

## **ZONING ORDINANCE # 1165**

AS REVISED BY ORDINANCE # 1157, 1159, 1175, 1182, 1188, 1190, 1191, 1198, 1206, 1213, 1214

**ENACTED and ORDAINED into an Ordinance this 21<sup>st</sup> day of November, 2006, by  
the Borough Council of the Borough of Milton, Northumberland County,  
Pennsylvania**

**Prepared by  
the Borough of Milton Zoning Ordinance Revision Committee  
with the assistance of LANDPLAN, INC. a  
Professional Planning and Development Consultant**

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**MILTON BOROUGH  
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

**ZONING ORDINANCE**

**Enacted  
November 21, 2006**

Prepared by  
**MILTON BOROUGH ZONING ORDINANCE REVISION COMMITTEE**

and Enacted by  
**MILTON BOROUGH COUNCIL**

with the assistance of  
**LANDPLAN, INC.  
Professional Planning and Development Consultant**

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\* retired 9/30/02

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## ARTICLE 1

### TITLE, AUTHORITY, AND PURPOSE

#### **100    SHORT TITLE**

This Ordinance shall be known and may be cited as the "Milton Borough Zoning Ordinance" and is intended to serve as a comprehensive revision to the Milton Borough Zoning Ordinance originally enacted by Milton Borough Council as Ordinance 625 on September 27, 1971 and amended by Ordinance 945 on December 17, 1986.

#### **101    AUTHORITY**

Section 601 of the PA Municipalities Planning Code (P.L. 1329, Act 170, as reenacted December 21, 1988, and as subsequently amended) provides that the governing body of a municipality may implement comprehensive plans or accomplish any of the purposes of the Planning Code by enacting a zoning ordinance.

The Council of Milton Borough, Northumberland County, PA, under the authority cited above, does hereby ordain that this Zoning Ordinance was enacted in order to promote and protect the health, safety, morals, and general welfare of the residents of the Borough.

#### **102    GENERAL PURPOSES**

The zoning regulations and districts herein set forth were developed in accordance with an overall program for the Borough, with consideration being given to the character of the area, the municipality's various parts, and the suitability of the various parts for particular uses and structures. As such, the regulations were designed to:

A. promote, protect and facilitate:

- \* the public health, safety, morals, and the general welfare;
- \* coordinated and practical community development and proper density of population;
- \* emergency management preparedness and operations, airports and national defense facilities;
- \* the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as
- \* preservation of the natural, scenic and historic values in the environment and

preservation of forests, wetlands, aquifers and floodplains;

- B. prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers;
- C. provide for the use of land within the municipality for residential housing of various dwelling types;
- D. accommodate reasonable overall community growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses; and
- E. facilitate appropriate development of the Borough, protect the tax base, and encourage economy in public expenditures.

### **103 COMMUNITY DEVELOPMENT OBJECTIVES**

This Ordinance provides a legal basis and framework for future development in Milton Borough. Its provisions were guided by the policy recommendations set forth in the Borough's Comprehensive Plan of 1996, adopted by Borough Council on August 14, 1996. More specifically, this Ordinance is intended to:

- A. create a pattern of land uses which are compatible and harmonious, where a suitable environment can be created for residential, commercial and industrial functions. (The protection of present and future residential areas is a prime concern, as well as the preservation and protection of lands which are considered desirable and suitable for commercial and industrial uses.);
- B. maintain a density of population which can feasibly be served by the streets and other public facilities which exist or can be reasonably provided by the Borough;
- C. direct the types of development and the intensity of development in such a manner as will not place an unreasonable burden on the capacity of local streets and other public facilities;
- D. preserve the character, appearance and integrity of the community for future generations; and
- E. encourage the growth and development of the Borough, including the extension of commercial and manufacturing activities.

### **104 DISCLAIMER OF MUNICIPAL LIABILITY**

This Ordinance is not intended to create nor assume liability on the part of Milton Borough or any officer or employee thereof for any fire, flood, or other damage that may result from reliance on this Ordinance or from any administrative decisions

lawfully made thereunder. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods and/or any municipal or statewide building codes when designing or constructing structures approved pursuant to these regulations.

**105 CONFLICT WITH OTHER LAWS**

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes stated herein. Where the provisions of this Ordinance impose greater restriction than those of any other statute, ordinance, or regulation in effect in Milton Borough, the provisions of this Ordinance shall prevail, except where noted otherwise. Where however, the provisions of any other statute, ordinance, or regulation in effect in Milton Borough impose greater restriction than those of this Ordinance, the provisions of such statute, ordinance, or regulation shall prevail. (See also Section 1202 D.)

