Over 100,000 to 250,000	4
		Each additional 200,000	1
Office buildings or hotels		10,000 to 100,000	1
		Over 100,000 to 300,000	2
		Over 300,000	3

(2) All off-street loading and unloading areas shall be provided and maintained so long as the use exists which the facilities were designed to serve.

B. Design standards. Off-street loading facilities shall be designed to conform to the following specifications.

(1) Each required berth shall be not less than 12 feet in width, 45 feet in length and 14 feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.

(2) There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space. Maneuvering space for tractor trailers shall be a minimum of 75 feet in width.

(3) Drainage, surfacing and maintenance.

(a) The area of off-street loading facilities, including driveways, shall be graded, surfaced with an approved impervious surface (asphalt, concrete or blacktop) and drained in accordance with other applicable codes and ordinances enacted by the Borough and approved by the Borough Engineer.

(b) Parking areas shall be kept clean and free from rubbish and debris.

(c) In all cases, such drainage, surfacing and maintenance activities and plans shall conform to other applicable codes and ordinances enacted by the Borough.

PART 8

GENERAL REGULATIONS

§27-801. Purpose.

The following general regulations shall supplement the regulations set forth in this chapter in each district and apply throughout the Borough unless otherwise specified. If the district regulations are determined to be in conflict with the following general regulations, the most restrictive regulations shall be applied, unless otherwise stated.

§27-802. Accessory uses.

- A. Accessory buildings such as, but not limited to, detached garages, barns, storage buildings, garden structures and greenhouses not used for commercial purposes, may be erected in accordance with the following requirements:
- (1) The accessory building shall not be located in front of the principal building.
 - (2) Where such side or rear yard is along an alley, the accessory building shall be located not less than five feet from the alley right-of-way.
 - (3) Where such side or rear yard is adjacent to another lot, the accessory building shall be located not less than five feet from any lot line.
 - (4) When an accessory building is erected within the side or rear yard adjacent to a side street on a corner lot, the accessory building shall be set back not less than the principal building on that property and the principal building on the abutting property if it is facing the street or, the required yard setback, whichever is less; but in no case shall the accessory building be set back less than 10 feet.
 - (5) Accessory building(s) shall be included in maximum lot coverage.
- An accessory building shall not exceed the gross floor area of the principal building.
- 6)
 - (7) The maximum height of an accessory building shall be 20 feet and no more than one story.
 - (8) An accessory building shall be at least 5 feet from the principal building.
- B. Fences or walls. Fences or walls may be erected, altered and maintained in accordance with the following requirements:
- (1) Any fence or wall in the front yard shall not exceed 3 ½ feet in height.
 - (2) Any fence or wall in the side or rear yard shall not exceed 6 feet in height.
 - (3) No fence or wall shall obstruct sight distance of a driveway or intersection, in accordance with SALDO 22-513.I.
 - (4) Barbed wire fence, electric fence or similar material shall be prohibited unless used for agricultural purposes on tracts of one acre or more. Razor wire or concertina wire shall be prohibited.
- C. Firewood storage.
- (1) Stacks of firewood maintained for personal, residential use shall not be stored to a height in excess of six feet.
 - (2) Stacks of firewood shall be a minimum of five feet from any property line.
 - (3) Stacks of firewood shall not be stored in the front yard.
- D. Swimming pools. Swimming pools shall be a permitted accessory use where specified in the district regulations in accordance with the following requirements:

(1) General regulations.

- (a) The swimming pool shall be intended and be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.
- (b) A swimming pool can be drained onto private property or sanitary sewer system providing the disposal of water from the swimming pool shall meet the following criteria.
 - i) Turn off chlorination system or stop adding chlorine two weeks prior to water removal
 - ii) Measure the chlorine level in the pool. If any detectable level of chlorine remains, wait another week and re-measure. When no detectable level of chlorine is present, you may discharge with hose or pump into a sewer cleanout located on the same property. Do NOT use public manholes or cleanouts.
 - iii) Or, discharge or use the water for irrigating your property and ensure that it does not flow off your property. The discharge shall be at a rate which prevents erosion.
 - iv) In no event shall the pool water be directly discharged to waters of this Commonwealth.
- (c) Swimming pool installation shall be in accordance with the International Building Code as adopted and amended by Borough Council.
- (d) Every swimming pool shall be equipped with life rings, life preservers or other flotation devices readily available and functional for emergency use.

(2) Location and setbacks.

- (a) The swimming pool, walks or paved areas or accessory structures adjacent thereto, shall be 8 feet from adjoining property lines.
- (b) The swimming pool, walks or paved areas or accessory structures adjacent thereto, shall be 8 feet from the principal building.
- (c) Swimming pools shall not be located in the front yard.

E. Private antenna towers shall be a permitted accessory use where specified in the district regulations in accordance with the following requirements:

- (1) The private tower antenna shall be intended and used solely for the enjoyment of the occupants of the principal dwelling unit on which it is located.
- (2) The tower installation shall be in accordance with the Building Code
- (3) The private tower antenna shall be affixed with at least two fastening points to a principal or accessory structure, or shall be a freestanding structure with required yard setbacks equal to the height of the tower.
- (4) The maximum height of a private tower antenna shall be 50 feet when measured from ground level when the property is $\frac{1}{2}$ acre or less; the maximum height of a private tower antenna shall be 75 feet when measured from ground level for properties larger than $\frac{1}{2}$ acre.
- (5) The tower shall be properly grounded.

§ 27-803. Height Exceptions, Visual Obstructions, Projections into Yards, Yard Regulations.

A. Height modifications.

- (1) Height regulations shall not apply to building appurtenances not used for human occupancy, such as spires, belfries, cupolas, towers, or domes not used for human occupancy, or to ventilators, architectural screening, water tanks, chimneys or necessary mechanical appurtenances, provided that such structures are set back from the property line by a distance equal to or greater than their height.

B. Visual Obstructions:

- (1) Walls, fences, signs, firewood and other structures or obstruction shall not be erected or altered, and hedges, trees and other plant material shall not be planted or maintained, which may cause danger to traffic on a street or driveway by obstruction the required sign distance in accordance with 22-513.1(I).

C. Projections into yards.

- (1) Cornices, eaves, gutters, bay windows, roof overhangs or chimneys may project into a required setback not more than 24 inches.
- (2) The following items may project into any required setbacks: light fixtures, sidewalks or walkways on grade, fences, handicapped ramps, flagpoles for official government flags of the United States and its political subdivisions, sidewalks, walkways or ramps when not connected to a building, vegetation, landscaping materials, decorative lawn ornaments, bird feeders, handrails along sidewalks or ramps.

D. Yard regulations.

- (1) Average depth of front yards. No front yard for a principal building shall be required to exceed:
 - (a) The average depth of existing front yards on lots containing a principal building within 25 feet of the side lot line on lots abutting on each side.
 - (b) The average depth of existing front yards on all lots containing a principal building, on the same side of the street, within the same block, or within 200 feet when 51% or more of the lots are improved with buildings.
 - (c) Where a vacant lot adjoins only one lot occupied by a principal building (within 25 feet of the common side lot line) which extends into the required front yard of such occupied lot, the front yard depth of such vacant lot may be the average depth of the front yard of such adjacent lot and the front yard required for the district in which such vacant lot is located. However, the second vacant lot from the original occupied lot must have at least the minimum front yard depth required in the district.
 - (d) The measurement for determining the average front yard depth shall be from the outside wall of principal building which may include covered areas such as a covered porch.
- (2) An accessory building shall not be erected or altered within any front yard.
- (3) Parking shall not be permitted in a front yard within a residential district, except driveways.
- (4) Double frontage lots. Double frontage lots shall provide the front yard setback along each street.
- (5) Side yard, corner lot. On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard setback in the district and shall be subject to all front yard setback of this part.
- (6) Side yard where lines are not parallel. Where a side wall of a building is not parallel with the side lot line or where a side yard is irregular, the average side yard may be considered the setback minimum width, provided that the side yard shall not be narrower than five feet nor less than 1/2 the required minimum width at any point. The average side yard shall be determined by establishing the average of the distance from the two closest corners of the principal building and the side property line. The averaged side yard distance shall be measured from the center of the principal building.
- (7) Rear yard where lot is irregular shape. In the case of an irregular, triangular or gore-shaped lot, the required minimum depth of a rear yard may be deemed to be the average depth, provided that no rear yard so averaged shall be less than 10 feet nor 1/2 the required minimum depth at any point. The average rear yard shall be determined by establishing the average of the distance from the two closest corners of the principal building and the rear property line. The average rear yard distance shall be measured from the center of the principal building.
- (8) Yard reduction. On a lot located in a district where residential structures are permitted held in single and separate ownership at the effective date of this part, with a lot width less than that required by the zoning district, only one single-family dwelling may be erected, and side yards shall be provided in accordance with the following

requirements:

- (a) Side yard, corner lot. On corner lots with a width of 50 feet or more, two side yards shall be provided. The exterior side yard abutting the street may be reduced by the number of feet by which the lot width is less than the district requirement, but may not be reduced to less than the required interior side yard. The interior side yard shall be provided as required by the district regulations.
- (b) For lots less than the width required by the zoning district, but not less than 27 feet in width, two side yards shall be provided, each equaling 20% of the lot width.
- (c) For lots having a depth of less than 90 feet, the rear yard setback may be reduced by 20% of the lot depth but in no case less than 1/2 the rear yard setback.

27-804 Driveway.

- A. No single use or group of attached buildings or uses designed as a single unit shall have more than two (2) driveways. No two driveways shall be closer to each other than 12 feet. Not more than two driveways for each 100 feet of frontage on any street or private road are permitted for each lot.
- B. No driveway shall be located within forty feet (40') of the intersection of any street right-of-way lines.
- C. Each driveway shall be paved between the street and the principal or accessory structure upon the lot.
 - (1) The paved section for one-family or two-family residential uses shall consist of one of the following materials.
 - a. Bituminous surface constructed with six inches (6") of 2A sub base and 2 ½ inches of ID-2 surface course.
 - b. Brick pavers designed for single-axle trucks. Construction specifications must be submitted and approved by the Borough Engineer.
 - c. Pervious paving systems designed for single axle trucks. Construction specifications must be submitted and approved by the Borough Engineer.
 - (2) The paved section for nonresidential and multi-family residential uses shall consist of one of the following materials:
 - a. Bituminous surface constructed with six inches (6") of 2A sub base and 2 ½ inches of ID-2 binder and 1 ½ inches of ID 2 surface course.
 - b. Alternate pavement sections that meet the twenty-year design requirements of multi-axle vehicles may be permitted if specifications are approved by the Borough Engineer. However, the pavement section within the right-of-way shall be consistent with existing road pavement.
- D. No residential driveway shall be closer to a side property line than three feet (3') except on a property line with a 0' setback.
- E. Driveway entrances shall be no narrower than 12 feet within the limits of the legal right-of-way. Driveway entrances shall be no wider than 16 feet maximum for one-family or two-family dwellings or 24 feet maximum for multi-family dwellings.
- F. Driveways located on a state road shall obtain a highway occupancy permit from the Pennsylvania Department of Transportation prior to the issuance of a zoning permit.
- G. Driveways shall not cross the street right-of-way within five feet (5') of a fire hydrant, catch basin or drain inlet.
- H. Driveways shall be situated so as to comply with the Subdivision and Land Development Ordinance with respect to sight distance and barriers to vision.
- I. Any new driveway required to be paved shall be constructed within a period of one year from the issuance of an occupancy permit for the improvement upon the lot for one-family or two-family dwellings. Any new driveway required to be paved shall be constructed prior to the issuance of a certificate of occupancy for nonresidential uses

and multi-family uses. Any added, enlarged or relocated driveway shall be paved within one year of the issuance of a zoning permit.

- J. Prior to the issuance of a zoning permit, a site plan shall be submitted which includes the driveway location, width, construction specifications, sight distance and distance from property lines. A zoning permit shall be required when a driveway is newly installed, added, enlarged or relocated.

§27-805. Erosion and sedimentation control.

Soil erosion and sedimentation shall be minimized to prevent the loss of valuable topsoil and the negative effects on streams in the Borough. The following standards and exceptions shall apply to all development, earth disturbance and uses:

- A. Erosion and sedimentation control measures shall be provided in accordance with the regulations and standards specified in Chapter 26, Part 1, and in conformance with PaDEP regulations for Erosion and Sedimentation Control, 25 Pa Code Chapter 102.
- B. In addition to the requirements of the preceding paragraph, any subdivision, land development or use that causes earth disturbances described below shall also require erosion and sedimentation control measures to conform to acceptable engineering standards and practices:
 - (1) Excavation, fill or any combination thereof that exceeds 500 cubic yards or an area of 2,000 square feet.
 - (2) Fill that will exceed three feet in depth at its deepest point as measured from the natural ground surface.
 - (3) Excavation that will exceed four feet in vertical depth at its deepest point measured from the natural ground surface.
 - (4) Plant or tree cover to be removed from any area exceeding 2,000 square feet on any parcel of land.
 - (5) Disturbance of any land located in a stream channel or body of water.
- C. Exemptions. Farming and agricultural uses shall be exempt from the erosion and sedimentation control requirements of this section.
- D. An erosion and sedimentation control plan shall accompany the application for a zoning permit. A letter of approval from the Borough Engineer or County Conservation District is required prior to the issuance of a zoning permit.

§27-806. Garage or Yard Sales.

- A. Garage or yard sales shall be permitted by owners or occupants of residential structures.
- B. The owner or occupant of any residential structure shall be permitted to have no more than 3 garage or yard sales or similar type sale in any calendar year.
- C. Each sale shall last no longer than 4 consecutive calendar days.
- D. All signs advertising a yard sale shall be removed within 48 hours of the termination of the garage or yard sale. Signs cannot be posted on utility poles, traffic control devices or trees.

§27-807. Home Occupations. {Amended by Ordinance 551 on April 12, 2004}

- A. Permitted home occupations for R-1 and Conservation Districts. The following activities may be conducted as home occupations in the R-1 and Conservation Districts.
 - 1. Artist Studio
 - 2. Direct sale product distribution such as but not limited to Amway, Avon, Tupperware
 - 3. Mail order (not including retail sales from the site).

4. Offices, such as but not limited to accounting, architecture, consulting, contracting, engineering, financial, lawyer, real estate, sales representative.
5. Telephone services.
6. Typing, word processing or data processing services.
7. Uses determined by the Zoning Officer to be of the same general character as those listed in subsection A.

B. Standards for R-1 and C-1 Districts. In addition to meeting all the requirements of the zoning district in which they are located, all home occupations shall also conform to the following operating standards.

1. The home occupation shall be conducted solely within the dwelling unit of the individual engaged in the particular home occupation.
2. No more than 25% of the total floor area of the dwelling unit may be devoted to the home occupation.
3. The home occupation may employ only residents of the property.
4. The home occupation shall not involve the use of any vehicle used exclusively in the conduct of the home occupation.
5. There shall be no production, or sale of merchandise or stock in trade, except for the limited storage of paper items associated with an office and only within 25% of the designated Home Occupation area.
6. There shall be no exterior indication of the operation of the home occupation or variation of the residential character of the dwelling.
7. Home occupation signs shall be in accordance with Part 6, Signs.

C. Permitted home occupations for R-2 and C-2 Districts. The following activities may be conducted as home occupations.

1. Artist Studios
2. Beauty shops or barber shops
3. Child or adult day care up to and including five children or adults.
4. Direct sale product distribution such as but not limited to Amway, Avon, Tupperware
5. Mail order (not including retail sales from the site).
6. Offices, such as but not limited to accounting, architecture, consulting, contracting, engineering, dental, financial, lawyer, medical, real estate, sales representative.
7. Telephone services.
8. Typing, word processing or data processing services.
9. Uses determined by the Zoning Officer to be of the same general character as those listed in subsection A or C.

D. Standards for R-2 District. In addition to meeting all the requirements of the zoning district in which they are located, all home occupations shall also conform to the following operating standards.

1. The home occupation must be conducted solely within the dwelling unit of the individual engaged in the particular home occupation, except outside play areas for a child or adult day care home occupation.
2. No more than 25% of the total floor area of the dwelling unit may be devoted to the home occupation.
3. The home occupation may employ only residents of the property and not more than one additional person
4. One off-street parking space in addition to the requirements of Part 5, Off-street parking, loading and unloading shall be required.
5. The home occupation shall not involve the use of any vehicle used exclusively in the conduct of the home occupation.
6. There shall be no production, sale of merchandise or stock in trade, except for the limited storage of paper items associated with an office.
7. There shall be no exterior indication of the operation of the home occupation or variation of the residential character of the dwelling.
8. Home occupation signs shall be in accordance with Part 6, Signs.

§27-808. General regulations for specific uses.

A. Artist Live Work Space permitted in the C-2 zoning district shall meet the following requirements:

- (1) Single Artist live-work space: A single dwelling unit occupied by an artist to both live and work
 - a. The minimum gross floor area of the live-work area shall be 500 sq. ft.
 - b. A maximum of 50 percentage (50%) of the gross floor area of the unit is used for residential use by the artist residing therein.
 - c. All single artist live-work spaces must include it's own bathroom.
- (2) Multi-artist live-work space: A building or part of a building with two or more dwelling units, with all units inhabited by artists whose primary studio is in the same structure or on the same property, but not in their unit. The space must be communal or may be subdivided into any number of areas.
 - a. The minimum gross floor area of the live-work area shall be 400 sq. ft. per residing artist
 - b. A maximum of fifty percentage (50%) of the gross floor area of the space is used for residential use by the artists residing therein.
 - c. All multi-artist live-work spaces must include at least 1 toilet, shower and sink for every 5 residents.

A. Auto body shops permitted in the C-2 zoning district shall meet the following requirements:

- (1) Outdoor storage (i.e. parts, vehicles, dismantled vehicles, equipment, lubricants, fuel, or other materials) is only permitted when located within a fence or wall and screening in accordance with 27.1404 1(B) to provide a visual barrier.
- (2) Service related activities shall be conducted within an enclosed building.

B. Automobile garages permitted in the C-2 zoning district shall meet the following requirements:

- (1) Outdoor storage (i.e. parts, vehicles, equipment, lubricants, fuel, or other materials) is only permitted when located within a 6 foot solid fence or wall and screened in accordance with 27.1404 1(B) to provide a visual barrier..
- (2) Service related activities shall be conducted within an enclosed building.

