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## Part 1

### General Provisions

#### **§101. Legal Authority.**

This Chapter shall be ordained and enacted by the Borough of Hollidaysburg, County of Blair, by the authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code (Act 170 of 1988) and the Historic District Act (Act 167 of 1961, as amended, 53 P.S. 8001 et seq. (Ord. 645, 7/6/1989, §101)

#### **§102. Short Title.**

This Chapter shall be known and may be cited as the “Hollidaysburg Borough Zoning Ordinance,” and the zoning district map shall be known and may be cited as the “Official Hollidaysburg Borough Zoning Map.”

(Ord. 645, 7/6/1989, §102)

#### **§103. Statement of Purposes.**

The purposes of this Chapter are to: promote the safety, health, convenience and general welfare; encourage the most appropriate use and reuse of land throughout the Borough; conserve and stabilize the value of property; prevent overcrowding of land and buildings; avoid undue concentration of population; lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate spaces for light and air; facilitate adequate provisions of roads, water, sewerage, drainage and other public facilities; conserve life, property, natural, scenic and historic resources; maintain and enhance the aesthetic environmental and the Borough’s ability to attract sources of economic development growth; improve pedestrian and traffic safety; enable the fair and consistent enforcement of these restrictions; prevent misdirected or excessive artificial light, caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light) and/or unnecessary sky glow, to discourage the waste of electricity and to improve or maintain nighttime public safety, utility and security; and conserve the expenditure of funds earmarked for public improvements. (Ord. 645, 7/6/1989, §103; as amended by Ord. 781, 6/6/2002)

#### **§104. Community Development Objectives.**

This Chapter is adopted in accordance with the Borough’s Statement of Community Development Objectives, adopted by Resolution No. 89-11 by Borough Council on March 13, 1989. (Ord. 645, 7/6/1989, §104)

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### **§105. Application of Regulations.**

1. Compliance.
  - A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all applicable provisions of this Chapter.
  - B. No grading, earthmoving, removal or topsoil, trees or other vegetative cover preparatory to any construction or alteration requiring a zoning permit by this Chapter shall be undertaken prior to the issuance of said permit.
2. Future Annexations. All territory which may hereafter be annexed to the Borough of Hollidaysburg shall be considered to be in the R-1 Residential District until otherwise classified.
3. Reclassification of Public Facility If Use Ceases. Whenever any public building, facility or land area, such as a school, recreation area, community center or municipal building ceases to be used according to its intended function, the Borough Planning Commission shall study the existing zoning classification of the said property and shall make recommendations to Borough Council on any appropriate zoning changes to ensure a suitable reuse of the parcel. This study and recommendation shall be completed within 90 days following notification by the public entity of its intent to terminate the existing use of the property.
4. Pending Building Permits.
  - A. Nothing in this Chapter shall require any change in construction or use of any structure for which a building permit was lawfully issued prior to the effective date of this Chapter, or any amendment thereto, provided construction has begun or a contract or contracts have been let pursuant to the permit issued prior to the effective date of this Chapter.
  - B. However, any building permit which was issued subsequent to the first public hearing on this Chapter but prior to the Chapter's effective date shall be declared void at the time of adoption of this Chapter, if the structure or use does not conform to the provisions of this Chapter and if no substantial construction (other than excavation) has begun or contract(s) let.

(Ord. 645, 7/6/1989, §105)

### **§106. Interpretation of Regulations.**

1. Wherever the regulations within this Chapter are at variance with other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, those which impose the most restrictive requirements shall govern.

2. No structure or use which was not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful solely by reason of the adoption of this Chapter; and to the extent that said unlawful structure or use is in conflict with the requirements of this Chapter, said structure remains unlawful hereunder.
3. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to its intended meaning, in favor of the property owner and against any implied extension of the restriction.

(Ord. 645, 7/6/1989, §106)

**§107. Exemption to Regulations.**

This Chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall after a public hearing decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. (Ord. 645, 7/6/1989, §107)





**Part 2**

**Schedule of District Regulations**

**§201. Establishment of District Classifications.**

The Borough of Hollidaysburg is hereby divided into the following zoning districts:

- CR Conservation/Recreation
- R-1 Single Family Residential
- R-2 General Residential
- R-3 General Residential
- PR Planned Residential
- RB Residential/Business
- HS Highland Hall Special District
- C-1 Professional/Business Services
- C-2 Community Business District
- C-3 Highway Commercial
- I-1 Limited Industrial
- I-2 General Industrial

(Ord. 644, 7/6/1989, §201)

**§202. Zoning District Map and Boundaries.**

1. Boundaries Established.
  - A. The boundaries of the various zoning districts are hereby established on the map entitled "Official Zoning Map" on file in the office of the Zoning Officer. This map with all explanatory matter thereon is hereby made part of this Chapter. The Official Zoning Map shall be dated and shall carry the signature of the Borough Secretary certifying that it is the true map adopted by Borough Council. All amendments shall be identified on the map and similarly certified.

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- B. The boundaries between districts are, unless otherwise indicated, either the centerline of streets or such lines extended, or parallel lines thereto, or property lines or other physical boundaries and delineations. Where streets, property lines, or other physical boundaries and delineations are not applicable, boundaries shall be determined by scale shown on the Official Zoning Map.
2. Interpretation. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not specifically covered above, the Zoning Hearing Board shall interpret the district boundaries.
3. Future Street Vacation. In the event that a street, alley or other way shown on the Zoning District Map is vacated, the property formerly in said street right-of-way shall be included within the zoning district of the adjoining property on either side of said vacated street or way. Where said street forms a zoning district boundary, the new district boundary shall be the new property line created by the former centerline of said vacated street.

(Ord. 644, 7/6/1989, §202)

### **§203. District Regulations.**

District regulations governing the uses and area and dimensional standards for each zoning district shall be as set forth in the Schedule of District Regulations which follows. (Ord. 644, 7/6/1989, §203)

### **§204. Lot, Yard and Height Regulations and Exceptions.**

1. Required Lot Area.
  - A. Any lot together with the required yards and open areas on it shall be equal to or exceed the minimum lot area established for the zoning district in which it is located. In case of a subdivision or combination of lots, no lot shall be created which does not meet the requirements of this Chapter.
  - B. Any portion of a lot once designated as a yard or as lot area per dwelling unit in compliance with the lot area requirements of the Chapter shall not be counted again as a required yard or lot area per dwelling unit for another lot or building, nor shall it be sold as a separate lot.
  - C. Any portion of a lot which is recorded or otherwise reserved for future streets shall not be used as a factor in determining lot area per dwelling unit or yard dimensions.

2. Lots with On-Lot Sewage. Where an on-lot sewage disposal system is to be used, the minimum lot size shall not be less than required by percolation tests.
3. Access to Public Street. All lots shall have access either directly or via a driveway to a public street. Such driveway shall have a uniform width of not less than 12 feet.
4. Front Yards on Corner Lots. Lots which abut on more than one street shall provide the required front yards along every street.
5. Front Yard Exceptions. Where a structure is proposed to be built on a lot which is situated between two lots on which the existing principal structures have maintained a lesser front yard setback since the enactment of this Chapter, then the front yard of the proposed structure shall be reduced to the average of the front yard of the two abutting structures. This yard exception provision shall apply only in residential zoning districts. [Ord. 781]
6. Projections into Required Yards. All structures, whether or not attached to the principal structure and whether open or enclosed, including porches, balconies, or other platforms above normal grade level, shall not project into any minimum front, side, or rear yard with the following exceptions:
  - A. A buttress, chimney, cornice, pier, or pilaster which does not project more than 18 inches from the wall of a building may project into a required yard.
  - B. Balconies or other aboveground platforms and access steps to a structure, not exceeding six feet in width, may extend up to three feet into a required yard.
7. Height Exceptions. Church spires and tower, water towers and tanks, utility poles, cupolas, penthouses, domes not for human occupancy, chimney, ventilators, skylights, water tanks, bulkheads, silos and necessary mechanical or ornamental appurtenances may exceed the maximum height for the zoning district in which they are located. However, the required side yards shall be increased one-foot for each five feet over 45 feet in height. These height exceptions shall not apply to any communications antennas or communication towers. [Ord. 781]

(Ord. 644, 7/6/1989, §204; as amended by Ord. 781, 6/6/2002)

### **§205. Site Development Standards.**

1. The site development standards set forth in §§512 and 513, shall apply to all lots, uses and structures in all zoning districts and shall be in addition to the requirements contained in this Part. [Ord. 781]
2. In judging whether or not the requirements of this Chapter have been met, the responsible approval agent shall be guided by generally accepted standards and

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practices for sound site planning and development, building design and construction. The Borough shall maintain, and make available upon request, a list of reference sources which it uses in applying the standards contained in this Chapter.

(Ord. 644, 7/6/1989, §205; as amended by Ord. 781, 6/6/2002)

### **§206. CR Conservation/Recreation Districts.**

1. Purpose. This district includes lands containing valuable natural resources such as woodlands, floodplains and open spaces. Uses permitted in these areas are limited to those that are compatible with the preservation and protection of these resources and amenities.
2. Permitted Uses. None.
3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Agriculture and horticulture.
  - B. Recreational facility/area, public or nonprofit.
  - C. Golf course.
  - D. Private club.
  - E. Cemetery.
  - F. School.
  - G. Single family planned development.
  - H. Customary accessory use to any authorized use such as parking, garden, private swimming pool, minor storage shed, etc. (see §503).
4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Public/essential services.
  - B. Governmental use or building.
5. Area and Dimensional Requirements.
  - A. Minimum Lot Area. One acre unless otherwise specified herein.

- B. Minimum Yard Requirements. No structure shall be located within 40 feet of any lot line unless otherwise specified by this Section.
  - C. Total Impervious Surface. Shall not exceed 20% of the lot area.
  - D. Maximum Height. principal structure – 35 feet; accessory structure – see Part 5.
6. Off-Street Parking Requirements. As specified by §508 of this Chapter.
7. Additional Standards.
- A. Within a CR district, no grading, excavation, earthmoving, removal of topsoil, trees or other vegetative cover shall be undertaken until a zoning permit has been issued.
  - B. All developments in this district shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance and the destruction of natural features.
  - C. Lakes, ponds, watercourses and wetlands shall be preserved as permanent open space unless otherwise approved by Council. No realignment, development, filling, piping, concentrating or diverting shall be permitted except for essential road and utility facilities which cannot be placed elsewhere on the site or as otherwise directed by the Borough or PaDER.
  - D. All floodplains shall remain as permanent open space. Only the following uses shall be permitted in the floodplain:
    - 1. Recreational uses or structures, such as picnic areas, pavilions or shelters, lodges, club houses, fishing sites, trails and similar uses.
    - 2. Essential road and utility facilities which cannot be placed elsewhere on the site.
    - 3. All uses or structures shall comply with provisions of the Floodplain Overlay District (§302).
  - E. If the development includes any common open space or facilities which will not be accepted for dedication by the Borough, the provisions of §210(6)(G) shall apply.
  - F. Applications for a single family planned development in a CR district shall be reviewed according to the plan review procedures contained in the Borough Subdivision and Land Development Ordinance. [Chapter 22]
  - G. Developers shall attempt to harmonize their development plan with the preservation of existing trees and woodlands. Clearing of tree masses or

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trees with a caliper of six inches or greater and/or evergreen trees six feet or more in height shall be minimized to the maximum extent practicable.

- H. If the site contains any area identified as presenting landslide or subsidence risks (existing or potential), the developer shall submit a report, prepared by an experienced geotechnical engineer, describing the measures to be undertaken to protect the uses on the development site and adjacent properties.
- I. The location and extent of any necessary buffer areas shall be determined as part of the conditional use review in accordance with the standards for buffer areas in §511.

### 8. Single Family Planned Development.

- A. Such developments shall include only single-family detached homes with customary accessory uses. The minimum lot area per dwelling may be reduced to 20,000 square feet except where a larger lot would be required to comply with the requirements of §206(7), other requirements of this Chapter or the Borough Subdivision and Land Development Chapter. [Chapter 22]
- B. All the requirements contained in §§206(5)-206(7) shall apply unless specifically modified herein.
- C. As part of the application review process, Council shall establish requirements for minimum yards and other structural setbacks, however, in no case shall the total impervious surface for any lot exceed 30%.
- D. The requirements for buffers areas in a PR district shall apply (§210(6)(D))
- E. If the development includes any common open space or facilities which will not be accepted for dedication by the Borough, the provisions of §210(6)(G) shall apply.
- F. Applications for a single family planned development in a CR district shall be reviewed according to the plan review procedures contained in the Borough Subdivision and Land Development Chapter. [Chapter 22].

(Ord. 644, 7/6/1989, §206)

### **§207. R-1 Single Family Residential Districts.**

- 1. Purpose. This district is intended to maintain areas for single-family homes built on larger lots. Certain other residentially related uses are also authorized, subject to certain criteria. [Ord. 747]

2. Permitted Uses.

- A. Single family detached dwelling.
- B. Residential accessory use, such as garage, carport, garden, private swimming pool, minor storage shed or outbuilding, sign.
- C. Recreational facility, public or nonprofit.
- D. Customary accessory use to any authorized use, examples of which include, but are not limited to parking, garden, private swimming pool, minor storage shed, etc. (see §503).
- E. No impact home occupation, certified as meeting the definition of a no impact home occupation by the Zoning Hearing Officer.
- F. Group residence.

[Ord. 791]

3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:

- A. School.

[Ord. 747]

4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:

- A. Place of worship, including related educational buildings, parish house, convent, monastery or similar accessory use.
- B. Child day care center.
- C. Governmental use or building.
- D. Public/essential service.

[Ord. 791]

5. Area and Dimensional Requirements.

- A. Minimum Lot Area.
  - 1. Single family detached – 9,000 sq. feet

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2. Other principal uses – 12,000 sq. feet unless otherwise specified by this Chapter.

### B. Minimum Yard Requirements.

Use	Front	Side	Rear
Single family	30 ft.	2 yards totaling 24 ft.; none less than 10 ft.	30 ft.
All other uses	40 ft.	15 ft./yard	30 ft.

### C. Minimum Lot Width.

- (1) Residential – 60 ft.
- (2) Other uses – 80 ft.

### D. Maximum Lot Coverage. 30% for all uses.

### E. Maximum Height. Principal structure – 35 feet or two and 2 1/2 stories; accessory structure – see Part 5.

6. Off-Street Parking Requirements. As required by §508 of this Chapter.
7. Additional Standards.

#### A. Front Yard Exceptions. Where a structure is proposed to be built on a lot which is situated between two lots on which the existing principal structures have maintained a lesser front yard setback since the enactment of this Chapter, then the front yard of the proposed structure shall be reduced to the average of the front yard of the two abutting structures. [Ord. 781]

(Ord. 644, 7/6/1989; §207; as amended by Ord. 747, 7/17/1997; by Ord. 781, 6/6/2002; and by Ord. 791, 4/3/2003)

## §208. R-2 General Residential Districts.

1. Purpose. This district includes established neighborhoods with a variety of dwelling types although single-family homes on moderately sized lots predominate. Specialized housing types (e.g., personal care or nursing homes) are allowed along with other residentially related uses, subject to certain criteria. [Ord. 747]
2. Permitted Uses.
  - A. Single family detached dwelling.



- B. Two family detached dwelling.
- C. Multifamily dwelling.
- D. Townhouse dwelling.
- E. Recreational facility, public or nonprofit.
- F. Customary accessory use to any authorized use, examples of which include, but are not limited to parking, garden, private swimming pool, minor storage shed, etc. (see §503).
- G. No impact home occupation, certified as meeting the definition of a no impact home occupation by the Zoning Hearing Officer.
- H. Group residence.

[Ord. 791]

- 3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Personal care home.
  - B. School.
  - C. Nursing Home.

[Ord. 747]

- 4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Day care center for children or adults.
  - B. Governmental use or building.
  - C. Place of worship including related educational buildings, parish house, convent, monastery or similar accessory use.
  - D. Public/essential service.

[Ord. 791]

- 5. Area and Dimensional Requirements.
  - A. Minimum Lot Area.

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- (1) Single-family – 6,000 sq. ft.
- (2) Two-family – 3,000 sq. ft./dwelling unit.
- (3) Townhouse – 2,500 sq. ft./dwelling unit.
- (4) Multifamily – 1,800 sq. ft./dwelling unit.
- (5) Group residence, personal care home – 8,000 sq. ft.
- (6) Other principal uses – 10,000 sq. ft. unless otherwise specified by this Chapter.

### B. Minimum Yard Requirements.

<b>Use</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
Single, two-family	25 ft.	10 ft.	25 ft.
Townhouse	20 ft.	15 ft.	25 ft.
Multifamily	30 ft.	15 ft.	25 ft.
Group residence, personal care home	25 ft.	10 ft.	25 ft.
All other uses	30 ft.	15 ft.	30 ft.

### C. Minimum Lot Width.

- (1) Single, two-family – 50 ft.
- (2) Other uses – 60 ft.

### D. Maximum Lot Coverage. 35% for all uses.

### E. Maximum Height. Principal structure – 40 feet; accessory structure – see Part 5.

[Ord. 766]

### 6. Off-Street Parking Requirements. As required by §508 of this Chapter.

### 7. Additional Standards.

#### A. Conversions of existing single or two family dwellings to multifamily dwellings shall comply with the following:

- (1) The minimum lot area per dwelling and off-street parking requirements for multifamily dwellings shall be met.

- (2) No off-street parking shall be permitted in a front yard; parking may be provided in a side or rear yard, provided it is visually screened from the street and adjacent properties (see §508).
  - (3) No individual dwelling unit shall contain less than 700 square feet of floor area and shall include kitchen and bath facilities.
  - (4) All units shall comply with applicable requirements of the Pennsylvania Department of Labor and Industry regulations.
  - (5) No dwelling unit shall be located in a cellar which is wholly below grade.
  - (6) All dwelling units shall have adequate light and air exposure.
  - (7) Any outdoor trash or garbage storage shall be screened from a public street or adjacent property.
- B. Townhouse and multifamily developments with more than one principal building shall be arranged so as:
- (1) To ensure adequate light and air exposures for buildings with walls containing main window exposures or main entrances. In no case shall any structure be located closer than 15 feet to any other structure when having a side-to-side (wall), rear-to-side, or rear-to-rear orientation; or closer than 25 feet when having a front-to-front, front-to-rear, or front-to-side orientation.
  - (2) To minimize exposure to concentrated loading or parking facilities.
  - (3) To provide adequate access for emergency vehicles to all buildings as approved by the Borough Fire Chief.
- C. Expansion or extension of an existing structure into a nonconforming yard may be authorized provided the following conditions are met:
- (1) Front yard – The provisions of §204.5, Front Yard Exception, shall apply.
  - (2) Side yard – The existing yard shall not be reduced to less than three feet or made any more nonconforming, whichever is less, and no structure, or any part thereof, shall be closer than 15 feet to any structure on an abutting property.
  - (3) Rear yard – The existing yard shall not be reduced by more than 20% of its depth or to not less than 10 feet.

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- D. Front Yard Exceptions. Where a structure is proposed to be built on a lot which is situated between two lots on which the existing principal structures have maintained a lesser front yard setback since the enactment of this Chapter, then the front yard of the proposed structure shall be reduced to the average of the front yard of the two abutting structures. [Ord. 781]

(Ord. 644, 7/6/1989, §208; as amended by Ord. 747, 7/17/1997; by Ord. 766, 12/16, 1999, §3; by Ord. 781, 6/6/2002; and by Ord. 791, 4/3/2002)

### **§209. R-3 General Residential.**

1. Purpose. Uses allowed in this district are similar to the R-2 District, but lot and building sizes are generally smaller, consistent with the established pattern in these neighborhoods. [Ord. 747]
2. Permitted Uses.
  - A. Single family detached dwelling.
  - B. Two family detached dwelling.
  - C. Multifamily dwelling.
  - D. Townhouse dwelling.
  - E. Recreational facility, public or nonprofit.
  - F. Customary accessory use to any authorized use, examples of which include, but are not limited to parking, garden, private swimming pool, minor storage shed, etc. (see §503).
  - G. No impact home occupation, certified as meeting the definition of a no impact home occupation by the Borough Zoning Officer.
  - H. Group residence.

[Ord. 791]

3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Personal care home.
  - B. School.
  - C. Nursing home.

[Ord. 747]

- 4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Day care center for children or adults.
  - B. Governmental use or building.
  - C. Place of worship including related educational buildings, parish house, convent, monastery or similar accessory use.
  - D. Public/essential service.

[Ord. 791]

- 5. Area Dimensional Requirements.
  - A. Minimum Lot Area.
    - (1) Single family – 5,000 sq. ft.
    - (2) Two family – 2,500 sq. ft./dwelling unit.
    - (3) Townhouse, multifamily – 2,000 sq. ft./dwelling unit.
    - (4) Group residence, personal care home – 7,500 sq. ft.
    - (5) Other principal uses – 10,000 sq. ft. unless otherwise specified by this Chapter.

B. Minimum Yard Requirements.

Use	Front	Side	Rear
Single, two family	20 ft.	8 ft.	25 ft.
Townhouse	20 ft.	10 ft.	25 ft.
Multifamily	25 ft.	10 ft.	20 ft.
Group residence, Personal care home	25 ft.	10 ft.	25 ft.
All other uses	30 ft.	15 ft.	30 ft.

(See also “Additional Standards” below.)

C. Minimum Lot Width.

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- (1) Single, two family – 45 ft.
- (2) Other uses – 60 ft.

D. Maximum Lot Coverage. 45% for all uses.

[Ord. 791]

E. Maximum Height. Principal structure – 40 feet; accessory structure – see Part 5.

[Ord. 747]

6. Off-Street Parking Requirements. As required by §508 of this Chapter.

7. Additional Standards.

A. The provisions for residential conversions, townhouse and multifamily developments, and expansions of existing structures into nonconforming yards that are applicable in R-2 districts (see §208(7)) shall also apply in R-3 districts.

B. Front Yard Exceptions. Where a structure is proposed to be built on a lot which is situated between two lots on which the existing principal structures have maintained a lesser front yard setback since the enactment of this Chapter, then the front yard of the proposed structure shall be reduced to the average of the front yard of the two abutting structures. [Ord. 781]

(Ord. 644, 7/6/1989, §209; as amended by Ord. 747, 7/17/1997; by Ord. 781, 6/6/2002; and by Ord. 791, 4/3/2002)

### **§210. PR Planned Residential Districts.**

1. Purpose. This district provides contemporary development and design standards for new residential developments on large tracts of land. Standards encourage creative site planning design while preserving natural features and common open space and providing recreational amenities. [Ord. 747]

2. Permitted Uses.

A. No impact home occupation, certified as meeting the definition of a no impact home occupation by the Zoning Hearing Officer; provided, that the residential unit in which the home occupation is to be located has been previously approved as a conditional use. [Ord. 791]

3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:

- A. Single family detached dwelling.
- B. Two family detached dwelling.
- C. Townhouse dwelling.
- D. Multifamily dwelling.
- E. Child day care center, community building or other common facility designed to serve residents of the development.
- F. Mobile home park as part of a planned residential development.
- G. Public/essential service.
- H. Governmental building or use.
- I. Existing agriculture and horticulture activities.
- J. Recreational facility, public and nonprofit or privately owned.
- K. Customary accessory use to any authorized use, examples of which include, but are not limited to parking, garden, private swimming pool, minor storage shed, etc. (see §503).
- L. Personal care home.
- M. Nursing home.
- N. Group residence.

[Ord. 791]

- 4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. None.

[Ord. 791]

- 5. Requirements for Development.
  - A. The applicant shall own or control through sales options the entire site proposed for development.

[Ord. 747]

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### 6. Development Standards.

#### A. Lot Area and Density Standards.

- (1) A maximum of 60% of the site area may be used for residential uses, including structures, streets, parking/loading areas, and private residential open spaces.
- (2) A minimum of 40% of the total site shall be set aside as common open space in accordance with §210(6) (F).
- (3) The allowable gross density (dwelling units per acre) for planned development shall not exceed six units per acre.
- (4) The following standard lot areas per dwelling unit shall apply: [Ord. 672]
  - (a) Single family detached – 6,000 sq. ft.
    - (i) Gross floor area of 1,250 sq. ft. or less – 4,000 sq. ft.
    - (ii) Gross floor area of more than 1,251 sq. ft. – 6,000 sq. ft.

[Ord. 672]

- (b) Two family detached – 4,000 sq. ft./dwelling unit.
- (c) Townhouse – 2,000 sq. ft./dwelling unit.
- (d) Multifamily dwelling – 1,500 sq.ft./dwelling unit.
- (e) All other uses – 10,000 sq. ft.

#### B. Lot Sizes and Setbacks.

- (1) There shall be no minimum lot size, yard (unless otherwise specified herein), or lot coverage requirements for individual structures within a planned development. The location of all structures shall be shown on the site plan and approved as part of the application review process.
- (2) Each detached dwelling or townhouse or multifamily structure shall have access to a public street or other approved street right of way.
- (3) Single family detached residential structures within a planned residential development shall have minimum setbacks as follows:
  - (a) Lot area greater than 4,000 sq. ft. – 15 ft.



- (b) Lot area of 4,000 sq. ft. or less – 10 ft.

[Ord. 672]

C. Building Groupings and Maximum Height.

- (1) Townhouse and other multifamily structures shall be arranged so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. In no case shall any structure be located closer than 20 feet to any other structure when having a side-to-side (wall), rear-to-side, or rear-to-rear orientation; or closer than 30 feet when having a front-to-front, front-to-rear, or front-to-side orientation.
- (2) Each building shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings and lots. All buildings shall be sited so as to be accessible by emergency vehicles.
- (3) The maximum allowable height shall be 35 feet for any principal structure; accessory structures shall comply with applicable provisions of Part 5.

D. Buffer Area and Screening.

- (1) Borough Council may require a buffer area or screening along all or portions of the perimeter lines of the planned development site including public rights of way.
- (2) Any required buffer area shall comply with the provisions of §511 of this Chapter.
- (3) The maintenance plan for common open space and facilities (see §210(6)(G)) shall include provisions for the continuing maintenance, including the replacement of any dead material, in any buffer area.
- (4) Additional requirements may be imposed by Borough Council where necessary to achieve the objectives of this Section.

E. General Site Design.

- (1) Buildings within a planned development should be located and designed with regard to topography and natural features of the site and be compatible and harmonious with surrounding developments and the general residential character of the Borough.

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- (2) All dwellings should be sited so as to enhance privacy and ensure natural light for all principal rooms.
- (3) Buildings should be arranged so as to avoid exposure to major parking areas and to preserve visual and audible privacy between buildings and adjacent lots.
- (4) The proposed location and arrangement of structures shall not be detrimental to existing or prospective development on adjacent properties.
- (5) Architecture and exterior treatment of buildings should be compatible with the established character of the area in terms of form, scale, texture and building material, particularly on the perimeter of the site.

### F. Common Open Space Provisions.

- (1) Common open space is the portion of the gross tract area of the Planned Residential District which is freely accessible to residents, property owners and tenants of the Planned Residential District. The retention of common open space is intended to integrate the natural and physical characteristics of the Borough into a planned residential development and provide recreational opportunities to Borough residents. Common open space shall include all or part of the following resources: mature woodlands; green space maintained in a natural condition (natural condition is defined as the topography and vegetation of an area that is unaltered by clearing and grading during construction and protected in perpetuity); natural resource and riparian buffers; historic, archeological or cultural features listed, or eligible to be listed on the National Register of Historic Places; playgrounds and recreational areas designed for sport or game activities. It shall be incumbent upon the applicant to demonstrate that the proposed common open space connects these features into a network of common pedestrian paths that link common open space areas within the proposed development and connect with existing and proposed sidewalks and bikeway systems.
- (2) A portion of the common open space equal in area to no less than 25% of the gross common open space area shall exclude areas designated by the Federal Emergency Management Agency (FEMA) as one-hundred-year flood districts, areas defined as wetlands by either the US Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, and slopes in excess of 25% (slope = rise/run) so that a portion of the common open space is appropriate for recreational uses. The developer is not obliged to improve this land for recreational use at the time of development, but merely retain it so that it is available for future use.

- (3) A minimum of 50% of the required common open space, or phases thereof if approved by the Borough, shall be contiguous land.
- (4) No portion of the following shall be considered as contributing to the minimum common open space requirement:
  - (a) Land within 25 feet of any structure except structures devoted to permitted open space uses.
  - (b) Streets, emergency access roads, driveways, patios, sidewalks or existing utility rights-of-way, easements or improvements.
  - (c) Stormwater management facilities. With the approval of Borough Council, areas devoted to stormwater management facilities may be included within the minimum required common open space area where the applicant can demonstrate to the satisfaction of Borough Council that such facilities are designed to promote recharge of the groundwater system.

