

PART 11

SPECIFIC USE REGULATIONS**§ 27-1101. Applicability. [Ord. No. 497, 1/8/2013]**

1. In addition to the general provisions that are established in Part 3 through Part 5 of this chapter for principal, accessory, or temporary uses, buildings, and structures within a particular zoning district; the additional general provisions for uses, buildings, and structures established in the Part 7 and elsewhere in the chapter and Part 6 of this chapter relating to FST Overlay Zoning District (FSTO), this Part 11 sets forth the specific standards and supplemental regulations that shall be applied to every principal, accessory, and temporary use identified herein. These specific use standards and supplemental regulations must be satisfied prior to approval of any application for a zoning permit, building permit, occupancy permit, temporary permit, special exception, or conditional use. The applicant shall be required to demonstrate compliance with these standards and regulations and must furnish whatever evidence is necessary to demonstrate such compliance.
2. All principal, accessory, or temporary uses subsequently identified in this Part 11, must comply with the general provisions for uses within a particular zoning district in which the use is to be located, unless different standards are established in Part 3 through Part 5, and Part 6 of this chapter; in which case, the more restrictive shall apply.
3. For uses that are permitted within a specific zoning district as conditional uses or special exceptions, see also the procedures and standards in Part 12 of this chapter.

§ 27-1102. Additional Supplemental Standards and Requirements for Specific Principal Residential Uses. [Ord. No. 497, 1/8/2013]

1. Apartment Conversions. Apartment conversions are permitted subject to the following criteria:
 - A. The building must be a single-family detached dwelling that existed on the effective date of this chapter, and contained at that time, at least 2,000 square feet of habitable floor area. Additionally, the gross floor area, building footprint, and building height that existed on the effective date of this chapter shall not be increased to accommodate the proposed apartment conversion.
 - B. All apartment conversions shall comply with the maximum density, minimum net lot area per unit, and all other area and design requirements for the applicable use in the applicable zoning district [e.g., an apartment conversion resulting in not more than two total

dwelling units (including the original dwelling unit), then two-family detached dwelling area and design requirements apply; an apartment conversion resulting in not more than three or more total dwelling units (including the original dwelling unit), then multifamily dwelling area and design requirements apply].

- C. All principal buildings permitted as part of an apartment conversion use shall maintain an exterior appearance that resembles and is compatible with any existing dwelling on the lot and in the neighborhood. No modifications to the external appearance of the building, except fire and safety requirements, which would alter its residential character shall be permitted.
 - D. Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
 - E. All units contained on floors above or below grade shall have a direct means of escape to ground level.
 - F. No dwelling unit shall be less than 800 square feet.
 - G. All dwelling units shall be located within the principal building.
 - H. All dwelling units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
2. Mobile/Manufactured Home Park. Mobile/manufactured home parks are permitted subject to the following criteria:
- A. Mobile/manufactured home parks and individual mobile/manufactured homes shall comply with the provisions set forth in Chapter 5, relating to code enforcement, and Chapter 22, relating to subdivision and land development, as well as the following:
 - (1) Each individual mobile/manufactured home within a mobile/manufactured home park shall comply with the following density, area, and design requirements as if said mobile/manufactured home was located on an individual lot. In addition, the standards set forth in Table 11-1, Mobile/Manufactured Home Area and Design Standards, each individual mobile/manufactured home shall comply with all other area, and design requirements of applicable zoning district:

Table 11-1	
Mobile/Manufactured Home Area and Design Standards	
Area/Design Features	Mobile/Manufactured Home Per Dwelling Unit (feet)
Lot width at lot frontage - minimum, interior lot	45

Table 11-1 Mobile/Manufactured Home Area and Design Standards	
Area/Design Features	Mobile/Manufactured Home Per Dwelling Unit (feet)
Lot width at lot frontage - minimum, corner lot	60
Front setback - minimum	15
Side setback - minimum	10
Rear setback - minimum	15

- (2) In no case shall the distance between any two mobile/manufactured homes be less than 20 feet, these setbacks shall also apply to the mobile/manufactured home park office, service, utility, or other buildings.
- (3) No mobile/manufactured home lot shall be within 25 feet of the mobile/manufactured home park boundary, nor within 35 feet of an outside street right-of-way.
- (4) Each mobile/manufactured home lot shall contain no more than one mobile/manufactured home, nor shall it contain more than one family.
- (5) Individual mobile/manufactured homes shall have pitched roofs instead of a flat roof, in accordance with Part 6 of this chapter relating to FST Overlay Zoning District (FSTO).
- (6) Protective skirting shall be placed around the area between the stand surface and the floor level of each mobile/manufactured home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions.
- (7) Individual mobile/manufactured home owners may install accessory or storage sheds, exterior patio areas, and other similar outdoor structures as long as they are not attached to the mobile/manufactured home structure. Any such facilities so installed shall not intrude into any required front, side, or rear setback, and, in every case, shall substantially conform in style, quality, and color to the existing mobile/manufactured homes.
- (8) Parking shall be provided in accordance with Part 9 of this chapter.
- (9) Buffering and screening shall be provided in accordance with Part 7 of this chapter relating to Buffering and Screening Regulations.
- (10) All on-site, outdoor lighting shall be provided in accordance with Part 7 of this chapter, relating to performance standards

for all uses, and Chapter 22, relating to subdivision and land development.

- (11) Each mobile/manufactured home shall be erected and connected to utilities in accordance with Chapter 5, relating to code enforcement, Chapter 22, relating to subdivision and land development, and all applicable Borough, state, and federal requirements.
 - (12) The location, orientation, and lot circulation shall be coordinated with the Borough in order to minimize the disturbance of adjacent land uses and neighborhoods.
 - (13) All mobile/manufactured homes shall abut a street right-of-way or approved access easement of the mobile/manufactured home park's internal private street system. In no case shall access to such mobile/manufactured homes and mobile/manufactured home lots be provided directly onto, have frontage on, or otherwise abut an external public street right-of-way.
 - (14) All internal streets shall, as a minimum, comply with local street standards of Chapter 22, relating to subdivision and land development, and Chapter 21, relating to streets and sidewalks.
 - (15) Curbs, gutters, and sidewalks shall be constructed and installed on both sides of each street within the mobile/manufactured home park (whether public or private) in accordance with Chapter 21, relating to street and sidewalks, and Chapter 22, relating to subdivision and land development, in addition to the installation of shade trees, in accordance with Chapter 22, relating to subdivision and land development, and Chapter 25, relating to trees.
3. Multifamily Dwelling. Multifamily dwellings are permitted subject to the following criteria:
- A. Dwelling units shall be limited to the following:
 - (1) In the VMU-2 Zoning District, the maximum density shall be six dwelling units per net acre.
 - (2) In the WF Zoning District, the maximum density shall be eight dwelling units per net acre.
 - (3) In the MFR Zoning District, the maximum density shall be eight dwelling units per net acre.
 - B. Multifamily dwellings shall comply with the area and design features set forth in Table 11-2, Multifamily Attached Dwelling Area and

Design Standards, otherwise they shall comply with the standards of the applicable zoning district:

Table 11-2 Multifamily Dwelling Area and Design Standards	
Area/Design Features	Multifamily Dwelling
Net lot area - minimum	2,000 square feet per dwelling unit
Lot width at lot frontage - minimum, interior lot	85 feet
Lot width at lot frontage - minimum, corner lot	100 feet
Front setback - minimum	25 feet
Side setback - minimum	15 feet
Impervious lot coverage - maximum	60%
Vegetative coverage - minimum	20%

C. In those instances where more than one multifamily dwelling building is located on the same lot, the following separation distances will be provided between each building:

- (1) Front-to-front or rear-to-rear parallel buildings shall have at least 45 feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as 10 feet at one end if increased by similar or greater distance to the other end.
- (2) A minimum distance of 25 feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of 15 feet.
- (3) A minimum distance of 25 feet is required between end walls and front or rear faces of buildings.
- (4) All multifamily dwellings shall be set back a minimum of 15 feet from any interior access drives or parking facilities contained on commonly held lands.

4. Single-Family Attached Dwelling. Single-family attached dwellings are permitted subject to the following criteria:

A. Single-family attached dwellings shall comply with the area and design features set forth in Table 11-3, Single-Family Attached Dwelling Area and Design Standards, otherwise they shall comply with the standards of the applicable zoning district:

Table 11-3 Single-Family Attached Dwelling Area and Design Standards	
Area/Design Features	Single-Family Attached Dwelling
Net lot area - minimum	2,400 square feet per dwelling unit
Lot width at lot frontage - minimum, interior lot	24 feet
Lot width at lot frontage - minimum, corner lot	39 feet

Table 11-3 Single-Family Attached Dwelling Area and Design Standards	
Area/Design Features	Single-Family Attached Dwelling
Side setback - minimum	10 feet, except 0 feet at the shared lot line of lawfully attached dwellings constructed with a shared common party wall and the notarized, written consent of the owner of the abutting lot and building
Impervious lot coverage - maximum	60%
Vegetative coverage - minimum	20%

- B. The maximum number of single-family attached dwelling units in a row shall be six.
- C. No more than two abutting single-family attached dwelling units shall have the same front building setbacks, front building lines, and rooflines.
- D. In addition, each single-family attached dwelling unit shall be distinguished from the adjacent single-family attached dwelling unit in some appropriate manner including varying unit width, use of different exterior materials, or varying arrangements of entrances or windows.
- E. The minimum variation of the front building setback and front building line between single-family attached dwelling units shall be four feet.
- F. For buildings located on corner lots with single-family attached dwelling units, there shall be at least one single-family attached dwelling unit with its primary front facade and orientation and/or location of the main or everyday entrance, and its address, on each of the intersecting streets, excluding alleys.
- G. Single-family attached dwelling units shall be designed so that garages or carports are not an overly prominent part of the view from public street right-of-way. For purposes of this section, the term "garage door" shall also include a carport's front entry opening, unless otherwise specified in this chapter:
 - (1) Front-loaded garages shall be limited as follows:
 - (a) A garage door with a width of greater than 50% of the width of the principal building's front facade shall be prohibited.
 - (b) A garage door with a width greater than or equal to 25% but less than 50% of the width of the principal building's front facade shall be set back at least 16 feet behind the front building line.