## ARTICLE 2

### DESIGNATION OF ZONING DISTRICTS

#### 200 DESIGNATION OF DISTRICTS

For the purposes of implementing the objectives of this Ordinance, Milton Borough is hereby divided into the following zoning districts:

R-1	Low Density Residential District
R-2	Moderate Density Residential District
R-3	High Density Residential District
PRD	Planned Residential Development District
C	General Commercial District
CBD 1	Central Business District 1
CBD 2	Central Business District 2
M	Manufacturing District
EDD	Economic Development District
I/OP	Industrial/Office Park District
OS	Open Space District
FF & FP	Flood Fringe & General Floodplain District ( <i>Overlay District</i> )
FW	Floodway District ( <i>Overlay District</i> )

#### 201 DISTRICT PURPOSE STATEMENTS

##### A. R-1 Low Density Residential District

It is the intent of this district to provide an area within the Borough where quiet, low density single-family residential neighborhoods can be situated. Areas identified for this zone generally include sections of the community where this type of development already exists and where it is desirous to preserve such a lifestyle choice for Borough residents. The minimum dimensional requirements for this district are intended to promote a safe, family home environment.

##### B. R-2 Moderate Density Residential District

This district is intended for application to areas of the Borough where moderate density residential development already exists (in the form of double homes, duplexes, conversion apartments, and some multi-family dwelling structures) and where additional development of this type could be located. The regulations and uses permitted in this zone primarily encourage residential activities, but also provide for some compatible non-residential uses, such as schools, day care centers, professional offices, and recreational facilities. While densities may vary throughout the district, the standards established for the zone are intended to assure that adequate room is reserved to accommodate the parking and open space needs of each use.



C. R-3 High Density Residential District

The purpose of this district is to set aside an area of the Borough where moderate to high density residential development can be located in conjunction with some limited commercial land uses; i.e to provide a transition zone between the traditional residential areas of the community and the more intense commercial areas. A mixture of single-family dwellings and multi-family apartment units are provided for in this zone, as are small-scale personal service businesses, day care centers, professional offices, and related social, civic and religious uses. The regulations for the zone are designed to discourage large commercial operations and the creation of traffic congestion along Borough streets. Adequate off-street parking must therefore be provided to assure the maintenance of the area's overall character.

D. PRD Planned Residential Development District

The intent of this district is to designate a portion of the Borough where the traditional, uniform standards for zoning and land development can be set aside in order to encourage innovations in residential and non-residential development so that the growing demand for housing and other development may be met by a greater variety in type, density and layout of dwellings and other structures, and by the conservation and more efficient use of open space. Uses permitted in this district shall include dwelling units and appropriate non-residential uses, including neighborhood retail stores. The area designated for this zone is located in the northeastern segment of the municipality and represents one of the last sizeable, undeveloped tracts of land in the Borough suitable for residential improvement.

E. C General Commercial District

This designation is intended to set aside areas of the Borough situated outside of the Central Business Districts of the community for the location of wholesale and retail commercial activities which will help serve the need for various goods and services. Provisions are included which will require adequate off-street parking and loading areas to be provided to accommodate the types and volumes of traffic anticipated.

F. CBD 1 Central Business District 1

This district provides an area within the community which is expressly intended for the location of commercial establishments, retail sales businesses, financial institutions, and various community based cultural activities. The intent of the regulations for this district is to protect the integrity of the Borough's present business district for the performance of these primary functions. To this end, those uses which will help achieve the preservation of the small town character of

this segment of the community is encouraged and those uses which would substantially interfere with his goal are discouraged.

(Revised August 27, 2014 per Ordinance # 1191)

#### G. CBD 2 Central Business District 2

This district is designed as an extension of Central Business District 1 and is intended to provide an area within the Borough where commercial establishments, retail sales businesses, financial institutions, and residential dwellings can coexist. The intended regulations are to protect the integrity of the Borough's present businesses and residences for which the performance of these primary functions will help achieve the preservation of the small town character of this community.

(Revised August 27, 2014 per Ordinance # 1191)

#### H. M Manufacturing District

The purpose of this district is to identify areas of the Borough for light or heavy manufacturing and/or warehousing uses. Areas set aside for this zone were chosen in an attempt to maximize existing facilities, public utilities and services, and to minimize any negative effects which might be caused by such operations. Regulations governing this zone require that adequate buffer yards or screen plantings are provided between new manufacturing uses and other adjoining non-industrial activities and that sufficient arrangements are made for the safe and efficient transport of raw materials and finished products into and out of the community.

#### I. EDD Economic Development District

The intent of this district is to promote business, commercial and industrial development in the community in an efficient, attractive and environmentally sound setting and to provide a desirable location for such business in a harmonious relationship with the surrounding municipalities. The area designated for this district comprises approximately one-third of the Borough's land area and includes property now or formerly owned by the Milton Area Industrial Development Association located in the southern third of the community. Uses permitted in this zone are intended to increase employment opportunities.

#### J. I/OP Industrial/Office Park District

This district was designed as an extension of the EDD Zone and was intended to provide space within the community where professional and business offices could be located along with or in conjunction with light industrial operations. Area set aside for this zone is located in the extreme southern portions of the Borough, adjacent to the West Chillisquaque Township line. Dimensional and open space requirements for this district mirror area and yard requirements set forth in the EDD District.

K. OS Open Space District

This zone is intended to identify and protect the Borough's open space areas located between the Susquehanna River and the developed areas of town. Only land cultivation activities, non-structural recreation uses, and other limited uses are permitted, as the area is highly susceptible to flooding.