G. Maintenance of Common Open Space and Facilities. An essential element of the provision of the common open space is a written description regarding its ownership and/or disposition. This description is incorporated into the final plan and must be approved by Borough Council and recorded with the approved final development plan. Such ownership and/or disposition shall be accomplished through one of the following:

- (1) An offer of dedication to the Borough. The Borough shall not be obligated to accept dedication of the common open space.
- (2) With permission of the Borough, and with appropriate deed restrictions in favor of the Borough and in language acceptable to the Borough Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or re-transfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Borough.
- (3) The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners and associations, found in the Pennsylvania Uniform Condominium Act, Article 3, §101. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Borough Solicitor:

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- (a) Such organization shall not dispose of the common open space by sale or otherwise, except to the Borough unless the Borough has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Chapter;
  - (b) The organization and all lot owners shall enter into a maintenance agreement with the Borough and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities;
  - (c) The Borough may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.
- (4) Whether common open space and facilities are to be owned by the planned development organization, non-profit organization, or dedicated to the Borough, the landowner shall be required to post financial security to guarantee the structural integrity and functioning of such common open space and facilities. Such financial security shall be in accordance with the provisions of guaranteeing improvements in the Borough Subdivision and Land Development Ordinance.<sup>1</sup>
7. Mobile Home Park. A mobile home park may be included as part of a planned residential development, provided the total planned development includes other housing types and mobile home units do not exceed 30% of all dwellings in the total planned development. The following provisions shall apply:
- A. A mobile home park shall have principal access from a street or highway capable of handling the traffic generated by the park and providing adequate access for the individual mobile home units without impairing the normal traffic operations of the street or highway.
  - B. 10% of the park's gross site area shall be set aside for common open space, including recreation areas, community buildings, storage facilities for park residents, laundry facilities, management offices for the park, and storage of park maintenance equipment.
  - C. All internal roads and parking areas shall be constructed according to municipal standards. Internal roads shall be designed to meet anticipated traffic loads and shall have a minimum cartway width of 28 feet.
  - D. A buffer area in accordance with the provisions of §511 is required around the entire perimeter of the mobile home park area.

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<sup>1</sup> Editor's Note: See Ch. 22, Subdivision and Land Development.

- E. Landscaping and planting shall be provided throughout the mobile home park at a ratio of at least two deciduous trees and four deciduous and/or evergreen shrubs per individual mobile home.
- F. No individual mobile home shall be closer than 20 feet to any street right-of-way or to any property line of the park. Nor shall any unit be located within a Floodplain Overlay District.
- G. The following lot area and setback requirements shall apply for individual home lots:
  - (1) Lot area – 6,000 square feet.
  - (2) No mobile home unit shall be sited within 15 feet of any other unit or accessory structure.
- H. An enclosure of compatible design and material to the exterior of the mobile home shall be erected around its entire base.

Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. The hitch which is employed for the normal movement of the unit shall be removed.

- I. No mobile home shall be erected on a mobile home lot except upon a mobile [home] pad. Each unit shall have its own separate pad in accordance with the following:
  - (1) Each unit's pad shall be at least equal in length and width to the dimensions of the manufactured home to be placed on the pad.
  - (2) The pad, at least six inches in thickness, shall be constructed from either concrete, asphalt, or other material adequate to support the mobile home and to prevent abnormal settling or heaving under the weight of the home. In order to prevent wind overturn and rocking, the corners of the mobile home shall be secured with at least six tie-downs such as concrete "dead men," screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.
  - (3) Each unit shall be set level on sturdy and substantial supports.
- J. Two off-street parking spaces shall be provided for each mobile home lot. Parking areas shall comply with §508 of this Chapter.
- K. The design, installation and construction, and maintenance of the storage and handling of liquified petroleum gases shall conform to the Act of Pennsylvania Legislature 1951, December 27, P. L. 1793, as it may be amended,

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and to all applicable regulations of the state Department of Labor and Industry.

8. Site Plan Review Procedure. All development applications in a PR district shall be reviewed according to the preliminary and final plan review procedures contained in the Borough Subdivision and Land Development Ordinance. [Chapter 22]
9. Revocation of Approval. Zoning approval of a final development plan shall expire within one year from the date of approval if the applicant does not obtain a zoning permit and start construction.

(Ord. 644, 7/6/1989, §210; as amended by Ord. 672, 11/12/1991, §2; by Ord. 747, 7/17/1997; by Ord. 791, 4/3/2003; and by Ord. 804, 11/18/2004)

### **§211. RB Residential/Business Districts.**

1. Purpose. This district provides standards for older portions of the Borough where a mixture of residences, business and professional offices and limited commercial uses are the established land use pattern. These districts frequently coincide with the Borough's identified historic areas. [Ord. 747]
2. Permitted Uses.
  - A. Single family detached dwelling.
  - B. Two family detached dwelling.
  - C. Townhouse dwelling.
  - D. Multifamily dwelling.
  - E. Boarding house.
  - F. Customary accessory use to any authorized use, examples of which include, but are not limited to parking, garden, private swimming pool, minor storage shed, etc. (see §503).
  - G. No impact home occupation, certified as meeting the definition of a no impact home occupation by the Zoning Hearing Officer.
  - H. Group residence.

[Ord. 791]

3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:

- A. Business, professional or medical office.
  - B. Governmental use or building.
  - C. Funeral home.
  - D. Commercial school for music, art, vocational or similar instruction.
  - E. Private club.
  - F. Parking garage or lot as a principal use, as regulated in §§503(5) and 508. [Ord. 791]
  - G. Public/essential service.
  - H. Veterinarian office (no kennel facilities).
  - I. School.
  - J. Place of worship.
  - K. Recreational facility, public or nonprofit.
  - L. Day care center (children and adults).
  - M. Personal care home.
  - N. Inn/hotel/motel.
  - O. On premises outdoor dining facility.
  - P. Nursing home. [Ord. 766]
4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
- A. [None] [Ord. 791]
5. Area Dimensional Requirements.
- A. Minimum Lot Area.
    - 1. Single family – 4,090 sq. ft.
    - 2. Two family, townhouse, multifamily – 2,500 sq. ft./dwelling unit.
    - 3. Group residence, personal care home – 7,500 sq. ft.

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4. Other principal uses – 8,000 sq. ft. unless otherwise specified by this Chapter.

[Ord. 747]

B. Minimum Yard Requirements.

<b>Use</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
Single, two family	10 ft.	3 ft.	25 ft.
Townhouse	10 ft.	8 ft.	25 ft.
Multifamily	15 ft.	8 ft.	20 ft.
Group residence, personal care home	10 ft.	10 ft.	25 ft.
All other uses	20 ft.	10 ft.	30 ft.

C. Minimum Lot Width.

1. Single, two family – 40 ft.
2. Other uses – 50 ft.

D. Maximum Lot Coverage. Fifty percent for all uses.

E. Maximum Height. Principal structure – 40 feet; accessory structure – see Part 5.

6. Off-Street Parking/Loading Requirements. As required by §§508 and 509 of this Chapter.

7. Additional Standards.

A. The provisions for residential conversions, townhouse and multifamily developments, and expansions of existing structures into nonconforming yards that are applicable in R-2 Districts (see §208(7)) shall also apply in RB districts.

B. A buffer area, fencing or similar screening may be required along any or all property lines, or portions thereof, or between uses on a lot in accordance with §511.

C. Front Yard Exceptions. Where a structure is proposed to be built on a lot which is situated between two lots on which the existing principal structures have maintained a less front yard setback since the enactment of this Chapter, then the front yard of the proposed structure shall be reduced to the average of the front yard of the two abutting structures. [Ord. 781]



(Ord. 644, 7/6/1989, §211; as amended by Ord. 747, 7/17/1997; by Ord. 766, 12/16/1999, §3; by Ord. 781, 6/6/2002; and by Ord. 791, 4/3/2003)

**§212. HS Highland Hall Special District.**

1. Purpose. The purpose of this district is to assure the preservation and continued appropriate use of this historic landmark site, while also assuring that the impacts on the use of the property will not have negative impacts on adjacent areas. In order to achieve this purpose, allowable uses are intended to be restricted to those which can utilize the existing structure without destruction of significant exterior or interior features. Because the Highland Hall block is surrounded by residentially zoned and residentially developed property, much of which is also within the Hollidaysburg Historic District, the intent of these provisions is to limit the allowable intensity of use on the Highland Hall site so as not to create traffic congestion or hazards on adjacent streets of a level or character of activity that will disturb residents of nearby homes.
2. Permitted Uses.
  - A. Governmental administrative offices.
  - B. Customary accessory uses, including parking facilities and employee food service facilities.
3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Business, professional, institutional and educational offices.
  - B. School.
  - C. Multifamily dwelling.
  - D. Inn/hotel.
  - E. Nursing or personal care home.
4. Special Exception Uses. The following uses are subject to the standards set forth in Part-4 of this Chapter:

None
5. Area and Dimensional Requirements.
  - A. Minimum lot area shall be the entire Highland Hall Special District. The parcel shall not be subdivided into lots.

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- B. Minimum Yard Requirements.
    - (1) No structure or addition shall be constructed closer to the property line than the existing main structure abutting Walnut and Union Streets.
    - (2) No new structure or addition shall be closer than 50 feet to Spruce Street.
    - (3) No new structure or addition shall be closer than 80 feet to Penn Street.
  - C. Maximum Lot Coverage. Twenty-five percent.
  - D. Maximum Height. The height of any structure or addition shall not exceed the height of the existing Highland Hall structure.
6. Off-Street Parking/Loading Requirements. As required by §§508 and 509 of this Chapter.
7. Additional Standards.
- A. A certificate of appropriateness in accordance with §301 shall be obtained.
  - B. A traffic generation and impact study in accordance with the Subdivision and Land Development Ordinance [Chapter 22] shall be required. If reduction in level of service or hazards would result, a mutually agreeable improvement program shall be developed as a condition for approval.
  - C. The application shall include a description of the proposed use and its operational characteristics, such as number of employees, guests, clients, etc.; hours of operation and periods of peak activity. This information will be used to evaluate the impact on adjacent residential areas. If negative impacts are judged to result, and mitigating measures are not feasible, Council shall not approve the application.
  - D. Site plans shall include all information required for preliminary and final plan review under the Borough Subdivision and Land Development Ordinance. [Chapter 22] Building plans with elevations shall also be submitted for any alteration or additions.

(Ord. 644, 7/6/1989, §212)

**§213. C-1 Professional/Business Services Districts.**

1. Purpose. The intent of this district is to provide reasonable standards for the harmonious development of small business and professional offices centers within predominately residential areas.
2. Permitted Uses.
  - A. Business, professional or medical office.
  - B. Governmental office.
  - C. Customary accessory uses to any authorized use (see §503).
3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:

None
4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Public/essential service.
  - B. Place of worship.
  - C. Private club.
5. Area and Dimensional Requirements.
  - A. Minimum Lot Area.
    - (1) All uses – 8,000 sq. ft.
  - B. Minimum Yard Requirements.
    - (1) Front – 25 ft.
    - (2) Side – 10 ft.
    - (3) Rear — 25 ft.
  - C. Minimum Lot Width. None required unless otherwise specified by this Chapter.
  - D. Maximum Lot Coverage. Fifty percent.

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- E. Maximum Height. Principal structure — 35 feet; accessory structure — see Part 5.
- 6. Off-Street Parking/Loading Requirements. As required by §§508 and 509 of this Chapter.
- 7. Additional Standards.
  - A. All uses shall be conducted wholly within an enclosed building.
  - B. A buffer area, fencing or similar screening may be required along any or all property lines, or portion thereof, or between uses on a lot in accordance with §511.
  - C. All trash collection areas, parking/loading areas or other visually obtrusive uses shall be screened from view of adjacent uses, properties or public streets.

(Ord. 644, 7/6/1989, §213)

### **§214. C-2 Community Business District.**

- 1. Purpose. This district encompasses the Borough's main business district and provides for a wide variety of retail and service commercial uses along with business, professional and governmental offices and other related business uses. Residential uses are also permitted, consistent with the established character of this district. The orientation of this district is toward the pedestrian rather than the automobile. Most of the business district is included within the Hollidaysburg Historic District (a National Register District). [Ord. 747]
- 2. Permitted Uses.
  - A. Shopper's or convenience retail establishment.
  - B. Personal service establishment.
  - C. Business service establishment.
  - D. Business, professional or medical office.
  - E. Bank or financial institution.
  - F. Eating/drinking establishment, excluding a fast food restaurant providing drive-through service or service directly to customers while in their vehicles.
  - G. Funeral home.

- H. Commercial school for music, art, vocational or similar instruction.
- I. Commercial recreation establishment.
- J. Private club.
- K. Governmental building or use.
- L. Public/essential service.
- M. Library, museum or similar cultural facility.
- N. Theater.
- O. Recreational facility, public or nonprofit.
- P. Inn/hotel/motel, subject to the provisions of Part 4.
- Q. Customary accessory uses to any authorized use (see §503).
- R. Off-premises outdoor dining for nonprofit festivals and special events.

[Ord. 747]

- 3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Multifamily dwelling.
  - B. Multifamily dwelling as accessory to an existing commercial structure.
  - C. Public parking garage or lot.
  - D. On-premises outdoor dining facilities.
  - E. Group residence.

[Ord. 747]

- 4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Place of worship including related educational buildings, parish house, convent, monastery or similar accessory use.
  - B. Day care center (children or adults).

[Ord. 747]

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5. Temporary Uses. The following uses are subject to the standards set forth in Part 5 of this Chapter:

- A. Off-premises outdoor dining other than that which is permitted in this district.

[Ord. 747]

6. Area and Dimensional Requirements.

- A. Minimum Lot Area.

- (1) All uses – None unless otherwise specified by this Chapter. Minimum lot area shall be sufficient to comply with the provisions for yards, lot coverage, parking and loading, buffer areas and other applicable requirements.

- B. Minimum Yard Requirement.

- (1) Nonresidential.

- (a) Front – none required.

- (b) Side – none required.

- (c) Rear – 10 ft.

- (d) Minimum front, side or rear yard setback if abutting a residential district – 25 ft.

- 2. Residential. Same as in R-3 district.

- C. Minimum Lot Width. None required unless otherwise specified by this Chapter.

- D. Maximum Lot Coverage. Residential – 50%; all other uses – 70%.

- E. Maximum Height. Principal structure – 50 feet; accessory structure – see Part 5.

[Ord. 747]

7. Off-Street Parking/Loading Requirements. As required by §§508 and 509 of this Chapter. [Ord. 747]

8. Additional Standards.

- A. Multifamily dwellings which are accessory to a commercial structure shall comply with the standards for residential conversions in residential districts (see §208(7)). [Ord. 747]
- B. All uses shall be conducted wholly within a enclosed building. [Ord. 747]
- C. There shall be no manufacturing, compounding, processing or treating of products other than that which is clearly incidental and essential to a store or business, and all such products shall be sold at retail on the premises.
- D. A buffer area, fencing or similar screening may be required along any or all property lines, or portions thereof, or between uses on a lot in accordance with §511.

(Ord. 644, 7/6/1989, §214; as amended by Ord. 747, 7/17/1997)

**§215. C-3 Highway Commercial Districts.**

- 1. Purpose. The purpose of this district is to establish standards for the orderly development of highway-oriented businesses and commercial uses along major roadways. Uses in this district typically require convenient automobile access and parking and loading areas. Site design standards include provisions to avoid traffic congestion and assure that these areas will blend attractively with adjoining residential and business areas.
- 2. Permitted Uses.
  - A. Shopper's or convenience retail establishment.
  - B. Personal service establishment.
  - C. Business service establishment.
  - D. Business, professional, or medical office.
  - E. Bank or financial institution.
  - F. Eating/drinking establishment.
  - G. Funeral home.
  - H. Day care center, subject to the provisions of Part 4.
  - I. Commercial school for music, art, craft, vocational or similar instruction.
  - J. Commercial recreation.

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- K. Private club.
  - L. Retail sale of building, plumbing, electrical or heating materials including showrooms and accessory shop facilities.
  - M. Medical equipment sales and service.
  - N. Contractor's office excluding exterior storage of equipment and supplies.
  - O. Veterinary office, animal hospital or kennel.
  - P. Automobile, boat or other vehicle sales (new or used).
  - Q. Retail sales of automobile parts and accessories.
  - R. Retail nursery, greenhouse or garden supplies.
  - S. Public building or use.
  - T. Public/essential service.
  - U. Customary accessory use to any authorized use (see §503).
3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
- A. Shopping center including any use authorized in this district.
  - B. Convenience market.
  - C. Gasoline service station.
  - D. Vehicular repair garage.
  - E. Car wash.
  - F. Railroad or public transportation or passenger station and accessory facilities.
  - G. Inn/hotel/motel.
  - H. Parking lot or garage as a principal use, as regulated in §§503(5) and 508.

[Ord. 791]

4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:



None

5. Area and Dimensional Requirements.
  - A. Minimum Lot Area. None unless otherwise specified by this Chapter.
  - B. Minimum Yard Requirements.
    - (1) Front – 15 ft.
    - (2) Side – 10 ft.
      - (a) If abutting a residential use or district or located in a corner lot – 20 ft.
    - (3) Rear – 10 ft.
      - (a) If abutting a residential district – 25 ft.
  - C. Minimum Lot Width. None required.
  - D. Maximum Lot Coverage. Seventy percent for all uses.
  - E. Maximum Height. Principal structure – 45 feet; accessory structure – see Part 5.
6. Off-Street Parking/Loading Requirements. As required by §§508 and 509 of this Ordinance.
7. Additional Standards.
  - A. All operations, activities and storage shall be conducted wholly inside a building or buildings.
  - B. All premises shall be furnished with all-weather, hard surface walks, drive-ways, parking and loading areas constructed in accordance with Borough specifications.
  - C. All uses shall maintain a landscaped area, at least three feet in depth, across the entire frontage of the property excluding any entrances or exits. Landscaping shall be in accordance with §512 of this Chapter.
  - D. A buffer area, fencing or similar screening may be required along any or all property lines, or portions thereof, or between uses on a lot in accordance with §511.

(Ord. 644, 7/6/1989, §215; as amended by Ord. 791, 4/3/2003)

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### **§216. I-1 Limited Industrial Districts.**

1. Purpose. This district provides for a wide range of industrial and manufacturing uses and transportation services. [Ord. 747]
2. Permitted Uses.
  - A. Business, professional or medical offices.
  - B. Distribution plant including parcel delivery, ice, food commissary or catering establishment.
  - C. Machinery sales and display, including accessory repair and maintenance services.
  - D. Building material sales including showrooms and accessory shop facilities.
  - E. Automobile, boat or other vehicle sales (new or used).
  - F. Railroad or public transit facility.
  - G. Governmental use or building.
  - H. Railroad or truck terminal.
  - I. Public/essential service.
  - J. Medical equipment sales and service.
  - K. Veterinary office, animal hospital or kennel.
  - L. Retail sales of automobile parts and accessories.
  - M. Retail nursery, greenhouse or garden supplies.
  - N. Customary accessory uses to any authorized use, examples of which include, but are not limited to administrative office, storage area, snack bar or cafeteria, parking (see §503).
  - O. Any production, fabrication, processing, cleaning, servicing, repair, testing or storage of goods or products.
  - P. Research and development facility.
  - Q. Vehicular repair garage.
  - R. Railroad or public transportation facility.

- S. Contractor's office including exterior storage of equipment and supplies.
- T. Printing and publishing establishment.
- U. Mini-warehouse.
- V. Public/essential service.
- W. Wireless telecommunications radio link (cell site) or switching office.
- X. Off-street parking and loading areas as a principal use, as regulated in §§503(5) and 508.

[Ord. 791]

- 3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Salvage yard.
  - B. Wholesale distribution and warehousing customarily handling quantities exceeding those that would normally be used on premises of hazardous or toxic substances as identified by Federal, State, County or local law or regulation.
  - C. Resource recovery facility.
  - D. Customary accessory uses to above uses, such as parking and storage.
  - E. Exhibition hall or conference center.
  - F. School for vocational, trade, or technical training.
  - G. Resource recovery facility.

[Ord. 747]

- 4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:

None

[Ord. 747]

- 5. Area and Dimensional Requirements.
  - A. Minimum Lot Area. Ten thousand sq. ft.

## ZONING

- B. Minimum Yard Requirements.
  - (1) Front – 30 ft.
  - (2) Side – 20 ft.
  - (3) Rear – 35 ft.
  - (4) No structure or use shall be located within 35 feet of any lot line adjoining a residential or commercial zoning district.
- C. Minimum Lot Width. None required.
- D. Maximum Lot Coverage. Seventy percent for all uses.
- E. Maximum Height. Principal structure – 55 feet; accessory structure – see Part 5.

[Ord. 747]

- 6. Off-Street Parking/Loading. As specified by §§508 and 509 of this Chapter.
- 7. Additional Standards.
  - A. All operations, activities and storage shall be conducted wholly inside a building or buildings, except that storage may be maintained outside a building in a side or rear yard if such storage area is separated from any public street or abutting property by fencing, screen or buffer area.
  - B. A buffer area, fencing or similar screening may be required along any or all property lines or portions thereof, or between uses on a lot in accordance with §511.
  - C. No building on an industrial property shall be used for residential purposes, except that a security guard or custodian may reside on the premises.

[Ord. 747]

- D. Standards Regulating Communications Antennas and Communications Equipment Buildings.
  - (1) Building mounted communication antennas shall not be located on any single family or two family dwelling.
  - (2) Building mounted communications antennas shall not be permitted to exceed the height limitations of the applicable zoning district by more than 20 feet.

- (3) Omnidirectional or whip communications antennas shall not exceed 20 feet in height and seven inches in diameter.
- (4) Directional or panel communications antennas shall not exceed five feet in height and three feet in width.
- (5) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- (6) Any application proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for compliance with applicable building codes.
- (7) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- (8) Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (9) Communications antennas shall not cause radio frequency interference with other communications facilities located in the Borough of Hollidaysburg.
- (10) A communications equipment building shall be subject to the height and setback requirements of a principal structure in the applicable zoning district in which the building is located.
- (11) The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

[Ord. 781]

E. Standards for Communications Towers.

## ZONING

- (1) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.
- (2) The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (3) Communications towers shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation Regulations.
- (4) Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a 1/4-mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:
  - (a) 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.
  - (b) 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.
  - (c) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - (d) 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) Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.

- (6) A communications tower may be located on a lot occupied by another principal structure and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- (7) Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
- (8) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- (9) The maximum height of any communications tower shall be 150 feet; provided, however, that such height may be increased to no more than 200 feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of 150 feet.
- (10) The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- (11) The communications equipment building shall comply with the required yard and height requirements for a principal structure in the 1-1 Zoning District.
- (12) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electrical Industrial Association/Telecommunications Industry Association and applicable building code requirements.
- (13) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.
- (14) All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and be located within a fenced enclosure.

## ZONING

- (15) The site of a communications tower shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public.
- (16) No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other government agency which has jurisdiction.
- (17) Communications towers shall be protected and maintained in accordance with the requirements of all applicable building codes.
- (18) If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such twelve-month period.
- (19) One off-street parking space shall be provided within the fenced area.

[Ord. 781]

(Ord. 644, 7/6/1989, §216; as amended by Ord. 708, 7/7/1994, §§1, 2; by Ord. 747, 7/17/1997; Ord. 781, 6/6/2002; and by Ord. 791, 4/3/2002)

### **§217. I-2 General Industrial Districts.**

1. Purpose. This district provides for a wide range of industrial and manufacturing uses and transportation services. [Ord. 747]
2. Permitted Uses.
  - A. Business, professional or medical offices.
  - B. Distribution plant including parcel delivery, ice, food commissary or catering establishment.
  - C. Machinery sales and display including accessory repair and maintenance services.
  - D. Building material sales including showrooms and accessory shop facilities.
  - E. Automobile, boat or other vehicle sales (new or used).
  - F. Railroad or public transit facility.
  - G. Governmental use or building.



- H. Railroad or truck terminal.
- I. Public/essential service.
- J. Medical equipment sales and service.
- K. Veterinary office, animal hospital or kennel.
- L. Retail sales of automobile parts and accessories.
- M. Retail nursery, greenhouse or garden supplies.
- N. Customary accessory uses to any authorized use, such as administrative office, storage area, snack bar or cafeteria, parking (see §503).
- O. Any production, fabrication, processing, cleaning, servicing, repair, testing or storage of goods or products.
- P. Research and development facility.
- Q. Vehicular repair garage.
- R. Railroad or public transportation facility.
- S. Contractor's office including exterior storage of equipment and supplies.
- T. Printing and publishing establishment.
- U. Mini-warehouse.
- V. Public/essential service.
- W. Customary accessory uses, such as administrative offices, storage areas, snack bar or cafeteria, parking (see §503).
- X. Wireless telecommunications radio link (cell site) or switching office.

[Ord. 747]

- 3. Conditional Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Salvage yard.
  - B. Wholesale distribution and warehousing customarily handling quantities exceeding those that would normally be used on premises of hazardous or toxic substances as identified by Federal, State, county or local law or regulation.

## ZONING

- C. Resource recovery facility.
- D. Customary accessory uses to above uses, such as parking and storage.
- E. Exhibition hall or conference center.
- F. School for vocational, trade, or technical training.
- G. Resource recovery facility.

[Ord. 747]

- 4. Special Exception Uses. The following uses are subject to the standards set forth in Part 4 of this Chapter:
  - A. Sexually oriented businesses.

[Ord. 747]

- 5. Area and Dimensional Requirements.
  - A. Minimum Lot Area. Ten thousand sq. ft.
  - B. Minimum Yard Requirements.
    - 1. Front – 30 ft.
    - 2. Side – 20 ft.
    - 3. Rear – 35 ft.
    - 4. No structure or use shall be located within 35 feet of any lot line adjoining a residential or commercial zoning district.
  - C. Minimum Lot Width. Seventy percent for all uses.
  - D. Maximum Lot Coverage. Principal structure – 55 feet; accessory structure – see Part 5.

[Ord. 747]

- 6. Off-Street Parking/Loading Requirements. As required by §§508 and 509 of this Chapter.
- 7. Additional Standards.

- A. All operations, activities and storage shall be conducted wholly inside a building, or buildings, except that storage may be maintained outside a building in a side or rear yard if such storage area is separated from any public street or abutting property by fencing, screen or buffer area.
- B. A buffer area, fencing or similar screening may be required along any or all property lines, or portions thereof, or between uses on a lot in accordance with §511.
- C. No building on an industrial property shall be used for residential purposes, except that a security guard or custodian may reside on the premises.
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  - (1) Building mounted communication antennas shall not be located on any single family or two family dwelling.
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  - (3) Omnidirectional or whip communications antennas shall not exceed 20 feet in height and seven inches in diameter.
  - (4) Directional or panel communications antennas shall not exceed five feet in height and three feet in width.
  - (5) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
  - (6) Any application proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for compliance with applicable building codes.
  - (7) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

## ZONING

- (8) Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (9) Communications antennas shall not cause radio frequency interference with other communications facilities located in the Borough of Hollidaysburg.
- (10) A communications equipment building shall be subject to the height and setback requirements of a principal structure in the applicable zoning district in which the building is located.
- (11) The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

[Ord. 781]

### E. Standards for Communications Towers.

- (1) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.
- (2) The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (3) Communications towers shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation Regulations.
- (4) Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a 1/4-mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:
  - (a) 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.

- (b) 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.
  - (c) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - (d) 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) Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.
  - (6) A communications tower may be located on a lot occupied by another principal structure and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
  - (7) Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
  - (8) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
  - (9) The maximum height of any communications tower shall be 150 feet; provided, however, that such height may be increased to no more than 200 feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of 150 feet.
  - (10) The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
  - (11) The communications equipment building shall comply with the required yard and height requirements for a principal structure in the 1-Z Zoning District.

## ZONING

- (12) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electrical Industrial Association/Telecommunications Industry Association and applicable building code requirements.
- (13) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.
- (14) All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and be located within a fenced enclosure.
- (15) The site of a communications tower shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public.
- (16) No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other government agency which has jurisdiction.
- (17) Communications towers shall be protected and maintained in accordance with the requirements of all applicable building codes.
- (18) If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such twelve-month period.
- (19) One off-street parking space shall be provided within the fenced area.