- (c) A garage door with a width less than 25% of the width of the principal building's front facade may be parallel with (incorporated as part of) or behind the principal building's front facade.
 - (d) In no case shall a front loaded garage or carport extend closer toward the front lot line than any part of the principal building's front facade.
 - (2) Rear-loaded, side-loaded, or detached garages or carports located behind the rear building line shall not be limited other than through the lot and dimension standards contained in the applicable zoning district and Part 7 and Part 9 of this chapter.
 - (3) Garages and carports shall be architecturally designed to be compatible and harmonize with the residential uses or dwellings to which they are appurtenant. Garages shall be located so that the swing of the opening door shall not in any case extend beyond any lot line.
- 5. Two-Family Detached Dwelling. Two-family detached dwellings are permitted subject to the following criteria:
 - A. For two-family detached dwelling buildings containing side-by-side dwelling units and located on corner lots, there shall be at least one dwelling unit with its primary front facade and orientation and/or location of the main or everyday entrance, and its address, on each of the intersecting streets, excluding alleys.

§ 27-1103. Additional Supplemental Standards and Requirements for Specific Principal Commercial Uses. [Ord. No. 497, 1/8/2013]

- 1. Animal Hospital. Animal hospitals are permitted subject to the following criteria:
 - A. All structures where animals are kept that are not completely enclosed, and also including any outdoor animal pens, stalls, and runways and within all zoning districts shall be a minimum of:
 - (1) One hundred feet from all lot lines; and
 - (2) One hundred fifty feet from any adjacent property in the residential zoning districts or existing residential use in the mixed-use zoning districts. Otherwise, the setback requirements of the applicable zoning district shall apply.
 - B. All areas used for outdoor grazing or exercise of animals shall be enclosed or securely fenced to prevent the escape of animals.

- C. Where outdoor animal pens, stalls, or runways are permitted, animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.
2. Automobile, Boat, Heavy Equipment, Mobile/Manufactured Home, Recreational Vehicle, and Other Similar Motor Vehicle Rental/Sales, Repair/Service, Washing, and/or Fuel/Gas Sales. Automobile, boat, heavy equipment, mobile/manufactured home, recreational vehicle, and other similar motor vehicle rental/sales, repair/service, washing, and/or fuel/gas sales are permitted subject to the following criteria:
 - A. Automobiles, boats, heavy equipment, mobile/manufactured homes, recreational vehicles or other similar motor vehicles offered for rent or for sale, in any state of being fixed/serviced, or washed/dried, or otherwise stored, displayed, or serviced shall not occupy any part of the existing or future street right-of-way (including sidewalks and alleys) or required off-street parking areas.
 - B. All storage, inventory display/sales, parking areas, and servicing of automobiles, boats, heavy equipment, mobile/manufactured homes, recreational vehicles or other similar motor vehicles shall be kept in an orderly fashion to maintain circulation for emergency response.
 - C. All buildings and structures (including fuel/gasoline pumps, but excluding permitted signs unless otherwise prohibited or regulated in Part 8 of this chapter) shall be set back at least 25 feet from any street right-of-way or lot line.
 - D. All permitted activities except for the inventory display/sales, parking, and those activities normally required to be performed at the gasoline/fuel pumps, air pumps, or washing and vacuuming areas shall be performed within a completely enclosed building.
 - E. Where outside automobiles, boats, heavy equipment, mobile/manufactured homes, recreational vehicles or other similar motor vehicles sales or rental inventory display areas abut a street right-of-way, a perimeter landscape strip, a minimum of five feet in width planted with a hedge, masonry wall, and/or other desirable planting of at least two feet in height, along with grass or other living ground cover shall be planted, mulched and maintained on all portions of the perimeter landscape strip, and shall be provided and protected by permanent curbing, or otherwise comply with Part 9 this chapter.
 - F. No more than three vehicles may be stored per repair/service bay.
 - G. The demolition or junking of automobiles, boats, heavy equipment, mobile/manufactured homes, recreational vehicles or other similar motor vehicles is prohibited.

- H. The storage of inoperable automobiles, boats, heavy equipment, mobile/manufactured homes, recreational vehicles or other similar motor vehicles and related parts shall be within a completely enclosed building.
 - I. The outdoor storage of automobiles, boats, heavy equipment, mobile/manufactured homes, recreational vehicles or other similar motor vehicles on the property without current registration is prohibited.
 - J. No automobiles, boats, heavy equipment, mobile/manufactured homes, recreational vehicles or other similar motor vehicles, except those with current registration and offered for sales/rental, shall be stored upon the site for more than 30 days.
 - K. Automobiles, boats, heavy equipment, mobile/manufactured homes, recreational vehicles or other similar motor vehicles washing facilities are permitted, subject to the following additional criteria:
 - (1) The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
 - (2) Gray water recycling is mandatory.
 - (3) Water from the vehicle wash operation shall not flow onto sidewalks or streets.
3. Bed-and-Breakfast. Bed-and-breakfasts are permitted subject to the following criteria:
- A. The lot proposed for development must contain a single-family detached dwelling.
 - B. In no case shall more than five guest bedrooms for rent be permitted in any one structure, and no more than 10 total guest bedrooms for rent shall be permitted per lot.
 - C. The owner of the facility or resident manager must reside upon the premises. Proof of residency shall be provided.
 - D. Overnight guests shall not occupy the facility for more than 14 consecutive nights in a thirty-day period.
 - E. No cooking facilities shall be provided or permitted in individual guest bedrooms.
 - F. Accessory uses, customarily incidental to the use of a bed-and-breakfast, shall be permitted as long as they are permitted accessory and/or principal uses in the applicable zoning district, complement the

bed-and-breakfast use, and do not encumber activities of surrounding lots.

4. Boardinghouse. Boardinghouses are permitted subject to the following criteria:
 - A. Accommodations shall be limited to the following:
 - (1) In the VMU-2 Zoning District, the maximum number of tenant/guest rooms for rent shall be six.
 - (2) In the WF Zoning District, the maximum number of tenant/guest rooms for rent shall be eight.
 - (3) In the MFR Zoning District, the maximum number of tenant/guest rooms for rent shall be 12.
 - B. All tenant/guest rooms shall be limited to two tenants/guests each.
 - C. The owner of the facility or resident manager must reside in the boardinghouse. Proof of residency shall be provided.
 - D. All tenant/guest rooms available for boarding shall be located within the principal building.
 - E. Ingress and egress to the boardinghouse for the public and any tenants/guests shall be through one common exterior entrance.
 - F. Access to all boarding rooms shall be through the interior of the building. No exit doors from individual boarding rooms shall lead directly to the exterior of the building.
 - G. Each tenant/guest room size shall have a minimum habitable floor area of 70 square feet for one tenant/guest and 120 square feet for two tenant/guests, exclusive of common areas.
 - H. Residents must have on-site access to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on-site must be available to the residents, or daily meals must be provided on-site for the residents of the boardinghouse.
 - I. Meals for compensation shall be provided only to registered tenants/guests of the boardinghouse. No cooking facilities shall be provided or permitted in the individual tenant/guest rooms.
 - J. Each floor must contain at least one fully equipped bathroom for every five tenants/guests, that is accessible from a common hallway.
 - K. All tenants/guests must execute a lease before occupancy.

- L. Tenants/guest rooms must be leased to the same tenant/guest for at least seven consecutive days.
5. Commercial Recreation, Outdoor. Outdoor commercial recreation facilities are permitted subject to the following criteria:
- A. The required setbacks shall be as follows:
 - (1) All outdoor recreation and activity areas shall be set back at least 150 feet from the street right-of-way and any adjacent property in the residential zoning districts or existing residential use in the mixed-use zoning districts.
 - (2) Any structures exceeding the maximum permitted height may be permitted as long as they are set back from all lot lines at least the horizontal distance equal to their height, plus an additional 25 feet.
 - (3) Otherwise, all structures shall comply with the applicable zoning district setback requirements.
6. Convenience Store. Convenience stores are permitted, subject to the following criteria:
- A. If motor vehicle washing and/or fuel/gasoline sales are provided as part of the convenience store, then such use shall comply with all applicable provisions of automobile, heavy equipment and similar motor vehicle washing or fuel/gasoline sales contained in this Part 11, except that no sale, rental, repair, or servicing of motor vehicles shall occur.
 - B. All activities except parking and those normally required to be performed at the fuel pumps, air pumps, washing, and vacuuming areas shall be performed within a completely enclosed building.
 - C. If restaurant and food service facilities are provided as part of the convenience store, then such use shall comply with all applicable provisions of restaurants and food services.
7. Farmer's/Flea Market, Outdoor. Outdoor farmer's markets or flea markets are permitted subject to the following criteria:
- A. All outdoor display and sales areas shall comply with this Part 11 of this chapter, relating to outside display and sales.
 - B. All outdoor display and sales of merchandise shall begin no earlier than one hour before official sunrise, and must be completed no later than one hour after official sunset.
8. Funeral Home. Funeral homes are permitted subject to the following criteria:

- A. All rooms available for funerals and viewing shall be located within the principal building.
 - B. There shall be no receiving vault, preparation room, or display of merchandise visible from outside of any building.
9. Home Improvement Centers, Lumber Sales, and Building Materials Sales. Home improvement centers, lumber sales facilities, and building materials sales facilities are permitted, subject to the following criteria:
- A. All outdoor display and sales areas shall comply with this Part 11 of this chapter relating to outside display and sales.
 - B. All permitted activities, including drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, except for inventory display/sales and parking, shall be conducted within a completely enclosed building.
10. Kennel, Commercial. Commercial kennels are permitted subject to the following criteria:
- A. All structures where animals are kept that are not completely enclosed, including any outdoor animal pens, stalls, and runways, shall be a minimum of:
 - (1) One hundred feet from all lot lines; and
 - (2) One hundred fifty feet from any adjacent property in the residential zoning districts or existing residential use in the mixed-use zoning districts.Otherwise, the setback requirements of the applicable zoning district shall apply.
 - B. All areas used for outdoor exercise of animals shall be enclosed or securely fenced to prevent the escape of animals.
 - C. Where outdoor animal pens, stalls, or runways are permitted, animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.
 - D. The kennel shall be operated in full compliance with the State Animal Welfare Act and applicable state kennel regulations.
11. Mini Storage Warehouse. Mini storage warehouses are permitted subject to the following criteria:
- A. Parking may be provided along interior traffic aisles adjacent to the buildings. These aisles shall be at least 26 feet wide when storage

units open onto one side of the aisle only and at least 30 feet wide when storage units open onto both sides of the aisle.