C. Automobile services and self service stations permitted in the C-2 zoning district shall meet the following requirements:

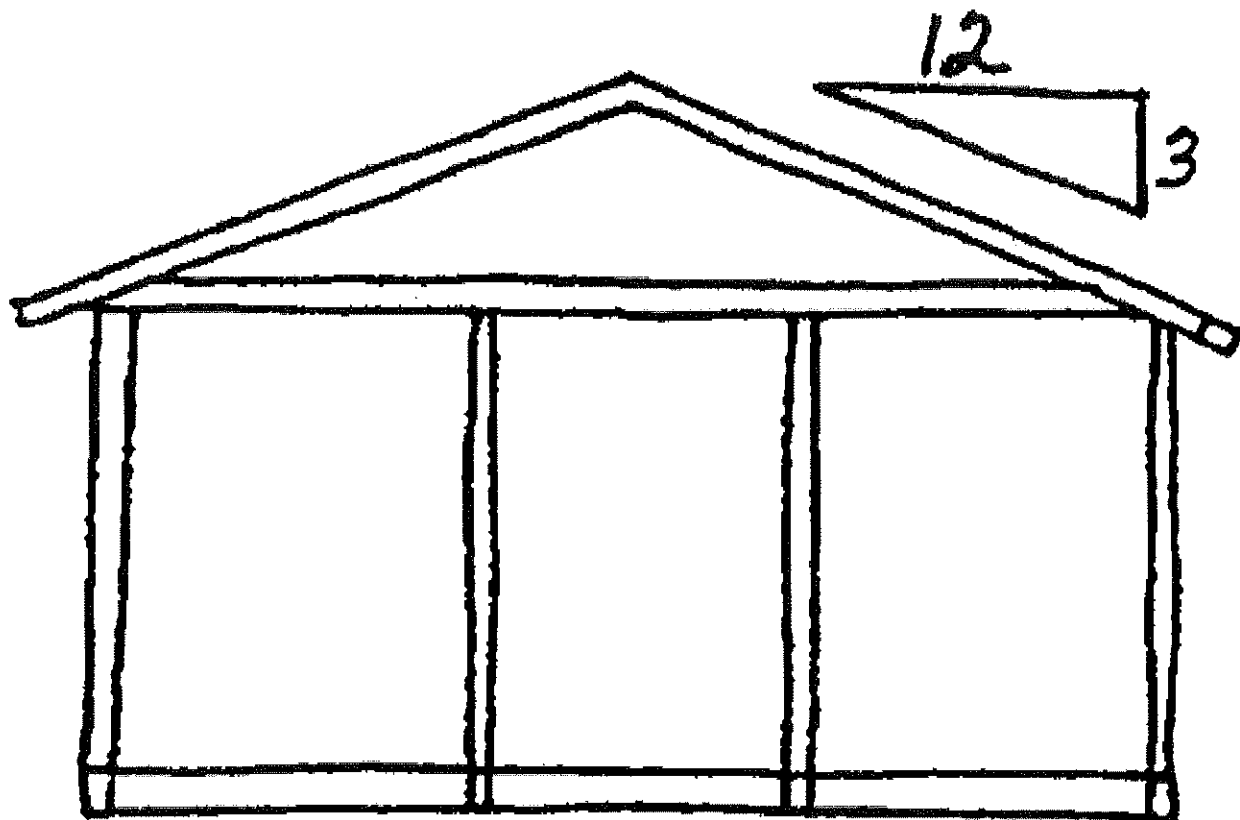
- (1) Outdoor storage (i.e. parts, vehicles, equipment, lubricants, fuel, or other materials) is only permitted when located within a 6 foot solid fence or wall and screened in accordance with 27.1404 1(B) to provide a visual barrier.
- (2) Service related activities shall be conducted within an enclosed building.

D. Flea markets permitted in the C-2 district shall meet the following requirements:

- (1) Parking shall be in accordance with Part 5 with the following exceptions:
 - a. Off-street parking shall consist of three approved impervious parking spaces per vendor and one non-impervious parking space per vendor as overflow parking.
 - b. All parking shall be off-street.
- (2) All flea markets and their supporting facilities, including but not limited to parking and rest areas, must be set back at least 50' from any street or adjoining property lines, with the exception of permitted signs for a C-2 district.
- (3) Access to the flea market shall not be through a residential development.
- (4) Overnight lodging shall be prohibited.

E. Mobile homes/Manufactured housing. (have Dan make sure this is legal in relation to the Law/decision requiring that we allow Mobile homes)

- (1) Purpose. It is the intent of this subsection to provide for an alternative form of housing by permitting the use of Class A manufactured housing, as defined herein, on single lots of record where similar site-built units are permitted. Class A manufactured housing, shall be subject to the requirements and procedures contained within this subsection to assure acceptable similarity in the exterior appearance between Class A manufactured housing and site-built dwellings that have been or might be constructed in the Borough subject to the limitations contained herein.
 - a. Permitted placement. Class A mobile homes/manufactured homes shall be permitted in all zoning districts where single-family dwelling units are permitted.
- (2.) Mobile home/manufactured home classifications.
 - a. Class A-New is mobile homes/ manufactured homes meeting appearance standards as defined in 27-808.E (3).
 - b. Class B-New is mobile homes/manufactured homes which do not meet the appearance standards as defined in 27-808.E (3).
 - c. Class C-Used are mobile homes/manufactured homes which meet the appearance standards as defined in 27-808.E (3). which, upon inspection by the Code Enforcement Officer or designee, are found to be in excellent condition and safe and fit for residential occupancy.
 - d. Class D-Used are mobile homes/manufactured homes which do not meet the appearance standards as defined in 27-808.E (3).
- (3.) Appearance standards.
 - a. Roof.
 - i. Roof pitch. The roof must be pitched so there is at least a three-inch vertical rise for each 12 inches of horizontal run.
 - ii. Roof overhang. The overhang shall be architecturally integrated into the design of the dwelling.
 - iii. The roof must consist of shingles or other material customarily used for conventional dwellings.
 - iv. All mobile homes/manufactured homes shall have a controlled method of water disposal from roofs which collect and discharge all roof drainage to the ground surface at least six feet from foundation walls or to an approved drainage system to ensure that water will not accumulate under the manufactured home and cause deteriorating effects from humidity.



b. Exterior siding.

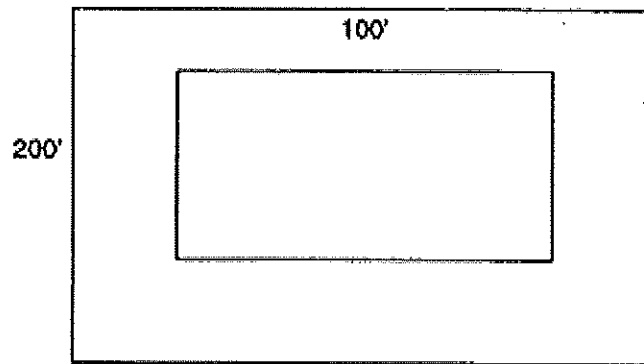
- i. Permitted materials for exterior siding shall include wood, masonry or stucco finish, vertically or horizontally grooved aluminum, vinyl siding or lap siding.
- ii. Exterior siding material shall extend to ground level, except that when a concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
- iii.

c. Size.

- i. A manufactured home shall have a minimum dimension at width of 22 feet.
- ii. Gross floor area shall be a minimum of 660 square feet.

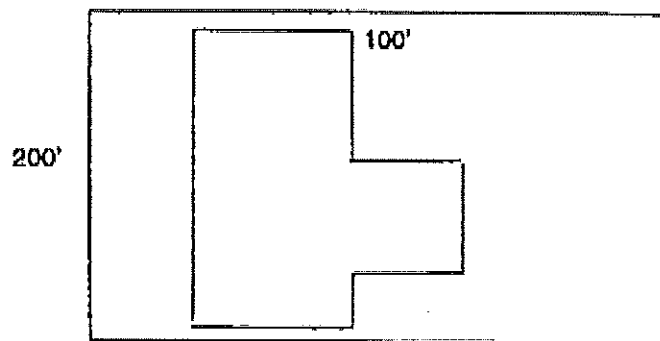
- d. Orientation of the home on the lot. The mobile home/manufactured home must be oriented on the lot so that its long axis is parallel with the street. A perpendicular placement may be permitted if there is a building addition so that the narrow dimension of the unit, as so modified and facing the street is no less than 50% of the unit's long dimension. For the purpose of this subsection, a building addition shall be an enclosed addition which must be an integral part of the manufactured home, such as but not limited to an attached garage, family room or other habitable living space. The building addition must be a minimum width of eight feet.

Parallel Placement on Lot



STREET

Perpendicular placement on lot



- e. Permanent utility connections required. Mobile homes/manufactured homes approved for placement within the Borough shall have utilities permanently installed in accordance with the International Residential Code for one- and two-family dwellings.
- f. Perimeter foundation. Mobile homes/manufactured homes approved for placement within the Borough shall be set onto an excavated area with foundations, footings and crawl space or basement walls constructed in accordance with the International Residential Code. The space between the floor joist of the manufactured home and the excavated under floor grade shall be closed with a permanent blocked foundation and contain a plastic vapor barrier at ground level.
- g. Installation requirements.
 - [1] In addition to the perimeter foundation requirements, mobile homes/manufactured homes approved for placement within the Borough shall be anchored to the ground in accordance with the manufacturer's specifications on a properly engineered foundation and shall meet the requirements of the International Residential Code.
 - [2] The hitch, axle and wheels must be removed.

F. Public Utilities and facilities permitted in all Districts shall meet the following requirements:

- (1) Outdoor storage areas shall be fenced with a 6 foot solid fence and screened in accordance with 27.1404 1(B) to provide

visual barrier.

(2) The public utility and/or facility shall be enclosed with a chain link fence, six feet in height.

(3) Cellular and personal communications system facilities shall meet the following standards:

- a. Setbacks from the base of the freestanding antenna support structure shall be as follows:
 - 1 Thirty percent of the antenna height, the minimum setback in the underlying zoning district or forty feet whichever is greater. The setback shall be the minimum distance between the base of the antenna support structure or any guy wire anchors and any property line.
- b. In order to reduce the number of antenna support structures needed in the Borough, the support structure shall be required to accommodate other uses (i.e. cellular phone companies, police, fire or ambulance).
- c. Cellular and personal communication system facilities shall be licensed by the Federal Communications Commission.
- d. Lighting shall be approved by the Federal Aviation Administration and the Federal Communications Commission.

G. Public Utilities and facilities permitted in R-1, R-2, C-1, C-2 and C Districts shall meet the requirements of Part 15.

H. Temporary construction office trailers.

- a. Shall be permitted in all zoning districts during construction.
- b. Must be removed when construction ceases.
- c. Shall be permitted while construction is in progress under a valid zoning permit.
- d. Shall not be used as a dwelling.
- e. Shall meet the setback requirements in the district where it is located.
- f. Shall not be permitted to remain on the property for more than two years, except as extended by the Zoning Officer upon a showing of good cause by the applicant.

H. Forestry activities permitted in the C-Conservation District shall meet the following requirements. These regulations are provided in order to preserve forests and the environmental and economic benefits that they provide as well as to allow the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife and amenity values. Forestry activities are permitted by right in all districts with exception to lands located in the Environmental Protection Overlay District. The following requirements are applicable to all timber harvesting within the Borough where the value of the trees, logs or other timber products removed exceeds \$3,000. These provisions do not apply to the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement:

1. Notification of commencement or completion. For all timber harvesting operations that are expected to exceed two acres, the landowner shall notify the Borough Zoning Officer at least 30 business days before the operation commences and within 15 days before the operation is completed. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, the expected value of the harvest and, as applicable, the anticipated starting and completion date of the operation and logging plan. This written notification shall also specify any private roads affected, dates of affect, plans to restore any damages to private roads and contact information for the logging operations submitted to owners abutting the private road used to access the logging site.
2. Preparation of a logging plan. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified in this subsection. No timber harvesting shall occur until the plan has been prepared and proper notification of commencement is provided to the Borough. The provisions of this plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Borough Zoning Officer upon request.
3. Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

4. Contents of the logging plan.
 - (a) Minimum requirements. As a minimum, the logging plan shall include the following:
 - i. Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - ii. Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars;
 - iii. Design, construction and maintenance of stream and wetland crossings; and
 - iv. The general location of the proposed operation in relation to Borough and state highways, including any accesses to the highways.
 - (b) Each logging plan shall include a site map containing the following information:
 - i. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
 - ii. Significant topographic features related to potential environmental problems;
 - iii. Location of all earth disturbance activities such as roads, landings and water control measures and structures;
 - iv. Location of all crossing of waters of the Commonwealth; and
 - v. The general location of the proposed operation to Borough and state highways, including any accesses to those highways.
5. Compliance with state law. The logging plan shall address and comply with the requirements of all applicable state law and regulations, including, but not, limited to, the following:
 - (a) Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§ 691.1 et seq.) or as amended from time to time.
 - (b) Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §§ 680.1 et seq.) or as amended from time to time.
 - (c) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §§ 680.1 et seq.) and Chapter 22-507, the Boroughs Subdivision and Land Development Ordinance.
6. Relationship of state laws, regulations and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, or as amended from time to time, shall also satisfy the minimum requirements for the logging plan and associated map specified previously, provided that all information required by these subsections is included or attached.
- (7) Responsibility for road maintenance and repair; road bonding. The landowner and the operator shall be responsible for repairing any damage to Borough roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. Pursuant to 67 Pennsylvania Code, Chapter 189, the Borough shall require the landowner or operator to furnish a bond to guarantee the repair of such damages. A bond estimate shall be provided by the applicant for review by the Borough Engineer. The bond shall be posted prior to commencement of any onsite work. Once work is completed the applicant may request it be released after inspection and approval by the Borough Engineer.

§27-809. Outdoor storage of recreation vehicles.

Within any residential district, or upon any property where the principal use is a residential dwelling, outdoor storage of recreational vehicles, (i.e., boats, travel trailers, trucks and trailers used for transport) shall be permitted subject to the following regulations.

- A. Stored recreational vehicles shall not be connected to water or sewer.
- B. Recreational vehicles shall be stored in a driveway or within the side or rear yards. In no case, shall a recreational vehicle be stored within a front or minimum required side building setback. On vacant lots owned by the adjacent property owner, the recreational vehicle owned by the property owner must be stored behind the required front yard setback line for principal uses of the district.
- C. All areas used for storing recreational vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter properly disposed.
- D. Stored recreational vehicles shall not be used as a dwelling.

27-810. Operation and maintenance plans.

When required by this chapter, an operation and maintenance plan shall contain the following information:

- A. Identity of the official business or company name and site address.
- B. Owners name, address and phone number
- B. Contact information for at least 2 responsible official (local and corporate official, if applicable).
- C. Provisions for security of parking area and public areas.
- D. Provision to secure proper waste disposal and litter control.
- E.
- F. Operations manual describing preventative maintenance procedures.
- G Emergency Response Plan, including a list of names and addresses of emergency contact personnel.
- H The operations and maintenance plans must be updated annually and any time there are significant changes

§27-811. Outdoor storage of domestic composting.

Domestic composting as an accessory residential use is permitted in accordance with the following requirements:

- A. Domestic composting structures shall be subject to all yard requirements for the district in which they are located.
- B. Only waste materials from the residential use shall be deposited in the compost, and in no case shall meat, meat by-products, or human/animal waste be composted.
- C. All composts shall be properly maintained so as not to become a nuisance to nearby properties.

§27-812. Single-family Attached Dwelling

A single-family attached dwelling can have a maximum of 8 units in any one building.

§27-813. Storm Water management and drainage.

- 1. Storm water management and drainage plan shall be provided for the following:
 - a. Subdivision or land development.
 - b. An increase in impervious surface of the site anytime there is an earth disturbance of 1,000 ft.
 - c. Changes in soil absorption caused by compaction during development or timber harvesting.
 - d. Modification in contours, including filling and/or drainage ways.

- e. Alterations of drainage ways or installation of collection systems to intercept street flows or to replace swales or other drainage ways.
- f. Alteration of subsurface flows, including any groundwater dewatering or diversion practices.

2. Storm Water Management and Drainage shall meet the regulations and standards specified in Chapter 22-529.2.

3. A storm water plan shall accompany the application for a zoning permit. A letter of approval from the Borough Engineer or designee is required prior to the issuance of a zoning permit.

§27-814. Vehicles and Trailers used for storage.

Storage within a vehicle or trailer shall be prohibited within any zoning district with the exception of a construction trailer in accordance with Section 27-808.

§27-815 Nontraditional Temporary Storage Units

1. The use of nontraditional storage units, such as but not limited to storage units commercially known as PODS ® or enclosed container of a box truck/trailer (with or without wheels), shall be permitted on a temporary basis subject to the following:

- A. Units shall be permitted for a maximum of 60 days in any one calendar year. This period may be extended upon written request to the Zoning Officer for a period not exceeding 180 total days.
- B. All units shall be located in accordance with the required accessory use setback of the zoning district in which the property is located.
- C. All units not located in accordance with the required accessory use setback of the zoning district in which the property is located are limited to 30 days in any calendar year.
- D. Nontraditional storage units may be used for temporary construction storage for the period for which a valid zoning permit has been issued.
- E. No more than 1 temporary storage unit will be located on the property at any time.

27-816 Temporary Dumpsters, Nontraditional Refuse Containers:

Temporary Dumpsters and nontraditional refuse containers, such as construction dumpsters and dumpster bags.

- A. Units shall be permitted for a maximum of 60 days in any one calendar year.
- B. All units shall be located in accordance with the required accessory use setback of the zoning district in which the property is located.
- C. All units not located in accordance with the required accessory use setback of the zoning district in which the property is located are limited to 30 days in any calendar year.
- D. No more than 1 temporary dumpster unit will be located on the property at any time.

27-817 Permanent Dumpsters for Multi-Family and Commercial Dumpsters:

Permanent dumpsters are any dumpsters that are or will be on a property for more than 180 days in a calendar year.

Permanent dumpsters shall not be located in the front yard.

Waste dumpsters shall be screened on at least 3 of 4 sides by landscaping, solid fencing or a wall of at least 6 ft in height in accordance with 27.1404 1(B).

All permanent dumpsters must have a top and side closures and be closed at all times.

All permanent dumpsters must be at least 10 feet from any building on adjacent property.

27-818. Outdoor Lighting.

1. Purpose. To require and set minimum standards for outdoor lighting to:

A. Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.

B. Protect drivers and pedestrians from the glare of non-vehicular light sources.

C. Protect neighbors and the night sky from nuisance glare and light trespass from improperly selected or poorly placed, aimed, applied, maintained or shielded light sources.

D. Promote energy efficient lighting design and operation.

E. Protect and retain the intended visual character of the various municipality venues.

2. Applicability.

A. All uses within the Borough where there is outdoor lighting including, but not limited to, residential, multi-family residential, commercial, industrial, public and private recreational/sports, institutional uses, and sign, billboard, architectural and landscape lighting.

B. Temporary seasonal decorative lighting, in use between dusk and 10 pm for no more than 45 days, and emergency lighting are exempt from all but the glare-control requirements of this Section.

C. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, is exempt.

3. Criteria.

A. **Illumination Levels.** Lighting, where required by this Section or otherwise required or allowed by the Borough, shall have intensities and uniformities and glare control in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook and applicable recommended practices, except as may otherwise be required by the Borough.

B. Lighting Fixture Design.

(1) Fixtures shall be of a type and design appropriate to the lighting application and shall be aesthetically acceptable to the Borough.

(2) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria.

Fixtures with an aggregate rated lamp lumen output per fixture that does not exceed the rated output of a standard 60-watt incandescent lamp, i.e., 1,000 lumens, are exempt from the requirements of this paragraph.

(3). For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures with an aggregate rated lamp lumen output per fixture that does not exceed the rated output of a standard 60- watt incandescent lamp, i.e., 1,000 lumens, are exempt from the requirements of this subsection.

(4) "Barn lights," aka "dusk-to-dawn lights," where visible from other properties, shall not be permitted unless fully shielded.

C. Installation.

(1) Electrical feeds for lighting poles shall be run underground, not overhead.

(2) Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, or where they could be hit by snow plows, shall be placed a minimum of 5 feet outside paved area or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement, or suitably protected by other municipality-approved means.

(3) Pole mounted fixtures for the illumination of horizontal tasks shall be aimed straight down.

4. Plan Submission. Lighting plans shall be submitted for variance, zoning permit, special exception applications, or when requested by the Borough for review and approval in accordance with the plan-submission information requirements specified in Subdivision and Land Development Ordinance [Chapter 22], "Lighting Requirements."

5. Recreational Uses. When facilities for such outdoor recreational activities as, but not limited to, baseball, basketball, soccer, tennis, track, football and miniature golf are specifically permitted by the Borough for operation during hours of darkness, the following requirements shall apply:

A. Lighting shall be accomplished through the use of fixtures conforming to IESNA full-cutoff criteria. The Borough may consider the use of other than full-cutoff fixtures only when it can be demonstrated to the satisfaction of the Borough that acceptable control of glare and light trespass can be achieved, taking into account the proximity of the facility to adjacent properties that could be adversely impacted. Such a proposal shall be accompanied by a lighting plan as described in Chapter 22, "Subdivision and Land Development."

B. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, can be extinguished by 10 p.m., regardless of such occurrences as extra innings or overtimes.

C. Golf driving ranges, racetracks, trap-shooting facilities and other sports necessitating the horizontal or near horizontal projection of illumination shall not be artificially illuminated.

D. Outdoor recreational facilities as, but not limited to, baseball, softball, basketball, soccer, tennis, track, football, and miniature golf, shall not be illuminated if located within a residential district or sited on a nonresidential property located within 1,000 feet of a residential use.

E. Maximum mounting heights for recreational lighting shall be in accordance with the following:

(1) Basketball	20 feet
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(2) Football	70 feet
(3) Soccer/Lacrosse	70 feet
(4) Baseball/Softball	
(a) 200 feet radius	60 feet
(b) 300 feet radius	70 feet
(5) Miniature Golf	20 feet
(6) Swimming Pool	20 feet
(7) Tennis	20 feet
(8) Track	20 feet
(9) Skate park	20 feet

6. Control of Nuisance and Disabling Glare.

A. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

B. Floodlights and spotlights, where their use is specifically approved by the Borough, shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way.

C. Parking facility and vehicular and pedestrian way lighting (except for safety and security applications and all-night business operations), for commercial, industrial, recreational and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of 33% of the number of fixtures required or permitted for illumination during regular business hours.

D. Illumination for signs, billboards, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11 p.m. and dawn, except that such lighting situated on the premises for a commercial establishment may remain illuminated while the establishment is actually open for business, and until 1 hour after closing.

E. Primary glare control shall be achieved through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

F. The illumination projected from any property to a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving property.

G. The illumination projected from any property to a nonresidential use at no time shall exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.

H. Externally illuminated billboards and signs shall be lighted by fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, shielded and aimed to limit the light output onto and not beyond the sign or billboard.

I. Except for certain recreational lighting, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of 20 feet above finished grade. Fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of 16 feet above finished grade. For recreational lighting maximum mounting height requirements, subsection (5)(E) above.

J. The United States and the State flag shall be permitted to be illuminated from dusk till dawn. All other flags shall not be illuminated past 11 p.m. Flag lighting sources shall not exceed 10,000 lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.

K. Under-canopy lighting, for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles and the maximum intensity shall not exceed 40 maintained footcandles.

L. The use of strobe lighting for tall structures such as smokestacks, chimneys and radio / communications / television towers is prohibited during hours of darkness, except as specifically required by FAA.

7. Nonconforming Lighting. Any lighting fixture or lighting installation existing on the effective date of this Section that does not conform with the requirements of this Section, shall be considered as a lawful nonconformance. A nonconforming lighting fixture or lighting installation shall be made to conform with the requirements of this Section when:

A. Minor corrective action, such as re-aiming or shielding can achieve conformity with the applicable requirements of this Section.

B. It is deemed by the Borough to create a safety hazard.

C. It is replaced by another fixture or fixtures, abandoned, relocated or repaired (except for routine maintenance).

D. There is a change in use of the property.

E. All lighting not in compliance with this Section 10 years after the original lighting ordinance adoption (by Ord. 560, 6/13/2005), shall be brought into compliance.

8. Measurement.

A. Lighting levels shall be measured in footcandles. Measurement shall be taken with a direct reading portable light meter or light monitoring equipment recommended by the Borough Engineer.

B. Method. Readings shall be taken by qualified personnel so that the light meter has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination at the property line at ground level. This procedure eliminates the effects of moonlight and other ambient light.

9. Flickering or flashing of lights shall be prohibited.

10. Light sources or luminaries shall not be located within required buffer yard areas except for pedestrian walkways.

(Ord. 462, 8/14/1995; as added by Ord. 560, 6/13/2005)

27-819: Public or Commercial Parking Garages:

A. Public Parking Structures

- A. Lighting and reflective materials / flat paint should be used inside the parking structure and within all pedestrian areas to increase the feeling of safety. Glossy or semi-gloss paint is discouraged.

Lighting Requirements

	Minimum-Maximum Horizontal ² (Footcandles)	Minimum/Maximum Horizontal Uniformity ³	Minimum-Maximum Vertical ⁴ (Footcandles)
Basic¹	1-5	10:1 – 5:1	0.5-5
Ramp⁵			
Day	2-5	10:1 – 5:1	1-5
Night	1-5	10:1 – 5:1	0.5-5
Entrance/Exit Areas⁶			
Day ⁷	50		25
Night	1-5	10:1 – 5:1	0.5-5
Stairways	2-5		1-5

Table based on the Illuminating Engineering Society (IET)

¹ For typical conditions.

² Minimum “maintained” Footcandles measured on the parking surface, without any shadowing effect from parked vehicles or columns. This may require 3-5 Footcandle average

³ The highest horizontal Illuminance area, divided by the lowest horizontal Illuminance point or area should not be greater than the ratio shown.

⁴ Measured facing the drive aisle at 5 feet above the parking surface at the point of the lowest horizontal Illuminance.

⁵ Applies only to clearway ramps (with no adjacent parking) but not sloping floor designs.

⁶ A high Illuminance level for the first 65 feet inside the structure is needed to effect a transition from bright daylight to a lower interior level.

⁷ Daylight may be considered in the design calculations.

- B. Lighting design shall address glare, light pollution (unnecessary light), light trespass (bright visible sources or light spilling into neighboring properties), and reduction of shadows.
- C. Provision of signage at exits of the parking structures shall be required.
- D. Open-structure wall areas for natural ventilation or mechanical ventilation shall be encouraged.
- E. Interaction between vehicles and pedestrians should be provided in a safe manner.
- F. Traffic flow by vehicles entering the parking garage shall be mitigated by either on site or external deceleration lanes based on the traffic impact study if required.
- G. Bicycle parking facilities for non-residential land uses shall be provided in accordance with the following regulations:

- 1) Each bicycle space shall be equipped with a device to which a bicycle frame and one (1) wheel can be attached using a chain or cable. There shall be adequate separation between adjacent devices to allow bicycles to be attached or removed without moving other bicycles. The devices shall also be suitable for use by bicycles not equipped with kickstands, and the appearance of the device shall be generally consistent with nearby urban design features.
- 2) Bicycle parking spaces shall be convenient to the structure for which they are provided. They shall be visible from at least one (1) entrance to the structure.
- 3) For every 25 vehicular spaces required, 3 bicycle parking spaces shall be provided.

§27-820. Short Term Rentals

The provisions of this Section shall apply to all residential dwelling units, conversions of non-residential structures to residential dwellings, and all existing premises within the Borough of Marysville. The owner of the subject property shall be responsible for compliance with the provisions of this Section and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Section shall be deemed noncompliance by the owner.

This Section shall not apply to a resort, camp/conference center, hotel/motel/inn, bed and breakfast, boarding house, or group home as these terms are defined in t §27-203

A. Permit Required

No owner of any property in Marysville Borough shall operate or allow the operation of a Short Term Rental in Marysville Borough for more than 21 days per year without first obtaining a Short Term Rental Permit from Marysville Borough. Operation of a Short Term Rental for more than 21 days per year without such Short Term Rental Permit is a violation of this Section.

B. Permit Procedure and Requirements

1. Short Term Rental Permit applications shall be submitted to the Marysville Borough Zoning Officer and shall contain all of the following information:

a. Contact Information

i. The name, address, telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person then the owner shall provide a 24-hour telephone number. If the owner uses a managing agency, agent or local contact person then that managing agency, agent or local contact person shall have written authorization to accept service for the owner.

ii. The name, address and 24-hour telephone number of the managing agency, agent or local contact person.

iii. In the case where the owner does not reside within 15 miles of the Dwelling Unit, a local contact person must be designated who lives or has an office within 15 miles of the Dwelling Unit.

iv. Signatures of both the owner and the local managing agent or local contact person.

b. Floor Plans

- i. Identification of rooms on all floors and specific location and dimensions of bedrooms.
- ii. If the dwelling is in a property with multiple dwelling units, the total number of dwelling units in the property and the number of dwelling units being used as Short Term Rentals.

c. Site Plan

- i. Property lines, driveways and all structures.
- ii. Location and number of on-site parking spaces.
- iii. Location and identification of all components of the sewage system.

d. Other Certificates/Information:

- i. Copies of current Pennsylvania Sales and Use Tax Permit and any Perry County or Marysville Borough hotel tax certificates.
- ii. Consent for scheduled inspection of the property by a representative of the Borough to verify compliance with the conditions of the Short Term Rental application and permit.
- iii. Copy of the current recorded deed for the property establishing ownership.
- iv. Declaration page of the current insurance policy indicating at least \$500,000 liability insurance to cover the commercial use of a Short Term Rental for the full duration of the permit term.
- v. Written notice to the owners' association, if any, indicating the intent to make application for and use the subject residential property for a Short Term Rental.

2. A Short Term Rental Permit shall be issued only to the owner of the Short Term Rental property and is not transferable.

a. A separate Short Term Rental Permit is required for each Dwelling Unit; for properties containing multiple dwelling units, a separate Permit shall be required for each Dwelling Unit being rented as a Short Term Rental.

b. A Short Term Rental Permit is effective for a period of one (1) year, or until any of the conditions of the Short Term Rental which are governed by this Section are changed, whichever shall first occur. A Short Term Rental Permit must be renewed annually and also when any of the conditions of the Short Term Rental which are governed by this Section are changed.

c. The Borough will prescribe forms and procedures for the processing of Permit Applications under this Ordinance.

3. Short Term Rentals, including units where a permit is not required, shall be subject to site inspections by a representative of the Borough to verify the following requirements:

a. Short Term Rentals shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the inside of the front door containing the following information:

- i. The name of the owner of the unit or the managing agency, agent, property manager or local contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can be reached on a 24-hour basis.
- ii. The E-911 address of the property.
- iii. The maximum number of occupants permitted to stay in the dwelling unit and the maximum number of day guests permitted at any one time.
- iv. The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be parked in the available parking areas on the property and not in or along any private, community or public street right-of-way or on any lawn or vegetated area on the property.
- v. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property.
- vi. Notification that fireworks and outdoor burning are prohibited.
- vii. Notification that tents and outdoor overnight sleeping are prohibited.
- viii. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Marysville Borough Code, including parking and occupancy limits.
- ix. Notification that Short Term Rental occupants and guests are required to make the dwelling unit available for inspection by the Enforcement Officer upon request.

b. Short Term Rentals, including units where a permit is not required, shall be equipped with the following:

- i. Smoke detectors in each bedroom;
- ii. Smoke detectors outside each bedroom in common hallways;
- iii. Smoke detectors on each floor;
- iv. GFI outlets for outlets located within six (6) feet of water source;
- v. Aluminum or metal exhaust from dryer;
- vi. Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove;
- vii. Carbon monoxide detector if garage is attached;
- viii. 5 lb or larger fire extinguisher in kitchen;
- ix. Stairs (indoor and outdoor) in good condition; and

- x. Any other occupancy requirements which may be added by Ordinance revision by the Borough Council.

C. Short Term Rental Standards, including those where a permit is not required.

1. Overnight occupancy of a Short Term Rental shall be limited to no more than two (2) persons per bedroom plus four (4) additional persons.
2. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be fifty percent (50%) of the maximum overnight occupancy of the Short Term Rental.
3. Outdoor parking for overnight and day guests shall be limited to available parking areas on the Short Term Rental property.
4. Neither Short Term Rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, quarreling, challenging to fight, or fighting, or creating a dangerous or offensive condition.
5. The owner shall use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate Marysville Borough ordinances or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding Short Term Rentals and responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
6. The owner shall, upon notification that occupants or guests of the Short Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of the Marysville Borough ordinances or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.
7. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the Short Term Rental is located are prohibited. Outdoor overnight sleeping of occupants or guests of the Short Term Rental is prohibited.
8. Fireworks, outdoor burning and floating lanterns are prohibited.
9. Subleasing all or a portion of the dwelling unit is prohibited.
10. Compliance with the requirements of this section shall be considered conditions of a Short Term Rental Permit, the violation of which may result in a revocation of that permit by the Enforcement Officer.

D. Fees, Term and Renewal

1. Short Term Rental fees, payable to Marysville Borough upon the filing of a Short Term Rental Permit application, shall be in such amount as may be established by resolution duly adopted by the Borough Council.
2. Any Short Term Rental Permit is valid for a period not to exceed one (1) year from the date of issuance and must be renewed annually. Short Term Rental Permit renewal fees, payable to Marysville Borough upon the filing of a Short Term Rental Permit renewal application, shall be in such amount as may be established by resolution duly adopted by the Borough Council.

3. Short Term Rental Permit renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.
4. Short Term Rental Permit renewal applications shall contain language whereby the owner certifies that the information provided is true and correct.
5. Verification that all owed hotel and sales taxes have been paid shall be made before Permit renewal is granted.

E. Registration of Short Term Rentals For No More Than 21 Days Per Calendar Year.

1. Short Term Rentals for no more than 21 days per calendar year must be registered annually by submitting the registration form containing the following information:

a. Contact Information

- i. The name, address, telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person then the owner shall provide a 24-hour telephone number. If the owner uses a managing agency, agent or local contact person then that managing agency, agent or local contact person shall have written authorization to accept service for the owner.
- ii. The name, address and 24-hour telephone number of the managing agency, agent or local contact person.
- iii. In the case where the owner does not reside within 15 miles of the Dwelling Unit, a local contact person must be designated who lives or has an office within 15 miles of the Dwelling Unit.
- iv. Signatures of both the owner and the local managing agent or local contact person.

b. Site Plans

- i. Location and number of on-site parking spaces.

c. Other Certificates/Information:

- i. Consent for scheduled inspection of the property by a representative of the Borough to verify compliance with the conditions of the Short Term Rental application and registration.
- ii. Copy of the current recorded deed for the property establishing ownership.
- iii. Declaration page of the current commercial insurance policy or a Short Term Rental endorsement to a homeowner policy indicating at least \$500,000 liability insurance to cover the commercial use of a Short Term Rental for the full duration of the registration term.
- iv. Written notice to the owners' association, if any, indicating the intent to make application for and use the subject residential property for a Short Term Rental.

2. The owner or managing agency of a Short Term Rental for no more than twenty-one (21) days per calendar year must notify the Borough Manager in writing in advance of each scheduled occupancy stating the dates of occupancy and the number of occupants.

F. Inspections Required

1. All Short Term Rentals, including those where a permit is not required, shall be subject to inspections by the Enforcement Officer to verify all information provided in connection with this Section.
2. The issuance of a Short Term Rental Permit is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Section.
3. If there is reason to believe that any provision of this Section is being violated, the Borough Council may or may cause, through an authorized representative of the Borough, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or his agent to secure access thereof.

G. Marketing

The marketing of a Short Term Rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this Section, or which promotes any other activity which is prohibited by this Section, shall be a violation of this Section.

H. Nuisance

In the interest of promoting the public health, safety and welfare, and minimizing the burden on Borough and community services and impacts on residential neighborhoods posed by Short Term Rentals, a violation of any of the provisions of this Section is declared to be a public nuisance.

ZONING ORDINANCE

Part 9, Administration

§27-901. Zoning Permit Requirements.

1. It shall be a violation of this chapter for any person to commence work for the erection of any building or structure, to change any land use, or engage in dirt disturbance activity, until a zoning permit has been duly issued. No such permit shall be required in case of normal maintenance activities, minor repairs or alterations, which do not alter the structure of the building. A zoning permit shall be required prior to any of the following activities:

- A. The erection, enlargement or relocation of any building, structure, land or portion thereof;
- B. The use or change in the use of a building, structure or land;
- C. The alteration or expansion of a nonconforming use
- D. The issuance of a building permits, if required
- E. Earth disturbances in accordance with section 27-805 (Erosion and Sedimentation Control) and 27-813 (Stormwater Management)
- F. The erection, placement, installation, alteration, relocation or replacement of a sign as specified in Part 6.
- G. Driveways or parking areas

2. Application for permits.

All applications for zoning permits shall be accompanied by one set of plans, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or structure or part thereof, the number of dwelling units the building is designed to accommodate, and such information as may be necessary to determine compliance with this Chapter and all other ordinances. A copy of the application and plans will be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications for zoning permits for signs shall be submitted in accordance with the requirements of Part 6 (signs).

3. Issuance of Permits.

- A. No permit shall be issued until the Zoning Officer has certified that the application complies with all the provisions of this Chapter, as well as the provisions of all other applicable ordinances. A permit issued hereunder shall be valid for 12 months after issuance, and all improvements or uses authorized by the permit shall be completed or commenced, respectively within that time period, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least ten (10) days prior to the permit's expiration date.
 - B. If work or use described in any zoning permit has not been substantially completed or an extension of time has not been granted, such permit shall expire.
- ### 4. Construction and use to be as provided in permits and certificates of use.