[Ord. 781]

(Ord. 644, 7/6/1989, §217; as amended by Ord. 747, 7/17/1997; by Ord. 781, 6/6/2002)

### Part 3

#### Overlay Zoning Districts

##### **§301. Historic Resources Overlay District.**

1. Purpose and Intent. The provisions of this Part, in conjunction with the establishment of a Historic Preservation Commission (hereafter referred to as HPC) and a Board of Historical Architectural Review (hereafter referred to as HARB) by the Hollidaysburg Historic District Ordinance [Chapter 27, Part 9], are intended to:
  - A. Provide for the protection, preservation, maintenance, restoration, and appropriate use of historic resources located with the Borough through:
    - (1) Identification and classification of historic resources.
    - (2) Establishment and enforcement of regulations to govern the use, alteration, reconstruction, demolition and razing of historic resources.
    - (3) Regulation of new construction in historic districts to assure the maintenance of the overall historic and architectural qualities of the districts.
  - B. Assure that the regulation of historic resources is accomplished in a manner that is coordinated with and compatible with the community development objectives, this Chapter and other development regulations of the Borough.
  - C. Assure that the regulation of historic resources is accomplished in an equitable manner by incorporating those regulations within this Chapter, thereby assuring to persons who may be affected by those regulations the same rights of appeal as are provided for other zoning matters by the provisions of the Municipalities Planning Code.
  - D. Exercise in a coordinated manner the authority and/or responsibility to protect historic resources and to comply with the requirements and procedures specified in: (1) the [Municipalities] Planning Code; (2) the Pennsylvania Historic District Act, Act 167 of 1961, as amended; and (3) provisions for certified local governments contained in the Federal National Historic Preservation Act Amendments of 1980 and regulations issued pursuant thereto.
2. General Provisions.
  - A. Implementation of Regulations.
    1. In implementing the provisions of this §301, a Board of Historical Architectural Review (HARB) shall serve in an advisory capacity to Bor-

## ZONING

ough Council. The HARB is created and its organization and functions are specified in Part 9 of this Chapter, the Hollidaysburg Historic District Ordinance.

2. The Zoning Officer shall serve as the staff of the HARB in the performance of its functions under this Chapter. The Zoning Officer shall receive and process applications for permits required by this Section in accordance with standards and procedures specified hereunder and with detailed guidelines which may be adopted by the HARB to interpret those standards.

### B. Historic Resources Overlay District (HR District).

There is hereby created a Historic Resources Overlay District. The provisions of this Part shall apply to all structures and properties included in the HR District. All provisions of the underlying zoning use districts shall continue to apply to land and structures within the HR District except as specifically superceded, modified or excepted by provisions of this Part.

### C. Historic Resources Overlay Zoning Map. The location of all structures and land included in the HR District shall be delineated on the Borough Zoning Map, which map is adopted as part of this Chapter.

- (1) Where delineation on the Zoning Map is not sufficient to identify each structure and property included in the HR District, the Zoning Officer shall prepare and maintain a list of included properties, together with such additional information as may be necessary to administer the provisions of this Part. Any such list shall be considered a part of the Zoning Map.
- (2) Structures and/or land may be added to or deleted from the HR District, and the classification of a structure or land parcel included with the district, pursuant to §301(2)(D)(2) may be changed to a more or less restrictive classification. Any such addition, deletion or change shall be accomplished only in accordance with procedures for zoning amendments as specified in §706.

### D. Classification of Historic Resources. Historic resources included in the overlay district may include districts, individual structures or groups of structures, land or land and structures in combination, provided that the resource has architectural or historical significance to the community.

- (1) Classification of Historic Districts. The following kinds of districts may be included in the HR District if designated by Council:
  - (a) National Register Historic District-an area listed as a historic district on the National Register of Historic Places;



- (b) Certified Historic District—an area designated as a historic district by local ordinance which has been certified as significant by the Pennsylvania Historical and Museum Commission according to the provisions of Act 167 or 1961, the Historic District Act.
  - (c) Local Historic District—an area designated as a historic district by Borough Council, which has local historical or architectural significance but lacks Federal or State recognition.
2. Classification of Structures within Historic Districts. Within any historic district included in the Historic Resources Overlay Zoning District, all principal structures shall be classified based on their contribution to the overall character and integrity of the district, as:
- (a) Significant—structures that are outstanding examples of the architecture of the district or of major importance in the history of the district.
  - (b) Contributing—structures that may lack individual significance, but which contribute to the overall historic or architectural character of the district.
  - (c) Noncontributing or Intrusion—structures that do not contribute to the overall historic or architectural character of the district.

The classification of structures in historic districts shall be listed by address in an appendix to this Code.

3. Classification of Historic Resources not in Districts. Individual structures, groups of structures, land or land and structures in combination may be designated by Council by Ordinance as historic resources in the overlay zoning district and shall be subject to the provisions of this Part. In designating properties not located in historic districts for inclusion in the HR District, the following kinds of properties shall be eligible:
- (a) Properties listed on the National Register of Historic Places or evaluated by the National Park Service or the Pennsylvania Historical and Museum Commission as eligible for listing on the National Register.
  - (b) Properties identified as having outstanding historic or architectural significance in a State historic resource survey or other competent inventory and with the recommendation of the HPC.

3. General Procedures.

## ZONING

- A. General. No permit shall be issued for the erection, reconstruction, alteration, restoration, demolition or razing of any building or structure within the Historic Resources Overlay District except in accordance with all applicable requirements contained in this Chapter. This Section outlines the general process for considering and deciding upon proposed permit applications in the HR District.
1. Certificate of Appropriateness Required. Certain actions in the HR District require the issuance of a Certificate of Appropriateness by the Borough Council, following review and recommendation by the HARB.
  2. Administrative Issuance. Some actions in the HR District, which are clearly in accord with the standards of §301(8), "Alteration of Structures," and in accordance with any detailed guidelines issued by the HARB pursuant thereto, may be issued administratively by the Zoning Officer. The categories of actions for which certificates of appropriateness may be issued by the Zoning Officer shall be specified by the HARB and approved by the Borough Council.
- B. Application. An application for a permit for any activity subject to the requirements of the HR District shall be made to the Zoning Officer.
- (1) The Zoning Officer shall prescribe for each kind of application the information that must be submitted for proper evaluation. An application shall not be officially filed until all required information has been submitted.
  - (2) The Zoning Officer shall determine whether a certificate of appropriateness is required, and if so, whether a required certificate of appropriateness may be issued administratively or must be approved by Council. The latter applications shall be forwarded the HARB for its consideration.
  - (3) Applications for dimensional variances and for special conditional uses authorized by §§301(4) and 301(6) hereunder shall be forwarded to the Zoning Hearing Board and Planning Commission, respectively, in accordance with procedures specified in §§402 and 704 of this Chapter.
  - (4) Applications for dimensional variances and special conditional uses in the HR District shall also be forwarded to the HARB for their review and recommendation, even though formal certification of appropriateness is not required. Should the HARB choose to comment on applications for variances and conditional uses, they shall transmit their recommendations to the decision-making body in timely fashion.

- C. Review and Recommendation by HARB. If a permit application requires certification of appropriateness by Council, it shall first be reviewed and evaluated by the HARB in order that they can provide counsel to Council.
- (1) The HARB shall consider the application at its next regularly scheduled meeting following the filing of a complete application.
  - (2) An applicant for a permit shall be notified of the date of the meeting and may appear at the meeting to describe his application if he so desires.
  - (3) The HARB shall consider the application based upon the standards and requirements of the HR District provisions.
    - (a) If the decision of the HARB is to recommend against the issuance of a certificate of appropriateness, they shall so inform the applicant in writing and shall specify the basis for their negative recommendation and the specific changes in the proposed application which would be required for a positive recommendation.
  - (4) The HARB shall transmit its recommendations to Borough Council not later than 30 days following the meeting at which the application is considered. They may recommend that the Borough Council:
    - (a) Certify the appropriateness of the proposed application.
    - (b) Deny the issuance of a certificate of appropriateness.
    - (c) Certify the appropriateness of the proposed application conditioned upon specified changes that have been communicated to the applicant.
- D. Review and Decision by the Borough Council. Council shall consider the appropriateness of the proposed application at its next regularly scheduled meeting following transmittal of the recommendation of the HARB.
- (1) Notice shall be provided to the applicant who may appear before the Council to describe the work or activity proposed in the application.
  - (2) Council shall base its decision upon all information available to it and shall consider the recommendation of the HARB and all of the pertinent standards of the HR Overlay District provisions.
  - (3) Council shall consider the effect which the proposed change will have upon the general historic and architectural nature of the district and shall pass upon the appropriateness of exterior architectural features which can be seen from a public street or way only, and shall consider

## ZONING

the general design, arrangement, texture, material and color of the buildings and structures in the district.

- (4) In deciding applications for certificates of appropriateness in the HR District, Council may seek a balance between the objectives of preserving historic properties and the financial ability of applicants to pay for improvements. An applicant who seeks such consideration must adequately demonstrate a claim of economic hardship.
  - (5) Upon giving approval, the Borough Council shall issue a certificate of appropriateness and shall authorize issuance of a permit for the activity covered by the application. A permit for demolition shall not be issued for 10 days following certification of appropriateness by the Borough Council, in accordance with the provisions of §301(7)(B) hereunder.
  - (6) Disapproval of the Borough Council shall be in writing, giving reasons therefore and indicating what changes would be required in order for the proposal to be considered appropriate. A copy of the decision shall be given to the applicant and to the Zoning Officer. In the case of an application pertaining to a property in a certified local historic district, a copy of the decision shall be given to the Pennsylvania Historical and Museum Commission.
  - (7) Any person aggrieved by the denial of a permit for the erection, demolition or alteration of a structure within the HR Overlay District may appeal from the denial in the manner prescribed for zoning appeals.
4. Special Use Provision. In order to encourage the preservation and maintenance of structures and properties with the HR District, certain uses may be allowed which would not otherwise be allowed in the underlying zoning district. In recommending and authorizing approval of such uses, the HARB, Planning Commission and Borough Council shall be guided by the general objective that every reasonable effort shall be made to use a structure for its originally intended purpose or to provide a compatible use which will require minimum alterations to the structure and its environment.
- A. The special use provisions described in this Section shall apply to structures and properties within the HR District except those that are classified as noncontributing or intrusions.
  - B. The following uses may be allowed as conditional uses in the HR District although not otherwise allowed by the underlying zoning, subject to the restrictions stated in §301(4)(A) and to the conditions listed in this Section and §§403 and 404.
    - (1) Dwellings—may be allowed in nonresidential districts, provided the structure was originally constructed as a dwelling and provided that

the site is not unsafe or unhealthful for residential purposes because of the characteristics of adjacent uses or other environmental factors.

- (2) Bed-and-Breakfast—may be allowed in a residential district provided the owner/operator shall reside on the premises. One off-street parking space shall be available for each guest room in addition to those otherwise required. Food service shall be provided only for guests. Council may impose limits on the number of guests who may be accommodated in order to minimize any negative impacts on adjacent properties.
- (3) Library, Museum, Art Gallery or Cultural Facility—Council may restrict hours of operation, the portion of a building that may be so used and other characteristics in order to minimize negative impacts on adjacent properties. The use shall provide off-street parking spaces in accordance with the standards of Part 5 of this Chapter.

C. Procedures for Conditional Use Approval. An application for conditional use under the provisions of this Section shall be decided in accordance with the procedures for consideration of conditional uses contained in Part 4 of this Chapter. In addition:

- (1) The procedures for conditional use approval described in this Section shall apply to structures and properties within the HR District except those that are classified as noncontributing or intrusions. For all such applications, HARB shall evaluate the appropriateness of the proposed use in relation to the historic and architectural character of the structure, site and area in which it is proposed to be located and shall transmit its recommendations to Council.
- (2) Off-street parking facilities shall be provided in accordance with §508 for any use authorized under the provisions of this Section. If a special conditional use is authorized in addition to a dwelling use, parking shall be provided for both uses.
- (3) In authorizing a conditional use under the provisions of this Section, Council may impose additional conditions as it deems necessary to:  
(a) preserve the integrity of the historic resource for which the use is proposed; and  
(b) protect the surrounding area and community from any negative impacts associated with the proposed use.

[Ord. 747]

5. Nonconformities in the HR District. The regulations applicable to nonconformities which are contained in Part 6 of this Chapter shall apply to structures and land in the HR District, with the following exceptions:

## ZONING

- A. Reconstruction. If a nonconforming structure or use thereof (other than a structure classified as noncontributing or as an intrusion) in the HR District is partially destroyed or damaged, it may be reconstructed and the nonconforming use continued without regard for the limitations on extent of damage and time limits for reconstruction specified in §603(3); provided, that a certificate of appropriateness is issued for the reconstruction in accordance with §301(8); and, provided further, that the structure is protected against additional damage from weather, vandalism or theft during the period of reconstruction and that the premises are maintained so as not to constitute a hazard to the public safety or public nuisance. [Ord. 747]
  - B. A nonconforming use of a structure (other than a structure classified as noncontributing or as an intrusion) in the HR District may be resumed after abandonment or another nonconforming use may be authorized by the Zoning Hearing Board after abandonment, provided that the [Zoning] Hearing Board determines that the use of the structure for a nonconforming purpose is reasonably necessary to assure its preservation. Any new nonconforming use authorized by the Board shall meet the criteria contained in §605.
6. Special Area, Yard and Dimensional Provisions.
- A. Within the HR District, the Zoning Hearing Board may grant variances from the lot size, yard, building height, lot coverage and other dimensional standards of the underlying zoning districts and from otherwise applicable limits on the continuation or extension of uses and repair of nonconforming structures.
  - B. In deciding upon applications for variances in the HR District, the Board shall follow procedures for consideration of variances outlined in Part 8 of this Chapter and shall be guided by the following general principals:
    - (1) Within a historic district, the pattern of lot sizes and dimensions and the spatial relationships between a building and its site and between adjacent buildings are important elements of the overall physical character of the district.
    - (2) The Zoning Hearing Board should generally approve dimensional variances within the HR District if the historic patterns are being maintained, even where they may not meet the requirements of the underlying zoning district.
    - (3) The Zoning Hearing Board shall not approve a dimensional variance for a property within the HR district necessitated by the proposed building alteration unless the proposed alteration has been favorably reviewed by the HARB and issuance of a certificate of appropriateness recommended, if required.

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- C. Independent or concurrent with applications for a variance in the HR District in accordance with this subsection, the Board shall follow procedures for the consideration of special exceptions outlined in Part 4 of this Chapter and may consider relief for the following:
  - (1) Off-street parking requirements as identified in §508.
  - (2) Off-street loading requirements as identified in §509.

Any regulatory relief will be as requested by the applicant and will apply only to the properties and/or site included in the request.

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7. Demolition or Razing of Historic Resources.

- A. Application. The provisions of this Section shall apply to all structures in the HR district except those classified as noncontributing or intrusions.
- B. Permit Required. A permit shall be required for the demolition, in whole or in part, of a structure which is subject to the requirements of this Section.
  - (1) Demolition shall include the removal of significant exterior architectural feature as well as demolition of an entire structure or portion of a structure.
  - (2) A permit for demolition shall not be issued until a certificate of appropriateness has been ordered by the Borough Council.
  - (3) The Borough Council shall not issue a certificate of appropriateness until they have received and considered the recommendation of the HARB, except as provided in §301(7)(D) hereunder.
- C. Procedure for Review.
  - (1) An applicant for a permit to demolish a structure subject to the requirements of this Section shall meet with the HARB within 30 days after filing of the application and shall describe the reasons for the proposed demolition, planned alterations to the property and plans for reuse of the site. The applicant shall provide drawings, photographs and other information about the subject property as directed by the Zoning Officer and which shall be reasonably necessary for evaluation of the application.
  - (2) The HARB may recommend approval of the permit and shall so notify Borough Council not later than 30 days following the meeting at which consideration of the application is concluded.

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- (3) If the initial recommendation of the HARB is against the proposed demolition, a period of 90 days shall be provided during which the HARB shall attempt to negotiate with the applicant in order to achieve an acceptable alternative to the proposed demolition.
  - (a) If agreement is not reached by the end of the 90-day period, the HARB shall transmit its negative recommendation to Council which shall issue or deny a certificate of appropriateness based on their consideration of all of the information presented.
  - (b) An applicant who has been denied a demolition permit may file an appeal in the manner prescribed for zoning appeals in Part 7 of this Chapter.
  - (c) If the Council authorizes issuance of a permit for demolition after a negative recommendation from the HARB, a permit shall not be issued for 10 days during which time the HARB may request and Council may order that issuance of a permit be delayed for an additional 90 days in order to allow documentation of the resource prior to its destruction.

### D. Exception.

- (1) The Borough Manager may order the demolition of a historic resource without review by the HARB, but after notification to and approval by Council, if its condition is clearly hazardous to the public and if there is no other reasonable way to eliminate the dangerous condition. The hazardous condition of the resource and the absence of feasible alternatives to demolition shall be certified by a professional structural engineer after inspection of the property.
- (2) The owner of a historic resource which is subject to the requirements of this Section shall protect such structure against damage from weather, vandalism or theft. Temporary protection measures may be installed without review by the HARB, but with approval of the Zoning Officer.
- (3) If a historic resource is abandoned by its owner or if an owner should fail to provide necessary protection, the Zoning Officer shall order appropriate protection to be installed, and the cost thereof shall be charged to the owner.

### E. Maintenance and Repair Required.

- (1) No owner or person with an interest in real property included within the HR District shall permit the property to fall into a state of disrepair so as to result in the deterioration of any exterior architectural



feature which would, in the judgment of the HARB, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include, but are not limited to:

- a) Deterioration of exterior walls or other vertical supports.
- b) Deterioration of roofs or other horizontal members.
- c) Deterioration of exterior chimneys.
- d) Deterioration or crumbling of exterior stucco or mortar.
- e) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.
- f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

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8. Alteration of Structures.

- A. Certificate of Appropriateness Required. No alteration, reconstruction, restoration, rehabilitation or addition shall be made to any structure located in the HR District, except to those classified as noncontributing or intrusions, until Council has certified to the appropriateness of the proposed alterations following review and recommendation by the HARB in accordance with the procedures outlined in §301(3).
- B. Standards for Determining Appropriateness. The HARB and Council shall be guided in their evaluation by the following “Standards for Rehabilitation” which have been promulgated and used by the Secretary of the U. S. Department of the Interior and by the “Guidelines for Applying the Secretary of the Interior’s Standards for Rehabilitation,” copies of which shall be available in the Borough offices.
  - (1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
  - (2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided where possible.

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- (3) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than in conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

C. Application of Standards. In considering whether to recommend certification of appropriateness for the alteration of a structure in the HR District, which is subject to the provisions of this Section or to so certify, the HARB and Borough Council shall be guided by the following statement of intent:

Many buildings in historic districts which are classified as significant or contributing structures as well as individual historic resources located outside of historic

districts may have been inappropriately altered prior to the enactment of this Chapter. It is not the intent of the regulations contained herein to require that all such inappropriate alterations be removed as a condition for authorizing new alterations. Rather it is the intent of these regulations to assure that future alterations are appropriate to the historic and architectural character of the building and to encourage, where feasible, the restoration of historic building features.

9. New Construction.

- A. Certificate of Appropriateness Required. Within a historic district included within the HR District, a building permit shall not be issued for the construction of a new building or buildings on a vacant parcel or to a building which is classified as noncontributing or an intrusion, until Council has certified that the proposed construction is appropriate, following the review and recommendation by the HARB in accordance with the procedures outlined in §301(3).
  
- B. Standards for Determining Appropriateness; New Construction. New construction in historic districts will be certified as appropriate if it is compatible with the scale and basic design elements of adjacent and surrounding buildings which are classified as significant and contributing and with distinguishing site design elements of the district. The intent is not to require or encourage new buildings to look like old buildings, but to assure pleasing and harmonious relationships between old and new that will maintain and strengthen the architectural character of the historic district. The following design elements shall be considered in the evaluation of the appropriateness of new construction.
  - (1) Building Height. New buildings should be constructed to a height within 10% of the average height of adjacent buildings.
  - (2) Elevation Proportion. The relationship between the height and width of the front elevation of a new building should be within 10% of the average proportions of adjacent buildings.
  - (3) Proportion of Openings. The relationship of height to width of windows and doors of a building should be with 10% of the proportions of windows and doors of adjacent buildings.
  - (4) Rhythm of Solids and Voids. The rhythm of solids to voids in the front facade of a building should be similar to adjacent buildings.
  - (5) Horizontal Lines. Basement sill lines and header and sill lines of a building should follow the horizontal lines of adjacent buildings.
  - (6) Spacing of Buildings on Street. Setbacks and side yards of new buildings should be similar to those on adjacent parcels. Placement of

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sidewalks and projection of porches should be similar to adjacent buildings.

- (7) Roofs. The shape, style and material of the roof of a new building should be similar to the roofs of adjacent and surrounding buildings.
  - (8) Building Materials. Building materials should be compatible with materials commonly used within the historic district.
  - (9) Color. The predominant color of a building and the color of its trim should be compatible with the colors of surrounding buildings.
  - (10) Architectural Details. The use of specific architectural elements and details such as porches, dormers, cornices, brackets, quoins, balustrades and the like may be used to strengthen the relationship of new construction to the existing architecture of the district. However, such detailing is not sufficient to assure appropriateness if the structure is not related to its surroundings in terms of massing, rhythm and proportions.
  - (11) Landscaping. The use of plant materials that are traditional in the district should be encouraged. Similarly encouraged is the use of paving and fence materials that are traditional in the district.
- C. Standards for Determining Appropriateness; Additions to Noncontributing Structures. The appropriateness of additions to noncontributing structures in historic districts shall be judged primarily in terms of their visual impact on nearby properties. Additions should generally be certified as appropriate if their size is minor in relation to the total structure and if they do not significantly increase the visual appearance of incompatibility between the intruding structure and neighboring structures which are contributing or significant.
- D. Application of Standards. In evaluating the appropriateness of proposed new construction within historic districts included in the HR District, including additions to buildings that are not classified as significant or contributing, the criteria of similarity and/or compatibility may be interpreted differently for each proposed building site, depending upon the unique character of each location. A higher degree of uniformity may be sought, for example, on a site where adjacent and surrounding buildings exhibit a high degree of uniformity in size, spacing and other elements of design than on sites where adjacent and surrounding properties exhibit a high degree of variation in the same elements.
- E. Pre-Application Meeting Recommended. It is recommended that a developer contemplating new construction in a historic district meet with the HARB prior to the submission of an application for a construction permit in order to reach agreement upon critical design elements that should be considered

for a specific site. Upon request by a potential applicant for a permit for new construction in a historic district, the HARB shall provide site-specific guidelines in sufficient detail that, if followed in the design of the proposed development, a positive recommendation as to appropriateness will be assured.

10. Signs.

- A. Certificate of Appropriateness Required. A permit shall not be issued for the placement or alteration of any business identification sign in the HR District until a certificate of appropriateness has been issued for the proposed sign in accordance with the procedures outlined in §301(3).
- B. General Requirements. All signs within the HR district shall comply with the sign regulations which are applicable in the underlying zoning district, unless excepted under the provisions of subsection (2) hereunder, and with the additional special standards for signs contained in this Section.
  - (1) A sign which meets the requirements of the underlying district must still be certified as appropriate in relation to the specific building on which it is to be located and in terms of compatibility with signs in the surrounding area; compliance with the underlying zoning district requirements does not guarantee approval of a certificate of appropriateness.
  - (2) The HARB may recommend and Council may issue a certificate of appropriateness for a sign which is not permitted by the regulations of the underlying zoning district if the proposed sign is shown to be historically accurate by documentation acceptable to the HARB.
- C. Special Standards for the HR District.
  - (1) Illumination of any sign shall be neon or indirect only and shall be shielded or otherwise arranged to prevent glare.
  - (2) Acceptable sign types include:
    - (a) Wall signs or flush signs, including signs framed on a background, mounted on a board and painted on a board, when the size of the sign is in proportion to the building, the facade and the features of the facade.
    - (b) Signs painted on a wall when the sign is painted in a historically appropriate location, including the side walls of buildings constructed for commercial uses and when the size of the sign is in proportion to the building and the features of the building.

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- (c) Hanging shingle signs that do not project more than two feet beyond the outer building wall, and that are at least eight feet above the sidewalk, and that do not project above the level of the second story window sills.
  - (d) Etched or painted signs on window glass covering no more than 20% of the glazing area.
  - (e) Awning or canopy signs; provided, the awning or canopy is of canvas or an other similar heavy-duty, woven, flexible, natural fiber; and, provided that, the awning or canopy is of a design that is compatible with the features of the building (round for arched openings; sloping for non-arched openings); and provided that the color of the awning or canopy is compatible with the colors of the building and adjacent buildings; and provided that the installation of the awning or canopy does not obscure significant architectural features of the buildings; and, provided that, the sign appears only within the narrow band that hangs below the frame of the awning or canopy.
- (3) Signs shall be placed in traditional locations on building facades.
  - (4) Installation of signs shall not obscure significant architectural features.
  - (5) Sign colors shall be compatible with the colors of the building and adjacent buildings.
  - (6) All signs on a single building should be compatible with each other with the building on which they are located, and with the overall streetscape.

[Ord. 747]

(Ord. 644, 7/6/1989; §301; as amended by Ord. 747, 7/17/1997)

### **§302. Floodplain Overlay District.**

1. Purpose and Intent The purpose of these districts is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of business and public services and the extraordinary and unnecessary expenditure of public funds for flood protection and relief.
2. Applicability. These provisions shall apply to all lands within the Borough which are shown as being located within the one-hundred-year floodplains by the Borough Flood Insurance studies.

3. Standards and Requirements.
  - A. The floodplain district shall be an overlay to the existing underlying zoning districts shown on the Borough Zoning Map, and the provisions for the floodplain overlay district shall supplement the underlying zoning district requirements.
  - B. All uses and structures within a floodplain overlay district shall comply with the applicable requirements of the Borough Floodplain Ordinance (Chapter 8).

(Ord. 644, 7/6/1989, §302)





## Part 4

### Conditional Uses and Special Exceptions

#### §401. Applicability.

Applications for conditional or special exception uses shall be approved or denied by Borough Council or the Zoning Hearing Board, as appropriate, in accordance with the standards and criteria of this Part. (Ord. 644, 7/6/1989, §401)

#### §402. Application Procedure.

##### 1. Application Content.

Applications for conditional or special exception uses shall be submitted to the Zoning Officer in the form prescribed by the Borough.

##### 2. Review Procedure.

###### A. Conditional Use Application.

- (1) The application shall be date stamped the day it is received. Any submission after 2:00 p.m. shall be dated for the following day.
- (2) The Zoning Officer will review the application and deem it complete or incomplete. If the application is deemed incomplete, a letter itemizing why the application is incomplete should be prepared and mailed to the applicant within 14 days of the date the application was received.
- (3) The Zoning Officer shall forward all complete conditional use applications to the Planning Commission for review and comment. The Commission shall submit its comments in writing to Council; copies of these comments shall be made available to the applicant.
- (4) Council shall hold a public hearing pursuant to public notice on the application.
- (5) Borough Council shall act to approve or deny the application within 30 days of the public hearing.
- (6) Within 10 days of approving or denying the application, Council shall provide the applicant with a written decision identifying the reasons for its determination and making reference to the facts, ordinance provisions, rules or regulations upon which Council based its decision. In approving an application, Council may impose reasonable conditions and safeguards, in addition to those expressed in this Chapter,

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which it determines necessary to accomplish the objectives of this Chapter.

- (7) Where Council fails to render a decision within 90 days of the application's being properly and completely filed, the application shall be deemed to be approved, unless an extension of time has been agreed to by the applicant.

[Ord. 747]

- B. Special Exception Use. The Zoning Hearing Board shall review and approve or deny an application in accordance with the provisions of Part 7 of this Chapter. [Ord. 747]
3. Revocation of Approval. Approval of a conditional or special exception use application shall expire after one year from date of approval if the applicant fails to obtain a zoning permit and start construction.

(Ord. 644, 7/6/1989, §402; as amended by Ord. 747, 7/17/1997)

### **§403. General Standards and Criteria.**

Before approving a conditional or special exception use application, Council or the Zoning Hearing Board shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located and that it will not substantially impair the use or development of adjacent properties. The following general standards, among other things, shall be used in the evaluation. These standards shall be in addition to all other applicable requirements in this Chapter.

1. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Chapter, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable Borough, County and Commonwealth ordinances, laws and regulations.
2. The proposed use is compatible with the surrounding land uses, and it will not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, potential hazards, illumination and glare, and restrictions to natural light and circulation.
3. The site for the proposed use is suitable in terms of size, topography, soil conditions and similar physical features.
4. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient off-street parking and loading.

5. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.
6. The proposed use provides screening and/or buffer areas as required by this Chapter.
7. The proposed use/development conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located.

(Ord. 644, 7/6/1989, §403)

#### **§404. Special Standard Criteria.**

For the types of uses identified in this Section, Council or the Zoning Hearing Board, as appropriate, shall also determine that the proposed use complies with these standards, in addition to all other applicable requirements in this Chapter.

(NOTE: Uses are listed in alphabetical order.)

1. Agriculture/Horticulture.
  - A. The number of dwellings permitted on a farm shall not exceed one dwelling unit per three acres. Each dwelling shall be separated from the next by a minimum of 100 feet; no dwelling shall be constructed closer than 50 feet to any property line.
  - B. Buildings or areas for the keeping of livestock or manure storage shall be located at least 100 feet from any property line and 200 feet from any street line or dwelling other than the owner's dwelling.
  - C. Other accessory farm buildings shall be located no closer than 75 feet to any property line.
2. Automotive Sales and/or Services.
  - A. The business shall include a permanent building on the site for offices, display and/or repair. A trailer shall not meet this requirement.
  - B. Areas for vehicular display and customer parking shall be paved or otherwise improved and shall maintain at least a five foot landscaped setback from all property lines.
  - C. If a gasoline service station is an accessory use, all conditions required herein for said use shall be met.