- B. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas, or access ways.
- C. All recreational vehicles, boats, and trailers stored outside of an enclosed building must:
 - (1) Maintain current, valid license plates and inspection stickers (when applicable), and be in operable condition; and
 - (2) Be surrounded by a fence or wall at least six feet in height.
- D. Mini storage units shall be used solely for the storage of property. The following uses are expressly prohibited upon the site:
 - (1) Auctions, commercial wholesale or retail sales, or garage/yard sales.
 - (2) Offices or residential dwellings.
 - (3) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - (4) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - (5) The establishment of a warehousing, distribution, and wholesaling business.
 - (6) The storage of trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items that are dangerous, noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - (7) The applicant shall adequately demonstrate that all mini storage rental or use contracts shall specifically prohibit the uses listed in Subsection 11D(1) through (6).
- E. All "overhead" or "roll-up" doors on mini storage units or outdoor storage areas shall not be located directly facing toward any abutting property in the residential zoning districts or existing residential use in the mixed-use zoning districts.
- F. Minimum separation between buildings shall be 20 feet, and shall allow safe passage for emergency vehicles.

- G. Exterior trash and recycling receptacles shall be provided. Such trash receptacles shall be routinely emptied to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
12. Nightclub. Nightclubs are permitted subject to the following criteria:
- A. A nightclub serving alcohol shall be located in accordance and otherwise comply with the provisions of the Pennsylvania Liquor Control Board.
13. Parking Lot/Parking Structure. Parking lots/parking structures are permitted subject to the following criteria.
- A. Off-street surface parking lots abutting public street right-of-way, shall be provided with a continuous street-fronting fence, wall, or a perimeter planting at least 36 inches in height. The perimeter planting shall be at least five feet in depth measured from all sides of the parking area towards the property/street line with a mix of mid- and low-level screening in accordance with Part 7 of this chapter, relating to buffer and screening regulations. Wall breaks for access drives and driveways shall be not more than 24 feet in width.
- B. In no case shall parking lots be permitted as a principal use or as an accessory use on a lot without a permitted principal use on the lot in the residential zoning districts, or in any zoning district where parking lots are not permitted principal uses. In order to provide for additional accessory parking for a permitted principal use, such parking shall be located on the same lot as the permitted principal use.
- C. All aboveground, off-street parking garages and structures shall comply with all provisions for principal buildings and uses in the zoning district where the parking structures and building is proposed.
- D. In the mixed-use zoning districts:
- (1) Driveways, access drives or other points of ingress/egress for motor vehicles shall generally be taken from alleys.
 - (2) Off-street surface parking lots shall not be located along, have frontage on, or otherwise abut Front Street.
 - (3) Off-street surface parking lots shall not be located on corner lots, or on or adjacent to the intersection of two streets.
 - (4) Aboveground parking garages and structures located along any street right-of-way line, excluding alleys, shall be provided with continuous, usable, street-fronting, ground-level, nonresidential facades, space, or uses along the entire length of the structure,

except for ingress and egress points necessary for retail store entrances and pedestrian entrances to stairs and elevator lobbies into the garage or structure.

14. Sexually Oriented Business and/or Related Uses. Sexually oriented businesses and related uses are permitted subject to the following criteria:
 - A. No portion of a building occupied by a sexually oriented business and/or related use shall be located within 200 feet of any:
 - (1) Adjacent property in the residential zoning districts or existing residential use in the mixed-use zoning districts; or
 - (2) Property which contains any one or more of the following specified land uses where minors may congregate:
 - (a) Indoor or outdoor commercial recreation facility;
 - (b) Day care facility primarily for children;
 - (c) Library;
 - (d) Park, playground, or playfield;
 - (e) Place of worship;
 - (f) School, private/public;
 - (g) Swimming pool, public; or
 - (h) Other lands, buildings, and uses where minors are permitted to congregate.
 - B. No materials, merchandise, or film offered for sale, rent lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
 - C. Any building or structure used and occupied as a sexually oriented business and/or related use shall have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
 - D. All signs shall comply with Part 8 of this chapter. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
 - E. Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter

therein and warning all other persons that they may be offended upon entry.

- F. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
 - G. No unlawful sexual activity or conduct shall be permitted.
15. Tavern/Bar. Taverns/bars are permitted, subject to the following criteria:
- A. A tavern/bar shall be located and operated in accordance with the provisions of the Pennsylvania Liquor Control Board.

§ 27-1104. Additional Supplemental Standards and Requirements for Specific Principal Industrial Uses. [Ord. No. 497, 1/8/2013]

- 1. Automobile Wrecking, Junk and Scrap Storage and Sales. Automobile wrecking, junk and scrap storage and sales are permitted subject to the following criteria:
 - A. All junk, scrap, machinery, or equipment stored outside shall be set back at least:
 - (1) Fifty feet from any abutting lot line and/or street right-of-way line; and
 - (2) One hundred fifty feet from any adjacent property in the residential zoning districts or existing residential use in the mixed-use zoning districts.
 - B. All completely enclosed buildings used to store junk, scrap, machinery, and equipment shall be set back at least 50 feet from all lot lines.
 - C. No junk, scrap, machinery or equipment of any kind shall be stored in a required front, side, or rear setback. All unpaved setbacks shall be covered with grass or similar vegetative material and shall at all times be kept clean, vacant, and well maintained.
 - D. In addition to screening and buffering requirements set forth in Part 7 of this chapter, relating to buffer and screening regulations, all materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six feet in height with no less than 100% opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.
 - E. No material shall be placed in any establishment in such a manner that it is capable of being transferred off the premises by wind, water, or other natural causes. All paper, cloth, rags and other fibers, and

activities involving the same, other than loading and unloading, shall be within fully enclosed building.

- F. All junk shall be stored or arranged so as to permit access by emergency responders and to prevent the accumulation of water, and no junk, scrap, machinery or equipment shall be piled to a height greater than 10 feet.
 - G. No material may be stored or stacked so that it is visible from abutting properties or adjoining street rights-of-way.
 - H. No material shall be burned or incinerated at any time.
 - I. No automotive wrecking, junk, scrap storage and sales establishments shall be located on land with a slope in excess of 5%.
 - J. All vehicles within the automotive wrecking, junk, scrap storage and sales establishments shall be completely drained of fuel, lubricants, battery fluid, transmission fluid, brake fluids, coolants, and air-conditioning fluids.
2. Mineral Extraction. Mineral extraction is permitted subject to the following criteria:
- A. All areas of excavation shall be set back from property that is not owned by the owner or operator of the mineral extraction use at least:
 - (1) One hundred feet from existing public street rights-of-way and from all exterior lot lines of the property.
 - (2) One hundred fifty feet from commercial or industrial uses, unless the owner of the abutting lot and building has provided notarized, written consent.
 - (3) One hundred fifty feet from any abutting lot line of any existing publicly owned recreation area.
 - (4) Two hundred fifty feet from any adjacent property in the residential zoning districts or existing residential use in the mixed-use zoning districts.
 - B. In addition to screening and buffering requirements set forth in Part 7 of this chapter, relating to buffer and screening regulations, except as provided herein, the site shall be surrounded by a seventy-five-foot buffer yard, and a fence or wall at least six feet in height shall be provided along all exterior lot lines that are within 250 feet of an area of excavation and provide with screening of not less than 100% opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.

- C. In addition to any requirements in Part 9 of this chapter and/or Chapter 22 relating to subdivision and land development, all access drives serving the site shall have a paved minimum thirty-five-foot-wide cartway for a distance of at least 200 feet from the intersecting street right-of-way line. In addition, a fifty-foot-long gravel section of access drive should be placed just beyond the preceding 200-foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- D. Warning signs shall be placed at intervals of not less than 100 feet along all exterior lot lines that are within 250 feet of an area of excavation.
- E. Any new operation or expansion of an existing mineral extraction establishment shall not be approved by the Borough until a soil erosion and sedimentation control plan has been prepared, and found to be satisfactory by the County Conservation District.
- F. A copy of all site plan information required by the state DEP shall also be submitted to the Borough as part of the application.
- G. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Borough.
- H. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state to enable some productive or beneficial future use.

§ 27-1105. Additional Supplemental Standards and Requirements for Specific Principal Institutional/Civic Uses. [Ord. No. 497, 1/8/2013]

- 1. Cemetery. Cemeteries are permitted subject to the following criteria:
 - A. The total impervious lot coverage shall not exceed 10% of the lot area.
 - B. All burial plots and all structures shall be located at least 25 feet from any lot line or street right-of-way line.
 - C. No burial plot shall be permitted in any floodway or flood fringe as provided for Part 6 of this chapter relating to Floodplain Overlay Zoning District (FPO).
 - D. Where permitted, any materials not within completely enclosed buildings shall, in addition to the requirements set forth in Part 7 of this chapter relating to buffer and screening regulations, be surrounded by a fence or wall at least six feet in height, and provided with screening of not less than 80% opacity.
 - E. The owner(s) and operator(s) of a cemetery shall incorporate best managements practices as outlined in the Pennsylvania Handbook of

Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

- F. At no time shall a corpse be exposed or visible from a public right-of-way or adjacent property.
 - G. Any escrow account provided for by state or federal law shall be established in favor of the Borough.
2. Clubhouse or Lodge, Private. Private clubhouses and lodges are permitted subject to the following criteria:
- A. Where permitted, all outdoor recreation and activity areas shall be set back at least 50 feet from any lot line.
 - B. No sign shall advertising the sale of food and/or beverages shall be permitted.
3. Continuing Care Retirement Community Facility. Continuing care retirement community facilities are permitted subject to the following criteria:
- A. Whenever a party or parties seeks to establish a continuing care retirement facility, the party or parties shall file a detailed statement of intent with the Borough describing the proposed use and development of the lot. Such statement shall detail the proposed number and nature of the anticipated occupants and uses. The statement shall identify how said use satisfies a demonstrated need and how it will be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
 - B. The continuing care retirement community facility is designed primarily for persons aged 55 and over.
 - C. The continuing care retirement community facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration of the residents of the continuing care retirement community facility.
 - D. The following uses shall be permitted as principal uses within a continuing care retirement community facility.
 - (1) Residential uses:
 - (a) Single-family attached dwellings.
 - (b) Single-family detached dwellings.
 - (c) Single-family semidetached.