Zoning permits or certificates of use issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement or construction set forth in such approved plans and applications. Use, arrangement or construction at variance with that authorized shall be deemed in violation of this Chapter and punishable as provided by part 9, Section 907 or 908.

§27-902. Duties of the Zoning Officer.

1. Administer the Zoning Ordinances in accordance with its literal terms.
2. Receive, examine and review applications and process permits as provided by the terms of this ordinance. The Zoning officer shall also issue zoning permits for Special exceptions and conditional uses, or for variances after the same have been approved.

27-903 Duties of the Borough

To record and file all applications for zoning permits or certificates of occupancy.

§ 27-904. Certificate of Use.

It shall be unlawful to use and/or occupy any building, structure or land in the Borough until a certificate of use has been issued by the Zoning Officer. The Zoning Officer shall not issue such a certificate unless they have inspected the building, structure, or land to be used or occupied, and determined compliance with this Chapter and any other applicable ordinances

- A. **Application.** Application for a certificate of use, along with such fees as may be prescribed from time to time by resolution of the Borough Council, shall be submitted, in such form as the Zoning Officer may prescribe, by the owner of any building, structure or land or his authorized representative.

B. Action on Application. Upon receipt of the application the Zoning Officer shall inspect the premises to determine compliance with the zoning permit application, this Chapter and any other applicable ordinance. Within 30 days after receipt of a complete application the Zoning Officer shall either approve or disapprove the application and notify the applicant accordingly. If the application is disapproved, the Zoning Officer shall provide to the applicant, in writing, the reasons for the disapproval.

C. Issuance of Certificate of Use. Upon approval of an application the Zoning Officer shall issue a certificate of use to the applicant for the use indicated on the approved application.

§27-905. Fees.

- A. The Borough Council shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificate of use, appeals, variances, conditional uses, special exceptions, amendments, bonds and other matters pertaining to this chapter.
- B. Such fees shall be payable to the Borough, and until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete and no action shall be taken on any application or appeal.

§27-906. Enforcement Notice.

- 1. If it appears to the Borough that a violation of this Chapter or prior Zoning Ordinances has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Part.
- 2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, the applicant, if different than the owner of record, and to any other person requested in writing by the owner of record.
- 3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Municipality intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provision of the Part.

- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Part.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- 4. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.
 - 5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

§27-907 Enforcement; Causes of Action.

- 1. 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 Chapter the Borough Council or, with the 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, in addition to other or person will substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
- 2. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

§27-908 Jurisdiction.

- 1. Magisterial District Judges shall have initial jurisdiction over proceedings brought under §27-909(1) of this Part. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §609.1 and §916.1(a) (2) of the Pennsylvania Municipalities Planning Code.

- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough of Marysville and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. 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 therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions with a land use ordinance.
- E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC.
- F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Chapter.
- H. Appeals from the Zoning Officer's determination under §916.2 of the MPC.
- I. 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 stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC.

2. The Borough Council, shall have exclusive jurisdiction to hear and render final Adjudications in the following matters:

- A. All applications for approval of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC (Part 12 of this Chapter).
- B. All applications pursuant to §508 of the MPC, for

approval of subdivisions or land developments under Article V of the MPC.

- C. Applications for conditional use under the express provisions of this Chapter.
- D. Applications for curative amendment to this Chapter or pursuant to §609.1 and §916.1(a) of the MPC.
- E. Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Articles V & VII of the MPC. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

§27-909. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding, pay a judgment of not more than \$500.00 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 be payable until the date of the determination of a violation by the Magisterial District Judge. 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 Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation, in which event there shall be deemed to have been only one such violation until the 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 attorneys' fees collected for the violation of this Chapter shall be paid over to the Borough of Marysville.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause

Shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this Chapter or an office of the Borough shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this action.

§27-911. Enactment of Zoning Ordinance Amendments.

1. The Borough Council may from time to time amend, supplement or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, is hereby declared optional.
2. *Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough of Marysville at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. In addition to the requirement that notice to be posted under this Section, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.*
3. 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 30 days prior to the hearing on such proposed amend to provide the Planning Commission an opportunity to submit recommendations.
4. 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.
5. A least 30 days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the County planning agency for recommendations.
6. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the County planning agency

§27-910. Procedures for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the zoning 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 §916.1 of the Pennsylvania Municipalities Code. The Borough Council shall commence a hearing thereon within 60 days of the request as provided in §916.1 of the Municipalities Planning Code. The curative amendment and challenge shall be referred to the Planning Commission and the County planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §610 and §916.1 of the Municipalities Planning Code.
2. The hearing shall be conducted in accordance with §908 of the Municipalities Planning Code and all references therein to the Zoning Hearing Board shall, for purposes of this Section, be references to the Borough Council provided, however, that the provisions of §908 (1.2) and (9) of the Municipalities Planning Code shall not apply and the provisions of §916.1 of the Municipalities Planning Code shall control. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and zoning map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. The Borough Council which has determined that a validity challenge has merit may accept a
Landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or zoning map.
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

- D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§27-911. Procedure for Municipal Curative Amendments.

1. If the Borough of Marysville determines that this Chapter or any portion hereof, is substantially invalid, it shall take the following actions:
 - A. The Borough shall declare by formal action this Chapter or portions hereof Substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days of such declaration and proposal the Borough Council shall:
 - (1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:
 - a) References to specific uses which are either not permitted in sufficient quantity;
 - b) Reference to a class of use or uses which requires revision; or,
 - c) Reference to the entire Chapter which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
2. Within 180 days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code, in order to cure the declared invalidity of this Chapter.
3. Upon the initiation of the procedures as set forth in subsection (1), above, the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the Municipalities Planning Code, nor shall the Zoning Hearing Board be required to give a report requested under §909.1 or §916.1 of the Municipalities Planning Code subsequent to the declaration and proposal based upon grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A), above. Upon completion of the procedures set forth in subsections (1) and (2), above, no rights to a cure pursuant to the provisions of §609.1 and §916.1 of the

Municipalities Planning Code, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Borough, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania appellate court decision, the Borough may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

§27-912. Borough Council's Functions; Conditional Uses.

1. Where the Borough Council, in this Chapter, has stated conditional uses to be granted or denied by the Borough Council pursuant to express standards and criteria, the Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the Board or the Board may appoint any member or an independent attorney 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 of Marysville, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code.
2. The Borough Council shall render a written decision or, when no decision is called for; make written findings on the conditional use application within 45 days after the last hearing before the Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Chapter, any Borough of Marysville ordinance, the Pennsylvania Municipalities Planning Code, 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.
3. Where the Borough Council fails to render the decision within the period required by the subsection or fails to commence, conduct or complete the required hearing as provided in Section 908(1.2) of the Municipalities Planning Code, 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 Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Chapter and the

Pennsylvania Municipalities Planning Code. If the Borough Council shall fail to provide such notice, the applicant may do so.

4. 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 the applicant no later than the day following its date.

PART 11

STANDARDS AND CRITERIA FOR CERTAIN CONDITIONAL USES

27-1101. Specific standards for conditional uses R-1 Low-Density Residential District, R-2 Medium-Density Residential District, C Conservation, C-1 Neighborhood Commercial District, C-2 General Commercial and the I Industrial District.

In addition to the general criteria in Part 9-Administration, the following standards shall be applied to each individual conditional use. These standards must be satisfied prior to approval of any application for a conditional use. 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 district unless those standards expressed for each conditional use specify different standards; in such cases, the specific conditional use standards shall apply.

27-1102. Apartments located in the R-2 Medium-Density Residential District

1. The applicant shall provide evidence that the apartment shall meet the following standards:
 - A. The minimum lot area shall be 3,000 square feet per unit with public water and sewer.
 - B. 2.5 off-street parking spaces shall be provided for each unit.
 - C. Off-street parking shall not be located in the front yard.

27-1103. Boarding houses located in the R-2 Medium-Density Residential District

1. The applicant shall provide evidence that the boarding house shall meet the following standards:
 - A. Rooms for lodging shall have a minimum gross floor area of 100 sq ft
 - B. The boarding house shall be occupied by the property owner at all times.
 - C. The boarding house shall be serviced by public water and public sewer.
 - D. Each occupant shall have 50 square feet of floor area in the room
 - E. One parking space shall be required per occupant.

27-1104. Places of Worship located in the R-1 Low Density Residential District

1. The applicant shall provide evidence that the place of worship shall meet the following standards:
 - A. Accessory worship related uses such as parking, picnic areas, worship related education or day care facilities or other accessory uses shall not be located on a separate lot.
 - B. Worship related education or day care facilities for children and or adults shall provide outdoor play areas in accordance with the following requirements:
 - i. Play areas shall not be located in the front yard.
 - ii. Off-street parking lots shall not be used for outdoor play areas.
 - iii. Play areas shall be seven feet from the property lines.

27-1105. Community activity building located in the R-1 Low-Density Residential District

1. The applicant shall provide evidence that the community activity building shall meet the following standards:
 - A. All buildings or structures shall be designed to be compatible to the residential neighborhood.
 - B. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, and security.
 - C. Screening shall be provided in accordance with Section 27-1404.

27-1106. Manufactured or mobile home parks located in the R-2 Medium-Density Residential District

1. Public water and public sewer shall be required.
2. Manufactured home parks shall provide a 25 foot buffer yard.
3. Manufactured home parks shall meet the requirements of the Subdivision and Land Development Ordinance.

27-1107. Private recreation areas located in the R-1 Low-Density Residential District and R-2 Medium-Density Residential District.

1. The applicant shall provide evidence that the private recreation area shall meet the following standards:
 - A. All buildings or structures shall be designed to be compatible to the residential neighborhood.
 - B. The minimum lot area shall be 43,560 square feet.
 - C. The minimum lot width shall be 150 feet.
 - D. Private recreation areas shall be serviced with public water and sewer.
 - E. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, waste disposal, loitering and security.
 - F. An operation and maintenance plan shall be furnished to the borough office and implemented by the applicant in accordance with Section 27-810.
 - G. Six-foot landscape screening shall be provided.
 - H. A 25-foot buffer yard shall be provided.

27-1108 Animal Kennel or Animal Shelter. Animal kennel or animal shelter in the C-1 Neighborhood Commercial District shall meet the following standards:

1. The applicant shall provide evidence that the animal kennel or animal shelter shall meet the following standards:
 - A. The minimum lot size shall be one acre.
 - B. All structures related to the use shall be located a minimum of 100 feet from the next dwelling.
 - C. Fenced areas where animals may roam shall be a minimum of 10 feet from any lot line.
 - D. Outdoor animal enclosures such as pens, hold areas, and run enclosures or fenced areas shall be limited to rear yards.

- E. Outdoor enclosures or fenced areas for animals shall be screened in accordance with Part 14.
 - F. The area where animals are kept shall be maintained in a clean, safe and sanitary condition.
 - G. The area where animals are kept shall be soundproofed in a manner to prevent sound and odor from traveling outside, such as solid core doors, sound absorbent ceilings and forced air ventilation.
 - H. Cremation or burial of dead animals shall not be permitted.
 - I. Animals shall be kept inside from 7:00 pm to 7:00 a.m.
2. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, security, littering, and waste disposal.
 3. An operation and maintenance plan shall be furnished to the borough office and implemented by the applicant in accordance with Section 27-810.

27-1108. Commercial recreation. Commercial recreation areas located in the C-1 Neighborhood Commercial District shall meet the following standards:

1. The applicant shall provide evidence that commercial recreation shall meet the following standards:
 - A. In addition to the parking required by Part 5, the Borough Council may require an unimproved, grassed overflow area to be provided for peak-use periods. Such overflow parking shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall be designed to prevent vehicles from crossing adjoining property or directly accessing adjoining roads.
 - B. Any collection of admission and/or parking fees from booths, structures or any other structures, or any means such as roaming parking-lot attendants, shall be setback and arranged to prevent vehicle backups on adjoining roads during peak arrival periods.
2. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, security, littering, and waste disposal.
3. An operation and maintenance plan shall be furnished to the borough office and implemented by the applicant in accordance with Section 27-810.

27-1109. Motels or hotels. Motels or hotels located in the C-1 Neighborhood Commercial District shall meet the following standards:

1. The applicant shall provide evidence that motels or hotels shall meet the following standards:
 - A. The minimum lot area shall be 10,000 square feet.

- B. Any accessory uses shall be an integral part of the motel or hotel building
 - C. No drive-through shall be permitted for any accessory restaurant, tavern or nightclub within the hotel or motel.
 - D. The property shall have vehicular access to local collector, minor arterial or principal arterial roads.
2. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, security, littering, and waste disposal.
 3. An operation and maintenance plan shall be furnished to the borough office and implemented by the applicant in accordance with Section 27-810.

27-1110 Bars. Bars located in the C-1 Neighborhood Commercial District shall meet the following standards:

1. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, security, littering, and waste disposal.
2. An operation and maintenance plan shall be furnished to the borough office and implemented by the applicant in accordance with Section 27-810.

27-1111. Parking Garage in C-1 Neighborhood Commercial District shall meet the following standards: The applicant shall provide evidence that the community activity building shall meet the following standards:

1. All buildings or structures shall be designed to be compatible to the residential neighborhood.
2. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, and security.
3. Adherence to General Regulations 27-819

27-1110. Private recreation areas. Private recreation areas located in the C-1 Neighborhood Commercial District shall meet the following standards:

1. The applicant shall provide evidence that private recreation areas shall meet the following standards:
 - A. In addition to the parking required by Part 5, the Borough Council may require an unimproved, grassed overflow area to be provided for peak use periods. Such overflow parking shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall be designed to prevent vehicles from crossing adjoining property or directly accessing adjoining roads.
 - B. Any collection of admission and/or parking fees from booths, structures or any other structures, or any means such as roaming parking lot attendants, shall be setback and arranged to prevent vehicle backups on adjoining roads during peak arrival periods.
 - C. Any outside pedestrian waiting lines shall be provided with a means of shade.

2. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, security, littering, and waste disposal.
3. An operation and maintenance plan shall be furnished to the borough office and implemented by the applicant in accordance with Section 27-810.

27-1114. Light industrial in C-2 General Commercial District.

1. Light industrial in accordance with the International Building Code to be located in the General Commercial (C-2) District is regulated as follows:
 - A. The applicant shall provide evidence that the light industrial use shall meet the following standards:
 - (1) Floor area ratio (FAR) shall be 0.25 Calculation: foundation perimeter divided by lot area.
 - (2) Building size. No building shall have a gross floor area in excess of 50,000 square feet.
 - (3) Buffer yards and screening shall be in accordance with Section 17-1402.
 - (4) Outside storage of any kind shall be prohibited.
 - (5) The light industrial use shall be conducted wholly within the building.
 - (6) The use shall be served by public water and public sewer.
 - (7) There shall be submitted a written report by applicant to the Zoning Officer verifying that the use is in compliance with the performance standards of Part 15.
 - (8) The site must have adequate truck parking and stacking lanes to accommodate truck traffic.
 - B. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, security, littering, and waste disposal.
 - C. An operation and maintenance plan shall be furnished to the borough office and implemented by the applicant in accordance with Section 27-810.

27-1115. Storage self-service facilities in C-2 General Commercial District.

1. Storage self-service facilities located in the C-2 General Commercial District is regulated as follows:
 - A. The applicant shall provide evidence that the storage self-service facility shall meet the following standards:
 - (1) Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when cubicles open onto one side of

the lane only and at least 30 feet wide when cubicles open onto both sides of the lane.

- (2) Required parking spaces shall not be rented as or used for vehicular storage. 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 is screened from adjoining residential uses or districts and adjoining roads and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of dismantled, partially dismantled, wrecked or inoperative vehicles.
 - (3) All storage shall be kept within an enclosed building with the exception of vehicles.
 - (4) Storage of flammable, highly combustible, explosive or hazardous chemicals, or other flammable materials, 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.
 - (5) Repair, construction or reconstruction of any boat, engine, motor vehicle or furniture shall be prohibited.
 - (6) No door openings for any self-storage facility shall be constructed facing any residential use or district.
 - (7) Prohibited uses; restrictions.
 - (a) Self-service facilities shall be used solely for the dead storage of property. The following uses are expressly prohibited:
 - i. Auctions.
 - ii. Commercial wholesale or retail sales, including garage sales.
 - iii. The operation of power tools or spray-painting equipment.
 - iv. The establishment of a transfer business.
 - v. Any use or storage that is noxious because of odors, dust, fumes, noise or vibration.
 - vi. Keeping of animals.
 - (b) The applicant shall provide evidence to the Borough office that the above restrictions are included in the rental contract.
 - (8) Level two screening and buffering in accordance with Part 14.
- B. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, security, littering, and waste disposal.
- C. An operation and maintenance plan shall be furnished and implemented by the application in accordance with Section 27-810.

27-1116. Personal Wireless Service Facilities.

Personal wireless service facilities may be installed, erected and maintained when allowed as a Conditional Use as hereinafter set forth:

- A. Purpose. In recognition of the quasi-public nature of personal wireless service facilities, the purpose of this Section is as follows:
 - (1) To accommodate the need for personal wireless service antennas while regulating their location and number in the Borough.

- (2) To minimize adverse visual impact and effects of personal wireless service antennas and antenna support structures through proper design, siting and vegetative screening.
- (3) To avoid potential damage to adjacent properties from antenna support structure failure and falling ice or debris, through engineering and proper siting of antenna support structures.
- (4) To encourage the joint use of any new and existing antenna support structures to reduce the number of such structures needed in the future.
- (5) To ensure that the location and number of personal wireless facilities are in the best interest of the health, safety, welfare and morals of the residents of the Borough.
- (6) To minimize any adverse effects of location and design of personal wireless facilities on residential property values.

C. A personal wireless service facility with antenna, whether or not attached to a pre-existing personal wireless facility, smoke stack, water tower or any other tall structure, is permitted as a conditional use in the C-2 and Industrial Districts. The Borough Council may grant a conditional use after review of the Planning Commission and a public hearing before the Borough Council. The applicant must provide and establish the following criteria:

(1) That there is not suitable space on existing personal wireless service facilities or other personal wireless service facility site or on other sufficient tall structures where the intended personal wireless service facility can be accommodated and functions as required by its construction permit or license without unreasonable modification.

(2) Presenting technical evidence that the personal wireless facility must be located at the proposed site in order to satisfy its function in the grid system and the providing of the quality of service required by law.

(3) A full site plan which shall include:

(a) Written authorization from the property owner of the proposed tower site.