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- D. If a vehicular repair garage is an accessory use, all conditions required herein for said use shall be met.
  - E. No strings of lights, flags, flashers or any other display paraphernalia shall be permitted. Lighting from spot or floodlights shall be oriented away from adjacent highways and properties.
  - F. No vehicle shall be displayed or offered for sale outdoors which does not have all mechanical and body components necessary for safe and lawful operation in this State.
3. Cemeteries.
- A. No more than 10% of the entire cemetery area shall be devoted to accessory structures (excluding those serving as grave markers or memorials), such as business offices, chapel or maintenance facilities.
  - B. One dwelling for custodial personnel may be permitted on the cemetery property.
  - C. Buffer areas or other screening, placed in accordance with §511, may be required along the facility's boundaries in order to separate and screen adjacent properties.
  - D. Parking for accessory office, chapels and other public use areas shall be provided according to the standards of §508.
4. Convenience Market.
- A. No vehicular repair or maintenance services shall be provided in conjunction with the sale of gasoline.
  - B. Gasoline service areas shall comply with the applicable provisions for gasoline service stations with the exception of required spacing between similar facilities.
5. Day Care Centers.
- A. All day care centers must be licensed by the Pennsylvania Department of Public Welfare and must operate in accordance with the requirements of the Department. This requirement is a condition of occupancy.
  - B. Any outdoor recreational areas on the property shall be no closer than 25 feet to an abutting street or 10 feet to any property lines. They shall be fenced with a self-latching gate or otherwise secured.

- C. Safe vehicular access and off-street areas for discharging and picking up children or adults shall be provided.
  - D. One parking space shall be provided for each staff member plus one for each six children or adults cared for at the center. Parking areas for four or more vehicles shall be screened in accordance with §508 when abutting a residential use or district.
6. Gasoline Service Stations.
- A. No gasoline service station shall be located within 1,000 feet of another gasoline station.
  - B. Access driveways to the service station shall be at least 30 feet from the intersection of any public streets.
  - C. Fuel pumps, air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than 10 feet of any property line.
  - D. The following services, and no others, may be rendered in conjunction with the gasoline station: State inspections; lubrication; oil changes; tire servicing and repair (excluding recapping or regrooving), sale and servicing or spark plugs, batteries, and distributors and distributor parts; replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like; radiator cleaning and flushing; washing and polishing and sale of automotive washing and polishing materials; providing and repairing fuel pumps, oil pumps and lines; minor servicing and repair of carburetors; adjusting and repairing brakes; minor motor adjustments not involving removal of the head or crankcase or racing the motor; sales of beverages, packaged foods, tobacco, and similar convenience goods for station customers, as accessory and incidental to principal operation; the provision of road maps and other informational material to customers; and provision of rest room facilities. All services shall be conducted entirely within a building.
  - E. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five feet from the pumps.
  - F. All refuse shall be stored in compliance with the Borough Fire Code [Chapter 7, Part 1] and other applicable ordinances.
  - G. No vehicle shall be parked or stored on a public right of way or property at any time. Non-operable vehicle or vehicles awaiting repairs may be parked or stored on the premises, provided they do not exceed the number of available off-street parking spaces for the service station.

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- H. Rental of automobiles, vans (less than 20 feet long) or utility trailers is an authorized accessory use, provided that no more than three vehicles are visible on the premises at any time.
  - I. Off-street parking spaces shall be provided in accordance with §508 of this Chapter.
7. Golf Courses.
- A. A golf course may include a clubhouse, restaurant, pro shop and similar clearly accessory uses to the golf course.
8. Group Residences.
- A. Group residence are allowed as conditional uses only in the PR and C-2 Districts. They are allowed as permitted uses in the R-1, R-2, R-3 and RB Districts.
  - B. Group residences should ignore the minimum number of off-street parking spaces required by §508(3) for normal residences and instead provide a number of parking spaces at a rate no less than one off-street parking for each staff member (on a peak shift), plus one space per two residents where they are allowed to own and operate a motor vehicle. All such spaces should follow the requirements of §§508(1) and 508(2). The changing of a structure's land use to or from a group residence shall not result in the elimination of any existing off-street parking spaces that were required under the former use.
  - C. Minimum lot area, yard setback and structural heights shall be as prescribed in the district where the property is located, unless otherwise stated herein.
  - D. Signs for the group residence shall comply with applicable provisions of §507 of this Chapter.

[Ord. 747]

9. Inn/Hotel/Motel.
- A. If such facility includes eating and drinking facilities to serve both overnight guests and the general public, then it must provide off-street parking for such facilities in accordance with §508 of this Chapter.
  - B. Areas not occupied with buildings and parking areas shall be completely landscaped and planted with lawns, ornamental trees and shrubs.

- C. Sleeping units shall contain a bedroom and bath and have a floor area of not less than 250 square feet.
  - D. If the lot upon which a hotel/motel is erected abuts a residential district, it shall be screened by well-maintained landscaping not less than six feet nor more than 10 feet high or an ornamental fence within the same height limitations, the ratio of the solid portion to the open portion of which shall not exceed three to one.
  - E. The facility shall have access from a public street of sufficient size and capacity to accommodate the projected traffic. If any road improvements or traffic signals are required to an existing public road, as a result of the proposed hotel, the hotel owner or developer shall bear the cost of any such improvements.
10. Nursing Home.
- A. The minimum lot area shall be 1,500 square feet per resident.
  - B. The facility shall be duly licensed by the Commonwealth and shall operate in accordance with the regulations of the licensing agency.
  - C. The facility shall provide on-site all required off-street parking and loading spaces.
  - D. The facility shall have its principal traffic access from a public street with sufficient capacity to handle the traffic generated by the use. An analysis of peak hour traffic and impact on surrounding streets and intersections and methods to alleviate any potential problems may be required.
  - E. Ambulance, delivery and service areas shall be obscured from the view of all residential properties by fencing, screening or planting approved by the Borough.
  - F. Buffer areas in accordance with §511 may be required along side and rear yards where necessary to provide visual and audible privacy for the nursing home and/or adjacent uses. A landscaped area, at least 10 feet in depth shall be provided along the entire front property line except for approved entrances.
11. In-Premises Outdoor Dining Facilities.
- A. Outdoor dining facilities of permitted restaurants located on a deck, terrace, patio or otherwise within the grounds of the establishment.
  - B. Outdoor dining facilities shall be arranged in a manner which maintains pedestrian and traffic circulation on all public rights-of-way and entrances, exits and emergency exits of the structure housing the restaurant.

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- C. Operational hours for the outdoor dining facilities shall set on a case-by-case basis by Borough Council.
- D. Outdoor dining facilities shall be regularly bussed to preclude the accumulation, random dispersal and/or improper disposal of food and paper waste and the table setting of utensils, glasses, condiments and other amenities shall occur after customers are seated.
- E. Goods and beverages consumed in the outdoor dining facilities shall be those usually sold and permitted to be sold in the host restaurant's indoor facility.
- F. Tables, seats and other fixtures in outdoor dining facilities shall be arranged so the sight distance for all intersections, driveways and curbs is maintained.
- G. All furniture and furnishings in the outdoor dining facilities is of the adequate structural and architectural integrity.

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### 12. Personal Care Home.

- A. A full or provisional license from the Commonwealth is necessary for initial and continued approval. Suspension of the license automatically revokes the occupancy permit and conditional/special exception approval.
- B. Change of ownership, sponsorship or any other condition contained in the original approval of the home shall constitute a new use, and the procedure for obtaining an exceptional use approval of a new facility shall be executed.
- C. No personal care home shall be located within 2,500 feet of another personal care home or group residence.
- D. The facility shall comply with local, county and state building, fire, health, or safety codes. An automatic fire suppression system shall be required in home having six or more occupants. The system shall be installed in accordance with Borough ordinances. Smoke detectors shall be installed in, or in the immediate vicinity of, each bedroom or sleeping area of the home and in the basement or cellar if there is one. When activated, the detector shall provide an alarm suitable to warn the occupants. When more than one detector is required to be installed within the home, the detectors shall be interconnected so that the activation of one alarm will activate all the alarms.
- E. One off-street parking space shall be provided for each staff member, operator or employee plus one for each four residents in the home.



- F. Signs for the personal care home shall comply with applicable provisions of §507 of this Chapter.
  - G. The maximum number occupants for a personal care home shall be:
    - 1. R-2 districts: 15 persons including resident staff members.
    - 2. R-3, RB districts: 10 persons including resident staff members.
  - H. The owner or sponsor shall file with the Zoning Officer on June 1st of each year following the original approval, information indicating that the facility continues to satisfy the conditions of original approval. If the facility is shown to be operating in compliance with the terms of the original approval, then the Zoning Officer shall renew the certificate of occupancy for another year. If the information indicates that there is any change in operation, or any complaint has been lodged against the facility, the Zoning Officer shall forward the information to the Zoning Hearing Board who shall decide the renewal of the approval and certificate of occupancy.
13. Place of Worship.
- A. If a residential facility (e.g., a convent, monastery) is part of the complex within an R-1 District, it shall not house more than 10 persons.
  - B. The place of worship shall have direct access to a public street of sufficient capacity to handle the traffic generated by the proposed use.
  - C. The facility shall provide off-street parking in accordance with §508 of this Chapter.
14. Resource Recovery Facility.
- A. Such use shall include land and buildings for the recycling of solid waste materials, such as waste-to-energy plants, composting, and integrated facilities.
  - B. The minimum lot area shall be one acre.
  - C. Prior to receiving final approval from the Borough, such facility shall obtain all necessary approvals and/or permits required from PaDER and/or other governmental agencies. A suspension or revocation of the PADER or other governmental approval/permit shall be an automatic suspension or revocation of Borough permits and approvals.
  - D. A change of ownership or permittee occurs, the new owner/permittee shall submit a new application for conditional use approval, which shall be contingent upon receipt of necessary approvals/permits from PADER and/or other governmental agencies.

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- E. Any outdoor uses or storage areas shall be surrounded by a buffer area in accordance with the provisions of §511.
15. Salvage Yards.
- A. The minimum lot area for a salvage yard shall be two acres. All structures for the salvage yard shall comply with the applicable provisions of the zoning district in which it is located.
  - B. There shall be no exterior storage of any materials or equipment within 25 feet of any front lot line or within 15 feet of any side or rear lot line.
  - C. The entire perimeter of the salvage yard shall be fenced with a solid fence, a planted screen, or a combination of both, at least eight feet in height, which complies with the provisions of §504 of this Chapter. The owner or operator of the salvage yard shall be responsible for maintaining the fence or screen in good repair and condition.
16. Sexually Oriented Businesses.
- A. These requirements affect businesses classified as adult arcades, adult bookstores or adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios and sexual encounter centers. These businesses shall also comply with the requirements of Ord. 746, regulating the time, manner and place of sexually oriented businesses [Chapter 13, Part 4].
  - B. A sexually oriented business shall not be located within one 1,000 feet of a church, a public or private pre-elementary, elementary or secondary school, a public library, a child care facility or nursery school, a public park adjacent to any residential district or a child-oriented business.
  - C. A sexually oriented business shall not be located within 1,000 feet of another sexually oriented business.
  - D. For the purposes of subsection (B) measurement shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structure used as a part of the premises of a church, public or private pre-elementary, elementary or secondary school, public library, child care facility, child oriented business or nursery school or to the nearest boundary of an affected public park.
  - E. For the purposes of subsection (C) the distance between any two sexually oriented businesses shall be measured in a straight line without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

- F. A sexually oriented business lawfully operating on the date of enactment of this subsection that is in violations of subsections (B) or (C) shall be deemed a nonconforming use.
- G. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private pre-elementary, elementary or secondary school, public library, child care facility, child-oriented business, nursery school or public park within 1,000 feet of the sexually oriented business.
- H. The regulations of §404(16) do not apply to modeling classes operated:
  - (1) By a proprietary school licensed by the Commonwealth of Pennsylvania or a college, junior college or university supported entirely or partly by taxation.
  - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.
  - (3) In a structure:
    - (a) Which has no sign visible from the exterior of the structure and not other advertising that indicates a nude person is available for viewing.
    - (b) Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
    - (c) Where no more than one nude model is on the premises at any one time.

[Ord. 747]

17. Wholesale, Warehousing Businesses Handling Hazardous or Toxic Substances.

- A. The property shall have direct access to a public street with sufficient capacity to handle the amount and type traffic generated by the proposed use.
- B. Access driveways shall be [of] adequate design to accommodate anticipated truck traffic safely without causing congestion on public streets.
- C. The facility shall comply with all applicable Federal, State, County and local laws and regulations regarding the handling of hazardous or toxic substances.
- D. A written description of all materials regularly stored or distributed by the proposed facility shall be submitted with the application. The Borough's

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Emergency Management Coordinator and Fire Chief and the County Fire Marshall shall be notified of the types of substances typically stored or transported at the facility. This information shall be updated every six months and resubmitted to all parties; failure to do so may result in the certificate of occupancy being revoked.

### 18. Vehicular Repair Garages.

- A. All repair services shall be conducted within an enclosed building which complies with State and Borough regulations for such uses.
- B. All automotive parts and supplies shall be stored within an enclosed building.
- C. All debris, used parts and other refuse must be stored in compliance with Borough Fire Code [Chapter 7, Part 1] and other applicable ordinances and in such a manner that it is not visible from adjacent properties or a public street.
- D. No vehicle shall be parked stored on a public right of way or property at any time. No more than four vehicles awaiting repairs shall be parked or stored outdoors at any one time. All others must be stored within a building or totally screened from view by a solid fence.
- E. Off-street parking spaces shall be provided in accordance with §508 of this Chapter.
- F. If a vehicular repair garage includes gasoline and/or other petroleum sales, all requirements for a gasoline service station shall be met.

(Ord. 644, 7/6/1989, §404; as amended by Ord. 747, 7/17/1997; as amended by Ord. 791, 4/3/2003)

## Part 5

### Supplemental Regulations

#### **§501. General Intent.**

The regulations contained in this Part are intended to apply to all uses, structures or lots within all zoning districts except as otherwise provided in this Chapter. (Ord. 644, 7/6/1989, §501)

#### **§502. General Provisions and Exceptions.**

1. **Mixed Uses.** Land, buildings and structures shall be designed and used only for authorized uses within respective zoning districts. Except where specifically authorized by this Chapter, multiple uses of land, buildings or structures are prohibited.
2. **Dwelling in a Collar.** No dwelling unit or units shall be located in a cellar that is wholly below grade.
3. **Clear Sight Distances at Intersections.** A clear sight triangle, as defined by this Chapter, must be maintained at all intersections of public and/or private streets and driveways in all zoning districts. Required sight distances along intersecting streets shall be determined in accordance with the applicable PennDOT standards.
4. **Exotic Animals.** Exotic animals such as lions, tigers, bears, large or poisonous snakes, alligators and similar animals shall not be permitted in any zoning district.

(Ord. 644, 7/6/1989, §502)

#### **§503. Accessory Uses and/or Structures.**

1. **Permit and Maintenance Requirements.** A permit shall be obtained from the Borough Zoning Officer for any new, expanded or altered accessory use or structure. The owner is responsible for maintaining the accessory use/structure in safe condition in accordance with all applicable regulations.
2. **Permitted Accessory Uses.** A permitted accessory use must comply with the definition of "accessory use" contained in this Chapter. Examples of permitted uses/structures are:
  - A. Garage, carport, shed or building for domestic storage, or storage of a boat, trailer or camper.

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- B. Child's playhouse, garden house, gazebo and private greenhouse.
  - C. Private residential swimming pool, tennis court or similar private recreational facility.
  - D. Civil defense shelter for not more than two families.
  - E. Fences, as regulated herein.
  - F. Off-street parking and loading areas, as regulated herein.
  - G. Signs, as regulated herein.
  - H. Radio, television or satellite dish antenna, as regulated herein.
  - I. Storage of merchandise normally carried in stock on the same lot with a permitted retail, service or office use, unless such storage is prohibited by the district regulations.
  - J. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities unless such storage is prohibited by the district regulations.
  - K. Administrative offices, employee restaurants and cafeterias when located in an authorized commercial or industrial building.
3. Prohibited Accessory Uses.
- A. In any zoning district other than industrial, none of the following shall be parked or stored on a public right-of-way or any lot except in an enclosed garage or carport:
    - (1) Trucks or vans exceeding 7,000 pounds in gross vehicle weight or designated as Class III or above by the Pennsylvania Motor Vehicle Code.
    - (2) Construction vehicles or equipment.
    - (3) Motor vehicles without a current inspection sticker.
  - B. Construction vehicles or equipment may be parked on a lot while construction is underway provided a permit has been duly granted for the construction activity.
  - C. Outdoor storage of equipment, supplies or other materials shall not be permitted as an accessory use in any zoning district except as specifically authorized by the district regulations.

[Ord. 791]

4. Use Limitations.
  - A. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
  - B. No accessory structure shall be used for dwelling purposes unless expressly authorized by this Chapter.
  - C. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
5. Height, Spacing and Location of Accessory Uses. Unless otherwise provided by this Chapter, the following standards shall apply.
  - A. No accessory structure shall exceed 14 feet in height unless another height is specified by this Chapter.
  - B. Location of accessory uses/structures:
    - (1) Front Yard. Except for authorized signs and fences, no accessory use/structure shall be permitted in a required front yard of any residential property, except as expressly provided within this subsection. In Commercial and Industrial Districts and with commercial uses allowed as conditional use in an R/B (Residential/Business) district, off-street parking (but not loading) areas may be permitted in a required front yard, provided any front yard parking area shall maintain a minimum three feet landscaped setback from any street, right-of-way or sidewalk line. [Ord. 657]
    - (2) Side Yards. Accessory uses/structures may be permitted in a required side yard provided they are no closer than three feet to any lot line.
    - (3) Rear Yards. Accessory uses/structures shall not occupy more than 30% of any required rear yard except as specifically provided in this subsection. In Commercial and Industrial Districts and with commercial uses allowed as a conditional use in an R/B (Residential/Business) District, parking may exceed 30% of any required rear year, provided any rear yard parking shall not be located within three feet of any rear property line. [Ord. 657]
  - D. No part of any accessory structure shall be located closer than 10 feet to any principal structure, unless it is attached to or forms a part of such principal structure. No accessory structure shall be located closer than five feet to another structure (other than a fence) on an abutting property.

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(Ord. 644, 7/6/1989, §503; as amended by Ord. 657, 3/12/1990, §3; and by Ord. 791, 4/3/2003)

### **§504. Fencing, Screening, and Retaining walls.**

Unless otherwise stipulated, the following standards shall apply.

- A. Fences, walls, hedges or other planted screens may be erected in any yard subject to following height restrictions:
  - (1) Located in a front yard: 3-1/2 feet maximum
  - (2) Located in a side or rear yard: six feet maximum or up to eight feet provided the ratio of solid to open portion does not exceed 1:4. There shall be no maximum applied to hedges or planted screens (e.g., trees) located along the rear property line.
  - (3) Located in any yard in an I-1 or I-2 district: 12 feet maximum.
- B. Fences, screens or walls up to 10 feet in height may be approved by the Planning Commission for any yard of a public school, recreational facility, building or a public/essential service provided that the ratio of solid to open portion does not exceed 1:4.
- C. A retaining wall may be erected along any property line or in any yard where it is required to prevent a landslide or other hazardous conditions.
- D. A fence or screen cannot be erected in a public or dedicated right-of-way.
- E. Fences located along a property boundary shall be set back minimum of six inches from the property line.
- F. Authorized fences and screens, whether publicly or privately owned, shall not obstruct the clear sight distances at street intersections; a clear sight triangle, as defined by this Chapter, shall be maintained.
- G. Fences shall not contain barbs or similar types of injurious materials, unless specifically approved by the Planning Commission for security reasons.
- H. The finished side of the fence or wall shall always face the abutting properties or street.

(Ord. 644, 7/6/1989, §504)



**§505. Swimming Pools.**

1. Placement. As an accessory structure, a pool and accessory deck area shall be erected only in a rear yard provided it is no closer than either five feet of any lot line or the distance of the required side yard for the zoning district in which it is located, whichever is greater.
2. Construction. All swimming pools, as well as any required or accompanying decks, gates, fences and/or barriers, shall be constructed in conformance with current applicable provisions of the Pennsylvania Uniform Construction Code.

(Ord. 644, 7/6/1989, §505; as amended by Ord. 815, 7/13/2006, §3)

**§506. Radio, Television or Satellite Dish Antennas.**

1. Radio or Television Antenna.
  - A. A radio or television antenna structure is a permissible accessory structure in any zoning district subject to the requirements of this Section.
  - B. Such structure may be mounted on a roof or installed in a rear yard area only, provided that no ground level structure shall be located within 10 feet of any property line.
  - C. The maximum height for such structure shall not exceed the otherwise allowable height in the zoning district by more than 20 feet. If placed on a roof, any antenna exceeding eight feet in height shall be mounted with guide wires.
  - D. Any such structure shall comply with any applicable airport zoning and Federal regulations.
  - E. Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable materials, as approved by the Planning Commission.
2. Satellite Dish Antenna.
  - A. A satellite dish antenna is a permissible accessory structure in any zoning district subject to the requirements of this Chapter.
  - B. Such antenna may be installed in a rear area only provided that no such structure shall be located within 15 feet of any property line.
  - C. When installed on the ground, the maximum height of a satellite dish antenna shall not exceed 14 feet when positioned vertically and shall have a maximum diameter of 10 feet.

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- D. A satellite dish antenna may be roof mounted in commercial and industrial districts, provided that the maximum height shall not exceed 15 feet above the roof line, when positioned vertically and the maximum diameter shall not exceed 12 feet.
  - E. When installed on the ground, the satellite dish antenna shall be screened from adjacent properties by evergreen trees or other suitable materials as approved by the Planning Commission, provided that the Borough shall not require screening which obstructs the line of sight to the transmitting satellite.
3. Exceptions to Requirements. Any applicant may apply to the Zoning Hearing Board for a special exception regarding the height, size or placement of a radio, television, or satellite dish antenna when it can be demonstrated that the requirements of this Section effectively preclude reception. Should the Zoning Hearing Board require expert technical assistance in making such determination, the cost of such assistance shall be borne by the applicant.

(Ord. 644, 7/6/1989, §506)

### **§507. Signs.<sup>2</sup>**

- 1. Application.
  - A. A sign may be erected, placed, established, painted, created or maintained in the Borough only in conformance with the standards, procedures, exemptions and other requirements of this Chapter.
  - B. The effect of this Section as more specifically set forth herein, is:
    - (1) To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Chapter.
    - (2) To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter but without a requirement for permits.
    - (3) To prohibit all signs not expressly permitted by this Chapter.
    - (4) To provide for the enforcement of the provisions of this Chapter.

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<sup>2</sup> Editor's Note: See also Tables A through D at the end of this chapter.

- C. Signs located with a historic resource overlay district shall also be subject to the provisions of §301(10).
2. Computations. The following principles shall control the computation of sign area and sign height.
- A. Computation of Area of Individual Sign. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
  - B. Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
  - C. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (i) existing grade prior to construction or (ii) the newly established grade after construction, exclusive of any filing, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
  - D. Computation of Maximum Total Permitted Sign Area Per Lot. The permitted sum of the area of all individual signs per lot shall be computed by applying the formula contained in Table A, Maximum Total Sign Area,<sup>3</sup> to the lot frontage, building frontage or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building or wall area frontage on that street.

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<sup>3</sup> Editor's Note: Table A is included at the end of this Chapter.

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- E. Signs Allowed on Private Property With and Without Permits. Signs shall be allowed on private property in the Borough in accordance with, and only in accordance with, Table A.<sup>4</sup> If the letter “A” appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter “S” appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter “N” appears for sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. A sign designated by an “S” or an “A” in Table shall be allowed only if:
- (1) The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table B.
  - (2) The size, location and number of signs on the lot conform with the requirements of Tables C and D, which establish permitted sign dimensions by sign type and with any additional limitations listed in Table A.
  - (3) The characteristics of the sign conform with the limitation of Table E, “Permitted Sign Characteristics,” and with any additional limitations on characteristics listed in Table A.
3. Permits Required.
- A. If a sign requiring a permit under the provisions of this Chapter is to be placed, constructed, erected or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection or modification of a sign in accordance with the requirements of §507(9)(F) of this Chapter.
  - B. No signs shall be erected in the public right-of-way except in accordance with §507(6) of this Chapter.
  - C. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Chapter (including those protecting existing signs) in every respect and with the master plan or common signage plan in effect for the property.
4. Design, Construction and Maintenance. All signs shall be designed, constructed and maintained in accordance with the following standards:

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<sup>4</sup> Editor’s Note: Table A is included at the end of this Chapter.

- A. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this Chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, building or another structure by direct attachment to a rigid wall, frame or structure.
5. Master or Common Signage Plan. No permit shall be issued for an individual sign requiring a permit unless and until a master signage plan or a common signage plan for the lot on which the sign will be erected has been submitted to the Zoning Officer and approved by the Zoning Officer as conforming with this Section.
- A. Master Sign Plan. For any lot on which the owner proposes to erect one or more signs requiring a permit, unless such lot is included in a common signage plan, the owner shall submit to the Zoning Officer a master signage plan containing the following:
    - (1) An accurate plot plan of the lot, at such scale as the Zoning Administrator may reasonably require.
    - (2) Location of buildings, parking lots, driveways and landscaped areas on such lot.
    - (3) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this Chapter.
    - (4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
  - B. Common Signage Plan.
    - (1) If the owners of two or more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (not including accessory building) file with the Zoning Officer for such lots a common signage plan conforming with the provisions of this Section, a 25% increase in the maximum total sign area shall be allowed for each including lot. This bonus shall be allocated within each lot as the owner(s) elect.
    - (2) Provisions of Common Sign Plan. The common signage plan shall contain all of the information required for a master signage plan and shall also specify standards for consistency among all signs on the lots affected by plan with regard to:
      - (a) Color scheme.
      - (b) Lettering or graphic style.

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- (c) Lighting.
  - (d) Location of each sign on the buildings.
  - (e) Material.
  - (f) Sign proportions.
- C. Windows Signs on Common or Master Signage Plan. A common signage plan or master signage plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window sign (e.g., paper affixed to window, painted, etched on glass or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.
- D. Limit on Number of Freestanding Signs Under Common Signage Plan. The common signage plan, for all lots with multiple users, shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs.
- E. Other Provisions of Master Common Signage Plans. The master or common signage plan may contain such other restrictions as the owners of the lots may reasonably determine.
- F. Consent. The master or common signage plan shall be signed by all owners or their authorized agents in such form as the Zoning Officer shall require.
- G. Procedures. A master or common signage plan shall be included in any development plan, site plan, planned unit development plan or other official plan required by the Borough for the proposed development and shall be processed simultaneously with such other plan.
- H. Amendment. A master or common signage plan may be amended by filing a new master or common signage plan that conforms with all requirements of this Chapter then in effect.
- I. Existing Signs Not Conforming to Master or Common Signage Plan. If any new or amended master or common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance all signs not conforming to the proposed amended plan or the requirements of this Chapter in effect on the date of submission.
- J. Binding Effect. After approval of a master or common signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan and such plan may be enforced in the same way as any provision

of this Chapter. In case of any conflict between the provisions of such plan and any other provision of this Chapter, the Chapter shall control.

6. Signs in the Public Right-of-Way. No signs shall be allowed in the public right-of-way, except for the following:
  - A. Permanent Signs. Permanent signs, including:
    - (1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
    - (2) Bus stop signs erected by a public transit company.
    - (3) Informational signs of a public utility regarding its poles, lines, pipes or facilities.
    - (4) Awning, projecting and suspended signs projecting over a public right-of-way in conformity with the conditions of Table A of this Section.<sup>5</sup>
  - B. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within a public right-of-way.
  - C. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this Sections, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Borough shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
7. Signs Exempt from Regulation Under this Section. The following shall be exempt from regulation under this Section:
  - A. Any public notice or warning required by a valid and applicable Federal, State or local law, regulation or ordinance.
  - B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located.
  - C. Works of art that do not include a commercial message.
  - D. Holiday lights and decorations with no commercial message.

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<sup>5</sup> Editor's Note: Table A is included at the end of this Chapter.