- (d) Two-family detached dwellings.
- (e) Multifamily dwellings.
- (2) Institutional/civic uses:
 - (a) Parks and other outdoor noncommercial recreational uses.
 - (b) Libraries and community activity buildings.
 - (c) Indoor recreation uses and structures.
 - (d) Post offices.
 - (e) Places of worship.
 - (f) Long-term care nursing centers.
 - (g) Personal care centers.
- E. The following uses shall be permitted as accessory uses in the continuing care retirement community facility for the use of residents and guests:
 - (1) Accessory uses:
 - (a) Day care facilities.
 - (b) Medical offices and clinics.
 - (c) Common dining facilities.
 - (d) Indoor recreation facilities.
 - (e) Banks.
 - (f) Food services.
 - (g) Retail businesses.
 - (h) Personal services.
 - (i) Restaurants; no drive-in or drive-through facilities permitted.
 - (2) Each accessory use shall be located in a building occupied by residential uses or in a community activities building.
 - (3) Each accessory commercial use shall not exceed 2,500 square feet of net floor area.

- (4) The total area reserved of accessory commercial uses shall not exceed 4% of the total gross land area of the original tract/lot, or no more than 25,000 square feet, whichever is less.
- F. Continuing care retirement communities shall meet the following area, density, impervious lot coverage, and setback requirements:
- (1) The maximum density shall be 12 units per acre.
 - (2) The maximum impervious lot coverage shall be 60%.
 - (3) The minimum vegetative coverage shall be 40%.
 - (4) No building shall be within 25 feet of the lot or property line of the continuing care retirement community, or within 35 feet of a public street right-of-way.
 - (5) In instances where there is more than one building on a single lot, the following minimum building separation requirements shall apply:
 - (a) Front to front: 70 feet.
 - (b) Front to side: 50 feet.
 - (c) Front to rear: 40 feet.
 - (d) Side to rear: 20 feet.
 - (e) Side to side: 15 feet.
 - (f) Rear to rear: 30 feet.
 - (g) Corner to corner: 20 feet.
 - (6) Staging of development. When the continuing care retirement community is to be developed in stages, the following criteria must be met:
 - (a) The land development plan presented to the Borough must show the approximate location and type of use for each stage of the development.
 - (b) If nonresidential uses will be a part of the development, the sequencing shall be shown so that not all residential development is constructed prior to the construction of the nonresidential development, unless the development involves an existing continuing care retirement community that already includes existing nonresidential components, in which case the staging requirement would not apply.

4. Day care, Commercial. Commercial day cares are permitted subject to the following criteria:
 - A. An outdoor play area for children shall be provided. Off street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located in the front yard between the principal building and the public street, excluding alleys. All outdoor play areas must provide a means of shade (e.g., shade trees or pavilions). Any vegetative materials located within outdoor play areas shall be of a nonharmful type (e.g., poisonous, thorny, allergenic, etc.).
 - (1) Additionally, outdoor play areas abutting property in the residential zoning districts or existing residential use in the mixed-use zoning districts shall comply with the setback requirements for the principal use from any abutting property in the residential zoning districts or existing residential use in the mixed-use zoning districts and be provided with fence of at least four feet in height and screened in accordance with Part 7 of this chapter, relating to buffer and screening regulations. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.
5. Group Care Facility. Group care facilities are permitted subject to the following criteria:
 - A. Whenever a party or parties seek to occupy a dwelling or other building as a group care facility, the party or parties shall file a detailed statement of intent with the Borough describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrated need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
 - B. No portion of a group care facility shall be located within 500 feet of another group care facility, group home facility, halfway house, and/or treatment center, and in no case shall more than one group care facility be located within the same block.
 - C. A group care facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the group care facility.
 - D. Under no circumstances shall any uses qualifying for or falling under the definitions of a "halfway house" or "treatment center" be considered a group care facility.
6. Hospital. Hospitals are permitted subject to the following criteria:

- A. To the maximum extent feasible emergency entrances shall not be located or oriented directly toward any adjacent property in the residential zoning districts or existing residential use in the mixed-use zoning districts.
7. Long-Term Care Facility or Personal Care Facility. Long-term care facilities or personal care facilities are permitted, subject to the following criteria:
 - A. Whenever a party or parties seeks to establish a long-term care facility or personal care facility on a lot or occupy a dwelling or other building as a long-term care facility or personal care facility, the party or parties shall file a detailed statement of intent with the Borough describing the proposed use and development of the lot or dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrated need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
 - B. In addition to residential unit's living and sleeping quarters with or without kitchen facilities, the following accessory uses may be provided for the use of residents and their guests:
 - (1) Medical offices and clinics.
 - (2) Common dining facilities.
 - (3) Community gardens.
 - (4) Parks and other noncommercial recreation uses.
 - (5) Indoor recreation uses.
 - (6) Day care.
 - (7) Bank.
 - (8) Retail business.
 - (9) Food services.
 - (10) Personal services.
 - (11) Place of worship.
 - C. In instances where there is more than one building on a single lot, the following minimum building separation requirements shall apply:
 - (1) Front to front: 70 feet.
 - (2) Front to side: 50 feet.

- (3) Front to rear: 40 feet.
 - (4) Side to rear: 20 feet.
 - (5) Side to side: 15 feet.
 - (6) Rear to rear: 30 feet.
 - (7) Corner to corner: 20 feet.
- D. Minimum vegetative coverage shall be 35%.
- E. A long-term facility or personal care facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the long-term facility or personal care facility.
8. Park, Playground and Other Noncommercial Recreational Use. Parks, playgrounds, and other noncommercial recreational uses are permitted, subject to the following criteria:
- A. Parks, playgrounds, and other noncommercial recreational uses shall be developed in a manner that preserves natural features, watercourses, unique rock outcrops, slopes of greater than 15%, and vegetation.
9. Public/Private Works Facility. Public/private works facilities are permitted, subject to the following criteria:
- A. The applicant must demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.
 - B. In the Residential zoning districts and mixed-use zoning districts, any permitted public utility building shall maintain an exterior appearance that resembles and is compatible with any existing dwellings and buildings in the neighborhood, and building height and setbacks shall be consistent with surrounding development in the neighborhood. In all other zoning districts, all building height, area/footprint, setback, and impervious lot coverage standards within the applicable zoning district shall apply.
 - C. In the residential zoning districts and mixed-use zoning districts, the outdoor storage of vehicles, materials, and equipment shall not be permitted.
 - D. Principal buildings and structures shall be set back 50 feet from any abutting property in the residential zoning districts or existing residential use in the mixed-use zoning districts.

10. Treatment Center. Treatment centers are permitted, subject to the following criteria:
 - A. A treatment center shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the treatment center.
 - B. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
 - C. The residents of the treatment center shall reside on the premises.
 - D. No portion of a building occupied by a treatment center shall be located within 150 feet of any adjacent property in the residential zoning districts or existing residential use in the mixed zoning districts.
 - E. No portion of a building occupied by a treatment center use shall be located within 150 feet of any property which contains any one or more of the following specified land uses where minors may congregate:
 - (1) Indoor or outdoor commercial recreation facility;
 - (2) Day care facility primarily for children;
 - (3) Library;
 - (4) Park, playground, playfield;
 - (5) Place of worship;
 - (6) School, private/public;
 - (7) Swimming pool, public; or
 - (8) Other lands, buildings, and uses where minors congregate.
 - F. Each application shall be accompanied by a statement describing the following:
 - (1) The composition of the treatment center;
 - (2) The policies and goals of the treatment center and the means proposed to accomplish those goals;
 - (3) The characteristics of the residents and number of residents to be served;
 - (4) The operating methods and procedures to be used; and

- (5) Any other facts relevant to the proposed operation of the treatment center.

§ 27-1106. Additional Supplemental Standards and Requirements for Specific Principal Forestry/Agricultural Uses. [Ord. No. 497, 1/8/2013]

1. Agricultural Operations. Agricultural operations are permitted subject to the following criteria:
 - A. The raising and/or keeping of livestock and poultry shall only be permitted in the GC Zoning District.
 - (1) All areas utilized for grazing or pasture areas shall be fenced a minimum of 10 feet from all lot lines.
 - (2) The applicant shall demonstrate that the methods of disposing of dead animals are in strict compliance with applicable standards established by PA DEP. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.
 - B. Otherwise, the following setbacks shall be required:
 - (1) Except for dwellings and residential accessory use and structures which shall comply with the residential area and design requirements of applicable zoning district, all structures, except fences, shall have a minimum setback of 50 feet.
 - (2) Any manure storage facility shall be located in accordance with the building/structure setback requirements established by Act 38 of 2005 known as "ACRE."
 - C. The applicant shall demonstrate that the agricultural operation allows for the safe and efficient movement of all vehicles associated with the operation.
 - D. The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater runoff and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 23, relating to stormwater management, and approved by the Borough Engineer. At a minimum, surface water and stormwater runoff from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 7 of this chapter relating to performance standards for all uses.

2. Community Garden. Community gardens are permitted subject to the following criteria:
 - A. The following shall be permitted as part of a community garden:
 - (1) Greenhouses, hoopouses, cold-frames, and similar structures used to extend the growing season.
 - (2) Open space associated with and intended for use as garden areas.
 - (3) Unless otherwise prohibited or regulated in Part 8 of this chapter, signs limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign.
 - (4) Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops limited to the GC Zoning District, beehives limited to the GC Zoning District, and children's play areas.
 - (5) Buildings, limited to tool or utility/storage sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.
 - (6) Off-street parking and walkways.
 - (7) Uses and structures shall be developed and maintained in accordance with the following regulations.
 - (a) Location. Structures shall be set back at least five feet from any abutting property in the residential zoning districts or existing residential use in the mixed-use zoning districts.
 - (b) Height. No building or other structure shall be greater than 25 feet in height.
 - (c) Building Footprint. The combined area of all buildings, excluding greenhouses and hoopouses, shall not exceed 15% of the garden site lot area.
 - (d) Parking and Walkways. Off-street parking shall be required only for those garden sites exceeding 15,000 square feet in lot area. In addition to the parking reduction and alternative accommodations (especially for drainage, surface, and maintenance) and provided for in Part 9 of this chapter, relating to relating to parking

reductions and alterations, such parking shall be limited in size to 10% of the garden site lot area and shall be graded for proper drainage and shall be improved with a durable and dustless surface [e.g., concrete or bituminous concrete unless an alternative material and/or design as part of a readily accepted stormwater BMP in accordance with Chapter 26, relating to water (stormwater management), Chapter 22, relating to subdivision and land development, or any other construction materials specifications adopted by the Borough] and approved by the Borough Engineer. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.