(b) A site plan:

1) Drawn to a scale of not smaller than 100 feet to 1 inch.

2) Showing the property boundaries.

3) Showing any tower guy wire anchors and other apparatus.

4) Existing and proposed structures.

5) Scaled elevation view of proposed structures.

6) Access road(s), rights-of-way location and design standards as set forth in the Marysville Borough Subdivision and Land Development Ordinance [Chapter 22].

7) Parking area.

8) Fences in accordance with the requirements of this Section.

9) Location and content of (any or warning) signs.

10) Exterior lighting specifications.

11) Landscaping plan in accordance with this Section.

12) Land elevation contours at vertical intervals as required by Borough

Council.

13) Existing land uses surrounding the site.

14) Equipment building and/or other accessory uses with detail including:

a) Elevations.

- b) Proposed use.
- (c) A written report including:
 - a) Information describing the tower height and design.
 - b) A cross-section of the structure.
 - c) Engineering specifications detailing construction of tower, base and guy wire anchorage.
 - d) Information describing the proposed painting and lighting schemes.
 - e) Information describing the tower's capacity, including the number and type of antennas that it can accommodate.
 - f) Radio frequency coverage.
 - g) All tower structures and building information to be certified by a licensed professional engineer.
 - h) Inventory of existing antenna support structures within a 2 mile radius of the proposed site and information discussing unavailability of such sites for one or more of the following reasons:
 - i) Refusal by current tower owner.
 - ii) Topographic limitations.
 - iii) Adjacent impediments blocking transmission.
 - iv) Site limitations to tower construction.
 - v) Technical limitations of the system.
 - vi) Equipment exceeds structure
 - vii) No space on existing facility or tower.
 - viii) Other limiting factors rendering existing facilities or towers unusable.
 - ix) An update of capacity on an existing tower.
- (d) Written certification by the applicant that written notification has been given and received by all property owners adjoining the site where the proposed antenna facility and/or tower is proposed to be located.
- (e) Written confirmation that the electromagnetic fields and radio frequency interferences comply with Federal Communication Commission regulations concerning such omissions, as well as an estimated Non-ionizing Electromagnetic Radiation (NIER) level from the proposed antennas, when added to existing levels, that does not exceed applicable Federal standards.
- (f) A "zone of visibility map" provided to determine locations where the tower, antenna or facility may be seen as well as "before and after" pictorial representations setting forth views from key viewpoints within the Borough.
- (4) Liability insurance in such amounts and limits as may be determined by Borough Council.

If the applicant proposes to build an antenna support structure (as opposed to mounting the antenna on an existing structure, it is required to demonstrate that it contacted the owners of tall structures within a 1 mile radius of the site proposed. "Tall structures" include smokestacks, water towers, tall buildings, antenna support structures of other personal wireless service companies, other communications towers (fire, police, etc.) and other tall structures. The Borough Council may deny any application to construct a new antenna support structure if the applicant has not made a good faith effort to mount the antenna on an existing structure. A good faith effort shall require that all owners of potentially suitable structures within the radius hereinabove set forth of the

proposed antenna support structure be contacted and that one or more of the following reasons for not selecting such structure apply:

- (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
- (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
- (3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its function.
- (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (5) A commercially reasonable agreement could not be reached with the owners of such structures.

E. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the personal wireless service facilities site unless otherwise permitted in the C-2 or Industrial District in which the personal wireless service facilities site is located.

F. Standards of Approval of All Personal Wireless Service Facilities.

(1) Antenna Height. In no case shall an antenna support structure and antenna together extend beyond 100 feet in height. [Ord. 508A]

(2) Setback from Base of Antenna Support Structure. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure and any property line or right-of-way line be at least 110% of the height of the structure. In addition, the minimum distance between any guy wire anchors and any property line or right-of-way line shall be the largest of the following:

- (a) Thirty percent of antenna height.
- (b) Forty feet.

Except as hereinafter provided, in all cases, monopole antenna support structure shall be preferred. The Borough Council may grant use of guy wire, free standing or any other type of antenna support structure after review by the Planning Commission and a public hearing before the Borough Council. The applicant must establish the following for approval:

- (a) Cost of erecting a monopole would preclude the provision of adequate service to the public or erection of a safe antenna support structure.
- (b) The proposed antenna structure would have the least practical adverse visual impact on the environment and closely resembles a monopole.
- (3) Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris. The applicant shall also demonstrate compliance with guidelines recommended by the American National Standard Institute (ANSI) (ANSI/IEEE C95-1-1992) as amended, with respect to radio frequency emissions.

(4) Fencing. A fence shall be required around the antenna support structure, accessory building(s) and other equipment unless the antenna is mounted on an existing structure. The fence shall be a minimum of 6 feet in height and a maximum of 8 feet in height, shall completely enclose the antenna, support structure and related facilities, shall not contain openings greater than 9 square inches and shall contain, at all entrances, gates which shall be locked except during such times as the site is manned by authorized operations or maintenance personnel.

(5) Equipment Building. One equipment building only shall be permitted. Said equipment building shall not exceed 250 square feet.

(6) Accessory Use. An antenna support structure shall not be considered an accessory use and may not be established on a parcel of ground with any other use without first complying with the requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22].

(7) Landscaping. The following landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the support structure and any other ground level features (such as a building) and in general soften the appearance of the personal wireless service facility site. The Borough Council may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.

(a) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting and shall grow to a minimum of 15 feet at maturity.

(b) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

(8) License Required. The applicant company must demonstrate that the user of the structure is licensed or shall be licensed by the Federal Communications Commission.

(9) Required Parking. If the personal wireless service site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people onsite at the largest shift.

(10) Visual Impact. Antenna support structures shall be painted in a color that best allows it to blend into the surroundings unless otherwise required by the Federal Aviation Administration (FAA) regulation. The use of grays, blues and greens may be appropriate; however, each case should be evaluated individually. No antenna support structure may be artificially lighted except when required by the FAA.

(11) Minimum Visual Impact Requirements. Personal wireless service facilities shall result in a minimal visual impact for those residents in the immediate area and for those in the larger community who view these facilities from a distance. Minimal visual impact shall include the following:

(a) For facilities located in highly developed portions of the Borough, buildings may be used to accomplish the screening noted above.

(b) It is acknowledged that large, multi-use towers located within major use transmission areas cannot be effectively screened. In order to minimize the visual impact,

such new facilities should be located in close proximity to other comparable structures. Accompanying buildings, ground-mounted antennas and other equipment and structures should be subject to screening recommendations.

(c) FAA requirements for coloring and lighting of towers supersedes Borough requirements for visual minimum impact.

(d) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(12) **Signs.** No portion of any antenna or antenna support structure shall be used for a sign or other advertising purpose including, but not limited to, company name and telephone number and no banners, streamers or any other objects or items not essential to the function or support of the antenna or antenna support structure shall be attached to or displaced from same.

(13) **Bonding.** The Borough Council, at its sole discretion, may require the applicant or owner to establish, as a condition of approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance and/or construction of the antenna, antenna support structures and accessory structures of buildings during its/their lifetime and in an amount sufficient to remove the antenna support structure if said structure is no longer in use for its original communication purpose. The amount required shall be determined at the sole discretion of Borough Council based upon the unique characteristics of the antenna, support structure and accessory structures or buildings.

(14) **As-Built Plans.** Within 60 days of completion of the initial construction and any additional construction, applicant shall furnish two complete sets of plans, drawn to scale and certified to the Borough as accurately depicting the location of personal wireless service facility constructed pursuant to the building permit.

(15) **Inspection.** Beginning in December of the 10th year after the construction of any antenna support structure and by December of each even numbered year thereafter, and at any time a new carrier antenna is added, the antenna support structure shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of antenna support structures. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of said inspection report shall be provided to the Borough. At the time said report is provided to the Borough, applicant shall pay a fee in an amount to be established, from time to time, by resolution of Borough Council or such other amount as the Borough Council shall, from time to time, set forth in a resolution. [Ord. 553]

(16) **Removal.** Any antenna support structure that is no longer in use for its original communication purpose shall be removed at the owner's expense. The owner shall provide the Borough with a copy of the notice to the FCC of intent to cease operations and shall be given 12 months from the date of ceasing operations to remove the obsolete antenna structure and accessory structure. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations.

(Ord. 462, 8/14/1994; as added by Ord. 503, 9/13/1999, §2; as amended by Ord. 507B, 8/14/2000; by Ord. 508A, 8/14/2000; and by Ord. 553, 5/10/2004, §1)

27-1118 Adult entertainment uses in I Industrial District.

1. The applicant shall provide the following information:
 - A. If the applicant intends to operate the adult entertainment business under a name other than that of the applicant, he or she must provide evidence of the adult entertainment business's fictitious name and submit copies of the required registration documents. If the applicant intends to operate the adult entertainment business as a partnership, the partnership shall state its complete name, and provide the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any. If the applicant is operating the business as a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of corporation and qualified and authorized to conduct business in Pennsylvania, the names and capacity of all officers, directors and principal stockholders and the name of the registered corporate agent and address of the registered office for service of process.
 - B. Proof as to whether the applicant or a person residing with the applicant currently holds or operates other similar adult entertainment business in another municipality or county and, if so, the names and locations of such other licensed or unlicensed sexually-oriented businesses.
 - C. The specific classification of adult entertainment use for which the applicant is filing.
 - D. A recent photograph (one year) of the applicant(s).
 - E. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
2. Standards and criteria for adult entertainment uses. The applicant shall provide evidence that the adult entertainment uses shall meet the following specific standards and criteria:
 - (1) Location requirement. The applicant shall provide evidence that the adult entertainment use shall meet the following location and separation distance requirements. Measurement shall be in a straight line without regard to intervening structures or objects from the nearest property line or premises where an adult entertainment business is conducted to the nearest property line. The distance between any two adult entertainment businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located. Presence of a municipal, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
 - (a) Any adult entertainment use shall be located at a distance greater than 800 feet from the following:
 - i. A church, synagogue, mosque, temple or building which is used primarily for religious activities;
 - ii. A public or private educational facility including but not limited to child day-care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school

includes the school grounds, and facilities used primarily for another purpose and only incidentally as a school;

iii. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the Commonwealth of Pennsylvania; and

iv. Any other adult entertainment use.

(b) Any adult entertainment use shall be located at a distance greater than 500 feet from the following: the boundary of a property used for residential purposes.

(c) Any adult entertainment use shall be located at a distance greater than 500 feet from the following: a public park or public recreational area which has been designated for park or recreational activities, including but not limited to, park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Borough which is under the control, operation, or management of the Borough Parks and Recreation Committee.

(2) Exhibition of sexually explicit films, video or live entertainment in viewing rooms.

Where a person who operates or causes to be operated an adult entertainment business, which exhibits on the premises in a viewing room or booth of less than 150 square feet of floor space, a film, videocassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall provide evidence that the adult entertainment will comply with the following requirements:

(a) The conditional use application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Borough.

(d) The applicant shall provide evidence that the interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more managers' stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(e) The applicant shall provide evidence that any view area remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all time, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

- (f) No viewing room may be occupied by more than one person at any time.
- (3) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot-candles as measured at the floor level. It shall be the duty of the licensees to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
 - (4) Openings of any kind shall not exist between viewing rooms or booths and the applicant shall agree to permit the Codes Officer to inspect the walls between viewing booths for openings or holes.
 - (5) The applicant shall provide evidence that all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
 - (6) The applicant shall provide evidence that all wall surfaces and ceiling surfaces in viewing booths be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor. Each viewing booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult entertainment establishment and shall be unobstructed by any door, lock, curtain, partition, portal, partition or any other control-type devices.
 - (7) The applicant shall provide evidence and assurances that no non-employee knowingly and intentionally in the adult entertainment business appears in a state of nudity or depicts specified sexual activities.
 - (8) The applicant shall provide evidence and assurance that no person knowingly or intentionally in an adult entertainment business appears in a seminude condition unless the person is an employee, who while seminude, shall be at least 10 feet from any patron or customer and on a stage at least two feet from the floor.
 - (9) The applicant shall provide evidence and assurance that no employee of the adult entertainment business, while seminude in an adult entertainment business, shall solicit any pay or gratuity from any patron or customer or any patron or customer shall pay or give any gratuity to any employee, while said employee is seminude in an adult entertainment business.
 - (10) The applicant shall provide evidence and assurance that the adult entertainment business will not permit any person under the age of 18 years on the premises of an adult entertainment business.
 - (11) No merchandise, pictures of the products, or entertainment on the premises shall be displayed in window areas or anywhere they can be viewed from a sidewalk or public street.
 - (12) Written assurance shall be provided to the Borough Council that authorization is given to allow Borough officials (fire marshals, code and zoning officer, building code official, police) to inspect the premises for the purpose of ensuring compliance with this chapter or other laws, at any time that the adult entertainment use is occupied or open for business.
 - (13) The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, security, littering, and waste disposal.
 14. An operation and maintenance plan shall be furnished to the borough office and implemented by the applicant in accordance with Section 27-810.

1. Junkyards located in the I-Industrial District are regulated as follows:

A. The applicant shall provide evidence that the junkyard shall meet the following standards:

- (1) Minimum lot area shall be two acres.
- (2) The outdoor area devoted to the storage of junk shall be completely enclosed by an eight-foot solid screened fence.
- (3) The outdoor area devoted to the storage of junk shall be set back a minimum of 100 feet unless reduced by the Borough Council. In no case shall the minimum setback for an outdoor area devoted to the storage of junk be less than 50 feet.
- (4) No material may be stored or stacked so that it is visible from adjoining properties and roads.
- (5) All additional state and federal laws shall be satisfied.

(6) Level two screening and buffering in accordance with Part 14.

B. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, security, littering, and waste disposal.

C. An operation and maintenance plan shall be furnished and implemented by the applicant in accordance with Section 27-810.

27-1118. Moderate Hazard Industrial Uses in the I Industrial District.

1. Moderate hazard industrial uses, including factories, in accordance with the International Building Code to be located in the Industrial (I) District are regulated as follows:

A. The applicant shall provide evidence that the heavy industrial use shall meet the following standards:

- (1) Floor area ratio (FAR) shall be 0.25. Calculation: foundation perimeter divided by lot area.
- (2) Building size. No building shall have a gross floor area in excess of 30,000 square feet.
- (3) Buffer yards and screening. A buffer yard of 100 feet shall be required between residential uses or districts and moderate hazard industrial uses. Level Two screening in accordance with Part 14 shall be required within the buffer yard. A buffer yard of 25 feet shall be required between commercial uses or districts and moderate hazard industrial uses or districts. Level One screening in accordance with Part 14 shall be required within the buffer yard.
- (4) Outside storage of any kind shall be prohibited.
- (5) The heavy industrial use shall be conducted wholly within the building.
- (6) The use shall be served by public sewer and public water.
- (7) There shall be submitted a written report verifying that the use is in compliance with the performance standards of Part 15.

- (8) The site must have adequate truck parking and stacking lanes to accommodate truck traffic.
- B. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to noise, lighting, hours of operation, loitering, security, littering, and waste disposal.
- C. An operation and maintenance plan shall be furnished and implemented by the applicant in accordance with Section 27-810.

27-1119. Nurseries or Tree Farms in the C-Conservation District.

Nurseries or tree farms shall meet the following standards:

- A. The height, lot area, lot width and setback regulations of the Conservation District shall be met.
- B. Eighty percent of the total lot area shall remain undisturbed in its natural state. The 80% undisturbed area shall meet the following requirements.
 - (1) Building(s) or impervious coverage shall not be permitted within the 80% undisturbed natural area.
 - (2) The undisturbed natural area shall be defined with metes and bounds as an easement. The easement shall be shown on the site plan or application for a zoning permit.
 - (3) The 80% undisturbed natural area defined as an easement shall remain as part of the lot and shall not be subdivided in the future.
 - (4) The 80% undisturbed natural area shall include environmental features such as wetlands, steep slopes that are 20% or greater, floodplain.
- C. Impervious coverage shall not exceed 5%.
- D. A 50-foot buffer yard shall be provided when the use is abutting a residential use or district. The 50-foot buffer yard shall meet the following requirements:
 - (1) Screening shall be provided within the 50-foot buffer yard. The screening shall meet the following requirements:
 - (a) Screening shall consist of native trees as defined by Pennsylvania Department of Conservation and Natural Resources.
 - (b) Trees provided to meet the screening requirement shall be 2- inch caliper measured a minimum of 6 inches above the soil line, 6 feet at time of planting and shall be spaced 20 feet apart at time of planting.
 - (c) Trees shall be properly staked for a period of 1 year from the date of planting.
 - (d) Screening shall consist of two rows of trees. Screening shall consist of a 50/50 mixture of deciduous and evergreen trees.

- (e) Existing trees that are 2-inch caliper measured a minimum of 6 inches above the soil line and 6 feet in height may be used to meet the screening requirement.
- (f) The screening within the buffer yard shall be maintained as a natural woodland. Mowing and clearing of the buffer yard shall be prohibited.
- (g) The required screening trees shall be replaced if they die within 5 years of the time of planting.

- E. Slopes over 25% shall not be cleared
- F. An operation and maintenance plan shall be furnished to the borough office and implemented by the applicant in accordance with Section 27-810.

27-1120. Open Space Developments in the C-Conservation District.

Open space residential development in the Conservation Zoning District shall meet the following standards:

- A. **Applicability.** An open space residential development is restricted to residential subdivisions which involve 20 or more acres.
- B. **Open Space Areas Defined.**
 - (1) Environmentally sensitive areas such as wetlands, steep slopes of 20% or over, streams, lakes, ponds.
 - (2) Open space areas shall consist of mature woodlands, upland buffers around wetlands and water bodies, prime farmland, natural meadows, critical wildlife habitats, scenic views, site listed on the Pennsylvania Natural Diversity Inventory, historic sites, rock outcroppings, culturally or archeologically significant sites.
- C. Minimum open space provided shall be 60% of the total tract area.
- D. Lots created within the open space development shall meet the following requirements:
 - (1) Minimum lot area requirements:
 - (a) 13,000 square feet where public water and sewer are provided.
 - (b) 21,780 square feet where public water and on-lot septic are provided or on-lot well and public sewer are provided.
 - (c) 43,560 square feet where private on lot septic and private well are provided.
 - (2) Minimum lot width requirements on a public street:
 - (a) 80 feet with public sewer and water.
 - (b) 100 feet with on-lot septic and public water or public sewer and on lot well.
 - (c) 150 feet with on-lot septic and on-lot well.
 - (3) The minimum yard regulations shall be:
 - (a) Public water and public sewer:

- 1) Front yard: 15 feet.
- 2) Side yard: 5 feet minimum; 12 feet total.
- 3) Rear yard: 25 feet.