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- E. Traffic control signs on private property, such as “stop,” “yield” and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.
8. Signs Prohibited Under this Chapter. All signs not expressly permitted under this Chapter or exempt from regulation hereunder in accordance with the previous Section are prohibited in the Borough. Such signs include, but are not limited to:
- A. Beacons.
  - B. Pennants.
  - C. Strings of lights not permanently mounted to a rigid background, except those except under the previous Section.
  - D. Inflatable signs and tethered balloons.
9. General Permit Procedures. The following procedures shall govern the application for, and issuance of, all sign permits under this Chapter, and the submission and review of common signage plans and master signage plans.
- A. Applications. All applications for sign permits of any kind and for approval of a master or common signage plan shall be submitted to the Zoning Officer on an application form or in accordance with application specifications published by the Zoning Administrator.
  - B. Fees. Each application for a sign permit or for approval of a master or common signage plan shall be accompanied by the applicable fees, which shall be established by the Borough Council of the Borough from time to time by resolution.
  - C. Completeness. Within five days of receiving an application for a sign permit or for a master or common signage plan, the Zoning Officer shall review it for completeness. If the Zoning Officer finds that it is complete, the application shall then be processed. If the Zoning Officer finds that it is incomplete, the Zoning Officer shall, within five-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Chapter.
  - D. Action. Within seven days of the submission of a complete application for a sign permit, the Zoning Officer shall either:
    - (1) Forward the complete application to the Historical Architectural Review Board (HARB) for review for compliance with applicable provisions of §303(10) of this Chapter at the HARB’s next regularly scheduled meeting, if the property is located in the Historic Resources Overlay Zoning District.



- (2) Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Chapter and of the applicable master or common signage plan.
  - (3) Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Chapter and of the applicable master or common signage plan. In case of rejection, the Zoning Officer shall specify in the rejection the section or sections of the Chapter or applicable plan with which the sign(s) is inconsistent.
- E. Action on Plan. On any application for approval of a master signage plan or common signage plan, the Zoning Officer shall take action on the applicable one of the following dates:
- (1) Fourteen days after the submission of a complete application if the application is for signs for existing buildings.
  - (2) On the date of final action on any related application for building permit, site plan or land development plan for signs involving new construction.

On or before such applicable date, the Zoning Officer shall either:

- (3) Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this Chapter.
  - (4) Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform with the requirements of this Chapter. In case of a rejection, the Zoning Officer shall specify in the rejection the section or sections of this Chapter with which the plan is inconsistent.
- F. Permit to Construct or Modify Signs. Signs identified as “A” or “S” on Table A<sup>6</sup> shall be erected, installed or created only in accordance with duly issued and valid sign construction permit from the Zoning Officer. Such permits shall be issued only in accordance with the following requirements and procedures.
- (1) Permit for New Sign or Sign Modification. An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained on a master sign plan or

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<sup>6</sup> Editor’s Note: Table A is included at the end of this Chapter.

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common sign plan then in effect for the lot. One application and permit may include multiple signs on the same lot.

- G. Lapse of Sign Permit. A sign permit shall lapse if the business activity on the premises is discontinued for a period of 180 days or more.
  - H. Assignment of Sign Permit. A current and valid sign permit shall be freely assignable to a successor as owner of the property.
10. Temporary Sign Permits (Private Property). Temporary signs on private property shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:
- A. Term. A temporary sign permit shall allow the use of temporary sign for a specified thirty-day period. Temporary signs for the same use or lot shall not be issued more than four times in any calendar year.
  - B. Other Conditions. A temporary sign shall be allowed only in districts with a letter “S” for “temporary signs” on Table A and subject to all of the requirements for temporary signs as noted therein.<sup>7</sup>
11. Time of Compliance; Nonconforming Signs. Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this Chapter shall be obligated to remove such sign or bring it into conformity with the requirements of this Chapter.
- A. Nonconforming Existing Signs, Permits and Terms.
    - (1) A sign that would be permitted under this Chapter only with a sign permit, but which was in existence on (date of adoption of this proposed amendment) and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this Chapter shall be issued a nonconforming sign permit.
    - (2) Such permit shall allow the sign(s) subject to such permit, which were made nonconforming by the adoption of this Chapter, to remain in place and be maintained, provided that no action is taken which increases the degree or extent of the nonconformity. Such signs are also subject to the provisions of subsection (12)(A). A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this Section when any proposed change, repair or maintenance would constitute an expense of more

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<sup>7</sup> Editor’s Note: Table A is included at the end of this Chapter.

than 25% of the lesser of the original value or replacement value of the sign.

- B. Lapse of Nonconforming Sign Permit. A nonconforming sign permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.
  - C. Sign Removal Required. A sign that was constructed, painted, installed or maintained in conformance with a permit under this Chapter but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of a nonconforming sign has expired shall be forthwith removed without notice or action from the Borough. Signs not removed after 48 hours are subject to confiscation by the Borough.
12. Violations. Any of the following shall be a violation of this Section and shall be subject to the enforcement/remedies and penalties set forth in §707 of this Chapter.
- A. To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located.
  - B. To install, create, erect or maintain any sign requiring a permit without such permit.
  - C. To fail to remove any sign that is installed, created, erected or maintained in violation of this Chapter or for which the sign permit has lapsed.
  - D. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this Chapter.
  - E. Each sign installed, created or maintained in violation of this Chapter shall be considered a separate violation applying the penalty portion of this Chapter.

(Ord. 644, 7/6/1989, §507; as amended by Ord. 673, 11/12/1991, §2; by Ord. 747, 7/17/1997; by Ord. 791, 4/3/2003; and by Ord. 804, 11/18/2004)

**§508. Off-Street Parking Requirements.**

- 1. Application.
  - A. Unless specifically exempted by the provisions of this Chapter, all structures built and all uses established hereafter shall provide off-street parking areas in accordance with this Chapter.

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- B. When an existing structure or use is expanded, parking spaces for the area or capacity of such expansion shall be required in accordance with this Chapter.
  - C. An expansion or alteration of an existing use, or a subdivision or combination of zoning lots, shall not result in the elimination of any existing required off-street parking spaces.
2. General Provisions.
- A. **Open Parking.** Open-air parking areas shall be located on a zoning lot in accordance with the provisions of the district regulations and applicable regulations for accessory uses (§503).
  - B. **Enclosed Parking.** Enclosed parking facilities containing off-street parking shall be subject to the area and bulk requirements applicable in the district in which they are located, unless otherwise specified in this Chapter.
  - C. **Location.** Required off-street parking spaces shall be located on the same zoning lot as the structure or use that they serve unless a joint use or off-site parking plan is approved (see subsections H or I below).
  - D. **Design and Maintenance.**
    - (1) **Size.** The minimum dimensions for a conventional parking space will be nine feet in width by 18 feet in length, exclusive of curbs and maneuvering space. For a handicapped parking space, the size shall be 12 1/2 feet in width by 20 feet in length.
    - (2) **Design.**
      - (a) Parking stalls shall be designed to be parallel, perpendicular 90° or at 30, 45 or 60° angles to the moving lane. Each parking space shall open directly onto an aisle or driveway with a minimum dimension as follows:

<b>DEGREE</b>	<b>MINIMUM WIDTH</b>
90	22 feet
60	18 feet
45	11 feet
30	10 feet

Driveways and isles for other than single two family or individual town-house dwellings shall be designed so that each vehicle may have ingress and egress from the space without moving any other vehicle. All accessways shall be designed so as to provide safe exit and entrance from the public

street, in accordance with applicable Borough standards or PennDOT specifications.

- (b) Setbacks for off-street parking garages or lots permitted as a principal use in any zoning district shall conform with the setback requirements set forth in §503(5)(B) for location of accessory use/structure.
- (3) Surfacing. All parking areas, including those single and two family dwellings, shall be graded and paved or otherwise improved with an all-weather, dustless material of asphalt, concrete, grouted brick, paving blocks or similar materials approved by the Borough.
- (4) Striping. Parking areas providing for 10 or more vehicles shall be stripped to outline the entire parking space with a durable paint and maintained in said manner.

[Ord. 791]

- E. Screening. In commercial and industrial districts, all open off-street parking areas containing more than 15 parking spaces shall be screened on each side by a wall, fence or densely planted compact evergreen hedge not less than three feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge. Clear sight triangles, as defined by this Chapter, shall be maintained. Open parking areas for 50 or more cars shall be interspersed with land forms or other appropriate landscaped or planted area.
- F. Lighting. Any lighting used to illuminate off-street parking areas and driveways shall be directed away from residential properties or public street in such a way as not to interfere with such uses. The lighting system shall furnish minimally an average to two footcandles during hours of operation.
- G. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facility, other than for a single or two family dwelling.
- H. Joint Use of Parking Spaces.
  - (1) Two or more uses may share a common parking area provided the total spaced equal or exceed the sum of the spaces required for each use individually. However, the Planning Commission may approve a joint parking plan which permits a reduction in this total subject to the following:
    - (a) A written report shall be prepared by the applicant which clearly demonstrates that one or more uses requires parking at times when the other uses in the building or complex are not

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normally in operation and, therefore, the uses could share parking, thus reducing the total spaces that otherwise would be required for all uses.

- (b) Not more than 50% of the required parking spaces for any one use shall be supplied jointly with other uses, except that up to 100% of the spaces for a place of worship or school may be supplied jointly with another use.
  - (c) All uses shall be located within 350 feet of the joint parking spaces and connected by safe pedestrian access.
  - (d) A written agreement shall be executed with the Borough assuring the continued availability of the joint parking spaces to all proposed uses.
- (2) This joint parking provision shall not apply to shopping centers.
  - (3) Any change or expansion of the uses sharing the joint parking area shall require a new review by the Planning Commission and may result in additional spaces being required and a revised agreement with the Borough.
  - (4) Continued compliance with an approved joint parking plan is a condition of occupancy; any violation thereof may result in the suspension or revocation of the certificate of occupancy.
- I. Off-site Parking Facilities. The Planning Commission may approve a plan for providing all or some of the required off-street parking spaces on the lot other than where the principal use is located, provided that:
- (1) Both lots are held in the same ownership, or a lease has been executed for the spaces which guarantees their availability for as long as the use exists. Evidence of ownership or a copy of the lease shall be filed with the Borough.
  - (2) The off-site parking spaces are located within 350 feet distance from the principal use and connected by a safe pedestrian walkway.
  - (3) The continued availability of the approved off-site parking shall be a condition of occupancy for the principal use which they serve; any violation thereof may result in the suspension or revocation of the principal use's certificate of occupancy.
- J. Parking for Recreational Vehicles. A recreational vehicle shall be parked or stored in an off-street parking space complying with the applicable requirements of this Chapter.

3. Required Spaces by Type of Use.

- A. When calculating the required number of spaces, a fractional space of .5 or over shall be considered an entire space while a fraction below .5 may be disregarded.
- B. In the case of a single or two family residence or townhouse unit, a driveway for the dwelling may count as one off-street parking space, provided such parking does not block access to parking for another dwelling.
- C. Wherever employee parking is required by this Section, it shall be calculated based on the number of employees on a peak shift.
- D. The following shall be the minimum number of parking spaces required; additional spaces may be required by the Borough as a result of the development application review.

<b>LAND USE</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
agricultural service business	1 space per each 400 sq. ft. of enclosed gross floor area
art gallery or art museum	1.2 spaces per 1000 sq. ft. of enclosed gross floor area
auditorium or noncommercial movie theater	1 space per each 4 fixed seats or 6 linear feet of fixed benches; if there is no fixed seating, 1 space for each 75 sq. ft. of enclosed gross floor area
automobile parts store	1 space per each 300 sq. ft. of enclosed gross floor area
automobile repair shop	1 space per each service bay, a service bay shall not count as a parking space
automobile sales	a space per each 600 sq. ft. of enclosed sq. ft. of outside display area + 100% of the additional parking spaces required by this table for other land uses on the same lot (e.g., an automobile repair shop); 170 sq. ft. of lot area shall be provided for each vehicle stored on the premises
bait shop	1 space per each 300 sq. ft. of enclosed gross floor area

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<b>LAND USE</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
bakery	1 space per each 500 sq. ft. of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. + 1 space per each 800 sq. ft. of enclosed gross floor area over 50,000 sq. ft.
bank or financial institution	1 space per each 300 sq. ft. of enclosed gross floor area + 3 reservoir waiting spaces of not less than 20 ft. in length shall be provided at each drive-in window
bar, tavern, night club, dance hall	1 space per each 100 sq. ft. of enclosed gross floor area
basketball court, tennis court, racquetball court	5 spaces per each court or 1 space per each three spectator seats, whichever is greater
beauty parlor, barber shop	1 space per each 200 sq. ft. of enclosed gross floor area
bed and breakfast establishment	1 space per guest bedroom + 2 spaces for permanent residents
beverage distributor	1 space per each 350 sq. ft. of enclosed gross floor area
bicycle repair shop	1 space per each 350 sq. ft. of enclosed gross floor area
bookstore	1 space per each 250 sq. ft. of enclosed gross floor area
bowling alley	3 spaces per each alley + 50% of the additional parking spaces required by this table for other land uses on the premises (e.g., restaurant, bar)
building, plumbing, welding and/or heating supplies store	1 space per each 500 sq. ft. of enclosed gross floor area used for display + 1 space per each 1,000 sq. ft. of enclosed gross floor area of warehouse area + 1 space for each company vehicle
campground	1 space per campsite



LAND USE	MINIMUM OFF-STREET PARKING REQUIREMENT
car wash	1 space per each employee + storage areas for at least 5 times the number of cars that can be in the wash process at any one time
cemetery	1 space per employee
clubs, lodges	1 space per each 300 sq. ft. of enclosed gross floor area
community center	1 space per each 300 sq. ft. of enclosed gross floor area
contractor's yard	1 space per each 2,000 sq. ft. of enclosed gross floor area or 1 space per employee, whichever is more
convalescent center, nursing home	1 space per each 600 sq. ft. of enclosed gross floor area
convenience store	1 space per each 200 sq. ft. of enclosed gross floor area + 80% of the additional parking spaces required by this table for other land uses on the same premises (e.g., gasoline station)
convent, monastery, or religious residence	1 space per each 1,000 sq. ft. of enclosed gross floor area
correctional facility	1 space per every employee + 1 space per every 25 inmates of maximum capacity
crematorium	1 space per every 4 seats of chapel capacity + 1 space per each 3 employees
data processing facility	1 space per 300 sq. ft. of enclosed gross floor area
day care center	2 spaces for each three teachers, employees or administrators
dry cleaning establishment	1 space per each 300 sq. ft. of enclosed gross floor area
emergency medical or ambulance service	1 space per employee + 1 space for each motor vehicle operated in connection with the service
employment agency	1 space per 200 sq. ft. of enclosed gross floor space

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<b>LAND USE</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
exterminator	1 space per 800 sq. ft. of enclosed gross floor area
farm (agricultural or silvicultural)	1 space per employee
fire or police station	1 space per each 2 employees
food catering facility	1 space per each employee
funeral home, mortuary	1 space per 1,000 sq. ft. of enclosed gross floor area
furniture store	1 space per 1,000 sq. ft. of enclosed gross floor area
gasoline station	1 space per each fuel nozzle + 1 space per each 50 sq. ft. of usable floor area in the cashier's office (All gas station/convenience store businesses shall be classified as a convenience store in this table.)
golf course (non-miniature)	100 spaces per each 9 holes
golf course (miniature)	1.5 spaces per each hole
golf driving range	1.5 spaces per each tee
government building	1 space per each 200 sq. ft. of enclosed gross floor area used by the public + 1 space per each 600 sq. ft. of enclosed gross floor area not used by the public
grocery store, supermarket	1 space per each 200 sq. ft. of enclosed gross floor area + 100% of the additional parking spaces required by this table for other land uses in the same building (e.g., restaurant)
gunsmith, hunting supplies store	1 space per each 350 sq. ft. of enclosed gross floor area
hardware store	1 space per each 400 sq. ft. of enclosed gross floor area
health club	1 space per each 200 sq. ft. of enclosed gross floor area
historical use or historical museum	1.2 spaces per 1,00 sq. ft. of enclosed gross floor area

<b>LAND USE</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
hospital	1 space per every 2 beds + 1 space for each 5 outpatients at the peak outpatient period + 1 space per each 1.5 employees + 1 space per each hospital vehicle (Bassinets may not be counted as beds.)
hotel, motel, inn	1 space per each guest room + 50% of the parking spaces that this table would require for other commercial uses within the same building (e.g., restaurant)
junkyard, landfill	2 spaces for every 3 employees + 1 space for each motor vehicle customarily used in connection with the facility
kennel or animal grooming facility	1 space per each 400 sq. ft. of enclosed gross floor area
laundromat, commercial laundry	1 space per each 200 sq. ft. of enclosed gross floor area
library	1 space per each 1,000 sq. ft. of enclosed gross floor area
liquor store	1 space per each 400 sq. ft. of enclosed gross floor area
machinery sales and/or service business (farm machinery, construction equipment, industrial or mining equipment, commercial trucks, boats, etc.)	1 space per each 600 sq. ft. of enclosed gross floor area + 1 space for each 2,500 sq. ft. of outside display area + 2 spaces per each service bay + 1 space per each employee
manufacturing, industrial, and/or research and development facility	1 space per each 500 sq. ft. of enclosed gross floor area for the first 25,000 sq. ft. of gross floor area + 1 space per each 650 sq. ft. of enclosed gross floor area for the next 25,000 sq. ft. + 1 space per each 800 sq. ft. of enclosed gross floor area over 50,000 sq. ft.
meeting room facility other than those listed	1 space for each 4 seats or 1 space for each 100 sq. ft. of gross floor area, whichever is less
mining and/or mineral extraction facility	1 space per employee + 1 space for each company vehicle

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<b>LAND USE</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
model home sales office	1 space per each 300 sq. ft. of enclosed gross floor area
movie theater (commercial)	1 space per each 4 fixed seats or 6 linear feet of fixed benches; if there is no fixed seating, 1 space for each 75 sq. ft. of enclosed gross floor area
multi-household residential complex sales office	1 space per each 300 sq. ft. of enclosed gross floor area
museum (other than art or historical)	1.2 spaces per 1,000 sq. ft. of enclosed gross floor area
nursery or greenhouse (commercial)	1 space per 1,000 sq. ft. of enclosed gross floor area + 1 space per 2,000 sq. ft. of outside sales area
office (business or professional, but not medical or dental)	1 space per 300 sq. ft. of enclosed gross floor area
office (medical or dental)	1 space per each 250 sq. ft. of enclosed gross floor area
park, playground or other non-commercial recreational facility	1 space for every 4 persons of maximum design capacity for the facility
pet shop	1 space per each 300 sq. ft. of enclosed gross floor area
pharmacy or drug store	1 space per each 250 sq. ft. of enclosed gross floor area
photography studio	1 space per each 400 sq. ft. of enclosed gross floor area
place of worship	1 space per each 6 fixed seats or 9 linear feet of fixed benches. If there is no fixed seating, 1 space for each 100 sq. ft. of enclosed gross floor area. For places of worship where 25% or more of the parishioners walk to such place, the parking space requirement may be reduced proportionately subject to the approval of the Zoning Officer.
printing and/or publishing facility	1 space per 1,000 sq. ft. of enclosed gross floor area or 1 space per employee, whichever is greater
radio or television station	1 space per 1,000 sq. ft. of enclosed gross floor area

<b>LAND USE</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
railroad, bus or other transit terminal or station	1 space per each 600 sq. ft. of gross floor area
railroad maintenance facility or switching yard	1 space per employee
repair shop (for common household appliances such as radios, televisions, and vacuum cleaners)	1 space per each 600 sq. ft. of enclosed gross floor area
residential dwelling containing 2 or less bedrooms	2 spaces per dwelling
residential dwelling containing more than 2 bedrooms	2 spaces per dwelling + 1 space per every 2 bedrooms over 2 bedrooms
residential dwelling exclusively for the elderly	1 space per dwelling
restaurant (sit down), including restaurants with bars	1 space per each 200 sq. ft. of enclosed gross floor area
restaurant (fast food)	1 space per each 100 sq. ft. of enclosed gross floor area
school (for dance, music, crafts, martial arts or the fine arts)	1 space per each 200 sq. ft. of enclosed gross floor area
school, public or private (elementary)	1 space for each 20 students of design capacity + 1 space per each 400 sq. ft. of enclosed gross floor area for offices or teacher lounges
school, public or private (junior high)	1 space for each 15 students of design capacity + 1 space per each 400 sq. ft. of enclosed gross floor area for offices or teacher lounges
school, public or private (high school or "vo-tech" school)	1 space for each 10 students of design capacity + 1 space for each 400 sq. ft. of enclosed gross floor area for officer or teacher lounges
school (trade school)	1 space for each 2 students
self-service storage facility	1 space for each 2,000 sq. ft. of enclosed gross floor area
sexually oriented business	1 space per 200 sq. ft. of enclosed gross floor area. Adult theaters shall follow the requirements for movie theaters

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<b>LAND USE</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
shopping center, shopping mall, department store	Stores shall provide a minimum of 1 space per each 200 sq. ft. of enclosed gross floor area for retail and a maximum of 1 space per each 180 sq. ft. of enclosed gross floor area used for retail. Stores shall also provide 50% of the parking spaces that this table would require for nonretail uses within the same building (e.g., restaurant)
skating rink	1 space for each 250 sq. ft. of enclosed gross floor area
slaughterhouse	1 space per each 1,000 sq. ft. of enclosed gross floor area
stadium (including high school football stadiums)	1 space per 75 sq. ft. of assembly area or 1 space per every 5 fixed seats, whichever is greater (20 inches of fixed bench shall be considered a fixed seat here)
swimming pool	1 space for each 100 sq. ft. of water surface area + 1 space for each 30 sq. ft. of area used for spectator seating purposes
telecommunications tower	1 space within the fenced area [Ord. 781]
travel agency	1 space per each 200 sq. ft. of enclosed gross floor area
truck terminal	1 space per 1,000 sq. ft. of enclosed gross floor area or 1 space per employee, whichever is greater
utility facility, commercial communication facility or tower	1 space per employee at the peak shift on an average day
veterinary office, animal clinic or animal hospital	1 space per each 500 sq. ft. of enclosed gross floor area
warehouse	1 space per 2,000 sq. ft. of enclosed gross floor area
others not listed above	to be determined by Borough Council, based on a recommendation from the Planning Commission

[Ord. 747]

4. Reduction of Required Parking Spaces.
  - A. Parking for elderly housing may be reduced to one space for every five dwellings subject to the approval of the Planning Commission. For purposes of this Chapter, elderly housing shall be a building or portion thereof with units designed and reserved specifically for the occupancy by persons 62 or more years of age.

(Ord. 644, 7/6/1989, §508; as amended by Ord. 747, 7/17/1997; by Ord. 781, 6/6/2002; and by Ord. 791, 4/3/2003)

**§509. Off-Street Loading Requirements.**

1. Application.
  - A. In any zoning district, all structures and uses which require the receipt or distribution of materials or products by trucks or similar delivery vehicles, shall provide accessory off-street loading spaces as required by this Chapter.
  - B. When an existing structure or use is expanded, accessory off-street loading spaces shall be provided in accordance with the following regulations for the area of such expansion. No existing required off-street loading spaces shall be eliminated or reduced by an expansion or alteration of an existing use, or subdivision or combination of zoning lots.
  - C. Off-street loading requirements may be modified or waived by Borough Council where the applicant can show that existing site constraints affect the application of these standards.
2. General Provisions.
  - A. Location. All required loading spaces or berths shall be located on the same lot as the use served, and no portion of the vehicle shall project into any traffic lane. All motor vehicle loading berths which abut or are adjacent to a residence district or use shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, door, planted screen, or any combination thereof, not less than six feet nor more than eight feet in height. No permitted or required loading space or berth shall be located within 50 feet of the nearest point of intersection of any two public streets or highways. No loading space or berth located in a required rear yard shall be open to the sky.
  - B. Area. Unless otherwise specified, a required off-street loading space shall be 14 feet in width by at least 55 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 16 feet. the re-

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quired length may be reduced by 10 feet, if the applicant certifies that the off-street loading use will only be single-unit trucks or smaller.

- C. Access. Each required off-street loading space shall be designated with appropriate means of vehicular access to a street, highway or alley in a manner which will at least interfere with traffic movement.
- D. Surfacing. All open off-street loading shall be improved with a compacted select gravel base, not less than seven inches thick, surfaced with an all-weather, dustless material.
- E. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any off-street loading facilities.
- F. Utilization. Space allocated for any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

3. Required Off-Street Loading Spaces.

- A. Uses exceeding 2,500 square feet GFA shall provide off-street loading areas in accordance with the following:

<b>USE</b>	<b>REQUIRED BERTH based on gross floor area</b>
Manufacturing, wholesale, other uses	one berth for every 10,000 sq. ft. up to a maximum of three berths, then one berth for each additional 25,000 sq. ft. or fraction thereof
Business and professional office	one berth for every 10,000 sq. not exceeding a total of two required stalls
Food stores and other retail stores	one berth for every 5,000 sq. ft. up to a maximum of two stalls and then one berth for every 20,000 sq. ft. or fraction thereof

- B. Uses for which off-street loading facilities are required by this Section, but which are located in buildings that have a floor area that is less than the minimum for which off-street loading facilities are required, shall provide adequate receiving facilities, accessible by motor vehicle, from any adjacent alley, service drive, or open space on the same lot, in accordance with the provisions of this Chapter.

(Ord. 644, 7/6/1989, §509)



**§510. Temporary Uses.**

1. Permit Required. A certificate of occupancy issued by the Zoning Officer in accordance with the provisions of this Chapter is required for any temporary use of land and/or a structure.
2. Authorized Temporary Uses.
  - A. Residential Districts.
    1. Model home in a plan of homes used temporarily as a sales office which shall terminate upon the sale or rental of the last unit.
    2. Rental or sales office in a multifamily residential complex.
    3. Outdoor fair, exhibit, show, other special event sponsored by a non-profit organization.
    4. Private garage/yard sale.
  - B. Community Business District and Residential/Business District.
    1. Off-premises outdoor dining facilities (this does not include outdoor cooking) of permitted restaurants on a sidewalk or other public right-of-way abutting the establishment, further subject to the following:
      - (a) Seating space is to be for patrons of the permitted establishment.
      - (b) Outdoor dining facilities shall be arranged in a manner which maintains pedestrian and traffic circulation on all public rights-of-way and entrances, exits and emergency exits of the structure housing the restaurant.
      - (c) Operational hours for the outdoor dining facilities shall be set by Borough Council.
      - (d) Outdoor dining facilities shall be regularly bussed to preclude the accumulation, random dispersal and/or improper disposal of food and paper waste and the table setting of utensils, glasses, condiments and other amenities shall occur after customers are seated.
      - (e) Goods and beverages consumed in the outdoor dining facilities shall be those usually sold and permitted to be sold in the host restaurant's indoor facility.

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- (f) Tables, seats signs and other fixtures in outdoor dining facilities shall be arranged so the sight distance for all intersections, driveways and curbs is maintained.
- (g) All furniture and furnishings in the outdoor dining facilities is of the adequate structural and architectural integrity.

These facilities are subject to a temporary permit period of a maximum of 180 days over a continuous twelve-month period. Permits may be issued and/or reissued in accordance with the conditions of this Section and subject to performance review by the Zoning Officer who may request the advice of the Borough Planning Commission.

- C. All nonresidential zoning districts.
  - 1. Flea markets.
  - 2. Outdoor fairs, exhibits.
  - 3. Temporary sales events.
  - 4. Other temporary uses, as approved by the Planning Commission.

[Ord. 747]

- 3. Conditions of Approval for Temporary Uses.
  - A. Adequate off-street parking areas must be provided to the extent possible.
  - B. Adequate traffic and pedestrian access must be provided.
  - C. Any licenses and permits required to sell products or food or approvals from other governmental agencies shall be submitted prior to the issuance of a certificate of occupancy.
  - D. The Borough Chief of Police and Fire Chief shall be notified in writing of the temporary use.
  - E. If the applicant does not own the land on which the temporary use is to be located, a letter of agreement and/or permission between the applicant and the landowner shall be submitted.
  - F. The applicant shall be responsible for conducting the temporary use or activity in a safe manner within the conditions set forth by the Borough. This includes, but is not limited to, provisions for security, trash pickup, daily maintenance of the grounds.

- G. The Zoning Officer may refer any application for a temporary use to the Planning Commission for review and recommendation prior to issuance of the occupancy certificate.
  - H. The provisions of this Section in no way shall be deemed to authorize the outdoor display of automobiles, trailer or equipment rentals, or the sale of used furniture, used appliance, used plumbing, used building material or similar display or sale in any district except as specifically authorized by this Chapter.
4. Temporary Construction Structures. Temporary structures and trailers used in conjunction with construction work may not be moved onto a site until the building permit has been issued and must be removed within 30 days after the completion of construction. Permits for such temporary structures shall not exceed one year.