- (e) Signs. Unless otherwise prohibited or regulated in Part 8 of this chapter, signs shall not exceed four square feet in area per side and shall not exceed four feet in height, and shall otherwise comply with Part 8 of this chapter.
 - (f) Seasonal Farm Stands. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
 - B. The applicant shall demonstrate environmental impacts that are likely to be generated by surface water and stormwater runoff and specific measures employed to mitigate or eliminate any negative impacts, in accordance with Chapter 9, relating to grading and excavating, and Chapter 26, relating to water (stormwater management), and approved by the Borough Engineer. At a minimum, surface water and stormwater runoff from the site shall be diverted away from adjacent properties and public rights-of-way, and shall not contaminate downstream watercourses. The applicant also shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Part 7 of this chapter, relating to performance standards for all uses.
3. Forestry (Timber Harvesting). Forestry or commercial timber harvesting operations where the value of the trees, logs, or other timber products removed exceeds \$1,000, but excluding the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement are permitted, subject to the following criteria:
- A. All forestry and commercial timber harvesting operations shall comply with the following:
 - (1) Timber harvesting practices shall protect nearby structures and utility lines.

- (2) Felling or skidding on or across any public street right-of-way is prohibited without the express written consent of the Borough or PennDOT, whichever is responsible for maintenance of the public street.
 - (3) No tops or slash shall be left within 25 feet of any public or private street right-of-way or easement (as applicable) providing access to abutting residential property.
 - (4) All tops and slash shall be lopped to a maximum height of four feet above the ground in the following circumstances:
 - (a) Between 25 and 50 feet from a public or private street right-of-way or easement (as applicable) providing access to adjacent residential property; and
 - (b) Within 50 feet of an abutting residential property.
 - (5) No tops or slash shall be left on or across any property line of any abutting property without the consent of the owner thereof.
 - (6) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- B. All applications for timber harvesting shall include the information required for approval pursuant to Part 12 of this chapter relating to applications for zoning permits. In addition, the applicant shall specify the land on which harvesting will occur, the expected size of the harvest area and, as applicable, the anticipated starting or completion date of the operation. This written notification shall also specify any roads affected, dates of affect, plans to restore any damages to roads and contact information for the logging operations submitted to owners abutting the street right-of-way used to access the logging site.
- C. Preparation of a Logging Plan. Every landowner on whose land timber harvesting is to occur shall prepare and submit a written logging plan as set forth in this subsection below, and shall submit the logging plan as part of the information required for approval pursuant to Part 12 of this chapter relating to applications for zoning permits. The provisions of this plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request.
- D. Responsibility for Compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
- E. Contents of the Logging Plan.
- (1) As a minimum, the logging plan shall include the following:

- (a) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.
 - (b) Design, construction and maintenance of water-control measures and structures (e.g., culverts, broad-based dips, filter strips and water bars).
 - (c) Design, construction and maintenance of stream and wetland crossings.
 - (d) The general location of the proposed operation in relation Borough streets and state highways, including any accesses to those streets and highways.
- (2) Each logging plan shall include a site map containing the following information:
- (a) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property.
 - (b) Significant topographic features related to potential environmental problems.
 - (c) Locations of all earth disturbance activities (e.g., roads, landings and water-control measures and structures).
 - (d) Location of all crossing of waters of the commonwealth.
 - (e) The general location of the proposed operation to Borough streets and state highways, including any accesses to those streets and highways.
- F. Compliance with State Laws and Regulations. The logging plan shall address and comply with the requirements of all applicable state laws and regulations, including, but not limited to, the following:
- (1) Soil Erosion and Sedimentation control regulations and standards of the County Conservation District and/or PA DEP requirements.
 - (2) Stream crossing and wetlands protection regulations of PA DEP and/or the U.S. Army Corps of Engineers.
- G. Relationship of State Laws, Regulations, and Permits to the Logging Plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. A soil erosion and sedimentation control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the minimum

requirements for the logging plan and associated site map, provided that all information required by these subsections is included or attached.

- H. Responsibility for Road Maintenance and Repair; Road Bonding. The landowner and/or the operator shall be responsible for repairing any damage to Borough streets caused by traffic associated with the timber harvest operation pursuant to the provisions of Title 67 Pennsylvania Code, Chapter 189, Hauling In Excess Of Posted Weight Limit. The Borough may require the landowner and/or operator to furnish a bond to guarantee the repair of any such damage, pursuant to the said provisions of the Pennsylvania Code.

§ 27-1107. Additional Supplemental Standards and Requirements for Specific Principal Miscellaneous Uses. [Ord. No. 497, 1/8/2013; as amended by Ord. No. 527, 10/26/2021]

1. Wireless Communications Facilities.
 - A. General and Specific Requirements for Nontower WCFs.
 - (1) The following regulations shall apply to all nontower WCFs that do not meet the definition of a "small WCF":
 - (a) Eligible Facilities Request. WCF applicants proposing a modification to an existing WCF that does not substantially change the dimensions of the underlying structure shall be required only to obtain a building permit from the Borough Building Code Official. In order to be considered for such permit, the WCF applicant must submit a permit application to the Borough in accordance with applicable permit policies and procedures.
 - (b) Noncommercial Usage Exemption. Borough residents utilizing satellite dishes, citizens and/or band radios, and antennas for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this Subsection 1A of § 27-1107.
 - (c) Small WCF Exemption. Nontower WCFs that meet the definition of a "small WCF" shall be exempt from the requirements of this Subsection 1A of § 27-1107. Such small WCF shall be subject only to applicable permitting and the requirements of Subsection 1C of § 27-1107.
 - (d) Nonconforming Wireless Support Structures. Nontower WCFs shall be permitted to co-locate upon

nonconforming tower-based WCFs and other nonconforming structures. Co-location of WCFs upon existing tower-based WCFs is encouraged even if the tower-based WCF is nonconforming as to use within a zoning district.

- (e) **Standard of Care.** All nontower WCFs shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, or to the industry standard applicable to the structure. Nontower WCFs shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or damage any property in the Borough.
- (f) **Land Development Approvals.** Prior to the issuance of a zoning permit for the erection of a nontower WCF, the WCF applicant shall obtain any required land development approvals. A formal land development plan is not required for nontower WCFs.
- (g) **Wind and Ice.** All nontower WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
- (h) **Aviation Safety.** Nontower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (i) **Public Safety Communications.** Nontower WCFs shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (j) **Radio Frequency Emissions.** A nontower WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the

FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- (k) Removal. In the event that use of a Nontower WCF is to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFS, or portions of WCFS, shall be removed as follows:
 - 1) All abandoned or unused Antennas and accessory equipment shall be removed within 60 days of the cessation of operations at the site unless a time extension is approved by the Borough.
 - 2) If the antenna or accessory equipment is not removed within 60 days of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
- (l) Insurance. Each person that owns or operates a nontower WCF shall annually provide the Borough with 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 nontower WCF.
- (m) Indemnification. Each person that owns or operates a nontower WCF shall, at its sole cost and expense, agree to indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the nontower WCF. Each person that owns or operates a nontower WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a nontower WCF.

The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

(n) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

- 1) The nontower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
- 2) Such maintenance shall be performed to ensure compliance with applicable structural safety standards and radio frequency emissions regulations.
- 3) All maintenance activities shall conform to industry maintenance standards.

(o) Timing of Approval.

- 1) Within 30 calendar days of the date that an application for a nontower WCF is filed with the Borough Zoning and Code Enforcement Officer, the Borough shall notify the WCF applicant, in writing, of any information that may be required to complete such application. Any subsequent notice of incompleteness shall be issued within 10 business days of receipt of a resubmitted application and shall toll the applicable timeframe for approval until such time as the application is resubmitted.
- 2) Within 90 days of receipt of a complete application for a nontower WCF that does not fall under the Pennsylvania Wireless Broadband Collocation Act,⁶⁷ the Borough Zoning Hearing Board or Borough Zoning and Code Enforcement Officer shall make a final decision on whether to approve the application and shall notify the WCF applicant in writing of such decision.
- 3) Within 60 days of receipt of a complete application for a nontower WCF on a preexisting wireless support structure that falls under the Pennsylvania Wireless Broadband Collocation

67. Editor's Note: See 53 P.S. § 11702.1 et seq.

Act,⁶⁸ the Borough Zoning and Code Enforcement Officer shall issue the required building permit authorizing construction of the WCF. All applications for such WCFs shall designate that the proposed WCF meets the requirements of an eligible facilities request.

- (2) In addition to the requirements in Subsection 1A(a) of § 27-1107 above, the following regulations shall apply to all nontower WCFs that do not fall under the Pennsylvania Wireless Broadband Collocation Act:⁶⁹
- (a) Permitted Use. Nontower WCFs that do not meet the definition of a "small WCF" are permitted uses outside of the public rights-of-way subject to the restrictions and conditions prescribed by this Subsection 1A of § 27-1107 and generally applicable permitting by the Borough in the following zoning districts:
 - 1) GC General Commercial Zoning District.
 - 2) O Office Zoning District.
 - (b) Special Exception. Nontower WCFs that do not meet the definition of a "small WCF" are permitted by special exception outside of the public rights-of-way subject to the restrictions and conditions prescribed by this Subsection 1A of § 27-1107 and generally applicable permitting by the Borough in the following zoning districts:
 - 1) VMU-1 Village Mixed-Use-1 Zoning District.
 - 2) VMU-2 Village Mixed-Use-2 Zoning District.
 - 3) WF The Waterfront Zoning District.
 - (c) Prohibited in Residential Districts. Nontower WCFs that do not meet the definition of a Small WCF are prohibited in the RR-1 Restricted Residential-1 Zoning District, RR-2 Restricted Residential-2 Zoning District, or MFR Multifamily Residential Zoning District.
 - (d) Prohibited on Certain Structures. No nontower WCF shall be located on a single-family dwelling, multifamily dwelling or residential accessory structure.