(b) Public water and on-lot septic or on-lot well and public sewer:

- 1) Front yard: 25 feet.
- 2) Side yard: 7 feet minimum; 16 feet total.
- 3) Rear yard: 30 feet.

(c) On-lot well and on-lot septic:

- 1) Front yard: 35 feet.
- 2) Side yard: 8 feet minimum; 20 feet total.
- 3) Rear yard: 35 feet.

(4) Height regulations:

- (a) Principal building: 35 feet.
- (b) Accessory building: 20 feet.

(5) Coverage regulations:

- (a) Single family: Impervious surfaces shall not exceed 25%.

E. Streets. Streets shall meet the following standards:

- (1) A street shall not be located within 50 feet of a wetland or floodplain.
- (2) Lots shall front on a collector street or minor street within the development.
- (3) Street right of way and roadway widths shall meet the following requirements:
 - (a) Arterial - as determined after consultation with the Borough Council and PennDOT.
 - (b) Collector - 50 feet right of way 28 feet roadway width.
 - (c) Minor - 50 feet right of way 28 feet roadway width.
- (4) Streets shall follow contours to minimize grading.
- (5) Streets shall be in accordance with Chapter 22, Part 5, §22-502, Subdivision and Land Development Ordinance.

F. Design Standards.

- (1) Fifty percent of trees, shrubs or groundcover removed shall be replaced with native species. Invasive species as defined by the Pennsylvania Department of Conservation and Natural Resources shall be prohibited.
- (2) Utilities shall be underground.
- (3) Eight percent of the required open space shall remain in its natural state.
- (4) Minimum open space area shall be 1 acre.
- (5) Minimum open space width shall be 100 feet.
- (6) Further subdivision of required open space shall be prohibited.
- (7) All open space shall be accessible from a public street or public pedestrian walkway.
- (8) The minimum width for a public pedestrian walkway to access open space shall be 10 feet.

- (9) Required open space shall not include streets, private yards, minimum required spacing between buildings, off-street parking.
- (10) Open space intended for recreational or public use shall be easily accessible to pedestrians and conform to all State and Federal regulations for handicapped accessibility.
- (11) Open space may include underground utility transmission lines, pipelines, or drainage easements.
- (12) Open space shall directly abut 50% of the lots within the development to provide direct views and safe and convenient pedestrian access to the open space from all lots not adjoining such areas.

G. Methods of Ownership and Maintenance. Open space within the open space residential development shall be owned, administered and maintained by any of the following methods, either individually or in combination:

- (1) Homeowners Association. Land to remain in open space may be conveyed to a community association to be owned by the owners of the lots within the development. Ownership thereof shall pass with conveyance of the lots in perpetuity. A homeowners association shall be established for the purposes of permanently maintaining all residual, commonly owned open space or recreational facilities. The association shall be formed and operated to include, as a minimum, the following provisions:
 - (a) The association shall be formed by the developer and operated with financial subsidization by the developer before the sale of any lots within the development.
 - (b) The developer shall provide a written description of the association including its bylaws and methods for maintaining the open space.
 - (c) To ensure that the cost of maintaining the open space is shared equally by all property owners, membership in the association shall be mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be described in the bylaws.
 - (d) The association shall be responsible for maintaining open space and providing insurance coverage, enforceable by liens placed by the association. Maintenance obligations may also be enforced by the Borough which may place liens to recover its costs.
 - (e) Members of the association shall equitably share the costs of maintaining and developing the open space. Shares shall be defined within the association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities within the open space area (which shall be deposited in a fund reserved for such purposes).
 - (f) In the event of a proposed transfer of open space area by a homeowners association or the assumption of maintenance of such land by the Borough, notice of such action shall be given to all property owners within the development.
 - (g) Associations shall retain or contract adequate personnel to administer common facilities and properly and continually maintain the open space area.

(h) Associations may lease open space to any other qualified person or corporation for operation and maintenance of such areas, but such a lease agreement shall, at a minimum provide:

- 1) That the residents of the development shall at all times have access to the open space area contained therein.
- 2) That the open space areas to be leased shall be maintained for the purposes and uses set forth in this Part; and upon request, copies of such leases shall be provided to the Borough.
- 3) That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Borough, at the election of the developer and/or the association.

(2) Condominiums. In order to facilitate public matters, such as the collection of taxes on open space areas and associated facilities, such land and facilities may be controlled through the use of condominium agreements, approved by Borough Council. Such agreement shall be in conformance with the Uniform Condominium Act of 1980. All open space areas shall be held as "common element." Condominium associations shall be subject to subsection (1)

(3) Conveyance to Private, Public or Nonprofit Conservation Organizations or Preservation Trust. Land to remain in open space may be conveyed to a private, public or nonprofit conservation organization or preservation trust with the following provisions:

- (a) The organization receiving such land shall be acceptable to the Borough Council and shall be a bona fide conservation organization with perpetual existence.
- (b) Ownership of the open space shall pass with conveyance of the lots in perpetuity.
- (c) The Borough shall have the first and last offer of conveyance of open space.

(4) Transfer of Easements to a Private Conservation Organization. With the permission of the Borough Council, an owner may transfer easements to a private, public or nonprofit organization recognized by the Borough, among whose purposes it is to conserve open space and/or natural resources, provided that:

- (a) The organization is acceptable to the Borough Council and is a bona fide conservation organization with perpetual existence.
- (b) The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
- (c) A maintenance agreement acceptable to Borough Council is entered into by the developer and the organization.

(5) Dedication of Easements. The Borough may, but shall not be required to, accept easements for public use of any portion or portions of open space, title of which is to remain in ownership by condominium or homeowners association, provided that:

- (a) Such land is accessible to Borough residents.

- (b) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance.
 - (c) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners association and the Borough.
- (6) Offer of Dedication. The Borough may accept dedication in the form of fee-simple ownership. The Borough may, but shall not be required to, accept open space areas, provided that:
 - (a) Such land is accessible to the residents of the Borough.
 - (b) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance.
 - (c) The Borough agrees to and has access to maintain such lands.
 - (d) Where the Borough accepts dedication of open space that contains improvements, the Borough Council may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall be determined in accordance with Chapter 22, Part 6, §603, Subdivision and Land Develop Ordinance.

H. Maintenance Standards.

- (1) A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open space. A maintenance and operations plan shall be submitted detailing the kinds of tasks that will need to be undertaken on a regular basis to control invasive species and to promote a varied habitat for plant and animal life, the various responsibilities for those maintenance tasks and the entities that will perform those tasks, both short and long term.
- (2) Failure to adequately maintain the open space in reasonable order and condition shall constitute a violation of this Chapter.
- (3) When an open space violation exists, the Borough shall notify the owner of such violation and shall require the open space to be maintained within 10 days from the date of notification. Failure to comply with the terms of such notification shall constitute a nuisance and, after the expiration of 10 days from the date of notice, the Borough may cause the open space to be maintained and may collect the costs thereof, together with a penalty of 10% of such costs, and file municipal claim therefor.
- (4) Maintenance Security. The developer shall provide a financial security in the amount established by the Borough to maintain the open space.

- (5) Density Bonus to Endow Maintenance Funds. The Borough may allow a density bonus of 5% of the total number of lots permitted in the development, not to exceed five lots, to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space maintenance costs. In such cases, 75% of the net selling price of each of the bonus lots shall be deposited to said permanent fund. Spending from this fund shall be restricted to interest in order that the principal is preserved.

(Ord. 462, 811411994; as added by Ord. 560, 611312005)

27-1121. Primitive Campgrounds in the C-Conservation District.

Primitive campgrounds shall meet the following standards:

- A. The minimum lot size for a primitive campground shall be no less than 2 acres.
- B. There shall be no more than 10 tents that sleep four or fewer people per acre, or five tents that sleep five or more persons per acre, and at no time shall the total persons per acre exceed 40.
- C. No person or group shall camp for more than 40 days in a 6-month period.
- D. Water used in the operation of a primitive campground shall be provided from a supply approved by the Department of Environmental Protection.
- E. The water supply shall be adequate in quantity and shall meet the bacteriological and chemical water standards of the Department of Environmental Protection.
- F. Sewage disposal shall be required which meets the requirements of Chapter 18 of the Code of Ordinances. Composting toilets may be permitted when approved by the Borough.
- G. Toilet facilities shall be provided in the ratios indicated as follows:

Number of Persons	Number of Toilets
1-20	1

Each additional 20 persons

+1

- H. Garbage and refuse collection shall be conducted in a sanitary manner and as often as necessary to prevent a nuisance.
- I. Garbage and refuse containing food wastes shall, prior to disposal, be kept in leakproof, nonabsorbent, rust and corrosion-resistant containers of adequate number, which shall be kept covered with tight-fitting lids, when filled or stored or not in continuous use.
- J. Other refuse shall be stored in containers, rooms or areas of sufficient number and size in a manner so as to prevent arthropod or rodent problems and other nuisances.

(Ord. 462, 8/14/1994; as added by Ord. 560, 6/13/2005)

§27-1122. Single-Family Dwellings on Nonconforming Lots in Conservation District.

Single-family dwellings on existing nonconforming lots of record with specified accessory uses located in the Conservation District shall meet the following standards:

- A. The height, lot area, lot width and setback regulations of the Conservation District shall be met.
- B. The lot must abut a public street or have direct access to a public street by means of a publicly recorded, perpetual easement.
- C. Ninety percent of the total lot area shall remain undisturbed in its natural state. The 90% undisturbed area shall meet the following requirements:
 - (1) Building(s) or impervious coverage shall not be permitted within the 90% undisturbed natural area.
 - (2) The undisturbed natural area shall be defined with metes and bounds as an easement. The easement shall be shown on the site plan or application for a zoning permit.
 - (3) The 90% undisturbed natural area defined as an

easement shall remain as part of the lot and shall not be subdivided in the future.

- (4) The 90% undisturbed natural area shall include environmental features such as wetlands, steep slopes that are 20% or greater, floodplain.

(Ord. 462, 8/14/1994; as added by Ord. 560, 6/13/2005)

PART 14

ENVIRONMENTAL PROTECTION OVERLAY DISTRICT

§27-1301. Purpose.

The Comprehensive Plan recognizes important natural and cultural features that include wetlands, floodplains, watersheds, streams, soils, historic sites and buildings. The Borough recognizes the interrelationship between its natural resources and the health, safety and general welfare of the community. The Borough also recognizes that these resources have a major role in the quality of life in the community and must be protected, maintained and preserved for future generations. Recognizing that the Comprehensive Plan promotes the preservation and protection of these important features, this Part provides appropriate standards and regulations for the following purposes:

1. To protect drainage ways and streams from development impacts.
2. To minimize negative impacts from development on hillside and slope areas.
3. To protect water features from development impacts.
4. To preserve prime agriculture soils.
5. To protect existing wooded areas.
6. To minimize wetland impacts.
7. To preserve water quality.
8. To enhance water infiltration.

§27-1302. Competing Requirements. Where there are competing requirements between overlay and underlying district zoning, the most restrictive requirement will be applied. Similarly, when two or more overlays apply to the same area, the most restrictive requirements will be applied.

§27-1303. Stream and River Protection Overlay Zone (SRPO)

The Comprehensive Plan recognizes river, streams and the natural areas around them as important hydrological and environmental assets. It is the intent of this section to provide appropriate standards for delineating and preserving natural and man-made waterways. These regulations are provided to protect wildlife; reduce exposure to high water and flood hazards; preserve existing vegetation along waterways; minimize the negative effects on waterways from agriculture and development related erosion; minimize scenic degradation; and protect water quality by reducing and filtering storm water runoff. A SRPO is hereby established as a district which overlays other zoning districts.

1. Establishment of district boundaries. The SRPO shall consist of a land strip on each side of a watercourse. The SRPO boundary shall be based on an investigation of

critical environmental features that are related to the watercourse. The total extent of the critical areas adjacent to the watercourse shall be considered in determining boundaries of the SRPO. The boundaries shall include critical areas as defined below and have a minimum buffer of at least 50 feet on each side of the watercourse.

2. Determining the critical areas. The total extent of the critical areas adjacent to the watercourse shall be considered in determining the boundaries of the SRPO. Critical areas include the following:
 - A. Alluvial soils. All alluvial soils adjacent to the watercourse. For the purpose of this chapter, these areas are considered hydrologically related to the watercourse.
 - B. Hydric soils. All hydric soils bordering within 50 feet of the watercourse for the purpose of this Part are considered hydrologically related to the watercourse.
 - C. Steep slopes. Where the base of a steep slope is 50 feet or less from the top of the bank of the watercourse, the critical area shall extend to the top of the steep slope(s) or ravine plus an additional 20 feet of moderate or lesser slope.
 - D. Wooded areas. Where forested land having a predominance of trees of four-inch caliper or greater exists within 50 feet of the watercourse, the SRPO boundary will include wooded areas within 100 feet from the watercourse.
3. Permitted uses or structures. The following shall be permitted uses in the SRPO, provided that they are in compliance with the provisions of the underlying district and are not prohibited by another ordinance, and provided that they do not require building(s), fill or storage of materials and equipment:
 - A. Common open space.
 - B. Educational or scientific use, not involving buildings or structures.
 - C. Fishing, swimming, boating and hunting.
 - D. Trail access to the stream or drainage way and foot-trails.
 - E. Passive recreational areas not involving buildings or structures.
 - F. Accessory residential uses, such as gardens, picnic areas, play areas.
 - G. Fences that would allow for the passage of water. Open wire fencing (no more than one horizontal strand per foot of height) and open rail fencing (rails occupy less than 10% of the fence area and posts are spaced no closer than eight feet apart).
 - H. Wildlife preserves.
4. Conditional uses.
 - A. Accessory commercial uses, such as picnic areas.
 - B. Underground public utilities.
 - C. Walking bridges.
 - E. Piers or docks, with proper permits from PA DEP.

Driveway crossings.

F.

5. Standards.

- A. The SRPO shall be established within 1 year of passage of this Part. (or put in date). The map is intended to reflect the most current data from the FEMA floodplain areas, but should be reviewed/updated at least once every 10 years.
- B. In all subdivision and land development applications, the SRPO shall be described by metes and bounds. A conservation easement covering the SRPO shall be provided.
- C. In all zoning permit applications, the SRPO shall be shown on a drawing indicating the location and measurements of the district in accordance with the above standards.

§27-1304. Steep Slope Protection Overlay Zone (SSPO).

The Comprehensive Plan recognizes steep slopes as unique areas. Slope areas are fragile and susceptible to erosion, landslides, mudslides, degradation of their natural vegetation and increased flooding using conventional development practices. It is the intent of this section to provide reasonable standards for development that guide development away from steep areas; minimize grading and other site preparation in steep areas; provide safe means for ingress and egress while minimizing scarring from construction; preserve the natural conditions in steep areas; and, prevent flooding and the deteriorating effects of erosion to streams and drainage areas. An SSPO is hereby established as a district which overlays other zoning districts of this Part.

- 1. Establishment of district boundaries. The SSPO shall consist of all land which has 25% slope or more. The SSPO boundary shall be based on a topographic investigation of critical sloped areas. The average natural slope of an area shall be determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. The sloped area shall be measured at right angles to the natural contours.
- 2. Permitted uses. The following shall be permitted uses in the SSPO provided they are in compliance with the provisions of the underlying district and are not prohibited by another ordinance, and provided they do not require structures, grading, fill or storage of materials and equipment:
 - A. Common open space.
 - B. Educational or scientific use not involving buildings or structures.
 - C. Foot-trails/walking paths.
 - D. Passive recreational areas not involving structures.

- E. Accessory residential uses, such as gardens, play areas or fences.
 - F. Wildlife preserves.
3. Conditional uses.
- A. Accessory uses that do not require any earthmoving or ground disturbance.
 - B. Underground public utilities.
 - C. Walking bridges
 - D. Driveway crossings.
 - E.
4. Standards.
- A. The SSPO shall be established within 1 year of passage of this Part. (or put in date) and reviewed/updated at least once every 10 years.
 - B. In all subdivision and land development applications, the SSPO shall be described by metes and bounds. A conservation easement covering the SSPO shall be provided
 - C. In all zoning permit applications, the SSPO shall be shown on a drawing indicating the location and measurements of the district in accordance with the above standards.
5. Land with slopes greater than 25%, as defined by § 27-1303.1., on a single lot development may be removed or altered only when such slopes are small, isolated, and if peripheral contours are not changed.

§27-1305. Lake and Pond Protection Overlay (LPPO).

The Comprehensive Plan recognizes lakes and ponds and the natural areas around them as important hydrological and environmental assets. It is the intent of this section to provide appropriate standards for preserving natural and man made lakes or ponds. These regulations are provided to protect wildlife and watersheds; preserve existing vegetation along lakes or ponds; minimize the negative effects on lakes or ponds from development related erosion; minimize scenic degradation; and protect the integrity of ponds and lakes as functioning wetland areas. An LPPO is hereby established as a district which overlays other zoning districts.

1. Establishment of district. The LPPO shall be established as the area in or within 25 feet of a lake or pond. All natural and man made lakes, ponds and established easement areas (excluding storm water management facilities) shall remain in permanent open space. Because these areas may relate to other hydrologic features, no development or diverting of these water bodies shall be permitted without proper approval from the Pennsylvania Department of Environmental Protection (hereinafter called "PaDEP").

2. Permitted uses. Permitted uses are as follows:
 - A. Common open space.
 - B. Educational or scientific use not involving buildings or structures.
 - C. Fishing, swimming, boating or hunting.
 - D. Passive recreational areas not involving structures.
 - E. Trail access to adjacent open space.
 - F. Wildlife preserves.
 - G. Piers or docks, with proper permits from PaDEP when necessary.
3. Standards.
 - A. The LPPO shall contain no more than 15% impervious surfaces.
 - B. At least 70% of the LPPO area shall remain in its natural state as open space.
 - C. The LPPO shall be established within 1 year of passage of this Part. (or put in date). The map is intended to reflect the most current data from the FEMA floodplain areas, but should be reviewed/updated at least once every 10 years.
 - D. In all subdivision and land development applications, the LPPO shall be described by metes and bounds. A conservation easement covering the LPPO shall be provided.
 - E. In all zoning permit applications, the LPPO shall be shown on a drawing indicating the location and measurements of the district in accordance with the above standards.

§27-1306. Wetland Protection Overlay (WPO).

The Comprehensive Plan recognizes wetland areas as indispensable and fragile hydrological natural resources that provide habitat for fish, wildlife and vegetation; water-quality maintenance and pollution control; flood control; erosion control; open space; scientific study opportunities; and recreational opportunities. Damaging or destroying wetlands threatens public safety and the general welfare. Because of their importance, wetlands are to be protected from negative impacts by development and other activities. It is the intent of this section to require planning to avoid and minimize damage of wetlands whenever prudent or feasible; require that activities not dependent upon wetlands be located to other upland sites; and allow wetland losses through proper mitigation only where all practical or legal measures have been applied to reduce these losses that are unavoidable and in the public interest. A WPO is hereby established as a district which overlays other zoning districts.