(Ord. 644, 7/6/1989, §510; as amended by Ord. 747, 7/17/1997)

**§511. Buffer Areas.**

- 1. Applicability. Any use within any district may be required to provide a buffer area where the Planning Commission determines it is necessary to screen or block vision, noise or other negative by-products associated with that use. It may be required to separate an intense use such as a business or industry from a less intense use such as a single-family residence. The exact placement and character of the buffer area shall be established by the Planning Commission subject to the following general requirements.
- 2. General Requirements.
  - A. A buffer area shall provide a year-round visual screen. The buffer area may consist of one or a combination of the following:
    - (1) Evergreen and deciduous plant material of varying species.
    - (2) A natural or artificial land form or wooded area, provided such area is preserved from future development by easement, deed restriction, covenant or similar measure.
    - (3) A fence or wall between five feet and eight feet in height with at least 60% of the surface being opaque.
  - B. Unless otherwise specified by this Chapter, the required depth of any buffer area shall be determined by the Planning Commission based on the objectives and requirements of this Section.

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- C. When a planted buffer is utilized, it shall consist of a mix of evergreen and deciduous plant materials. At the time of planting, the evergreen material shall be sufficient to screen the property visually and shall be a minimum of five feet in height (after planting). The remainder of the plantings may be of varying lesser heights.
- D. When a fence, wall or structure is used, it shall be designed to be architecturally compatible with adjacent buildings and comply with all other applicable provisions of this Chapter.
- E. The property owner shall be responsible for the continuing maintenance of all buffer areas, including the replacement of any dead plant material. Buffer areas shall be kept clean of all debris, rubbish, weeds and tall grass.
- F. No structure shall be permitted within a required buffer area, except an authorized fence or wall, nor shall a buffer area be used for parking, loading, vehicular circulation, storage or any other purpose.
- G. The buffer area shall be continuous along property lines where they are required, except for points of vehicular or pedestrian access. Clear sight distances at all street and driveway intersections shall be maintained in accordance with §502(3).
- H. The Planning Commission may authorize a modification in the otherwise applicable buffer area requirements where it determines that: (1) a greater buffer area, or an element thereof, is required to accomplish the purposes of this Chapter; or (2) the changes in elevation between abutting properties or other natural features exist such that they decrease or eliminate the need for the buffer area at the points where the buffer area is required by this Chapter.

(Ord. 644, 7/6/1989, §511)

### **§512. Site Development Standards.**

1. General Provisions. All uses, lots and structures within all zoning districts shall comply with the applicable requirements of Part 5, "Design Standards," of the Borough Subdivision and Land Development Ordinance [Chapter 22] for the design, location, installation or provision of: streets, driveways, traffic circulation, parking, sidewalks and pedestrian ways, public utilities, stormwater management, erosion/sedimentation controls, lot grading and natural feature preservation.
2. Landscaping. All portions of a lot, excluding a lot for a detached single or two family dwelling, not covered with buildings, streets, drives, parking and loading areas shall be suitable landscaped in accordance with the standards contained in the Subdivision and Land Development Ordinance [Chapter 22].

3. **Traffic Impact.** For any application for zoning approval, the Borough may require that a traffic generation and impact study in accordance with the provisions of the Subdivision and Land Development Ordinance [Chapter 22] be submitted. If reduction in level or service or hazards would result, a mutually agreeable improvement program shall be developed as a condition for approval.

(Ord. 644, 7/6/1989, §512)

### **§513. Outdoor Lighting Standards.**

1. **General Provisions.** All outdoor light fixtures installed and thereafter maintained, other than those serving one or two family dwellings, shall comply with the requirements as specified below:
  - A. Where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used.
  - B. Where used for commercial and industrial purposes such as in merchandise display areas, work areas, platforms, signs, architectural, landscape or sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and comply with the following:
    - (1) Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.
    - (2) Other upward directed architectural, landscape or decorative direct light emissions shall have at least 90% of their total distribution pattern within the profile of the illuminated structure.
    - (3) Recreational and sports facility lighting shall be shielded whenever possible. Such lighting shall have directional and glare control devices, when necessary to comply with §513(2).
    - (4) Externally illuminated signs including commercial billboard, building identification or other similar illuminated signs, shall comply with the following:
      - (a) Top mounted light fixtures shall be shielded and are preferred.
      - (b) When top mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.
    - (5) All other outdoor lighting shall use shielded light fixtures.

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- C. All floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.
  - D. Foundations supporting lighting poles not installed four feet behind the curb shall not be less than 24 inches above ground.
2. Light Trespass (Nuisance Light). All light fixtures, except street lighting and those used on one or two family dwellings, shall be designed, installed and maintained to prevent light trespass, as specified below:
- A. At a height of five feet above the property line of subject property, illumination from light fixtures shall not exceed 0.1 foot-candle in a vertical plane on a residentially zoned property.

Note: Light fixtures near adjacent property may require special shielding devices to prevent light trespass.

3. Illuminance and Luminance Requirements. Illuminance and luminance requirements shall be as set forth in the current edition of IESNA Lighting Handbook.
- A. Street Lighting. Average IESNA illuminance recommendations shall not be exceeded. IESNA average to minimum illuminance uniformity ratios are to be used as a guide for designing safe and adequate roadway lighting.
  - B. Outdoor Parking Facilities. Outdoor parking lot illuminance shall be based on the type of use, applicable level of activity and maintained horizontal illuminance recommended by the IESNA.
  - C. All other illuminance shall not exceed IESNA recommendations.
  - D. Internally illuminated signs shall not exceed IESNA luminance recommendation.

(Ord. 644, 7/6/1989; as added by Ord. 781, 6/6/2002)

## Part 6

### Nonconformities

#### **§601. Continuation.**

1. Subject to the provisions of this Section, a use of building, structure or land existing on the effective date of this Chapter may be continued even though such does not conform with the provisions of these regulations for the district in which it is located, provided such nonconforming conditions shall comply with the provisions of this Part.
2. The Zoning Officer shall keep and maintain a list of all nonconformities existing at the time of the passage of this Chapter and which may come to exist in the future.
3. The owner of the premises occupied by a lawful nonconformity may secure a certificate of nonconformance which shall be for the purpose of ensuring to the owner the right to continue the nonconformity. Application for a certificate shall be made to the Zoning Officer who shall identify and detail all of the nonconforming conditions of said property. A copy of the certificate shall be retained by the Zoning Officer.

(Ord. 644, 7/6/1989, §601)

#### **§602. Unlawful Use Not Authorized.**

Nothing in this Part shall be interpreted as authorization for or approval of the continuance of the use of structure or premises in violation of zoning regulations in effect at the time of the effective date of this Chapter. (Ord. 644, 7/6/1989, §602)

#### **§603. Alterations, Repair, Enlargement, Reconstruction, Moving of Nonconforming Structures (Excluding Signs).**

1. Nothing in this Part shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
2. A nonconforming building or structure may be altered, repaired, enlarged or reconstructed provided its nonconformity is not increased and the structure complies with other applicable requirements of this Chapter.
3. If a nonconforming structure or use thereof is destroyed totally or partially by fire, collapse, explosion or other disaster, it may be reconstructed (and the nonconforming use thereof continued) provided: (a) the amount of the damage does not exceed

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60% of the structure's fair market value; and (b) reconstruction commences within one year of the date of destruction and is completed within 18 months of issuance of the building permit. However, reconstruction shall not make the building or structure more nonconforming, in any aspect, than it was prior to destruction. Reconstruction must comply with applicable State and local building codes. Section 301(5) of this Chapter shall govern any structure located in the Historic Resources Overlay District.

4. A conforming use in a nonconforming building or structure may expand within the existing building.
5. A nonconforming structure or building shall not be moved to any other location on the lot or any other lot unless every portion of such structure, the use thereof and the lot shall be in conformity with all provisions of this Chapter.

(Ord. 644, 7/6/1989, §603)

### **§604. Alteration, Enlargement or Expansion of a Nonconforming Use.**

1. In order to allow for reasonable economic growth, a nonconforming use may expand in terms of gross floor area, or lot coverage (measured in square feet) if there is no building, in accordance with the following limits:
  - A. Residential or Mixed Residential Districts up to 30% increase
  - B. Commercial, Industrial Districts up to 50% increase
2. Such expansion shall: (a) comply with applicable area and dimensional requirements in the district in which it is located; (b) not result in making an existing conforming building or structure nonconforming; (c) not involve the extension of the nonconforming use onto any lot other than that which it presently occupies; and (d) not reduce or eliminate any off-street parking and/or loading spaces that fulfill the requirements of this Chapter.
3. The Zoning Hearing Board may authorize an expansion or enlargement exceeding the otherwise allowable percentages where the expansion is to provide required off-street parking or loading space or to correct a hazardous or unsafe condition in violation of a local, County, State or Federal law, and the expansion is not materially detrimental to surrounding properties or the interests of the Borough.

(Ord. 644, 7/6/1989, §604)

### **§605. Change of Nonconforming Use.**

When a nonconforming use is changed to a conforming or more conforming one, it shall not be subsequently changed to a nonconforming use. A nonconforming use may be



changed to a similar nonconforming use or one which more closely conforms to the uses authorized in the zoning district. A change of one nonconforming use to another nonconforming use requires review and approval by the Zoning Hearing Board, in accordance with the following:

- A. The proposed use is within the same type of use category as the original nonconforming use, such as one personal service business to another, or is a use that more closely conforms to the current district regulations. In making a determination of similar uses, the Board shall be guided by the Standard Industrial Classification Manual, Federal Office of Management and Budget (current edition).
- B. The proposed use will not be any more objectionable than the original nonconforming use in terms of congestion; traffic generation and requirements for off-street parking and loading; outdoor storage of wastes, materials, supplies and equipment; height, area and bulk of all structures.

(Ord. 644, 7/6/1989, §605)

**§606. Abandonment of Nonconforming Use.**

- 1. A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when one or more of the following conditions apply:
  - A. The intent of the owner to discontinue the use is apparent.
  - B. A nonconforming use has been discontinued for a period of 12 consecutive months or a total of 12 months within a period of 18 consecutive months.
  - C. It has been replaced by a conforming use.
  - D. It has been changed to another nonconforming use under permit from the Zoning Hearing Board.
  - E. The characteristic equipment and furnishings of the nonconforming use have been removed and not replaced unless other facts show the intention to resume the nonconforming use.
- 2. Section 301(5) of this Chapter shall govern any abandonment provisions for any use located in the Historic Resources Overlay District.

(Ord. 644, 7/6/1989. §606)

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### **§607. Nonconforming Lot of Record.**

1. Notwithstanding the regulations imposed by any other provision of this Chapter, a single or two family dwelling may be erected on any lot of record in any residential or mixed residential district, provided that the following requirements are met:
  - A. The lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, at such location, was not prohibited by any zoning ordinance then in effect.
  - B. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance or ordinances.
2. Construction permitted by the above shall comply with all otherwise applicable regulations, except lot area and lot width.

(Ord. 644, 7/6/1989, §607)

### **§608. Termination of Nonconforming Signs.**

1. Upon adoption of this Chapter, the Zoning Officer shall prepare a list of all nonconforming signs.
2. If the existing use ceases, any new use shall replace the nonconforming sign with a conforming one.
3. If the Zoning Officer orders repairs on any nonconforming sign which equal 60% or more of the sign's replacement value, then the sign shall be brought into conformance as part of the repairs.
4. A nonconforming sign cannot be enlarged or altered in any aspect, except to make safety improvements or changes which will make the sign conforming, or more conforming, to the provisions of this Chapter.

(Ord. 644, 7/6/1989, §608)

### **§609. Status of Condition, Special Exception Uses.**

1. Any use for which a conditional or special exception use permit has been issued as provided by this Chapter, shall not be deemed to be a nonconforming use; it shall be deemed a lawful conforming use.

2. Where a use exists at the effective date of this Chapter and is permitted by this Chapter only as a conditional or special exception use in the zoning district in which it is located, then it shall be deemed to be a lawful conforming use in such zoning district.

(Ord. 644, 7/6/1989, §609)

**§610. District Changes.**

Whenever the boundaries of a district change so as to transfer an area from one district to a district of a different classification, the foregoing provisions shall apply to any non-conforming use, structure or lot of record existing therein. (Ord. 644, 7/6/1989)



## Part 7

### Administration and Enforcement

#### §701. Zoning Officer.

1. Appointment. The Zoning Officer shall be appointed by Council and shall administer and enforce this Chapter. The Zoning Officer shall not hold any elective officer in the Borough, shall meet qualifications established by the Borough and shall demonstrate a working knowledge of municipal zoning.
2. Duties of the Zoning Officer: In order to administer and enforce this Chapter, the Zoning Officer shall:
  - A. Receive all applications for zoning permits, occupancy certificates and certificates of appropriateness and maintain records thereof.
  - B. Issue zoning permits and occupancy certificates for all applications that comply with the literal terms of this Chapter and other applicable ordinances, except where approvals are required by this Chapter from Borough Council, the Planning Commission, Zoning Hearing Board, or other board or agency.
  - C. Receive, file and forward to the Planning Commission and Borough Council all applications for conditional uses; maintain records thereof; and issue a zoning permit when authorized by Council.
  - D. Receive, file and forward to the Zoning Hearing Board the records in all appeals, and all applications for special exception uses, variances and changes of nonconforming uses; maintain records thereof; and issue a zoning permit when authorized by the Zoning Hearing Board.
  - E. Receive, file and forward to the Historical Architectural Review Board and Borough Council all applications for certificates of appropriateness; maintain records thereof; and issue certificates of appropriateness when authorized by Council.
  - F. Inspect buildings, structures and uses of land to determine compliance with the provisions of this Chapter and seek, upon approval of Council, any expert technical advice on issues as they may arise.
  - G. Issue stop, cease and desist orders and issue written correction orders for any condition found to be in violation of this Chapter and other applicable ordinances.

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- H. Institute, with approval of or at the direction of the Borough Council appropriate legal action to prevent, restrain, abate, or correct any violation of this Chapter.
- I. Revoke any order, zoning permit, occupancy certificate or certificate of appropriateness issued under a mistake of fact or contrary to the provisions of this Chapter.
- J. Make and maintain accurate and current records of all legal nonconformities under this Chapter.
- K. Submit a written annual report to Council listing all permits, certificates, notices and orders issued and reported to Council on any activities upon request.

(Ord. 644, 7/6/1989, §701)

### **§702. Required Permits.**

#### 1. Zoning Permits.

- A. A zoning permit shall be obtained from the Zoning Officer before any person may:
  - (1) Occupy or use any vacant land or structure.
  - (2) Change the use of a structure or land to a different use.
  - (3) Construct, reconstruct, move, alter, or enlarge any structure or building.
  - (4) Change, alter or extend a nonconforming use.
- B. Improvements to land, preliminary to any use of such land, shall not commence prior to the issuance of the zoning permit.<sup>8</sup>

#### 2. Demolition Permits.

- A. A demolition permit shall be obtained prior to demolishing any building or structure. Such permit shall not be issued for any structure in the Historic Resources Overlay District except in compliance with the provisions of Part 3 of this Chapter.
- B. The applicant shall provide information demonstrating that proper measures will be implemented to safeguard adjacent structures and properties

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<sup>8</sup> See also §101(1)(B) of this Chapter.

and the general public and that the demolition activities will be carried out in accordance with applicable Federal, State, County or Borough laws or regulations.

3. Procedure of Obtaining Permits.
  - A. Applications for a zoning or demolition permit shall be submitted in writing in the form prescribed by the Borough along with payment of the required fees in accordance with the Schedule of Fees.
  - B. All applications shall be accompanied by plans prepared in accordance with Borough requirements (see Zoning Officer for application forms and requirements) and shall contain such information as may be necessary to determine compliance with this Chapter and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
  - C. An application shall not be deemed officially filed until all required information has been submitted.
  - D. The Zoning Officer shall not issue a zoning or demolition permit until it is determined that the application complies with all the provisions of this Chapter and all other required approvals and permits have been obtained from applicable Borough, County, State and Federal agencies. The applicant shall submit copies of such approvals/permits required from other governmental agencies to the Zoning Officer. The Zoning Officer shall decide any demolition permit application within 30 days.
4. Changes. After issuance of the zoning or demolition permit, no changes of any kind shall be made to the approved application and plans without written approval of the Zoning Officer, or in the case of a conditional or special exception use approval, Borough Council or the Zoning Hearing Board, as appropriate. Requests for any such change shall be in writing and shall be submitted to the Zoning Officer.
5. Duration of Permits. All work covered by a zoning and/or demolition permit shall be commenced and completed within one year. Failure to complete the work within one year may result in enforcement remedies as set forth in §707.
6. Certificate of Occupancy.
  - A. A certificate of occupancy shall be obtained before any person may occupy or use any new or existing structure or lot. Issuance of a zoning permit does not permit occupancy; a certificate of occupancy is also required.
  - B. Upon completion of the work covered by any zoning permit or before the occupancy of any new or existing lot or structure, the applicant shall notify the Zoning Officer who shall examine the such building, structure or use of

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land within 10 days after notification. If the Zoning Officer shall find that such construction, erection, structural alteration, or use of building and/or land is in accordance with the provisions of this Chapter, other applicable ordinances, and the approved plans, the certificate of occupancy shall be issued.

- C. The Zoning Officer may issue a temporary occupancy permit which allows the use or occupancy of a building or structure during structural alteration thereof or permits the partial use or occupancy of a building or structure during its construction or erection. Such a temporary permit shall only be valid for a period not exceeding three months from its issuance, and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to ensure the safety of persons using or occupying the building, structure or land involved.
7. Inspections.
- A. In order to perform the functions of this Chapter, the Zoning Officer shall have the authority to enter any building, structure, premises, property or development in the Borough upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.
  - B. During the construction/development period, the Zoning Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and all applicable Borough ordinances.
8. Revocation of Permits. In the event the Zoning Officer discovers that the work or occupancy does not comply with the approved application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by an applicant, the Zoning Officer shall revoke the zoning permit and proceed with whatever legal action is necessary to correct the violation.
9. Permits Issued in Error. Any permit issued in conflict with the provisions of this Chapter shall be null and void.

(Ord. 644, 7/6/1989, §702; as amended by Ord. 781, 6/6/2002; and by Ord. 815, 7/13/2006, §3)

### **§703. Schedule of Fees.**

The Borough may establish from time to time fees for the administration of this Chapter and for hearings before the Zoning Hearing Board in accordance with the provisions of the [Municipalities] Planning Code<sup>9</sup>. The fee schedule, along with an explanation of the collection procedure, shall be posted in the offices of the Zoning Officer. All fees and

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<sup>9</sup> See Municipalities Planning Code, §§617.3 and 908.



charges shall be adopted by resolution by Borough Council at any regular or special meeting. (Ord. 644, 7/6/1989, §703)

**§704. Zoning Hearing Board.**

1. Membership of the Board.
  - A. The membership of the Board shall be three residents of the Borough, who shall hold no other office in the Borough, appointed by resolution by Borough Council in accordance with the provisions of the Municipalities Planning Code.
  - B. Council may appoint by resolution at least one but no more than three Borough residents to serve as alternate members of the Board. An alternate member's term of office shall be three years. When seated pursuant to the provisions of §704(2) (C), an alternate shall participate as a Board member in all proceedings and discussions of the Board, including voting, and shall have all the powers and duties provided by law to a board member. Alternates shall hold no other office in the Borough. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member or be compensated unless designated as a voting member pursuant to §704(2)(C).
  - C. Any Board member may be removed for malfeasance, misfeasance or non-feasance in office or for other just cause by a majority vote of Council, taken after the member has received 15 days notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
2. Organization of the Board.
  - A. The Board shall elect its officers from its own membership, who shall serve annual terms and may succeed themselves.
  - B. For the conduct of any hearing and the taking of any action, a quorum shall be a majority of all the members of the Board.
  - C. If by reason or absence or disqualification of a member, a quorum is not reached, the board chair shall designate as many alternate members as may be needed to provide a quorum. Any alternate member shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternatives.

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- D. The Board may make, alter and rescind rules and forms for its procedure consistent with the ordinances of the Borough and laws of the Commonwealth.
  - E. The Board shall keep full public records of its business; all records and files of the Board shall be kept in the Borough offices and shall be the property of the Borough.
  - F. Upon request by Council, the Board shall submit a report of its activities.
3. Compensation of the Board.
- A. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by Council, but in no case shall it exceed the rate of compensation authorized to be paid members of Council.
  - B. Alternate members of the Board may receive compensation, as may be fixed by Council, when designated to serve as alternate members, but in no case shall it exceed the rate of compensation authorized to be paid to members of Council.
4. Expenditures for Services. Within the limits of funds appropriated by Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and any other technical and clerical services. The Board's legal counsel shall be an attorney other than the Borough solicitor.
5. Applications to the Board.
- A. All applications for hearings shall be filed with the Zoning Officer and shall state:
    - (1) The name and address of the applicant or appellant.
    - (2) The name and address of the owner of the real estate to be affected by such proposed exception, variance or appeal.
    - (3) A brief description and location of the real estate to be affected.
    - (4) A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
    - (5) A statement of the Section(s) of this Chapter under which the variance or exception requested may be allowed, and reasons why it should be granted, or a statement of the Section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed and the reasons for the appeal.

- (6) A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected indicating the location and size of the lot and size of existing and proposed improvements.

6. Hearings.

- A. Time Limit. The Board shall fix a time and place for such hearing within 60 days of the applicant's request, unless the applicant has agreed to an extension of time.
- B. Notice.
  - (1) Public notice shall be given in the manner prescribed by this Chapter.
  - (2) Written notice shall be mailed to the applicant, the Zoning Officer, the Borough Manager, President of the Council, the Chairman of the Planning Commission and any person who has made timely request for such notices.
  - (3) Written notice shall be posted conspicuously on the affected property at least one week prior to the hearing.
- C. Conduct. The Board shall conduct the hearing and render its decision in accordance with the following:
  - (1) Hearings shall be conducted by the Board, or the Board may appoint one member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board, but the appellant or applicant 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.
  - (2) Parties to the hearing shall be the Borough, any person who is affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
  - (3) The chair or acting chair of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.

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- (4) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (5) Formal rules of evidence shall not apply, but irrelevant material or repetitious evidence may be excluded.
- (6) The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or by the person appealing from the decision of the Board if such appeal is made. In either case the cost of additional copies shall be paid by the person requesting such copies; in other cases the party requesting the original transcript shall bear the cost thereof.
- (7) The Board or the hearing officer shall: (1) not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; (2) not take any notice of any communication, reports, staff memoranda or other materials, except advice from its solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and (3) not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- (8) The Board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. A decision by the Board shall require the majority of any quorum voting on the case. In the event that there is a tie vote, the case shall be deemed denied.
- (9) Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provision of this Chapter or of any act, 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.
- (10) If the hearing is conducted by a hearing officer, and no stipulation has been made that the officer's decision or findings are final, the Board shall make the hearing officer's reports and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings. The Board's decision shall be entered no later than 30 days after the report of the hearing officer.

- (11) Where the Board fails to render a decision within the time period specified by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
- (12) When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as provided above, the Board shall give public notice of said decision within 10 days from the last day it could have met to render\* a decision; notice shall be given in the manner prescribed by subsection (1) of this Section. If the Board fails to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

D. Final Decision.

- (1) 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 by certified mail not later than the day following its date.
  - (2) The Board shall provide, by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or all findings may be examined to: (a) all persons who filed their names and address with the Board not later than the last day of the hearing; (b) the Zoning Officer; (c) the Borough Manager; (d) President of Council; and (5) Chairman of the Planning Commission.
  - (3) The Board may cancel or revoke an approval for any violation of this Chapter or of the conditions imposed with the approval.
  - (4) Approval for a special exception or variance shall expire if the applicant fails to obtain a zoning permit and comply with the conditions of the special exception or variance within 70 days from its date of issuance.
7. Jurisdiction of the Board. 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 to the Borough Council together with a curative amendment, according the provisions of the [Municipalities] Planning Code<sup>10</sup>.

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<sup>10</sup> See Municipalities Planning Code, §916.1.

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- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment, which challenges shall be raised by appeal within 30 days after the effective date of said ordinance.
  - 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; the registration or refusal to register any nonconforming use, structure or lot; or a preliminary land use determination pursuant to §916(2) of the [Municipalities] Planning Code.
  - D. Appeals from a determination by the Borough Engineer or Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
  - E. Applications for variances from the terms of this Chapter and any flood hazard ordinance or such provisions within a land use ordinance, pursuant to §704(9)(A).
  - F. Applications for special exceptions under this Chapter or floodplain chapter or such provisions within a land use chapter, pursuant to §704(9)(B).
  - G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.
  - H. 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 and stormwater management insofar as the same relate to development not involving subdivision and land development applications.
8. Applicability of Judicial Remedies. Nothing contained in this Chapter shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to Pennsylvania Rule of Civil Procedure No. 1091 (relating to action in mandamus).
9. Functions of the Board.
- A. Variances.
    - (1) The Board shall hear a request for a variance where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided the following findings are made where relevant in a given case:

- (a) That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not to be circumstances generally created by the provisions of the Zoning Chapter in the neighborhood or district in which the property is located.
  - (b) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter; and the authorizations of a variance is therefore necessary to enable the reasonable use of the property.
  - (c) That such unnecessary hardship had not been created by the appellant.
  - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
  - (e) That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.
- (2) A request for variance in any overlay district established by Part 3 of this Chapter shall be decided in accordance with the applicable provisions of that Part.
  - (3) The Board may request the review and comments of the Planning Commission on any variance application if available. Any such review and comments shall be made part of the public record. [Ord. 747]
  - (4) The Board may attach to any variance such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.
- B. Where this Chapter states that special exceptions may be granted or denied by the Board, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as specified in Part 4 of this Chapter. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter.

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- C. The Zoning Hearing Board shall hear requests for a change of one nonconforming use to another in accordance with the provisions of Part 6 of this Chapter.
10. Time Limitations.
- A. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
  - B. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map<sup>11</sup> shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
  - C. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.
11. Stay of Proceedings.
- A. Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property. In this case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.
  - B. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the County Court of Common Pleas to order such persons to post bond as a condition to continuing the proceedings before the Board. The court's hearing and decision on the petition shall be in the manner prescribed by the Planning Code<sup>12</sup>.

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<sup>11</sup> See Municipalities Planning Code, §916.2.

<sup>12</sup> See Municipalities Planning Code, §915.1



(Ord. 644, 7/6/1990, §704; as amended by Ord. 747, 7/17/1997)

**§705. Appeals.**

Appeals shall be taken to the County Court of Common Pleas in the time and manner prescribed by the [Municipalities] Planning Code<sup>13</sup>. (Ord. 644, 7/6/1989, §705)

**§706. Amendments to the Zoning Ordinance or Map.**

1. Amendment Other than Curative Amendments.
  - A. Council may amend this Chapter as proposed by a member of Council, by the Planning Commission, or by a petition of a landowner, an agent of the landowner or a person residing in the Borough.
  - B. Petitions for amendment by a landowner or resident shall be filed with the Planning Commission, and the petitioner, upon such filing, shall pay any fee in accordance with the Schedule of Fees.
  - C. Any amendment not prepared by the Borough Planning Commission shall be referred to it for review and recommendations at least 30 days prior to the public hearing on the amendment.
  - D. At least 30 days prior to the public hearing, the amendment shall be sent to the County Planning Commission for its recommendations.
  - E. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing hereon, pursuant to public notice as defined by this Chapter. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
  - F. If after any public hearing held upon an amendment, the proposed amendment is substantially changed or is revised to include land previously not affected by it, Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
  - G. The proposed amendment shall be published once in one newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. The publication shall include either the full text or a brief summary of the amendment, prepared by the Borough solicitor and

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<sup>13</sup> See Municipalities Planning Code, Article X-A.

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stating the amendment's provisions in reasonable detail. If the full text is not published:

- (1) A copy shall be supplied to a newspaper of general circulation at the time the public notice is published.
  - (2) An attested copy of the proposed amendment shall be filed in the county law library or other office designated by the county.
- H. If substantial amendments are made in the proposed amendment, at least 10 days before voting on enactment, the Borough shall readvertise a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- I. A vote on any proposed amendment shall take place at a regular or special meeting of Council, following the public hearing or hearings.
- J. Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.
2. Curative Amendments by Landowners.
- A. A landowner who desires to challenge on substantive grounds the validity of this Chapter or Map (or any provision thereof) which restricts or prohibits the use or development of land in which he/she has an interest, may submit a curative amendment to Borough Council, as provided by the Municipalities Planning Code.
- B. Council shall commence a hearing within 60 days of the request. Procedures for hearing and deciding the challenge and proposed curative amendment shall be in the manner prescribed by the Planning Code<sup>14</sup>.
3. Municipal Curative Amendments.
- A. The Borough, by formal action, may declare this Chapter or portions hereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity.
- B. Within 30 days following such declaration and proposal, 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 or not permitted in sufficient quantity; (b) reference to a class of use or uses which require revision; or (c) reference to the entire Chapter which requires revisions.

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<sup>14</sup> See Municipalities Planning Code, §§609.1 and 916.1.