68. Editor's Note: See 53 P.S. § 11702.1 et seq.

69. Editor's Note: See 53 P.S. § 11702.1 et seq.

- (e) Historic Buildings. No nontower WCF may be located within 100 feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, located within the Heritage Conservation Overlay District, or is included in the official historic structures list maintained by the Borough.
- (f) Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a nontower WCF, as well as related inspection, monitoring and related costs. Such permit fees shall be established by the Borough Fee Schedule and shall comply with the applicable requirements of the FCC.
- (g) Development Regulations.
 - 1) All WCF applicants must submit documentation to the Borough justifying the total height of the WCF.
 - 2) If the WCF applicant proposes to locate the accessory equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - 3) A security fence not to exceed eight feet in height shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- (h) Design. Nontower WCFs shall employ stealth technology and be treated to match the wireless support structure in order to minimize aesthetic impact. The application of the stealth technology utilized by the WCF applicant shall be subject to the approval of the Borough.
- (i) Removal, Replacement and Substantial Change.
 - 1) The removal and replacement of nontower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not substantially change the overall height of the WCF or increase the number of antennas.

- 2) Any substantial change to a WCF shall require notice to be provided to the Borough Zoning and Code Enforcement Officer, and possible supplemental permit approval as determined by the Borough Zoning and Code Enforcement Officer.
 - (j) Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of this chapter and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the lease area of any property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- B. General and Specific Requirements for Tower-Based WCFs.
- (1) The following regulations shall apply to all tower-based WCFs that do not meet the definition of a "small WCF."
 - (a) Conditional Use. Tower-based WCFs are permitted by conditional use and subject to the requirements of this Subsection 1B(1) of § 27-1107 in the GC General Commercial District.
 - (b) Application Requirements.
 - 1) Upon submission of an application for a tower-based WCF and the scheduling of the public hearing upon the application, the WCF applicant shall send, via first-class mail, notice to all owners of every property within 500 feet of the proposed facility, advising of the subject matter and date of such hearing. Such notice shall be sent 10 days in advance of any such hearing. The WCF applicant shall provide proof of the notification to Borough Council.
 - 2) Prior to Borough Council's approval of a conditional use application authorizing the construction and installation of a tower-based WCF, it shall be incumbent upon the WCF applicant for such conditional use approval to prove to the reasonable satisfaction of Borough Council that the tower-based WCF must be located where it is proposed in order to serve the WCF applicant's service area and that no other viable, less-intrusive alternative location exists.

- 3) The conditional use application shall include a site plan, drawn to scale, showing property boundaries, power location, total height of the tower-based WCF, guy wires and anchors, existing structures, elevation drawings, typical design of proposed structures, parking, fences, landscaping and existing uses on adjacent properties.
- 4) The conditional use application shall be accompanied by a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF applicant, the power in watts at which the WCF applicant transmits, and any relevant related tests conducted by the WCF applicant in determining the need for the proposed site and installation.
- 5) The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based WCF complies with all state and federal laws and regulations concerning aviation safety.
- 6) Where the tower-based WCF is located on a property that is not owned by the WCF applicant, the WCF applicant shall present documentation to Borough Council that the owner of the property has granted an easement or other property right, if necessary, for the proposed WCF and that vehicular access will be provided to the facility.
- 7) Prior to the Borough Zoning and Code Enforcement Officer's issuance of a zoning permit authorizing construction and erection of a tower-based WCF, a structural engineer licensed in the Commonwealth of Pennsylvania shall issue to the Borough Zoning and Code Enforcement Officer a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any zoning permit.

- 8) An application for a new tower-based WCF shall demonstrate that the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. Borough Council may deny an application to construct a new tower-based WCF if the WCF applicant has not made a good faith effort to mount the antenna(s) on an existing structure. The WCF applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a two-mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:
- a) The proposed antenna and accessory equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - b) The proposed antenna and accessory equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
 - c) Such existing buildings, structures, or towers 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 antenna(s) and accessory equipment would result in electromagnetic radiation from such structure exceeding the applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - e) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- 9) The conditional use application shall also be accompanied by documentation demonstrating

that the proposed tower-based WCF complies with all applicable provisions of this chapter.

- (c) **Eligible Facilities Request.** WCF applicants proposing a modification to an existing tower-based WCF that does not substantially change the dimensions of the underlying structure shall be required only to obtain a building permit from the Borough Zoning and Code Enforcement Officer. In order to be considered for such permit, the WCF applicant must submit a permit application to the Borough in accordance with applicable permit policies and procedures.
- (d) **Development Regulations.**
 - 1) Tower-based WCFs shall not be located in or within 50 feet of an area in which all utilities are located underground.
 - 2) Sole use on a lot. A tower-based WCF shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum requirements of the underlying zoning district.
 - 3) Combined with another use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - a) The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
 - b) Minimum lot area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.
- (e) **Design Regulations.**
 - 1) **Height.**
 - a) The maximum total height of a tower-based WCF shall not exceed 150 feet. No WCF applicant shall have the right under these regulations to erect a tower to the

maximum height specified in this section unless it proves the necessity for such height. The WCF applicant shall demonstrate that the tower-based WCF is the minimum height necessary for the service area.

- b) A tower-based WCF may exceed the maximum allowable height to allow for the Collocation of another Antenna subject to the requirements of Subsection 1A of § 27-1107.
- 2) Visual Appearance and Land Use Compatibility.
- a) Tower-based WCFs shall employ stealth technology which may include the tower portion to be painted a specific color approved by Borough Council or to have a galvanized finish.
 - b) All tower-based WCFs and accessory equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
 - c) Borough Council shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; be compatible with the character and type of development existing in the area; prevent a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
- 3) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.

- 4) Any tower-based WCF shall be equipped with an antilimbing device, as approved by the manufacturer.
 - 5) Minimum Setbacks. The foundation and base of any tower-based WCF shall be set back from a property line by a distance equal to or greater than 110% of the proposed height of the tower-based WCF.
- (f) Surrounding Environs.
- 1) The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved, in accordance with Part 7 of this chapter, relating to landscaping and vegetation preservation, to the maximum extent possible. The existing trees and vegetation shall be supplemented as needed to fully screen the antenna support base.
 - 2) If the site lacks adequate trees and vegetation, the entire perimeter of the fence surrounding the antenna support structure compound shall be in accordance with Part 7 of this chapter, relating to buffer and screening regulations, provided with screening with no less than 90% opacity.
 - 3) The WCF applicant shall submit a soil report to Borough Council complying with the standards of Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.
- (g) Security and Fencing.
- 1) A security fence with a minimum height of eight feet and a self-locking gate shall completely surround any tower-based WCF.
 - 2) All guy wires shall be clearly marked so as to be visible at all times and shall be located within the security fence enclosure.
- (h) Accessory Equipment.

- 1) Ground-mounted accessory equipment associated or connected with a tower-based WCF shall not be located within 50 feet of a lot in residential use.
 - 2) Accessory equipment associated with a tower-based WCF shall be placed underground or screened from public view using stealth technology. All ground-mounted accessory equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
 - 3) Either one single-story wireless communications equipment building not exceeding 500 square feet in area or its equivalent may be permitted for each unrelated company sharing commercial nontower WCF(e) space on the tower-based WCF outside of the public ROW.
- (i) Standard of Care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, and the Pennsylvania Uniform Construction Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or damage any property in the Borough.
 - (j) Land Development Approvals. Prior to the issuance of a zoning permit for the erection of a tower-based WCF, the WCF applicant shall obtain any required land development approvals.
 - (k) Additional Antennas. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide Borough Council with a written commitment that it will allow other service providers to co-locate nontower WCFs on the tower-based WCF where technically and economically feasible.

- (l) FCC License. Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- (m) Inspection. The Borough reserves the right to inspect any tower-based WCF to ensure compliance with this chapter and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the lease property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- (n) Wind and Ice. Tower-based WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering department of the Telecommunications Industry Association (ANSI/TIA-222, as amended).
- (o) Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (p) Maintenance. The following maintenance requirements shall apply:
 - 1) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance, repair or replacement.
 - 2) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Borough's residents and utilize industry standard technology for preventing failures and accidents.
- (q) Radio Frequency Emissions. A tower-based WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- (r) Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- (s) Lighting. No tower-based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Borough Secretary.
- (t) Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (u) Storage. The storage of unused equipment, materials or supplies is prohibited on any tower-based WCF site.
- (v) Timing of Approval.
 - 1) Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Borough Zoning and Code Enforcement Officer, the Borough shall notify the WCF applicant, in writing, of any information that may be required to complete such application. Any subsequent notice of incompleteness shall be issued within 10 business days of receipt of a resubmitted application and shall toll the applicable timeframe for approval until such time as the application is resubmitted.
 - 2) All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF and Borough Council shall advise the WCF applicant, in writing, of its decision. If additional information was requested by the Borough to complete an application, the time required by the WCF applicant to provide

the information shall not be counted toward the 150-day review period.

- (w) Nonconforming Uses. Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section. The co-location of nontower WCFs is permitted on nonconforming structures.
- (x) Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - 1) All unused or abandoned tower-based WCFs and accessory equipment shall be removed within 90 days of the cessation of operations at the site unless a time extension is approved by the Borough.
 - 2) If the WCF and/or accessory equipment is not removed within 90 days of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
 - 3) Any unused portions of tower-based WCFs, including antennas, shall be removed within 90 days of the time of cessation of operations.
 - 4) The Borough must approve all replacements of portions of a tower-based WCF previously removed.
- (y) Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Borough fee schedule and shall comply with the applicable requirements of the FCC.