1. Establishment of WPO. The WPO shall apply to all lands in or within 50 feet of a nontidal wetland or mitigated wetlands located within the Borough. The WPO shall be based on known wetlands as depicted on the US Fish and Wildlife Service National Wetlands Inventory mapping. The WPO will also include a wetland

investigation by the applicant. Wetland delineations shall be performed in accordance with the procedures of the PaDEP as specified in the Federal Manual of Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto. Wetland mitigation approved by PaDEP shall be permitted. Permits obtained from the Army Corps of Engineers and/or PA Department of Environmental Protection shall take precedence over the Borough requirements for public infrastructure and utilities.

- 2.. Verification of wetland delineation. Where the applicant has provided a determination of the WPO, the Borough Engineer or hydrologist shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event that the adjusted boundary delineation is contested, the applicant may appeal to the Zoning Hearing Board for a variance.
3. Permitted uses. The following uses shall be allowed within the WPO to the extent that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, provided that they do not require structures, fill or storage of materials and equipment, and provided that a permit is obtained from the PaDEP and the United States Army Corps of Engineers, if applicable.
 - A. Common open space.
 - B. Educational or scientific use not involving buildings or structures.
 - C. Fishing and hunting.
 - D. Trail access to the stream or drainage way and trails in linear parks.
 - E. Passive recreational areas not involving structures.
 - F. Wildlife preserves.
4. Conditional uses:
 - A. Accessory commercial uses, such as picnic areas or fences.
 - B. Underground public utilities.
 - C. Walking bridges, docks and piers, with proper PaDEP permits when necessary.
 - D. Driveway crossings.
5. Standards.
 - A. The WPO shall be established within 1 year of passage of this Part. (or put in date) based US Fish and Wildlife Service National Wetlands Inventory mapping. The map is intended to reflect the most current data from the US Fish and Wildlife Service National Wetlands Inventory mapping, but should be reviewed/updated at least once every 10 years. Additionally, any site-specific wetlands shall be established at the time of subdivision or land development application or the application for a zoning permit if there is no subdivision or land development involved. The wetland delineations shall be performed in accordance with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments

thereto.

- B. In all subdivision and land development applications, a wetland investigation shall be required. A conservation easement covering the WPO shall be provided. The WPO and conservation easement shall be described by metes and bounds, indicating the location and measurements of the district.
- C. In all zoning permit applications, the WPO shall be shown on a drawing indicating the location and measurements of the district. (Wetland delineations shall be performed in accordance with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto.)

§27-1307. Floodplain Overlay (FO):

The Comprehensive Plan recognizes floodplain areas as fragile hydrological and environmental assets. It is the intent of this standard to provide regulations to delineate and preserve natural and manmade floodplains. These regulations are provided to protect human and wildlife, reduce exposure to high water and flood hazards, and minimize the negative effects of flooding events.

1. **Establishment of FO.** The FO shall apply to all lands located within the Borough subject to Chapter 8 (Floodplains) of the Marysville Borough Ordinances.

2. **Permitted uses.** The following uses shall be allowed within the FO to the extent that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, including Chapter 8.

- A. Common open space.
- B. Educational or scientific use not involving buildings or structures.
- C. Fishing, swimming, boating and hunting.
- D. Walking bridges, docks and piers, with proper PaDEP permits when necessary.
- E. Trail access to the stream or drainage way and trails in linear parks.
- F. Passive recreational areas.
- G. Wildlife preserves.

3 Conditional uses:

- A. Accessory commercial uses, such as picnic areas or fences that would allow for the passage of water.
- B. Underground public utilities.
- C. Driveway crossings.

4. Standards.

- A. The FO is based on FEMA Special Flood Hazard areas as described in Chapter 8.
- B. In all subdivision and land development applications, the FO shall be shown on a drawing indicating the location and measurements of the district. The FO shall be described by metes and bounds, indicating the location and measurements of the district.

- C. In all zoning permit applications, the FO shall be shown on a drawing indicating the location and measurements of the district.



PART 15

DEVELOPMENT STANDARDS

§27-1401. Purpose.

The Borough recognizes that the process of development alters natural topography and vegetation. Development creates impervious cover and artificial light that can have a negative effect on the ecological balance and visual character of an area by causing increases in air temperatures, acceleration of runoff, erosion and sedimentation process, glare and noise and incompatibilities of land uses. The Borough intends to protect its economic base and quality of life through the preservation and enhancement of the unique natural beauty, environment and native plant communities located within its boundaries. Recognizing that the Comprehensive Plan promotes the protection of health, safety and welfare of the public and encourages quality development, the Borough declares that this article is adopted for the following specific purposes, to:

1. Aid in stabilizing the environment's ecological balance within the Borough.
2. Provide buffering and visual screening between uses of different character.
3. Enhance the Borough's appearance.
4. Safeguard and enhance land values and protect public and private investments.
5. Conserve energy.
6. Protect native plant communities, thereby supporting the ecosystem and providing habitats for a variety of wildlife.
7. Allow for creativity in providing for buffering, landscaping and screening.
8. Complement the Subdivision and Land Development Ordinance

§ 27-1402. Buffering.

Buffer areas required by this section are intended to separate different land uses from each other and are intended to eliminate and/or minimize nuisances such as dirt, litter, noise, glare, signs, unsightly buildings or parking areas, and to provide spacing to reduce adverse impacts of noise, light, odor or danger from fire and explosion. Buffer areas shall meet the following requirements:

1. A buffer area shall be located at the perimeter of the lot for any given use and shall not be located in any portion of a public right-of-way or proposed right-of-way.
2. Permitted uses in a buffer area: storm water management facilities, underground utility facilities, picnic areas, greenways or pedestrian walkways. Buildings or storage of any kind shall not be permitted in a buffer area.
3. Parking lots shall not encroach into a buffer area. Buffer areas shall not be used for parking.
4. A buffer area shall not be required in front yards except as required in Subsection 3 (B).
5. A buffer area and screening shall be provided in C-2 and I districts as follows:
 - A. A buffer area of 10 feet shall be required between residential uses or districts and

nonresidential uses or districts. Level two screening (§ 27-1404) shall be required within the buffer area.

- B. A buffer area of 50 feet shall be provided where residential uses or districts are adjacent to collector streets for side yard, corner lots and rear yard-double frontage lots. Level one screening (§ 27-1404) shall be required.

§27-1403. Landscaping.

It is the intent of this section to provide a set of minimum standards for landscaping to improve and maintain community appearance, the environment, rural character and value of properties within the Borough in accordance with the Comprehensive Plan. Landscaping shall be required for any land development or preliminary or major final subdivision.

1. Minimum required landscaping. Nonresidential and multifamily residential land developments in the R-2, C-1, C-2, and I Districts shall have a minimum of 20% landscaping of the total gross lot area, excluding building floor area, approved impervious surface and sensitive environmental features defined in the Comprehensive Plan and Part 13 Environmental Protection Overlay District.
 - A. At least 60% of all trees, shrubs and groundcover required by this section shall be native plants, except that a minimum of 30% of the vegetation chosen for erosion control shall be native plants from Subsection 5(A), Vegetation Acceptable for Erosion Control. Plants chosen shall be appropriate for their intended function and location based on plant characteristics in accordance with Subsection 5 (B), Native Plants for the Landscape. Plants chosen shall be appropriate for their intended function and location based on plant characteristics.
 - B. The required landscaped area shall include a minimum of 12 deciduous or evergreen trees for each one acre with a minimum of two-and-one-half inch caliper at time of planting. As an alternative, six trees for each one acre shall be required if deciduous trees are four inches in caliper or greater at the time of planting, and evergreen trees are nine feet in height or greater at the time of planting. A combination of tree sizes is permitted where at least one larger sized tree may be substituted for two smaller sized trees.
 - C. Five deciduous shrubs or hedges may be substituted for one deciduous tree for a maximum of 20% of the tree requirement.
 - D. The preservation of existing deciduous or evergreen trees of four-inch caliper or greater within the net lot area may be substituted for 50% of the tree requirement. (Net lot area for this section shall be total gross lot area minimum building floor area, approved impervious surface and sensitive environmental features as defined in the Comprehensive Plan and Part 13 Environmental Protection Overlay District.) The number of existing trees must meet or exceed 50% of the number of trees required in §27, Section 1403.1.A.
 - E. The remaining area required to be landscaped shall be ground cover.
 - F. Cost estimate for posting of securities in accordance with Chapter 22, Section 22-602, Subdivision and Land Development.
 - G. All trees, shrubs, hedges or ground cover that die or are destroyed shall be replaced within six months.
2. Street trees. Shade trees shall be required along all existing and new streets within a

subdivision or land development.

- A. Location. Street trees shall be installed along the street frontage or both sides of the street, where applicable. Street trees shall be planted along the street frontage within five feet of the right-of-way line. Where trees are planted along street spacing shall depend on the tree size as follows:

Tree Size at Maturity (feet)	Planting Interval (feet)
Large More than 40	50 to 70
Medium 30 to 40	40 to 50
Small Less than 30	30 to 40

- B. When the spacing interval exceeds 40 feet, small ornamental trees may be placed between the large trees. If a street canopy effect is desired, trees may be planted closer together, following the recommendations of a landscape architect.
- C. Street trees shall be planted as not to interfere with utilities, roadways, sidewalks, streetlights, clear sight triangles and safe sight distance in accordance with the Subdivision and Land Development, Section 22-513.1.1.
3. Minimum planting specifications, at the time of planting, except as specified in § 27-1404, Screening.
- A. Deciduous trees shall have a minimum caliper measurement of 2 1/2 inches, measured a minimum of six inches above the soil line.
- B. Coniferous trees shall have a minimum height of six feet.
- C. Evergreen shrubs, except for those used as low ground covers, shall have an average height of 20 inches.
- D. Deciduous shrubs shall have an average height of 30 inches.
- E. Trees with less than three inches in caliper shall be properly staked or trees with more than three inches in caliper shall be guyed and be properly protected for a period of one year from the date of planting.
- F. Any nylon rope used in balling the tree must be cut and removed from the root ball.
- G. Trees and shrubs shall be hardy, not prone to disease or pests and suitable for use as a screening hedge including dense foliage.
- H. Shrubs to be used on slopes steeper than 3 to 1 shall be chosen from §27-1403.5 (A), Vegetation Acceptable for Erosion Control. Ground cover to be used on slopes steeper than 3 to 1 shall be chosen from the list titled "Vegetation Acceptable for Erosion Control" in Subsection 5 (A) below, except that no more than 50% of berm area may be composed of ornamental grass or legume mixture.
- I. Mulch for grass seed mix must be straw mulch as specified in PennDOT Publication 408 ("Pub. 408") or as amended from time to time except that slopes steeper than 3 to 1 shall receive erosion control blankets/mats as specified in Pub. 408. Mulch shall be placed around trees, shrubs and ground cover. Mulch shall be shredded bark or other organic mulch, as approved by Borough officials, in continuous beds surrounding vegetation. Mulch shall not be the sole cover but shall be used in conjunction with vegetative ground cover which shall cover 95% of the area within two years of planting. A system of

staking, matting and/or netting shall be installed on slope/mound areas steeper than 3 to 1 to be mulched, but that will not inhibit vegetative growth and that will not be visible two years after planting.

- J. Stabilization measures shall include erosion control blankets or mats as specified in PennDOT Pub. 408 or as amended from time to time for slopes steeper than 3 to 1.
4. Landscape plan. All landscaping shall be drawn to scale on a site development plan and submitted to the Zoning Officer prior to the issuance of a zoning permit or with the land development or preliminary or final subdivision application. The landscape plan shall be prepared and certified by a landscape architect licensed by the Commonwealth of Pennsylvania. The landscape plan shall contain the following data as a minimum:
- A. An on-site inventory identifying type, size and height of existing plant materials.
 - B. A plant schedule describing plant materials, including names (common and botanical), location, qualities, caliper sizes, heights, spread, and spacing at installation.
 - C. Location, height and type of plant material proposed for buffer areas, screening and fencing.
 - D. The manner in which trees and shrubs are to be planted shall be indicated on a tree and shrub planting detail.
 - E. The manner in which lawn areas and ground cover are to be planted shall be indicated on a ground cover detail.
 - F. A description of how existing healthy trees are proposed to be retained and protected from damage during construction should be described in the construction detail.
 - G. Size, height, location and material of proposed seating, lighting, planters, sculptures and water features.
 - H. Location and dimension of sight triangles as defined in the Subdivision and Land Development Ordinance, Section 22-513.I
5. Plant Listings. The use of native species benefits land developers by reducing landscape maintenance costs and will benefit the community and the environment by reestablishing a native plant community.
- A. Native plants acceptable for landscaping.
 - i. Shrubs.
 - a. Azalea, sweet (*Rhododendron arborescens*): to 10 feet; white-pink flowers; rich, moist, acid soil; mostly sun.
 - b. Azalea, rhodora (*Rhododendron canadense*): to three feet to four feet; very hardy; lavender-white flowers; rich, acid soils.
 - c. Azalea, flame (*Rhododendron calendulaceum*): to eight feet; red to gold flowers mid-May; acid, well-drained soil.
 - d. Azalea, mountain (*Rhododendron, canescens*): to 10 feet; pink to white, fragrant flowers; rich woodland soils.
 - e. Azalea, pinxter (*R. periclymenoides*): to 10 feet; small pink flowers;

woodland, sun to part shade; rich acid soil.

- f. Azalea, roseshell (*R. prinophyllum*): to eight feet; pink, fragrant flowers in May; sun to part shade; moist, acid soils.
- g. Azalea, swamp (*R. viscosum*): to six feet; fragrant white flowers; sun-part shade; rich, moist, acid soils.
- h. Blueberry, highbush (*Vaccinium corymbosum*): to six feet to 12 feet; sun to part shade; moist woods, bogs and swamps.
- i. Chokeberry, red (*Aronia arbutifolia*): to five feet to eight feet upright shape; fall foliage in shades of red; holds fruit into winter.
- j. Chokeberry, black (*A. melanocarpa*): to three feet to five feet thicket-forming shrub; black berries; good wildlife value.
- k. Bayberry (*Myrica pensylvanica*): to nine feet; grows well on poor, sandy acid soils; blue-gray berries; wildlife.
- l. Bearberry (*Arctostaphylos uva-ursi*): thick ground cover; dark red fall fruits; needs sun and well-drained soil.
- m. Buttonbush (*Cephalanthus occidentalis*): to 10 feet; needs moist to wet soil; ponds & streams; yellow fall color.
- n. Carolina allspice (*Calycanthus floridus*): to six feet; large glossy leaves; dense border screen; sun to light shade.
- o. Cinquefoil, shrubby (*Potentilla fruticosa*): three feet to four feet; yellow flowers June until frost; shrub border; sun to moisture.
- p. Dogwood, pagoda (*Cornus alternifolia*): to 25 feet; border, screening; purple fruit; maroon fall color; moist soil.
- q. Dogwood, silky (*C. amomum*): to 10 feet by 10 feet; shrub border; blue fruit; deep red fall foliage; wet to dry soil.
- r. Dogwood, gray (*C. racemosa*): to 15 feet; shrub border; white flowers and fruit; maroon fall color; sun to shade.
- s. Dogwood, red osier (*C. sericea*): to eight feet; shrub border; bright red stems, white flowers and fruits; accent plant.
- t. Elderberry (*Sambucus canadensis*): to 12 feet; fast-growing; meadows and edges of woodlands; edible berries.
- u. Hazelnut (*Corylus americana*): six feet to 10 feet; erect growth; fruits reddish, ornamental; adapted to shade.
- v. Inkberry (*Ilex glabra*): six feet to nine feet; evergreen; black berries; shrub border; moist to wet soils; sun to shade.
- w. Mountain laurel (*Kalmia latifolia*): to eight feet; difficult to grow; requires acid soil, good moisture and drainage.

- x. Rhododendron, rosebay (*Rhododendron maximum*): to 15 feet; white flowers; light to full shade; rich, moist soil.
- y. Shadbush; Serviceberry (*Amelanchier canadensis*): to 20 feet; woodlands, moist, acid soil; white flowers.
- z. St Johnswort (*Hypericum prolificum*): to three feet; yellow flowers, dark green foliage; needs dry/moist soils; sun.
- aa. Spicebush (*Lindera benzoin*): to 12 feet; early flowering shrub; tolerates wet soils; red fruits eaten by birds.
- bb. Strawberry bush (*Euonymus americana*): to six feet; shrub border; moist soil; partial shade; red fruit/grn. stems.
- cc. Sumac, fragrant (*Rhus aromatica*): to six feet; banks, borders; sun to part shade; yellow flowers; good fall color.
- dd. Sumac, shining (*Rhus copallina*): to 25 feet; large-scale plantings; attractive dark green foliage; spreads.
- ee. Sumac, smooth (*Rhus glabra*): to 15 feet; large-scale plantings; sun to light shade; scarlet stems in fall.
- ff. Sumac, staghorn (*Rhus typhina*): to 25 feet; sun to light shade; banks, highways; excellent fall color.
- gg. Sweet pepperbush (*Clethra alnifolia*): to three feet to six feet; spikes of small white flowers; wetland shrub; light shade.
- hh. Viburnum, mapleleaf (*Viburnum acerifolium*): to five feet to six feet; good understory, bird plant; woodland, deep shade.
- ii. Viburnum, arrowwood (*V. dentatum*): to four feet to eight feet; white flowers (June); shrub border; tolerates dry soils.
- jj. Viburnum, nannyberry (*V. lentago*): to 20 feet; white flowers in May, black berries; woodland edge, wildlife plant.
- kk. Viburnum, blackhaw (*V. prunifolium*): to 15 feet; sun to part shade; medium to dry soil; edible berries; shrub border.
- ll. Winterberry (*Ilex verticillata*): to eight feet; shrub border; dark green foliage; scarlet berries; good winter contrast.

ii. Small trees.

- a. American hornbeam (*Carpinus caroliniana*): to 35 feet; blue-gray bark; sun to shade; moist soils along streams.
- b. Crabapples (*Malus* spp.): wide variety of shapes, with crown widths varying from 10 feet to 25 feet; provide attractive flowers and fruit, little fall color; select varieties with insect and disease resistance; most require full sun and moist, well-drained, acid soil. Native varieties include American Crabapple /

Sweet

Crab (*Malus coronaria*), Lanceleaf Crabapple (*Malus lancifolia*).