- (2) Begin to prepare and consider a curative amendment to correct the declared invalidity.
- C. Within 180 days from the date of the declaration and proposal, the Borough shall either enact a curative amendment to validate, or reaffirm the validity of this Chapter. The procedures for adopting a curative amendment shall be as prescribed by §706(1).
- D. Upon the initiation of the procedures set forth in subsection (A) above, Council shall not be required to entertain or consider any landowner's curative amendment. Similarly, the Zoning Hearing Board is not required to give a report on any challenge to the validity of this Chapter if the said challenge is based upon grounds identical to or substantially similar to those specified in Council's resolution.
- E. Upon completion of the procedures as set forth in subsections (A)-(C), no rights to a cure pursuant to the provisions of §706(2) of this Chapter shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Chapter for which there has been a curative amendment pursuant to this Section.
- F. The Borough may not again utilize the above procedure for a municipal curative amendment for a thirty-six-month period following the date of the enactment of a curative amendment or the reaffirmation of the validity of this Chapter. However, if after the date of declaration and proposal there is a substantially new duty or obligation 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 prepare a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 644, 7/6/1989, §706)

**§707. Enforcement.**

1. Notices.
  - A. Whenever the Zoning Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant hereto, the Zoning Officer shall give notice of such alleged violation. The notice shall be sent to the owner of record, to any person who has filed a written request to receive enforcement notices regarding the parcel and to any other person requested in writing by the owner of record.
  - B. Such notice shall state:

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- (1) The name of the owner of record and any other person against whom the Borough intends to take action.
- (2) The location of the property in violation and the specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.
- (3) The date by which steps for compliance must commence and when such steps must be completed.
- (4) The recipient's right to appeal in accordance with the procedures contained in this Chapter.
- (5) That failure to comply with the notice within the specified times, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.

### 2. Causes of Action.

- A. 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 Zoning Officer, with approval of Council, 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 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.
- B. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on Borough Council. No such action may be maintained until such notice has been given.

### 3. Enforcement Remedies.

- A. Any person, who has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a fine of not less than \$50 and not more than \$500 plus court costs, including reasonable attorney fees incurred by the Borough. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice.
- B. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to applicable rules of civil procedure.

- C. Each day that a violation continues shall constitute a separate violation unless the district justice further determines that there was a good faith basis for the person violating the Chapter to have believed that there was no such violation. In such case there shall be deemed to have been only one such violation until the fifth day following the date of the district justice's determination of a violation; thereafter each day that a violation continues shall constitute a separate violation.
- D. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Borough.
- E. 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.
- F. Nothing contained in this Section 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 section.

(Ord. 644, 7/6/1989, §707)

**§708. Repeal of Conflicting Ordinances.**

This ordinance shall repeal Ordinance No. 441 and all amendments thereto. All other ordinances or parts of ordinances which are contrary to or conflict with the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect. (Ord. 644, 7/6/1989, §708)

**§709. Validity.**

Should any section or provision of this Chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Chapter as a whole or any other part hereof; the parts or sections remaining shall remain in effect as if the part of the section declared unconstitutional had never been a part of this Chapter. (Ord. 644, 7/6/1989, §709)

**§710. Effective Date.**

This Chapter shall take effect immediately upon adoption by Borough Council except §301 which shall become effective upon certification by the Pennsylvania Historical and Museum Commission of the historical significance of the Hollidaysburg Historic District as provided for in the Hollidaysburg Historic District Ordinance (Ord. No. 645) [Chapter 27, Part 9]. (Ord. 644, 7/6/1989, §710)



**Part 8**  
**Definitions**

**§801. Language Interpretations.**

1. For the purpose of this Chapter certain terms and words used herein shall be interpreted or defined as follows:
  - A. Words used in the present tense shall include the future.
  - B. Words in the singular shall include the plural.
  - C. The word “person” includes a corporation, company, partnership and association, as well as an individual.
  - D. The word “lot” includes the words “plot” or “parcel.”
  - E. The term “shall” is always mandatory.
  - F. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designated to be used or occupied.”
  - G. The word “building” includes the word “structure.”
2. The particular shall control the general.
3. Whenever a measurement of distance is called for by this Chapter, it shall be taken from the principal entrance or access of one use or structure to the principal entrance/access of another along the most direct line or route on, along or across public streets.
4. In case of any difference of meaning or implication between the text of this Chapter and any caption or illustration, the text shall control.

(Ord. 644, 7/6/1989, §801; as amended by Ord. 747, 7/17/1997)

**§802. Definitions.**

ACCESS — a means of vehicular approach or entry to or exit from property.

ACCESSORY STRUCTURE or USE — a use, building or structure, the use of which is customarily incidental and subordinate to the main or principal use, building or structure and which is located on the same lot therewith.

## ZONING

**ADULT ARCADE** — a place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors 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.”

**ADULT BOOKSTORE or ADULT VIDEO STORE** — a commercial establishment which, as one of the principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas.”
- B. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

A commercial 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” or “adult video store.” Such other business purposes will not serve to exempt such commercial establishment from being categorized as an “adult bookstore” or “adult video store” so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”

**ADULT CABARET** — a nightclub, or bar or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity.
- B. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or by “specified anatomical areas”.

**ADULT MOTEL** — a hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or



“specified anatomical areas” and which advertises the availability of this adult type of photographic reproductions.

- B. Offers sleeping rooms for rent four or more times in one calendar day during five or more calendar days in any continuous thirty-day period.

**ADULT MOTION PICTURE THEATER** — a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproduction are regularly shown which are characterized by the depiction or description of “specified sexual activities” or by “specified anatomical areas.”

**ADULT THEATER** — a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

**AGRICULTURE and HORTICULTURE** — a lot or parcel used for the raising of: field, truck and tree crops; livestock, horse or poultry; trees, shrubs, flowers or vegetables, the products of which are for sale to others, including necessary farm structures.

**ALLEY** — a public thoroughfare other than a side street which affords only secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATION** — an incidental change, rearrangement, replacement or enlargement in the structural parts or in the means of egress, whether by extending on a side or by increasing in height, or the moving from one location or position to another; or by change in use from that of one district classification to another.

**ANIMATED SIGN** — any sign that uses movement or change of lighting to change messages more than eight times a day, depict action or create a special effect or scene.

**APPLICANT** — a landowner or developer, as hereinafter defined, who has filed an application for development, including his/her heirs, successors and assigns.

**APARTMENT** — see, “dwelling, multifamily.”

**AUTHORIZED USE** — any principal or accessory use allowed by this Chapter as a permitted, conditional or special exception use.

**BANNER** — any sign of lightweight fabric or similar material that is permanently mounted to a pole of a building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners. [Ord. 791]

## ZONING

**BASEMENT** — a story partly underground but having 1/2 or more of its height above the average level of the adjoining ground.

**BEACON** — any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. [Ord. 791]

**BED and BREAKFAST** — the provision of overnight accommodations for transient guests on a daily or weekly basis as an accessory use to a residence. The owner of the dwelling must live on the premises, and food service shall be provided for overnight guests only.

**BLOCK** — a tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

**BOARD** — the Zoning Hearing Board established by this Chapter.

**BOARDING (or ROOMING) HOUSE** — a residential building other than a hotel in which part or parts are kept, used or held out to be a place where sleeping accommodations (with no separate kitchen facilities and with shared or private baths) are provided for compensation for at least three but not more than 15 persons. A boarding house shall not include dormitories, fraternity or sorority houses or any residence that provides personal services associated with a group residence or personal care home as defined by this Chapter.

**BOROUGH** — the Borough of Hollidaysburg, Blair County, Pennsylvania.

**BUFFER AREA** — an area of land which may include natural or artificial land forms, a planted area with shrubs, bushes, trees, grass or other ground cover material or a structure such as a fence or wall, which provides a compact visual screen and protection for adjacent properties.

**BUILDING** — any covered structure that is permanently affixed to the land; included shall be all manufactured homes and trailers to be used for human occupancy.

**BUILDING AREA** — the area of the lot within the building lines, bounded by the required yards; where there is no required yard, then bounded by the lot line.

**BUILDING LINE** — a line which designates the minimum distance that a building must be erected from a street right-of-way line. Such distance shall be measured at right angles from the front street right-of-way which abuts the property upon which said building is located and be parallel to said right-of-way line. The building line shall not include steps.

**BUILDING MARKER** — any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material. [Ord. 791]

**BUILDING SIGN** — any sign attached to any part of a building, as contrasted to a freestanding sign. [Ord. 791]

**BUILDING SPACING** — the minimum distance between two buildings. The building spacing shall be measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters, provided these exceptions do not encroach more than two feet.

**BUSINESS and PROFESSIONAL OFFICE** — the office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect or other similar professional person and any office used primarily for accounting, correspondence, research or administration. Not included in this definition are banks and other financial institutions.

**CANOPY** — a lightweight structure attached to the ground and/or to a wall and extended over a sidewalk or other pedestrian walkway, where such structure is used primarily for purposes of shelter and not advertising.

**CANOPY SIGN** — any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy. [Ord. 791]

**CARPORT** — a structure used for the shelter of a vehicle and which includes a roof attached to the side or back of the principal building and/or supported by four columns and which is open on two or more sides from the roof to the ground over which it stands (unless specified otherwise herein).

**CAR WASH** — a structure or portion thereof, either fully or partially enclosed, where one or more vehicles may be washed using mechanized equipment or by self service.

**CELLAR** — a story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**CEMETERY** — a burial place or graveyard for human remains, including mausoleum, crematory or columbarium.

**CERTIFICATE OF APPROPRIATENESS** — the approval statement signed by Council which certifies the appropriateness of a particular request for construction, alteration or demolition of all or part of any building or structure within the HR Overlay District.

## ZONING

**CHANGEABLE COPY SIGN** — a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Chapter. A sign on which the only copy that changes is an electronic or mechanical indications of time or temperature shall be considered a “time and temperature” portion of a sign and not changeable copy sign for purposes of this Chapter. [Ord. 791]

**CHILD ORIENTED BUSINESS** — a commercial establishment which, as one of its principal business purposes, serves and/or sells to children and their families food, apparels, goods, services, play and/or entertainment.

**CHURCH** — see, “place of worship.”

**CLEAR SIGHT TRIANGLE** — the unobstructed sight along both roads or drive-ways at an intersection and across their included corner for distances sufficient to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision. The minimum sight triangle may vary according to type of street and speed limit. Sight distance along the street shall be measured at the height of the driver’s eye, which is assumed to be 3.75 feet above the road surface.

**CLUB** — an association organized and operated not for profit for persons who are bonafide members paying annual dues, and which owns, hires or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests; provided, such service is secondary and incidental to the promotion of some other common objective of the organization; and, further provided, that such sale or service of alcoholic beverages is in compliance with all applicable Federal, State, County and local laws.

**COMMERCIAL** — engaging in a business, enterprise, activity or other undertaking for profit.

**COMMON OPEN SPACE** — a parcel or parcels of land or an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents or occupants of the development.

**COMMUNICATIONS ANTENNA** — any device use for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by an person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private resi-

dence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas. [Ord. 781]

COMMUNICATIONS EQUIPMENT BUILDING — an unmanned building or cabinet containing communications equipment required for the operation of communication antennas and covering an area on the ground no greater than 250 feet. [Ord. 781]

COMMUNICATIONS TOWER — a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas. [Ord. 781]

COMMUNITY BUILDING — a structure used, owned and operated by the residents of the planned residential development for social, cultural or recreational purposes.

CONDITIONAL USE — a use permitted in a zoning district pursuant to Part 4 of this Chapter.

CONSTRUCTION — the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of manufactured homes.

CONSTRUCTION TRAILER — a vehicle with or without its own motive power and used for a temporary field office or storage purposes at a construction site.

CONVENIENCE MARKET — a retail establishment selling food, health and beauty aids and similar convenience items in association with the retail sale of gasoline.

CORNER LOT — see, “lot, corner.”

COUNCIL — Council of the Borough of Hollidaysburg.

COUNTY — Blair County, Pennsylvania.

CULTURAL FACILITY — a building, site or portion thereof, operated by a non-profit organization for activities related to the creative and performing arts, literature, history and the like. A facility may include administrative offices, studios or classrooms and areas for display and performance.

DAY — days shall be measured by calendar days wherever a time period is stipulated in this Chapter.

DAY CARE CENTER —

## ZONING

**CHILD** — a facility providing care, supervision and/or instruction for six or more children for a period of less than 24 hours and licensed to as such by the Pennsylvania Department of Public Welfare.

**ADULT** — a facility providing care for less than 24 consecutive hours for three or more adults who are not relatives of the operator and who because of physical or mental infirmity require assistance to meet personal needs, but who do not require nursing care.

**DEMOLITION** — the dismantling or tearing down all or part of any building or structure and all operations incidental thereto.

**DEVELOPMENT** — any change to real estate including, but not limited to, the erection, construction or placement of a structure or building, utilities, streets, parking and loading areas or other paved surfaces, filling, grading, excavation, mining, drilling or dredging operations; the placement of mobile homes; and the subdivision of land.

**DEVELOPMENT PLAN** — the provisions for the development of a site, including a plat of subdivision, all covenants relating to use, location and bulk of building and other structures, intensity of use or density of development, streets, ways, parking and loading facilities, common open space and public facilities and utilities. The phrase “provisions of the development plan” shall mean the written and graphic materials referred to in this definition.

**DEVELOPER** — any landowner, agent of such landowner or tenant with the permission of such landowner, who undertakes a development.

**DUPLEX** — see, “dwelling, two family.”

**DWELLING** — any building or portion thereof which is designated or used for residential purposes.

**DWELLING UNIT** — one or more rooms used for living, sleeping and eating purposes with fixed facilities arranged for occupancy by one family or household.

**SINGLE FAMILY DWELLING** — a detached residential dwelling unit, other than a manufactured (mobile) home, occupied by only one family.

**TWO FAMILY DWELLING** — a detached building, other than a manufactured home, accompanied by only two families, independent of each other, with two units either attached side by side or one above the other.

**MULTIFAMILY DWELLING** — a residential building containing three or more separate dwelling units.

**DWELLING UNIT DENSITY** — the maximum number of dwelling units authorized per acre.

**EASEMENT** — a grant of limited use of private land for a public or quasipublic purpose, and within which the grantor shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

**EATING and DRINKING ESTABLISHMENT** — a place open to the general public for the sale and consumption on the premises of food and/or beverages, which includes restaurants, bars, taverns and similar establishments. (See also, “restaurant”).

**ENGINEER** — a professional engineer licensed as such in the Commonwealth of Pennsylvania and duly appointed as the engineer for the Borough.

**ESCORT** — a person who, for consideration, agrees or offers to act as a 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.

**ESCORT AGENCY** — a person or business association who furnishes, offers to furnish or advertises the furnishing of escorts as one of the primary business purposes for a fee, tip or other consideration.

**EXISTING USE or STRUCTURE** — a use or structure in existence as of the effective date of this Chapter.

**FAMILY** — one or more persons occupying one dwelling unit and maintaining one common household, not including occupants of a club, fraternity, lodging, boarding house, personal care or group residence or hotel.

**FENCE** — any structure constructed of wood, metal, wire, mesh or masonry erected for the purpose of screening one property from another to assure privacy, protection or confinement of the property.

**FLAG** — any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity. [Ord. 791]

**FLOODPLAIN** — areas adjoining any stream, water body which are subject to a one-hundred-year recurrence interval flood as delineated by the Borough flood hazard maps. Where no flood insurance maps or studies have defined the boundary of the one-hundred-year flood, the floodplain shall be as determined by a qualified professional geologist.

**FRONT YARD** — see, “yard, front.”

**FREESTANDING SIGN** — any sign supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure. [Ord. 791]

## ZONING

**GARAGE** — a fully enclosed building for the storage of motor vehicles not including buildings in which fuel is sold, or repair or other service is performed.

**GASOLINE SERVICE STATION** — building and premises where petroleum products, batteries, tires and automobile accessories may be supplied and sold at retail, and where services may be rendered in connection with these products, including inspection, greasing, hand washing, polishing, servicing, and adjustment of vehicles providing no major repair work is done.

**GLARE** — the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance and visibility. [Ord. 781]

**GRADE** — a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than six feet from the building, between the building and a point six feet from the building.

**GREENHOUSE** — the indoor raising of plants, shrubs and trees for sale and transplantation.

**GROSS FLOOR AREA** — the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior wall or from the center line of walls separating two buildings. For the purposes of determining permissible size and off-street parking and loading requirements, “floor area” shall include:

- A. Floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets.
- B. Any basement floor area devoted to retailing activities.
- C. Floor area devoted to the production or processing of goods or to business or professional offices. For this purpose, floor area shall not include space devoted primarily to storage purposes (except as noted above), off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

**GROUP RESIDENCE** — a residential dwelling unit occupied by unrelated persons who either by choice, referral and/or governmental policy cannot live independently by themselves, but instead, require a level of assistance, monitoring or supervision related to individual situations. A group residence may be distinguished from large scale hospitals or institutions that serve the same purpose by



the family like setting and the single housekeeping unit in which its residents live. For the purposes of this Chapter, a group residence shall be defined as serving the elderly (over 60 years of age), the homeless, recovering drug addicts, persons with AIDS, the mentally challenged (or retarded), the mentally ill and other protected classes as defined by the Fair Housing Act, the Americans with Disabilities Act and their amendments. A group residence may be operated by a governmental agency, their licensed or certified agent or any other responsible nonprofit social service corporation.

**HEIGHT of a COMMUNICATIONS TOWER** — the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower. [Ord. 781]

**HEIGHT, MAXIMUM** — the vertical distance measured from the mean level of the ground adjacent to the structure to a point midway between the highest and lowest point of the roof, but not including chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures required to operate and maintain the building on which they are located.

**HISTORICAL ARCHITECTURAL REVIEW BOARD** — the body established by the Hollidaysburg Historic District Ordinance (Ord. 645) [Chapter 27, Part 9] to advise Borough Council on the issuance of certificates of appropriateness.

**HOSPITAL** — a duly licensed institution providing acute medical or surgical care and treatment for the sick and injured.

**IESNA** — Illumination Engineering Society of North America. An organization that recommends standards for the lighting industry. [Ord. 781]

**INCIDENTAL SIGN** — a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading zone,” “telephone” and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental. [Ord. 791]

**INN/HOTEL/MOTEL** — a building or group of buildings containing rooms which provides sleeping accommodations for transient guests on a daily or weekly basis and may include food service and similar accessory services available to both guests and the general public. The term shall include motor hotel, motor inn, motor lodge, tourist court, inn and similar uses.

**IMPERVIOUS SURFACE** — a surface which resists the entrance or passing through of water or other liquids.

**INDUSTRIAL** — see, “manufacturing.”

**JUNK YARD** — see, “salvage yard.”

## ZONING

**KENNEL** — any lot or premises on which four or more dogs, cats or other domestic animals, at least four months of age are kept.

**LAKES AND PONDS** — natural or artificial bodies of water which retain water year round. A lake is a body of water of two acres or more. A pond is a body of water of less than two acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

### LAND DEVELOPMENT –

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
- (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot regardless of the number of occupants or tenure.
  - (2) 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.

**LANDOWNER** — the legal or beneficial owner of land including the holder of an option or contract to purchase (whether or not such an 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 person having a proprietary interest in the land, shall be deemed to be a landowner.

**LIGHT TRESPASS** — any form of artificial illumination from a light fixture or illuminated sign that penetrates other property and creates a nuisance, as specified in §513(3). [Ord. 781]

**LOADING SPACE, OFF-STREET** — an off-street space conveniently located, accessible and properly designed for the temporary use by vehicles making bulk pickups or deliveries of merchandise or materials.

**LOT** — a parcel of land undivided by any structure or private road and occupied by or designed to be divided for one building or principal use and the accessory buildings or uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by this Chapter for such building, use or development.

LOT, CORNER — a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.

LOT INTERIOR — a lot other than a corner lot with frontage on only one street.

LOT, THROUGH — a lot with the frontage on two parallel, or approximately parallel streets, and which is not a corner lot; may also be referred to as a double frontage lot.

LOT AREA — the area contained within the boundary lines of a lot.

LOT AREA PER DWELLING UNIT — the quotient obtained by dividing the total lot area by the total number of dwelling units to be located on such lot.

LOT COVERAGE — that percentage of a lot which when viewed directly from above would be covered by a structure or structures, or any part thereof, excluding protecting roof: eaves.

LOT LINE, FRONT — a street right-of-way line forming the boundary of a lot.

LOT LINE, REAR — the lot line that is most distant from, and is, or is most nearly, parallel to, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front line. If a zoning lot has two or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard.

LOT LINE, SIDE — a lot line which is neither a front lot line nor a rear lot line.

LOT OF RECORD — a lot which individually or as part of a subdivision has been recorded in the Office of the Recorder of Deeds of the County.

LOT WIDTH — the distance between the side lot lines measured at right angles to the lot depth at the established front building line.

MANUFACTURING — businesses engaged in the mechanical or chemical transformation of materials or substances into new products, or engaged in assembling component parts of manufactured products if the new product is neither a structure nor other fixed improvement.

## ZONING

**MARQUEE** — any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. [Ord. 791]

**MARQUEE SIGN** — any sign attached to, in any manner, or made a part of a marquee. [Ord. 791]

**MEDICAL OFFICE** — a facility for the examination and treatment of ill and afflicted human outpatients, including doctor and dental offices and clinics, provided that patients are not: kept overnight except under emergency conditions.

**MINI-WAREHOUSE** — 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 dead storage of a customer's goods or wares. No sales, services or repair activities other than the rental of dead storage units are permitted on the premises.

**MIXED USE or OCCUPANCY** — the conduct or carrying on of two or more uses in one building or on one zoning lot.

**MOBILE HOME** — a transportable, single family dwelling intended for permanent occupancy contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly, and constructed so that it may be used with or without a permanent foundation.

**MOBILE HOME LOT** — a parcel of land in a mobile home park, improved with the necessary utilities connections and other appurtenances necessary for the erection thereon of a single mobile home, which is sold or leased by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK** — a parcel (or contiguous parcels) of land which has been planned for the placement of two or more mobile homes.

**MODULAR UNIT** — a unit transported on a removable or non-removable frame, in which some or all of the composite parts are fabricated, formed or assembled offsite in a factory, transported to the site for assembly and installed on the building site. The term includes "module," "prefab," "factory built," "panel built" and similar terms. The completed unit shall comply with building code standards for conventionally constructed units; the modular unit is considered real property.

**MUNICIPALITIES PLANNING CODE (PLANNING CODE or MPC)** — the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

**NATURAL FEATURE** — a component of the landscape, such as a stream, pond, floodplain, wetland, aquifer, woodland, plant or wildlife habitat, scenic or historic

area, or area constituting high environmental, recreational and/or other amenity value so as to warrant its protection and preservation.

**NO IMPACT HOME OCCUPATION** — a business of commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibrations, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

[Ord. 791]

**NONCONFORMING BUILDING or STRUCTURE** — any structure or portion thereof which is manifestly not designed to comply with the applicable use or extent of use provisions of this Chapter or any amendment to it, provided such structure existed lawfully prior to the enactment of this Chapter or any amendment to it.

**NONCONFORMING LOT OF RECORD** — an undeveloped lot which does not comply with the applicable provisions contained in this Chapter, or any amendment to it, but which was a legally recorded lot prior to the enactment of this Chapter or any amendment to it.

## ZONING

**NONCONFORMING SIGN** — any sign that does not conform to the requirements of this Chapter. [Ord. 791]

**NONCONFORMING USE** — a use, whether of structure or land, which does not comply with the applicable use regulations contained in this Chapter or any amendment to it; provided, such use existed lawfully prior to the enactment of this Chapter or any amendment to it.

**NUDE MODEL STUDIO** — any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

**NUDITY or a STATE OF NUDITY** — the appearance of a human bare buttock, anus, male genitals, female genitals or female breast.

**NURSING or CONVALESCENT HOME** — an institution for the care of children, the aged or infirm, who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be licensed or certified in accordance with State and County laws and regulations. The term shall not include facilities for acute care or institutions for the care and treatment of mental illness, alcoholism or narcotics addiction.

**OCCUPANCY PERMIT** — a permit issued by the Zoning Officer before the occupancy of any new or altered building, use of land, or change of use, which certifies that all the requirements of this Chapter and other applicable ordinances have been met.

**OUTDOOR LIGHT FIXTURE** — an electronically powered illuminated device containing a total light source of more than 1,800 initial lumens per fixture (this is greater than a single 100 watt incandescent or two 75 watt reflectorized incandescent bulbs), which is permanently installed outdoors, including, but not limited to devices used to illuminate any site, architectural structure or sign. [Ord. 781]

**PaDEP** — the Pennsylvania Department of Environmental Protection.

**PennDOT** — the Pennsylvania Department of Transportation.

**PARKING LOT** — any lot, parcel or yard used regularly, in whole or part, for the storage or parking of more than two vehicles where such usage is not incidental to or in conjunction with a one or two family home.

**PARKING SPACE** — an off-street space available for the parking of one motor vehicle.

**PENNANT** — any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind. [Ord. 791]

**PERIMETER** — the outer boundary of a development site or area.

**PERSON** — an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**PERSONAL CARE HOME** — a residential facility, operated for profit or otherwise, providing food, shelter and personal assistance or supervision for adults who require assistance or supervision in daily routine activities such as bathing, dressing, diet or the taking of medication prescribed for self-administration.

**PLACE OF WORSHIP** — a church, synagogue or similar place where religious services are held.

**PLANNING COMMISSION** — the Planning Commission of the Borough of Hollidaysburg.

**PORCH** — a roofed, open structure projecting from the front, side or rear wall of a building, and having no enclosed feature of glass, wood or other material more than 30 inches above the floor thereof, except awning or screening or the necessary columns to support the roof.

**PORTABLE SIGN** — any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. [Ord. 791]

**PRINCIPAL BUILDING** — the building in which is conducted the principal use of the lot on which it is located. Storage buildings, garages and other clearly accessory uses shall not be considered principal buildings. [Ord. 791]

**PRINCIPAL USE** — the main use of land or structures as distinguished from the subordinate or accessory use.

**PRIVATE** — of or pertaining to any building, structure, use or activity limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

## ZONING

**PROJECTING SIGN** — any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall. [Ord. 791]

**PUBLIC** — of or pertaining to any building, structure, use or activity belonging to or affecting any duly authorized government body.

**PUBLIC BUILDING or USE** — building or facility operated by a governmental agency or philanthropic organization where administrative activities are conducted or social or educational services are provided to the general public. Such uses shall include, but are not limited to, a municipal building, library, community center, museum or similar use facility, excluding a school or recreational facility as defined by this Chapter.

**PUBLIC/ESSENTIAL SERVICE** — underground or overhead gas, electrical, steam, water or communication transmission, distribution, collection, supply or disposal systems and their required buildings and fire or emergency service stations, which are owned and operated by a governmental agency or entity regulated and/or licensed by the Pennsylvania Public Utility Commission (PUC). Public/essential services do not include wireless telecommunications radio links (cell sites) or switching offices. Public/essential services also do not include public or private incinerators, landfills or similar waste disposal facilities, whether or not owned or operated by a government or PUC regulated entity.

**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 and the second publication shall not be less than seven days from the date of the hearing.

**PUBLIC UTILITY TRANSMISSION TOWER** — a structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines. [Ord. 781]

**RECREATION, COMMERCIAL** — land or buildings for the pursuit of sports and similar indoor or outdoor leisure time activities and which are operated on a commercial, for-profit basis.

**RECREATIONAL FACILITY, PUBLIC or NONPROFIT** — land or buildings for the pursuit of sports and similar leisure time activities such as parks, swimming pools, tennis courts or ballfields, which are operated by governmental or nonprofit facilities of a commercial nature.

**RECREATIONAL VEHICLE** — a single or multiple axle, non self-propelled or self-propelled structure mounted on wheels or otherwise capable of being made mobile for the purpose of travel, recreational and vacation use, including but not limited to, travel trailers, motor homes, tent trailers, boats and boat trailers,



horse trailers or campers. No such vehicle shall be used for living, sleeping or housekeeping purposes.

RESEARCH/DEVELOPMENT FACILITY — a use devoted to research design, laboratory work and/or experimentation and any processing and fabrication incidental thereto; provided, no materials or finished products shall be manufactured, processed or fabricated on the premises for sale except such as are incidental to said laboratory research, design and/or experimentation conducted on said premises.

RESIDENTIAL OPEN SPACE — space provided to serve exclusively the residents of individual dwellings, such as private yards, patios, etc.

RESIDENTIAL SIGN — any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this Chapter. [Ord. 791]

RESIDENTIAL USE — those activities customarily conducted in living quarters in an urban setting and excludes such activities as the keeping of livestock or fowl, activities resulting in noise which constitutes a nuisance in a residential area and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials.

RESTAURANT, CONVENTIONAL — an establishment whose principal business is the sale of foods, desserts or beverages to customers in a ready-to-eat state and whose design or principal method of operation includes either customers served at a counter or table by the restaurant's employees or a cafeteria type operation where foods are consumed within the restaurant.