- (z) Insurance. Each person that owns or operates a tower-based WCF shall provide the Borough Zoning and Code Enforcement Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF.
 - (aa) Indemnification. Each person that owns or operates a tower-based WCF shall, at its sole cost and expense, agree to indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death or property damage, was caused by the construction, installation, operation, maintenance or removal of tower-based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
 - (bb) Engineer Signature. All plans and drawings for a tower-based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- C. Regulations Applicable to all Small Wireless Communications Facilities. The following regulations shall apply to small wireless communications facilities:
- (1) Small WCFs shall be a permitted use in the public rights-of-way in all Borough zoning districts, subject to the requirements of this Subsection 1 of § 27-1107 and applicable permitting by the Borough.
 - (2) Application Procedures.
 - (a) Applications for small WCFs shall be submitted to the Borough Zoning and Code Enforcement Officer.
 - (b) Applications for small WCFs shall include the following:

- 1) A cover letter detailing the location of the proposed site, all equipment being proposed as part of the small WCF, and a certification that the WCF applicant has included all information required by the Borough Code, signed by a representative of the WCF applicant.
- 2) If the proposed small WCF will be attached to a structure owned by a third party, a copy of the written agreement with the owner of the structure or other evidence showing that the WCF applicant has been granted permission to co-locate its WCF on the structure;
- 3) A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the small WCF.
 - a) If the small WCF is proposed for location on an existing or replacement wireless support structure that currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.
 - b) If installation of a new or replacement wireless support structure is being proposed, the depiction shall include the color, dimensions, material and type of wireless support structure proposed.
- 4) The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the small WCF.
- 5) An aerial photograph of the proposed site showing the area within 500 feet of the small WCF. The aerial photograph shall identify all structures within such radius.
- 6) Photo simulations depicting the small WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the small WCF.
- 7) A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania

confirming that the proposed small WCF and wireless support structure are structurally sound and shall not endanger public health and safety.

- 8) A report by a qualified engineering expert which shows that the small WCF will comply with applicable FCC regulations, including applicable standards for radio frequency emissions.
- 9) A certificate of insurance as required by Subsection 1C(15) of § 27-1107.
- 10) Certification of the application's compliance with all requirements of this Subsection 1 of § 27-1107 and the Borough Small WCF Design Manual and accompanying Small WCF Design Checklist.
- 11) All application fees required by the Borough as detailed in the Borough Fee Schedule.

(c) Timing of Approval.

- 1) Within 10 business days of the date that an application for a small WCF is filed with the Borough Zoning and Code Enforcement Officer, the Borough shall notify the WCF applicant, in writing, of any information that may be required to complete such application. The applicant may then resubmit its application, at which point the applicable timeframe for approval shall restart. Any subsequent notice of incompleteness shall be issued within 10 business days of receipt of a resubmitted application and shall toll the applicable timeframe for approval until such time as the application is resubmitted.
- 2) Within 60 days of receipt of an application for collocation of a small WCF on a preexisting wireless support structure, the Borough Zoning and Code Enforcement Officer shall make a final decision on whether to approve the application and shall notify the WCF applicant, in writing, of such decision.
- 3) Within 90 days of receipt of an application for a small WCF requiring the installation of a new or replacement wireless support structure, the Borough Zoning and Code Enforcement Officer shall make a final decision on whether to approve

the application and shall notify the WCF applicant, in writing, of such decision.

- 4) If the Borough denies an application for a small WCF, the Borough shall provide the WCF applicant with written documentation of the basis for denial, including the specific provisions of the Borough Code on which the denial was based, within five business days of the denial.
 - 5) The WCF applicant may cure the deficiencies identified by the Borough and resubmit the application within 30 days of receiving the written basis for the denial without being required to pay an additional application fee. The Borough shall approve or deny the revised application within 30 days of the application being resubmitted for review.
- (d) Consolidated Applications. A single WCF applicant may not submit more than one consolidated or 20 single applications for co-located small WCFs in a thirty-day period. If the Borough receives more than one consolidated application or 20 single applications within a forty-five-day period, the applicable timeframe under Subsection 1C(2)(c) of § 27-1107 shall be extended by 15 days.
- (3) Location and development standards.
 - (a) Small WCFs in the public ROW requiring the installation of a new wireless support structure shall not be located in front of any building entrance or exit.
 - (b) All small WCFs shall comply with the applicable requirements of the Americans with Disabilities Act⁷⁰ and all Township Code requirements applicable to streets and sidewalks.
 - (4) Standard of care. Any small WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the National Electrical Safety Code, National Electrical Code, the structural standards of the American Association of State Highway and Transportation Officials, or to any other industry standard

70. Editor's Note: See 42 U.S.C. § 12101 et seq.

applicable to the structure. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or damage any property in the Borough.

- (5) Aviation Safety. Small WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (6) Public Safety Communications. Small WCFs shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties in violation of federal rules.
- (7) Radio Frequency Emissions. A small WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (8) Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all small WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
- (9) Obstruction. Small WCFs and Accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Borough.
- (10) Graffiti. Any graffiti on the wireless support structure or on any accessory equipment shall be removed at the sole expense of the owner within 30 days of notification by the Borough.
- (11) Design Standards. All small WCFs in the Borough shall comply with the requirements of the Borough Small Wireless Communications Facility Design Manual. A copy of such shall be kept on file at the Borough Code Enforcement Office.
- (12) Relocation or Removal of Facilities. Within 90 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when

the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (a) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
 - (b) The operations of the Borough or other governmental entity in the right-of-way;
 - (c) Vacation of a street or road or the release of a utility easement; or
 - (d) An emergency as determined by the Borough.
- (13) Time limit for completion of construction. The proposed collocation, the modification or replacement of a wireless support structure or the installation of a new wireless support structure with small WCF attached for which a permit is granted under this section shall be completed within one year of the permit issuance date unless the Borough and the WCF applicant agree, in writing, to extend the period.
- (14) Insurance. Each person that owns or operates a small WCF shall annually provide the Borough with 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 small WCF.
- (15) Indemnification. Each person that owns or operates a small WCF shall, at its sole cost and expense, agree to indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the small WCF. Each person that owns or operates a small WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a small WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys'

fees, reasonable expert fees, court costs and all other costs of indemnification.

- (16) **Permit Fees.** The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a small WCF, as well as related inspection, monitoring and related costs. Such permit fees shall be established by the Borough Fee Schedule and shall comply with the applicable requirements of the FCC.
- (17) **Reimbursement for ROW Use.** In addition to permit fees as described in this section, every small WCF in the ROW is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management, costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each small WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.

§ 27-1108. Additional Supplemental Standards and Requirements for Specific Accessory Uses. [Ord. No. 497, 1/8/2013]

1. **Accessory Apartment.** Accessory apartments are permitted subject to the following criteria:
 - A. The principal use of the building and property must be a single-family detached dwelling.
 - B. No more than two total dwelling units shall be permitted per lot.
 - C. The accessory apartment dwelling unit shall not be less than 350 square feet and not more than 800 square feet.
 - D. The accessory apartment must have separate kitchen and bathroom facilities, living/sleeping spaces, as well as access to the outside or a common hallway or balcony.
 - E. The owner must reside on the premises.
 - F. Accessory apartments within the principal single-family detached building are permitted as long as there shall be no alterations to the exterior appearance of the building and that it continues to resemble and is compatible with any existing dwellings in the neighborhood. No

modifications to the external appearance of the principal building, including additional door/wall openings, except fire and safety requirements, which would alter its residential character shall be permitted.

- G. Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
 - H. Accessory apartments in accessory buildings shall not otherwise occupy ground floor, off-street garage floor area/space thereby displacing required off-street parking spaces provided on the lot.
 - I. All new accessory structures constructed for the exclusive use as an accessory apartment shall be designed to have an appearance that is architecturally compatible with the principal building, including design, materials, and colors, and roof pitch.
2. Automated Banking or Postal Facility. Automated banking or postal facilities are permitted subject to the following criteria:
- A. Where drive-through facilities are permitted, all drive-through automated banking facilities are permitted, subject to the criteria for drive-through uses set forth in this Part 11 relating to drive-through facilities for permitted use.
3. Community Garden. Community gardens are permitted subject to the criteria for community gardens set forth in Part 11 of this chapter relating to Community Garden.
4. Day care, Family. Family day care uses are permitted subject to the following criteria:
- A. All principal structures permitted to be family day care facilities shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood. No modification to the external appearances of the building, except fire and safety requirements, which would alter its residential character shall be permitted.
 - B. Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
 - C. An outdoor play area for children shall be provided. Off street parking lots and areas shall not be used as outdoor play areas. Outdoor play areas shall not be located in the front yard between the principal building and the public street, excluding alleys. All outdoor play areas must provide a means of shade (e.g., a shade trees or pavilions). Any

vegetative materials located within the outdoor play areas shall be of a nonharmful type (e.g., poisonous, thorny, allergenic, etc.).

- (1) Additionally, outdoor play areas abutting property in the residential zoning districts or existing residential use in the mixed-use zoning districts shall comply with the setback requirements for the principal use from any abutting property in the residential zoning districts or existing residential use in the mixed-use zoning districts and be provided with fence of at least four feet in height and screened in accordance with Part 7 of this chapter, relating to buffer and screening regulations. Outdoor play areas shall be limited to use between 8:00 a.m. and 8:00 p.m.
5. Drive-Through Facility for Permitted Use. Drive-through facilities for permitted uses are permitted subject to the following criteria:
- A. No part of the drive-through facility shall be located within 50 feet of any adjacent property in the residential zoning districts or existing residential use in the mixed-use zoning districts.
 - B. All drive-in facility buildings and structures shall be designed and planned to incorporate and be compatible with natural and built features of the site and area.
 - C. Drive-through facilities, including intercom, stacking lanes and spaces, and service windows, shall be located along the side or rear faces of the building.
 - (1) In no event shall the drive-through facility be permitted in the front yard between the principal building and the public street right-of-way, excluding alleys.
 - (2) To the maximum extent feasible the drive-through facility shall be located on a building wall facing away from an abutting property in the residential zoning districts or existing residential use in the mixed-use zoning districts.
 - D. Drive-through facilities, including intercom, stacking lanes and spaces, and service windows, shall not be permitted within any required building setback, yard, nor buffer yard area.
 - E. Sufficient stacking facilities for drive-through facilities shall be provided, in accordance with Part 9 of this chapter relating to stacking standards.
 - F. All drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet.