- c. Chokecherry (*Prunus virginiana*): hardy, vigorous tree with colorful foliage, flowers and fruit; upright branching; tolerates low fertility and dry sites; limited service life (10 to 20 years).
 - d. Eastern dogwood (*Cornus florida*): to 30 feet; large white flowers; red fruits; woodland edges; good fall color.
 - e. Eastern red cedar (*Juniperus virginiana*): to 30 feet; evergreen foliage from light green to blue; columnar; field.
 - f. Fringe tree (*Chionanthus virginicus*): to 25 feet; fragrant fringe of white flowers; well-drained, moist, acid soil.
 - g. Hawthorn (*Crataegus* spp): very tough, small flowering tree; acid to alkaline soils, droughty to wet, light to heavy; select for form and branching habit, disease resistance and absence of dangerous thorns. Native varieties include Thornless Cockspur Hawthorn (*Crataegus crus-galli* var. *inermis*), Brainerd's Hawthorn (*Crataegus calpodendron*), Red-fruited Hawthorn (*Crataegus coccinea*), Hawthorn (*Crataegus coccinea* and *Crataegus coccinea*), Frosted Hawthorn (*Crataegus pruinosa*)
 - h. Pawpaw (*Asimina triloba*): to 30 feet; sun, moist soil; pendant yellow leaves in fall; edible fruit in fall.
 - i. Persimmon (*Diospyros virginiana*): to 50 feet; woodland edges, floodplains and old fields; edible fruits.
 - j. Redbud (*Cercis canadensis*): to 40 feet; magenta flowers; sun to part shade; moist soil; woodland edges.
 - k. River birch (*Betula nigra*): to 50 feet; needs sun and moisture; streambanks, swales; pinkish, exfoliating bark.
 - l. Serviceberry (*Amelanchier arborea*): to 30 feet; rocky bluffs and upper slopes; white flowers (April).
 - m. Witch hazel (*Hamamelis virginiana*): to 20 feet; sun to shade; moist woodlands; yellow to orange fall color.
- iii. Large trees.
- a. **American beech (*Fagus grandifolia*): to 60 feet; rich, moist soils; smooth gray bark; good ornamental; wildlife.**
 - c. American hophornbeam (*Ostrya virginiana*): graceful tree with gray-brown bark; crown width is 20 feet to 30 feet; few pest problems; tolerates shade and will thrive in full sun; prefers well-drained, acid soil.
 - b. American linden - Legend (*Tilia americana* "Wendell"): to 70 feet; crown widths from 35 feet to 50 feet; prefers moist, fertile soil but tolerates drier sites; shade-tolerant but grows well in full sun;

intolerant of salt; bright red buds and twigs in winter.

- c. American linden - Redmond (*Tilia americana* "Redmond"): to 70 feet; crown widths from 30 feet to 45 feet; intolerant of salt; prefers moist, fertile soil, but tolerates drier sites; transplants readily; shade-tolerant, but grows well in full sun; growth rate is medium to fast with an upright growth habit; new twigs are crimson.
- d. Black gum (*Nyssa sylvatica*): to 70 feet; sun to light shade; acid soil; white flowers; spectacular red fall color.
- e. Black walnut (*Juglans nigra*): to 75 feet; found on rich, moist soils; edible nuts preferred by many mammals.
- f. Black willow (*Salix nigra*): to 30 feet; found on streambanks and in wet meadows; streambank protection.
- g. Bur oak (*Quercus macrocarpa*): height to 90 feet; crown widths from 60 feet to 90 feet; intolerant of shade; grows slowly; adapted to wide range of soils, from acid to alkaline and moist to dry; yellow-brown fall foliage.
- h. Cucumbertree (*Magnolia acuminata*): height to 70 feet; crown widths from 30 feet to 55 feet; attractive form and branching habit; full sun to partial shade and calcareous soils; prefers moist, well-drained soil; brown fall color.
- i. Eastern hemlock (*Tsuga canadensis*): large evergreen tree; long-lived; food and cover for songbirds.
- j. Eastern white pine (*Pinus strobus*): large evergreen tree; blue-green foliage; moist/dry soils; wildlife.
- k. Mockernut hickory (*Carya tomentosa*): 50 feet to 75 feet; moist, open woods and slopes; nuts large with thick shells.
- l. Northern red oak (*Quercus rubra*): to 90 feet; moist to dry soils; acorns provide food for many birds/mammals.
- m. Pin oak (*Quercus palustris*): to 60 feet; typically requires wet to moist soils; acorns, food for wetland animals.
- n. Red maple (*Acer rubrum*): to 75 feet; grows best in wet soils; red fall color; good ornamental and wildlife tree.
- o. Shagbark hickory (*Carya ovata*): 70 feet to 80 feet; rich soils on slopes and in valleys; provides excellent wildlife food.
- p. Shumard oak (*Quercus shumardii*): height to 80 feet; crown widths from 45 feet to 65 feet; growth rate is moderate to fast; tolerates drought, salt, soil compaction and alkaline soils; prefers sun and well-drained soils; fall colors are reddish brown to scarlet.
- q. Shellbark hickory (*Carya lachiniosa*): 80 feet to 100 feet; moist to fertile bottomlands in southern pennsylvania; wildlife.
Shingle oak (*Quercus imbricaria*): height to 65 feet; crown widths from 40 feet to 70 feet; transplants well, plant in full sun; tolerates dry soils, but prefers moist, well-drained, acid soils; yellow-brown to russet fall colors.
- r. Sugar maple (*Acer saccharum*): to 80 feet; moist slopes; excellent ornamental; brilliant fall color; wildlife.
- s. Swamp white oak (*Quercus bicolor*): height to 80 feet; crown widths from 50 feet to 80 feet; tolerates drought, salt, soil compaction and

some shade; transplants more readily than other white oaks; growth rate is moderate; yellow-brown foliage in autumn.

- t. Sweetgum (*Liquidambar styraciflua*): height to 75 feet; crown width from 40 feet to 65 feet; glossy, star-shaped leaves; shades of green, yellow, scarlet and purple in fall; needs acid soil, full sun and adequate space for roots.
- u. Sycamore (*Platanus occidentalis*): to 125 feet; streambanks and floodplains; white/green flaking bark; wildlife.
- v. White ash (*Fraxinus americana*): to 80 feet; moist, rich soils; good ornamental; yellow to maroon fall color.
- w. White oak (*Quercus alba*): 80 feet to 100 feet; moist to dry soils; produces acorns every year; important wildlife tree.
- x. Willow oak (*Quercus phellos*): height to 75 feet; crown widths from 45 feet to 60 feet; prefers acid soil and full sun; fast growth rate; yellow-brown to russet fall foliage.

iv. Native grasses and wildflowers for ground cover, wildlife or aesthetics.

- a. Big bluestem (*Andropogon gerardii*): to three feet to seven feet; clumping, vertical, deep blue stem; purple seedhead.
- b. Bushy bluestem (*Andropogon glomeratus*): to four feet; large, cottony flowers; full sun; moist-wet, rich soils
- c. Broom sedge (*Andropogon virginicus*): to three feet; full sun; poor soils in assoc. with eastern red cedar; orange in fall.
- d. Pennsylvania sedge (*Carex pensylvanica*): less than one foot; never needs mowing; clumps; dry shade/trees.
- e. Northern sea oats/river oats (*Chasmanthium latifolium*): to three feet; aggressive; moist woodlands; adaptable.
- f. Fraser sedge (*Cymophyllus fraseri*): to one inch; rich, cool, moist woodlands; evergreen, leaves red in winter.
- g. Hairgrass, tufted (*Deschampsia cespitosa*): to three feet; medium/moist soil; semi-shade; clumps with airy panicles.
- h. Purple lovegrass (*Eragrostis spectabilis*): to two feet; dry, poor soils; full sun; delicate purple flowers.
- i. Soft rush (*Juncus effusus*): to three feet; bright green, spiky plant; very moist to wet soil; pond edge; mostly sunny.
- j. Muhly grass (*Muhlenbergia capillaris*): to two feet clumps; fine textured, light green blades; sun; poor soil; accent.
- k. Switch grass (*Panicum virgatum*): to three feet to seven feet; winter wildlife cover; accent plantings; yellow fall color; sun.
- l. Sideoats grama (*Bouteloua curtipendula*): to three feet; nearly any soil; seeds

hang uniformly on side of stems.

- m. Little bluestem (*Andropogon scoparius*): to two feet to three feet; wildflower meadows; accents; red-gold fall color; sun.
- n. Indian grass (*Sorghastrum nutans*): to five feet; clumps of green with yellow flowers - July; copper plumes; sunny.
- o. Eastern gamma grass (*Tripsacum dactyloides*): to three feet to six feet; coarse textured clumps; moist-boggy soils; sun.
- p. Sundrops (*Oenothera fruticosa*): herbaceous perennial; meadows, dry fields, roadside banks.
- q. Butterfly-weed (*Asclepias tuberosa*): herbaceous perennial; dry woods, old fields; bright orange flowers.
- r. Wild blue phlox (*Phlox divaricata*): herbaceous perennial; blue to pink flowers; rich soil, deciduous woods.
- s. Indian paintbrush (*Castilleja coccinea*): herbaceous annual/biennial; moist meadows; brilliant flowers.
- q. Beard-tongue (*Penstemon digitalis*): herbaceous perennial; meadows, old fields and roadsides.
- r. Common yarrow (*Achillea millefolium*): to three feet; perennial, white to pink flowers; tolerates poor soils.
- s. Boneset (*Eupatorium peffoliatum*): to five feet; perennial with persistent white flowers; wet meadows, floodplains.
- t. New England aster (*aster novae-angliae*): to two feet to six feet; purple flowers, late summer; meadows; butterfly nectar.
- u. Blazing star (*Liatris spicata*): to three feet; perennial; moist meadows, roadsides; lavender flower spikes; sun.
- v. Prairie coneflower (*Ratibida pinnate*): to five feet; perennial; yellow flowers; dry fields, limestone uplands.
- w. Black-eyed Susan (*Rudbeckia hirta*): one foot to three feet; herbaceous biennial; fields, meadows; yellow flowers with brown.
- x. Ox-eye sunflower (*Heliopsis helianthoides*): two feet to five feet; perennial; fields, floodplains; food and cover for birds.
- y. Canada goldenrod (*Solidago canadensis*): to five feet; perennial; old fields; yellow flowers; nectar for butterflies.
- z. Stiff goldenrod (*Solidago rigida*): to five feet, perennial; moist fields, rich soil; yellow flowers - August; butterflies.
- aa. Showy goldenrod (*Solidago speciosa*): to four feet; perennial; moist meadows, rocky woods; yellow flowers - September.

The lists of native plants are not intended to be all-inclusive. They were compiled as a sampling of representative plants, which exhibit some of the best characteristics of flower and form, adaptability and wildlife values. Since the lists were assembled with border/screen/open space requirements in mind, they include a number of herbaceous perennial plants and many of the native, large tree species.

These lists are not intended to be all encompassing. Any plant deemed native by Penn State Extension, DCNR or similar professional expert will also be considered.

6. Maintenance plan. Landscaping required in this section shall be maintained in a healthy, growing condition at all times. It shall be the responsibility of the property owner of record or his delegated representative to properly maintain and care for any landscape screen or other treatment as approved by the Borough.
7. All landscaping that does not survive for 1 year from original planting, must be replaced by the similar or equivalent planting at the same or a different location on that property.

§ 27-1404. Screening.

Screening shall be provided as required by this chapter. The purpose of screening is to provide an effective visual barrier and to protect properties against traffic, trespass, noise, heat, glare, dust, unsightly or distracting activity, to preserve property values and assure compatibility of uses.

1. The following list describes various levels of screening.
 - A. Level one. This buffer shall contain screening materials which, at maturity, provide opacity from the ground to a height of four feet, as well as intermittent visual obstruction from a height of four feet to a height of 30 feet. Vegetative screening materials within intermittent visual obstruction areas shall contain horizontal openings no greater than 20 feet in width upon the plant's maturity. Grouping of plant materials is encouraged to achieve a more natural appearance.
 - (a) Evergreen trees: minimum five-foot planting height.
 - (b) Deciduous trees: minimum two-inch caliper and six-foot planting height.
 - (c) Shrubs: eighteen-inch planting height, reaching a minimum of 30 inches within two years. All shrubs (deciduous or evergreen) must have a minimum spread of 12 inches to 15 inches when planted.
 - (d) Maximum spacing between plants: 10 feet.
 - B. Level two. This buffer shall contain screening materials which, at maturity, provide opacity from the ground to a height of 30 feet. Vegetative screening materials within opaque areas shall contain no horizontal openings upon the plants' maturity. Trees within this buffer shall consist primarily of Eastern white pine and Norway spruce (or equivalent

conifer) grouped to achieve a desired opacity. Screening shall consist of a combination, in longitudinal series, of at least two of the following options:.

(a) Option A: fence screen.

- [1] Minimum six foot-high freestanding/retaining wall or solid fence.
- [2] Evergreen trees: minimum five-foot tree planting height.
- [3] Maximum spacing between plants: 10 feet.

(b) Option B: evergreen tree screen.

- [1] Evergreen trees: minimum eight-foot tree planting height.
- [2] Composition adequate to achieve a solid screen from zero to six feet in height two years after planting.
- [3] Maximum spacing between plants: 10 feet.

(c) Option C: berm screen.

[1] Berm.

- [a] Minimum six-foot height.
- [b] Berm slopes 3 to 1 and less steep.
- [c] Eight foot minimum top width.

[2] Lawn, ground cover, shrubs and trees.

- [a] Minimum six-foot tree planting height.
- [b] Adequate to provide a continuous bed of vegetative ground cover over at least 95% of the berm area within two years of planting.

(d) Option D: steep berm screen.

[1] Steep berm.

- [a] Minimum six-foot tree planting height.
- [b] Composed of lightly compacted soil with stability measures adequate to retain stable soil structure and prevent erosion.
- [c] With slopes greater than 3 to 1 up to 2 to 1 maximum slope.
- [d] Eight-foot minimum top width.

[2] Ground cover, shrubs and trees.

- [a] Adequate to achieve a continuous bed of vegetative cover over at least 95% of the berm area within two years of planting.
- [b] Ground cover and shrubs to be chosen from the listing title "Vegetation Acceptable for Erosion Control."
- [c] Composition adequate to achieve a solid screen from zero to six-foot height two years after planting considering the expected plant size two years after planting.

2. Uses. The following specific uses or features shall be screened with a Level Two screening from adjacent properties and from public view from a street:

- A. Dumpster and trash-handling areas.
 - B Outdoor storage of any material stocks, or equipment, including but not limited to motor vehicles, farm or construction equipment or other similar items. Motor vehicles regularly used by occupants of the property shall be excluded from this requirement.
3. Maintenance. All required plantings shall comply with § 27-1403 or as amended from time to time. All required fences or walls shall be permanently maintained in good condition and, whenever necessary, repaired and replaced.

PART 16

PERFORMANCE STANDARDS

§27-1501. Purpose.

It is the purpose of this Part to provide appropriate standards relating to the operation of commercial, industrial and residential uses throughout the Borough. Such operations and uses may create such excessive air pollution, electromagnetic interference, fire and explosive hazards, glare, heat, light, noise, odor, outdoor storage and waste disposal, vibration and water pollution, as a deterrent to public health, comfort, convenience, safety and welfare. This article is intended to require potential nuisances to be measured factually and objectively; to ensure that all uses will provide methods to protect the community from hazards and nuisances which can be prevented by process of control and nuisance elimination; and to protect activities from arbitrary exclusion or persecution based solely on the nuisance production. These standards are, therefore, provided to protect the public interest and promote public health and welfare.

§27-1502. Air pollution.

To protect and enhance the air quality in the Borough, all sources of air pollution shall comply with any and all regulations set forth by the Federal Environmental Protection Agency and Pennsylvania Department of Environmental Protection. In addition, the following shall apply:

- A.* Odor. A person shall not discharge, cause, suffer, allow, or permit from any source whatsoever such quantities of air contaminants or other material which will cause injury, detriment, nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which causes or has a natural tendency to cause injury or damage to business or property. A person shall not discharge, cause, suffer, allow, or permit any emissions of objectionable odors beyond the property line. Temporary odor producing activities done as commonly accepted routine property maintenance, will be exempted.
- B.* Smoke. For the purposes of grading the density or equivalent opacity of smoke, the Ringlemann No. 1 from any chimney, stack, vent, opening or combustion process is prohibited; however, smoke of a shade not to exceed Ringlemann No. 3 is permitted for up to three minutes total in any one eight-hour period.

§27-1503. Electromagnetic interference.

In all districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including

but not limited to interference with normal radio, telephone, cell phone or television reception from off the premises where the activity is conducted.

§27-1504. Fire and explosive hazards.

Conditions hazardous to life, property, or public welfare due to fire and explosion arising from the storage, construction, handling, or use of substances, materials, or devices shall meet all requirements of the National Fire Prevention Association (NFPA).

§27-1505. Glare or Heat.

Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than 5° Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles measured at the property line.

§27-1506. Noise.

In all zones, the sound-pressure level for all uses and activities shall not exceed the decibel limits in the octave bands designated in the following table and shall comply with the following standards and Chapter 6 Part 7 Noise:

- A. Permitted decibel levels. At no point at or beyond the property line shall the measured sound level exceed the maximum permitted sound levels designated in the table below:

Maximum Permitted Sound Level in Decibels Along the Property Line

Octave Band Cycles Per Second	Residence Districts	Nonresidential Districts
0 to 75	67	73
75 to 150	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1,200	49	55
1,200 to 2,400	45	51
2,400 to 4,800	41	47
Over 4,800	37	43

- B. Measurement. Sound levels shall be measured with a sound-level meter and associated octave band filter manufactured in accordance with the American National Standards Institute (ANSI). Noises capable of being measured shall be those noises

which cause rapid fluctuations of the sound-level meter with a variation of no more than plus or minus two decibels. Noises incapable of being measured, such as those of irregular and/or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

§27-1507. Outdoor storage and refuse disposal.

Outdoor storage requirements for any use or activity shall conform to the International Property Maintenance Code, as amended from time to time. In addition, the following shall apply:

- A. No materials or wastes shall be deposited or stored upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
- B. All materials or wastes which might cause fumes or dust or which constitute a fire hazard shall be stored in a manner to prevent fumes or dust from transferring off the property and minimize fire hazards.
All materials or wastes which may be edible by or otherwise be attractive to rodents or insects shall be stored only in closed containers when stored outdoors.
- C. In no case shall outdoor storage or waste disposal cause contamination to wells, ground water, watercourses or any body of water.
- D. All provision for storage in Part 8 General Regulations.

§ 27-1508. Ground vibration.

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point at or beyond the boundary line of the lot on which the use is located. Vibrations from temporary construction, and vehicles (such as trucks, trains, airplanes and helicopters) which leave the lot are excluded.