RESTAURANT, FAST FOOD — an establishment whose primary business is the sale of food and/or beverages to customers in a ready-to-consume state for consumption:

- A. Within the restaurant building.
- B. Within a motor vehicle parked on the premises.
- C. Off the premises as carry out orders.

And, whose primary method of operation includes the following characteristics: food and/or beverages are usually in edible containers or in paper, plastic or other disposable containers.

RETAIL BUSINESS — commercial establishments engaged in selling merchandise directly to customers for personal or household consumption and rendering services incidental to the sale of goods.

## ZONING

**CONVENIENCE RETAIL** — establishments selling merchandise for daily consumption and purchase, such as food, drugs and similar items. For purposes of this Chapter, eating and drinking establishments are excluded from this category.

**SHOPPER'S RETAIL** — establishments selling a wide variety of comparison goods, such as apparel, furniture, household and electrical appliances, hardware, sporting goods, computers and specialty merchandise such as jewelry, stationery, antiques and gift items. For purposes of this Chapter, retail sales of building materials, garden supplies, automobiles and other vehicles, gasoline, automotive parts, liquor and wine are excluded from this category.

**ROOF SIGN** — any sign erected and constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. [Ord. 791]

**SALVAGE (or JUNK) YARD** — any area where scrap metal, paper, rags, tires and other waste and/or used materials are bought, sold, exchanged, stored, bailed, packaged, disassembled or handled; or where inoperable machinery or motor vehicles are collected, dismantled, stored or sold for parts. Any use conducted entirely within an enclosed building is not a salvage yard.

**SCENIC RESOURCE** — visual amenities, such as rolling farmland, woodlands, river corridors, stream valleys, trails, vistas, overlooks, waterfalls, outcroppings and similar features.

**SCHOOL** — a place of instruction operated by a public or religious organization, having regular sessions, with regularly employed instructors and meeting all the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational or post-secondary education. This definition shall not include privately operated, for-profit schools of trade, vocation, avocation or business.

**SCREEN** — decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

**SEMI-NUDE** — a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**SERVICE BUSINESS** — commercial establishments providing a wide variety of services for individuals, business and government establishments and other organizations.

**PERSONAL SERVICES** — establishments providing services generally involving the care of the person or his/her apparel such as laundries, dry cleaning shops, barber/beauty shops, photographic studios, shoe repair and similar services. For the purposes of this Chapter, funeral homes/mortuaries and vehicular repair services are excluded from this category.

**BUSINESS SERVICES** — establishments providing services primarily to business establishments on a fee or contract basis, such as advertising and public relations, management and consulting services, security and maintenance services, equipment rental/leasing, computer and data processing services.

**SETBACK** — the distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line. [Ord. 791]

**SEXUAL ENCOUNTER CENTER** — a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

This term does not include the following types of commercial enterprises:

- A. An enterprise in which massage therapy that does not involve “specified sexual activities” is provided by a physician, chiropractor, registered nurse or other medical practitioner licensed or certified by the Commonwealth of Pennsylvania.
- B. An enterprise in which massage therapy that does not involve “specified sexual activities” is provided by a professional massage therapist who is licensed or certified by a national massage therapist professional organization that has an explicit and enforced policy statement which fully deals with the concerns raised by this Chapter and furthers the purposes of this Chapter.

**SEXUALLY ORIENTED BUSINESS** — an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

**SHIELDED LIGHT FIXTURE** — a light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90° above nadir, through the light fixture’s lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed. [Ord. 781]

## ZONING

**SHOPPING CENTER** — a group of commercial businesses developed as a single entity and sharing a common parking lot.

**SIGN** — a structure that is arranged, intended, designed or used to advertise, announce or direct; or any device, illustration, description or identification posted, painted or placed in some fashion on a building, structure or any surface for such a purpose. For the purpose of removal, signs shall also include all sign structures.

**SIGN AREA** — the area defined by the frame or edge of a sign, excluding the necessary supports or uprights on which the sign may be placed. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four sided (straight sides) geometric shape which most closely outlines the copy of letters of the said sign. If the sign consists of more than one section or module, all areas shall be totaled.

**SIGN, TEMPORARY** — a sign, the purpose of which is to identify or announce a short term, temporary activity or use of a premises.

**SITE PLAN** — a plan of a proposed development or use on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Borough or prescribed by this Chapter.

**SLOPE** — the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are expressed in a percentage based upon vertical distance in feet per 100 feet of horizontal distance.

**SPECIAL EXCEPTION** — approval for a particular use granted by the Zoning Hearing Board, according to the provisions of Part 4 of this Chapter.

**SPECIFIED ANATOMICAL AREAS** — the male genitals and/or the female genitals.

**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, bestiality or sodomy.
- C. Masturbation, actual, or simulated.
- D. Excretory functions as part of or on connection with any of the activities set forth in subsections (A) through (C) above.

**STAGE or PHASE** — a geographical area or tract that is part of a proposed development which will be developed over a period of time in accordance with a time table for development which is included by the applicant in the development plan.

**START OF CONSTRUCTION** — construction shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water lines, or electrical or other service lines from the street.

**STEEP SLOPE** — land area where the inclination of the land's surface from the horizontal is 15% or greater. Slope is determined from onsite topography surveys prepared in accordance with the requirements of this Chapter.

**STEPS** — a construction or series of constructions placed for a foot support to effectuate the ascending or descending of a person or persons from one level of elevation to another.

**STORAGE** — the placement of any material, supplies, vehicles or equipment at a given location for continuous periods of time exceeding 72 hours.

**STORAGE SHED** — a small accessory structure, either wholly or partially enclosed, serving for storage of tools, equipment, supplies or other similar materials for safekeeping.

**STORY** — a story is that part of a building between the surface of any floor and the next floor above it or, if there is no floor above it, then the space between any floor and the ceiling next above it.

**STREET** — any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or other way, whether public or private, used or intended to be used by vehicular or pedestrian traffic.

**STREET GRADE** — the officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

**STREET LINE** — the line defining the edge of the legal width of a dedicated street right-of-way.

**STREET – TYPE** — streets may be classified according to the following:

**STREET, ARTERIAL** — streets designed to carry high volumes of traffic from one area of the community to another or to link one community with another.

**STREET, COLLECTOR** — streets designed to collect traffic from local streets and then to convey it to the major arterials.

## ZONING

**STREET, LOCAL** — streets designed to serve only the traffic needs of and provide access to a limited area or neighborhood.

**STREET, PRIVATE** — a street not officially dedicated and/or accepted by the Borough.

**STRUCTURE** — anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes, free-standing signs, fences and similar items.

**SUBDIVISION** — 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 division of land for agricultural purposes into parcels of more than 10 acres, not involving any new structure or easement of access, shall be exempted.

**SUBSTANTIAL ENLARGEMENT, AS APPLIES TO SEXUALLY ORIENTED BUSINESSES** — the increase in floor areas occupied by the business by more than 25%, as the floor areas exist on date of enactment of this Chapter.

**SUSPENDED SIGN** — a sign that is suspended from underside of a horizontal plane surface and is supported by such surface; also referred to as shingle-type sign. [Ord. 791]

**SWIMMING POOL** — a temporary or permanent body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, used as a recreational facility for swimming, bathing or wading, and having a depth of over 24 inches. A swimming pool shall be deemed to include all building, equipment and appurtenances incidental to such a pool.

**TEMPORARY SIGN** — any sign that is used only temporarily and is not permanently mounted. [Ord. 791]

**TEMPORARY STRUCTURE or USE** — any structure or use which, by the type of materials, construction or intended purpose, is erected or located for not more than one year. Included are tents, stands, construction trailers and other structures or uses of similar character.

**TOWNHOUSE DWELLINGS** — a structure consisting of a series from three to 12 attached dwelling units, separated from one another by continuous vertical walls without opening from basement to roof. The term shall include “rowhouse” and “attached dwelling.”

**TRAILER** — a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes having a body width not exceeding eight feet.

**TRANSFER OF OWNERSHIP or CONTROL, AS APPLIES TO SEXUALLY ORIENTED BUSINESSES** — any of the following:

- A. The sale, lease or sublease of the business.
- B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
- C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**USE** — the specific purpose of which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

**VARIANCE** — permissive waivers from the terms of this Chapter, granted pursuant to Part 7 of this Chapter.

**VEHICULAR REPAIR GARAGE** — any building or premises where vehicle repairs take place. This includes rebuilding or major reconditioning of work or damaged motor vehicles or trailers or any parts thereof, collision service, painting and engine steam cleaning.

**WALL SIGN** — any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. [Ord. 791]

**WAREHOUSE** — a building where wares or goods are stored before distribution to retailers or are kept in reserve or bond.

**WETLAND** — areas such as marshes, swamps, spring heads or bogs where standing water is retained for a portion of the year where the water table is at, near or above the ground surface and unique vegetation has adapted to the area.

**WHOLESALE BUSINESS** — commercial establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, instructional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

**WINDOW SIGN** — any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or

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service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window. [Ord. 791]

WOODLAND — an area of planted material covering one acre or more and consisting of 30 or more canopy trees having an eight-inch or greater caliper, or any grove consisting of eight or more trees having a ten-inch or greater caliper.

YARD — an open space on a lot which is unoccupied and unobstructed from the ground upward, except as otherwise provided herein (see, illustrations).

YARD, FRONT — a yard extending along the full width of a front lot line and back to the required building line. On corner and through lots, front yards shall be provided along all street frontages.

YARD, REAR — the required open space extending from the rear of the main building to the lot line (not necessarily a street line) across the entire width of the lot.

YARD, SIDE — the required open space between the side (face) of any building and the side lot line, extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed as a side line. In the case of a through lot, side yards shall extend front the rear line of the required front yards. On corner lots, one yard to fronting on the two streets shall be designated a side yard.

ZONING HEARING BOARD — the Zoning Hearing Board of Hollidaysburg Borough.

ZONING OFFICER — the official designated to administer and enforce this Chapter.

(Ord. 644, 7/6/1989, §802; as amended by Ord. 708, 7/7/1994, §3; by Ord. 747, 7/17/1997; by Ord. 781, 6/6/2002; by Ord. 791, 4/3/2003; and by Ord. 815, 7/13/2006)



**Part 9**

**Hollidaysburg Historic District**

**A. Creation of District.**

**§901. Legal Authorization.**

This Part shall be ordained and enacted by the Borough of Hollidaysburg, County of Blair, by the authority of and pursuant to the provisions of the Pennsylvania Historic District Act (Act 167 of 1961, as amended, 53 P.S. §8001 et seq.) and the Municipalities Planning Code (Act 170 of 1988). This Part shall be known and cited as the “Hollidaysburg Historic District Ordinance.” (Ord. 645, 7/6/1989, §1)

**§902. Purpose of the Hollidaysburg Historic District.**

This district is created for the following purposes:

- A. To protect those portions of the Borough which reflect the cultural, economic, social, political and architectural history of the Borough, State and Nation.
- B. To awaken, in our people, an interest in our historic past.
- C. To strengthen the Borough’s economy, both in the public and private sectors.
- D. To stabilize and improve property values in said district.
- E. To promote the use of historic portions of the Borough for the culture, education, pleasure and general welfare of the people of the Borough, State and Nation.

(Ord. 645, 7/6/1989, §2)

**§903. Creation and Limits of the Historic District.**

There is hereby created the Hollidaysburg Historic District which shall consist of the area delineated as the “Historic Resources Overlay District” on the Official Zoning Map of the Borough of Hollidaysburg.

- A. Regardless of the existence of purported copies of an official historic district map which, from time to time may be published, the official map of the Hollidaysburg Historic District shall be as delineated as the Historic Resources Overlay District on the official Borough Zoning Map.

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- B. Where uncertainty exists as to the boundaries of the Hollidaysburg Historic District as shown on the zoning map, the boundaries shall be established and interpreted as specified in §202 of the Borough Zoning Ordinance. [Chapter 27, §202]

(Ord. 645, 7/6/1989, §3)

### **§904. Effective Date/Certification by Pennsylvania Historical and Museum Commission.**

Immediately upon the adoption of this Part, the Borough Secretary shall forward a copy hereof to the Pennsylvania Historical and Museum Commission. This Part shall not take effect until the Commission has certified, by resolution, to the historical significance of the Hollidaysburg Historic District. (Ord. 645, 7/6/1989, §4)

### **§905. Creation of the Hollidaysburg Historic Preservation Commission.**

1. Establishment and Membership. There is hereby established a Historic Preservation Commission which shall consist of 11 members who shall be appointed by the Borough Council.
  - A. Qualifications of Members. The membership of the Commission shall include individuals with expert knowledge and interest in historic preservation or in fields closely related to historic preservation such as history, archeology, urban planning, American studies and similar disciplines. The Commission shall include a registered architect, a licensed real estate broker, the Borough Code Official and a Borough Planning Commission member. In selecting members, Borough Council shall give first consideration to Borough residents but may nominate non-residents who have the expertise and interest required by this Section.
  - B. Terms and Succession. The initial terms of the first members shall be so fixed that no more than four members shall be replaced or reappointed during any one calendar year. Their successors shall serve for a terms of three years. Members may be appointed for more than one term. [Ord. 652]
  - C. Vacancies. The Commission shall notify the Borough Council of any vacancies in the Commission, and the Council shall act within 90 days to fill those vacancies. The position of any Commission member appointed in his/her capacity as registered architect, licensed real estate broker, code official or planning commission member who ceases to be so engaged or licensed shall be automatically considered vacant.

- D. Compensation. Members shall serve without pay but shall be reimbursed for any personal expenditures in the conduct of Commission business when authorized by Borough Council.
2. Organization and Procedures. The Commission shall adopt bylaws or rules of procedure to govern its organization and the conduct of its business. The by-laws or rules of procedure shall be consistent with all provisions of this Part and with all applicable ordinances of the Borough and laws of regulations of the Commonwealth.
- A. Officers. The Commission shall annually elect from its membership a chairperson who will direct the activities of the Commission and such other officers as may be required for the conduct of its business.
  - B. Quorum. A quorum shall be a majority of the current membership of the Commission, and any action shall require the affirmative vote of a majority of the Commission.
  - C. Meetings. The Commission shall conduct its business at regularly scheduled public meetings which shall be held at least four times a year. An agenda of each public meeting shall be available for inspection prior to the meeting.
  - D. Records. The Commission shall keep full written records of its business, which shall be public records and kept on file in the Borough Secretary's office. The Commission shall submit an annual report of its activities to the Borough Council by March 31st of each year.
  - E. Staff. Within the limits of funds appropriated by Borough Council, the Commission may employ staff or contract for clerical, consulting or other technical services.
  - F. Other Requirements. The by-laws or rules of procedure shall establish provisions governing attendance of members, the handling of conflicts of interest and required participation of members in continuing training and education.
3. Functions and Duties. The Commission shall have the following functions and duties:
- A. Maintain a system for the survey and inventory of historic buildings, site, objects, structures and districts in the Borough of Hollidaysburg.
  - B. Conduct research on and nominate significant resources to the National Register of Historic Places and to other appropriate lists or programs; review and make recommendations on nominations to the Historic Resources Overlay Zoning District and Map.

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- C. Make recommendations to the Planning Commission and Borough Council on additions, deletions, reclassifications and other proposed amendments to the Historic Resources Overlay Zoning District Map.
- D. Function as a Board of Historical Architectural Review in accordance with §906 hereunder.
- E. Formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architectural sites and buildings, including proposals for the installation and care of such historical markers.
- F. Prepare and publish maps, brochures and descriptive materials about the Borough's historic resources and develop and carry out other appropriate educational and public relations programs, with the approval of Borough Council.
- G. Provide for public participation in the Commission's activities.
- H. With the approval of Borough Council, perform such additional functions and duties as may be required by the Bureau of Historic Preservation of the Pennsylvania historical and Museum Commission to fulfill and maintain the conditions of eligibility of Certified local government status.

(Ord. 645, 7/6/1989, §5; as amended by Ord. 652, 12/11/1989, §1)

### **§906. Creation of Board of Historical Architectural Review (HARB)**

1. Establishment and Membership. There is hereby established a Board of Historical Architectural Review (HARB) which shall consist of seven members who shall be appointed by Borough Council from among the members of the Historic Preservation Commission.
  - A. Qualifications of Members. The membership of the HARB shall include a registered architect, licensed real estate broker and the Borough Code Official. The other members shall be persons with knowledge of and interest in historic preservation. In selecting members, Borough Council shall give first consideration to Borough residents but may nominate non-residents who have the expertise and interest required by this Section.
  - B. Terms and Succession. The initial terms of membership and subsequent terms shall be as for the full Historic Preservation Commission specified in §905 above.
2. Organization and Procedures. The HARB shall adopt rules of procedure to govern its organization and the conduct of its business. The rules of procedure shall be

consistent with all provisions of this Part and with all applicable ordinances of the Borough and laws and regulations of the Commonwealth.

- A. Officers. The HARB shall annually elect from its membership a chairperson who will direct the activities of the Board and such other officers as may be required for the conduct of its business.
  - B. Quorum. A majority of the Board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the Board.
  - C. Meetings. The Board shall conduct its business at regularly scheduled public meetings. Meetings shall be scheduled as necessary to assure that all applications for certificates of appropriateness can be considered by the Board in accordance with §301 of the Zoning ordinance [Chapter 27, §301]. The Board shall meet at least twice monthly between the months of April and October.
  - D. Records. All recommendations of the Board shall be in writing, with the reasons therefore, and the recommendations shall be public records and kept on file in the Borough Secretary's office. The Board shall report upon its activities to the full Historic Preservation Commission at regular meetings of the Commission.
  - E. Other Requirements. In matters related to compensation of members, employment of staff, attendance of members, conflicts of interest and participation in continuing education, the Board shall be governed by the rules established for the full Historic Preservation Commission.
3. Functions and Duties. The Board shall have the following functions and duties:
- A. Provide counsel to Borough Council regarding the advisability of issuing any certificate of appropriateness which the Borough Council is asked to issue pursuant to Act 167, the Historic District Act.
  - B. Provide counsel to Borough Council concerning the advisability of issuing any other certificates of appropriateness which are required by the provisions of §301 of the Borough Zoning Ordinance [Chapter 27, §301].
  - C. Provide counsel to the Zoning Hearing Board if it should choose to do so, concerning the issuance of variances for properties in the Historic Resources Overlay District established by §301 of the Zoning Ordinance [Chapter 27, §301].
  - D. Provide counsel to Borough Council concerning the appropriateness of applications for special conditional uses in the Historic Resources Overlay District.

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- E. Prepare detailed design guidelines to aid in the interpretation of the “Standards for Determining Appropriateness” for alterations and new construction in this Historic Resources Overlay District which are contained in §301 of the Borough Zoning Ordinance [Chapter 27, §301].
  - (1) Design guidelines shall be submitted to and approved by the Historic Preservation Commission and Borough Council before being put into use.
  - (2) The design guidelines may provide for the administrative issuance of certificates of appropriateness in clearly specified situations where the proposed activity is clearly in accord with the standards and guidelines.
- F. Perform such other duties as may be required by the Pennsylvania Historic District Act for the protection of certified historic districts or by §301 of the Borough Zoning Ordinance [Chapter 27, §301] for the protection of properties within the Historical Resources Overlay District.

(Ord. 645, 7/6/1989, §6)

### **§907. Conflict of Interest.**

Should any matter or decision related to any specific property come before the Historic Preservation Commission or Historical Architectural Review Board, in which a Commission or Board member, or a member’s immediate family, has any financial interest, the member shall excuse himself or herself from any action related to the matter other than to provide factual information. (Ord. 645, 7/6/1989, §7)

## **B. Vinyl & Aluminum Siding Guidelines.**

### **§911. Introduction.**

1. Historic materials are a major component of historic buildings and historic districts. Without historic materials an historic district loses its character, its significance, and its meaningfulness.
2. Wood has been a primary building material throughout American architectural history. The availability of wood, and its wide variety of shapes, sizes, uses, and finishing techniques, contributed to the central role it has played in American buildings. Of this array of applications, horizontal side was one of the not prevalent uses for wood for houses built through the early twentieth century. Available in a variety of profiles and sizes, wood siding is major contributor to the overall appearance of a house. The variety of wood textures and the play of light and shadow provided by wood siding add to the architectural interest of the building. Vinyl and aluminum are materials that were not available in the nineteenth or

early twentieth centuries. Therefore, the use of these materials on buildings that were erected in the nineteenth or early twentieth centuries is inappropriate.

3. The Secretary of the Interior's Standards for Rehabilitation support the determination that vinyl and aluminum siding are inappropriate to historic buildings. Standard #2 states that the "removal of historic materials or alteration of features and spaces that characterize a property shall be avoided." Standard #6 states that "deteriorated historic features shall be repaired rather than replaced." Consequently, the removal of wood siding shall be avoided, and deteriorated wood siding shall be repaired, rather than replaced with vinyl or aluminum siding.
4. For these reasons, the use of vinyl and aluminum siding on existing historic structures in the Hollidaysburg Historic District is inappropriate and highly discouraged. Only under the limited circumstances described below will vinyl or aluminum siding be permitted in the Historic District.
5. It is not the intent of the Guidelines to require that historic buildings be returned to their original appearance. Rather, the purpose is to ensure that the existing historic fabric that composes the Hollidaysburg Historic District is maintained, preserved, and protected to the greatest extent possible, so that it can continue to reflect the cultural, economic social, political, and architectural history of the Borough for educational, cultural and economic benefit to the Borough residents.

(Ord. 645, 7/6/1989; as added by Res. 96-45, 4/18/1996)

### **§912. Guidelines.**

1. Vinyl or aluminum siding will not be allowed on existing structures within the Historic District if the existing historic wood siding can be reasonably repaired.
2. Vinyl or aluminum siding will not be allowed on existing structures within the Historic District that have been faced with inappropriate materials (like asphalt shingles, insul-brick, etc.) if the existing historic wood siding beneath those materials can be repaired.
3. Vinyl or aluminum siding may be used for new projects built within the Historic District if the placement, profile, and color of the new siding is appropriate to the character of the streetscape and the overall district.
4. The covering of existing historical wood window or door trim with vinyl or aluminum trim will not be allowed if the historic trim can be reasonably repaired. Repairs may be made with fiberglass or epoxy materials to bring the surface to the original profile, which can then be finished like the original material.
5. Unusual examples of historic siding will not be covered or replaced with vinyl or aluminum siding. Unusual examples of historic siding include siding that displays

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unique details, fine craftsmanship, significant ornamentation and/or other outstanding features.

6. Vinyl or aluminum siding will not be applied over historic brick, stone, stucco or other masonry surfaces.
7. Examples of historic window and/or door trim that display unusual details, fine craftsmanship, significant ornamentation or other outstanding features will not be covered or replaced with vinyl or aluminum trim.
8. If the existing historic wood siding of an existing structure within the Historic District has deteriorated or has been destroyed beyond reasonable repair, the use of vinyl or aluminum siding to replace the existing siding, while being strongly discouraged, may be allowed if the following conditions are met:
  - A. The proposed siding will match in placement, profile, size, proportion, and general appearance the existing siding.
  - B. The proposed material will be finished in a color appropriate to the age and style of the house, and the character of both the streetscape and the overall district.
  - C. The existing siding will be completely removed and supporting framing that may be rotted or otherwise found unfit for continued support will be replaced in kind with new material.
  - D. The interior surface of the exterior wall will receive a vapor barrier to prevent vapor transmission from the interior spaces.
  - E. Walls to receive the proposed siding will be insulated and ventilated from the exterior to eliminate any interstitial condensation that may occur.
  - F. Sheathing of an adequate nature will be applied to support the proposed siding material with the determination of adequacy to be at the discretion of the Historical Architectural Review Board.
  - G. The proposed siding will not be grained to resemble wood.
  - H. The proposed siding will not damage, destroy, or otherwise affect decorative or otherwise significant features of the building.
  - I. The proposed siding will be placed in the same direction as the historic siding.
  - J. A good faith effort will be made to sell or donate any remaining historic material to an architectural salvage yard or other appropriate business or organization that has an interest in historic building materials. (Environ-



mental conservation issues are an important consideration in the maintenance and continued use of historic building materials.)

9. If the existing wood, window and/or door trim of an existing structure within the Historic District has deteriorated or has been destroyed beyond reasonable repair, the use of vinyl or aluminum trim to replace the existing trim is strongly discouraged, but may be allowed if the following conditions are met:
  - A. The proposed trim will match in placement, profile, size, proportion and general appearance the existing trim.
  - B. The proposed material will be finished in a color appropriate to the age and style of the house, and the character of both the streetscape and the overall district.
  - C. The new trim will be applied so as to discourage moisture infiltration and deterioration.
  - D. The proposed trim will not be grained to resemble weathered wood.
  - E. The proposed trim will not damage, destroy or affect decorative or otherwise significant features of the building.
  - F. The distance between the new trim and the new siding will match the distance between the historic trim and the historic siding.
10. The maintenance of existing wood siding on historic buildings within the Historic District shall not be neglected such that the historic material is allowed to deteriorate beyond repair. In the event that the Historic Architectural Review Board determines, in its sole discretion, that the existing wood siding on a historic building cannot be repaired primarily due to owner neglect in failing to properly maintain the same; then and in that event, the Historic Architectural Review Board shall have the option of denying any application for the use of vinyl or aluminum replacement siding and shall further have the option of requiring the owner to replace the deteriorated siding (which said siding has deteriorated beyond repair due to owner neglect and/or lack of maintenance) with new wood siding which new wood siding shall conform to the guidelines set forth herein – in all respects regarding color, size, etc.
11. Each and every application for the use of vinyl or aluminum siding and/or vinyl or aluminum trim shall be decided on a case-by-case basis. The prior existence of vinyl or aluminum siding and/or vinyl or aluminum trim on other historic buildings within the Historic District shall not be considered a factor in determining any application for further use of said materials.
12. In each and every case where a property owner is seeking permission for the use of vinyl and/or aluminum siding and/or vinyl and/or aluminum trim there shall be a presumption that the existing historic siding and/or historic trim can be re-

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sonably repaired and the applicant shall have the burden of proof with respect to showing that any siding and/or trim cannot be reasonably repaired. With respect to the issues of “reasonable repair” and “owner neglect,” the applicant shall have the burden of proving to the satisfaction of the Hollidaysburg Historic Architectural Review Board that the siding or trim in question cannot be reasonably repaired and that said condition is not due to owner neglect.

(Ord. 645, 7/6/1989; as added by Res. 96-45, 4/18/1996)

**Part 10****Zoning Map Amendments<sup>15</sup>**

<b>Ordinance</b>	<b>Date</b>	<b>Classification Change</b>
670	8/12/1991	Changing zoning classification for a tract of land beginning at the intersection of Blair and Penn Streets and terminating north at the intersecting lines of Penn and Blair Street. This tract was formerly zoned as "R-2 General Residential" and is being rezoned to "R-B Residential Business.
700	11/4/1993	Reclassifying the 240' X 280' triangular parcel of land being Parcel No. 1103-05-1, adjoining the Conrail parking lot at the east end of the Borough, from Conservation/Recreation (CR) District to Limited Industrial (I-1) District.
716	11/3/1994	Changing zoning classification for a tract of land from "PR Planned Residential" and "R2 General Residential" to "RB Residential/Business."
757	7/16/1998	Changing zoning classification for the present "I-1 Limited Industrial District" along Scotch Valley Road to a new "I-2 General Industrial District" with new district regulations. The present "I-2 General Industrial Districts" along Beaver Street, the entire Conrail property and the present remaining "I-1 Districts" are to be replaced with a new "I-1 Limited Industrial District" with new district regulations. The present "RB Residential District" is to be extended across the Frankstown Branch of the Juniata River to the lots designated by the Blair County Tax Assessment Numbers 1103-4-9 and 1003-4-5 (to include 101 Canal Street).
765	12/16/1999	Changing zoning classification for a tract of land from "PR Planned Residential" to "RB Residential/Business."
815	7/13/2006	Previously rezoned Residential/Business (RB) zoning district along Holliday Hills Drive. The area along Holliday Hills Drive includes 20.2 acres of land previously zoned Planned Residential (PR) zoning district. This area is more particularly described in Exhibit A of Ord. 765.
815	7/13/2006	Previously rezoned Residential/Business (RB) zoning district at the corner of Newry and Betts Street. This area was previously zoned as General Residential (R-2) and Planned Residential (PR) zoning district and is more particularly described in Ord. 716.

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<sup>15</sup> Editor's Note: The current Zoning Map is on file in the office of the Zoning Officer.

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<b>Ordinance</b>	<b>Date</b>	<b>Classification Change</b>
815	7/13/2006	Lot 100 of the Holliday Hills development is zoned Limited Industrial (I-1) zoning district. All property lines along Beaver Street in the vicinity of Lot 100 are now accurately delineated, whereas the previous Zoning Map was discovered to be erroneous in this regard. The previous Zoning Map split Lot 100 between Planned Residential (PR) and Limited Industrial (I-1) zoning districts.