- G. Unless otherwise prohibited or regulated in Part 8 of this chapter, a maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of 40 square feet each, if the words on such signs are not readable from beyond the lot line.
6. Home Occupation. Home occupations are permitted, subject to the following criteria:
- A. In the residential zoning districts and VMU-1 Zoning District, home occupations may involve a limited range of commercial uses including office, business and professional and medical; personal service business; craftsman/artisan studio; and food service facility, excluding direct retail sales of goods to customers/patrons visiting the business and on-site consumption of products, as long as it remains secondary and clearly incidental to and compatible with the residential dwelling.
- B. In the VMU-2 Zoning District and WF Zoning District, home occupations may involve the limited range of commercial uses set forth in the underlying or base zoning district, as long as it remains secondary and clearly incidental to and compatible with the residential dwelling.
- C. No more than two nonresidents shall be employed by the home occupation.
- D. The owner of the home occupation must reside on the premises, and at least one resident must be engaged in the home occupation. Proof of residency must be provided.
- E. The home occupation may be located in the principal dwelling unit and/or an accessory building.
- F. Any permitted home occupation use shall maintain an exterior appearance that resembles and is compatible with any existing dwelling on the lot and in the neighborhood. No modifications to the external appearance of the building used for the home occupation, except fire and safety requirements, which would alter its residential character shall be permitted.
- G. Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
- H. All business activities shall take place in a completely enclosed building. No outdoor storage, unenclosed storage, or outside display/sales related to the home occupation shall be permitted.
- I. Home occupations shall be limited to not more than 25% of the gross floor area of the principal dwelling unit, or 500 square feet of gross

floor area, whichever is less, even if the home occupation is conducted within an accessory building.

- J. No sales of any goods or merchandise shall occur on the premises other than those goods or merchandise which are produced on the premises or are customarily incidental to the accessory home occupation and directly related thereto (e.g., hair care products by a barber or beautician).
- K. No goods shall be displayed or stored so as to be visible from any property line.
- L. Activities associated with the home occupation shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation and compliance with other performance standards in accordance with Part 7 of this chapter, relating to performance standards for all uses, is required.
- M. All parking areas shall be:
 - (1) Located to the side or rear (behind) of the principal residential dwelling.
 - (2) Provided with screening of not less than 90% opacity in accordance with Part 7 of this chapter, relating to buffer and screening regulations.
- N. The home occupation shall not require delivery or pickup by tractor-trailer trucks.
- O. In the residential zoning districts and VMU-1 Zoning District, home occupations shall not be conducted in a manner that is perceptible to other residents between the hours of 8:00 p.m. and 8:00 a.m. Otherwise, the hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance, or interruption.
- P. The home occupation shall not involve commercial repair of motor vehicles or similar type equipment, but may include lawn and garden equipment and similar types of equipment.
- Q. Drive-through uses shall be prohibited.
- R. The home occupation shall not involve any illegal activity.

7. No-Impact Home Occupation. No-impact home occupations are permitted subject to the following criteria:
 - A. See Part 2 of this chapter, relating to definitions, "no-impact home-based business."
8. Outdoor Cafe/Dining. Outdoor cafes/dining are permitted subject to the following criteria:
 - A. Outdoor furnishings shall be limited to tables, chairs, umbrellas, benches, trash/recycling type facilities, outdoor heaters, and reservation podium.
 - B. Outdoor furnishings shall be stored in an enclosed facility (which may include fencing) after normal operating hours.
 - C. The limits of the outdoor dining area shall be defined. In addition to decorative fencing and landscaping, decorative planters, posts with ropes, and other removable enclosures, as well as reservation podium are encouraged as a way of defining the area occupied by the outdoor dining area.
 - D. Any exterior microphone/speaker system shall be oriented, arranged and/or screened to prevent any objectionable noise impact on abutting property in the residential zoning districts or existing residential use in the mixed-use zoning districts in accordance with Part 7 of this chapter, relating to performance standards for all uses.
 - E. Exterior trash and recycling receptacles shall be provided. Such trash receptacles shall be routinely emptied to prevent the scattering of litter and debris. All permit applications shall include a description of a working plan for the cleanup of litter.
 - F. Advertising or promotional signage, other than permitted signs in accordance with Part 8 of this chapter, shall be limited to umbrellas and canopies.
 - G. Outdoor dining shall not impede public sidewalks. Where permission is granted by the entity having jurisdiction over the public right-of-way in which the outdoor dining is proposed, a minimum of six feet of uninterrupted (obstacle free) pathway can be continuously maintained, public sidewalks may be utilized for outdoor dining areas.
9. Outside Display and Sales. Outside display and sales are permitted subject to the following criteria:
 - A. To be considered outside display and sales, the goods, material, and merchandise which are being displayed, must be offered for sale to customers. Otherwise, it shall be considered outdoor storage or stockpiling and must comply with outdoor storage and outdoor

stockpile provisions set forth in Part 7 of this chapter, relating to outdoor storage and outdoor stockpiling.

- B. Except as provided in this subsection below, outside display and sales of goods, material, and merchandise shall not occupy any public right-of-way (including public sidewalk areas), setbacks, buffer yards, or required parking and loading areas. In no case shall the location of such outside display and sales areas occur within any area used for pedestrian or vehicular circulation, parking or loading, or emergency vehicle access (e.g., fire lanes).
- (1) Within the mixed-use zoning districts, outside display and sales of goods, material, and merchandise shall be limited to front porches.
 - (2) Within the GC Zoning District, outside display and sales of goods, material, and merchandise may be located within the front yard and front setback.
- C. Where permitted, outside automobile and other similar light-duty motor and passenger vehicles; and/or heavy equipment, boat, mobile/manufactured home, recreational vehicle, truck and other similar large or heavy duty motor vehicles; or other similar establishments with outside sales/rental inventory/display areas for other similar motor vehicles, abut a street right-of-way, a perimeter landscape strip, a minimum of five feet in width, planted with a hedge, masonry wall, and/or other desirable planting of at least two feet in height, along with grass or other living ground cover shall be planted, mulched and maintained on all portions of the perimeter landscape strip, and shall be provided and protected by permanent curbing, or otherwise comply with Part 9 of this chapter.
- D. The location of the outside display and sales shall not interfere with or otherwise obstruct pedestrian and vehicular traffic:
- (1) Traveling within a public right-of-way including sidewalks and streets;
 - (2) Entering or leaving the lot or adjacent lots (including access drives and driveways); and
 - (3) Shall be not located within any required clear sight triangle as required herein Part 9 of this chapter, relating to driveways and access drives.
- E. No outside display and sales shall occur on areas with a slope in excess of 15% or within any area designated as the floodway or flood fringe as provided for in Part 6 of this chapter, relating to Floodplain Overlay Zoning District (FPO).

- F. In order to prevent dust, erosion, and excessive water flow across streets or abutting property, all areas used for the outside display and sales shall be graded for proper drainage and shall be improved with a durable and dustless surface [e.g., concrete or bituminous concrete unless an alternative material and/or design as part of a readily accepted stormwater BMP in accordance with Chapter 26, relating to water (stormwater management), Chapter 22, relating to subdivision and land development, or any other construction materials specifications adopted by the Borough], and approved by the Borough Engineer.
- G. Outside display and sales areas shall be kept in an orderly fashion to maintain circulation for emergency response.
- H. Outside display and sales areas shall be graphically depicted and otherwise indicated upon any required site plan as part of a permit application pursuant to Part 12 of this chapter, relating to applications for zoning permits.

§ 27-1109. Additional Supplemental Standards and Requirements for Specific Temporary Uses. [Ord. No. 497, 1/8/2013]

- 1. Accessory Dwelling Unit for Care of Relative. Accessory dwelling units for care of relatives are permitted subject to the following criteria:
 - A. The principal use of the building and property must be a single-family dwelling.
 - B. No more than two total dwelling units shall be permitted per lot.
 - C. The accessory dwelling unit must have separate kitchen and bathroom facilities, living/sleeping spaces, as well as access to the outside or a common hallway or balcony.
 - D. The owner must reside on the premises.
 - E. No more than two persons, whom shall be close relatives of the owner of the principal single-family dwelling unit, shall occupy the accessory dwelling unit. At least one resident of the accessory dwelling unit shall need such accommodations, including special needs adults, elderly persons (generally 62 years of age and older), mentally disabled, and/or physically handicapped persons who need assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation.
 - F. The applicant shall furnish information demonstrating the accessory dwelling unit has been designed and constructed so that it can be easily reconverted into part of the principal single-family dwelling unit after the relative no longer resides within the unit. A written plan shall be submitted showing how the separate accessory dwelling

unit will be changed to no longer be a separate accessory dwelling unit.

- G. The applicant shall establish a legally binding mechanism that will prohibit the use of the accessory dwelling unit as a separate dwelling unit after the relative no longer resides within the accessory dwelling unit.
- H. Within the RR-1 and RR-2 Zoning Districts, accessory dwelling units are permitted only to be within the principal single-family dwelling.
- I. Accessory dwelling units within the principal single-family dwelling are permitted as long as there shall be no alterations to the exterior appearance of the building and that it continues to resemble and is compatible with any existing dwellings in the neighborhood. No modifications to the external appearance of the principal single-family dwelling, including additional door/wall openings, except fire and safety requirements, which would alter its residential character shall be permitted.
- J. Fire escapes, where required, shall be located in the rear or side (in order of preference) of the building and shall not be located on any wall facing a street right-of-way, excluding alleys.
- K. Accessory dwelling units in accessory buildings shall not otherwise occupy ground floor, off-street garage floor area/space, thereby displacing required off-street parking spaces provided on the lot.
- L. All new accessory structures constructed for the exclusive use as an accessory dwelling unit shall be designed to have an appearance architecturally compatible with the principal building, including design, materials, and colors, and roof pitch.
- M. Parking in accordance with Part 9 of this chapter shall be provided for both the principal dwelling unit and the accessory unit, unless the applicant can demonstrate by credible evidence that the resident(s) of the accessory unit will not routinely operate a vehicle.
- N. The owner shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal single-family dwelling unit continues to reside within the accessory dwelling unit.