L. FF and FP Flood Fringe and General Floodplain District (Overlay District)

The intent of this district is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, permitted uses must be floodproofed against flood damage. (See Article 6.) In these floodplain areas, development and/or the use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related requirements of this and all other Borough codes and ordinances.

M. FW Floodway District (Overlay District)

The intent of this district is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and governmental services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in 100 year flood heights, velocities or frequencies will be permitted. (See Article 6.) In addition, in the Floodway District, no development shall be permitted except where the effects of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities and notification of such has been given to the Federal Insurance Administration and the PA Department of Community and Economic Development. Furthermore, the use of land in the floodway district shall be governed by the regulations of the underlying district, provided that all such uses shall be undertaken in strict compliance with the floodproofing regulations of this and all other Borough codes and ordinances.

**202 ZONING MAP**

- A. The locations and boundaries of the zoning districts are hereby established as shown on the Official Zoning Map, which is made a part of this Ordinance together with all future notations, references and amendments.
- B. No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Section 1100 of this Ordinance. The final authority as to the current status of zoning districts shall be the Official Zoning Map. Any changes made to the zoning districts shall be made on the Official

INSERT BOROUGH

ZONING MAP HERE!

Zoning Map promptly after the amendment has been approved by the Borough Council, and shall bear the date of the amendment and the signatures of the President of Council and the Borough Manager.

## **203 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

### **A. Designation of District Boundaries**

The district boundary lines, except for the floodplain districts, are intended to generally follow the centerlines of streets, highways, railroad rights-of-way, existing lot lines, municipal boundary lines, or streams or may be designated as shown on the Official Zoning Map by a specific dimension from a road centerline or other boundary as indicated.

### **B. Determination of District Boundary Locations**

Where uncertainty exists with respect to the actual location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its interpretation with respect thereto. Provided however, no boundary shall be changed by the Zoning Hearing Board. If the true location of the boundary cannot be determined by interpretation of the Zoning Hearing Board, a request for corrective action shall be filed with the Borough Council.

### **C. Severed Lots**

Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance or amendment thereto, the Zoning Hearing Board may permit the extension of the regulations for either zone into the remaining portion of the lot for a distance not to exceed 50 feet beyond the district line, provided they find that such extension is consistent with the purposes of this Ordinance, including all floodplain management regulations.

## **204 FLOODPLAIN DISTRICT BOUNDARY CHANGES**

The delineation of any boundary of the floodplain districts may be revised by the Borough Council in accordance with the amendment procedure outlined in Section 1100 of this Ordinance where natural or man-made changes have occurred and more detailed studies have been conducted by a qualified agency or individual, such as the U.S. Army Corps of Engineers. No change in any floodplain boundary shall be made unless the municipality has sought and obtained approval for said change from the Federal Insurance Administration as per the National Flood Insurance Program regulations and has received a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA) for the proposed boundary change.

## ARTICLE 3

### DISTRICT REGULATIONS

#### **300 APPLICATION OF DISTRICT REGULATIONS**

The regulations set forth in this Article for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as may be hereinafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to:
  - 1. exceed the height or bulk;
  - 2. accommodate or house a greater number of persons or families;
  - 3. occupy a greater percentage of lot area; or to
  - 4. have narrower or smaller rear yards, front yards, side yards or other open space; than is required in this Article, or in any other manner be contrary to this Ordinance.
- C. The commencement of any of the uses or activities listed in this Article (the District Regulations) shall require the issuance of a Zoning Permit from the Borough Zoning Officer, except as may be exempted by Section 1202 A. of this Ordinance.

#### **301 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS**

The specific use regulations and dimensional requirements pertaining to each district are contained on the charts that follow, namely Sections 302-313. The use regulations are also presented by category of use in the TABLE OF USES which can be found in Appendix A of this Ordinance and many of the dimensional requirements are presented in a single page format in the TABLE OF DIMENSIONAL REQUIREMENTS which can be found in Appendix B.

# R-1 LOW DENSITY RESIDENTIAL DISTRICT

## Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1.) Single-family detached dwellings. (see section 402)	Uses & Structures customarily incidental to an approved principle residential use, including but not limited to:	1.) Professional offices.	1.) Parks and playgrounds. (see section 418)
2.) Essential services. (see section 419)	1.) Private garages.		
	2.) Satellite receiving dishes.		
	3.) Private swimming pools. (see section 420)		
	4.) No-impact home-based businesses or home occupations. (see section 421)		
	5.) Signs. (see section 703)		
	6.) Off - street parking space. (see section 800)		
	7.) Temporary helicopter landing zone		

(Continued on next page)

revised 02/27/13, 7/26/17

# R-1 LOW DENSITY RESIDENTIAL DISTRICT

## Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u> 12,000 sq.ft. per dwelling unit or use.</p> <p>2.) <u>Minimum Lot Width:</u> 80 feet.</p> <p>3.) <u>Maximum Building Coverage:</u> 30%</p> <p>4.) <u>Maximum Impervious Coverage:</u> 40%</p>	<p>1.) <u>Front Yard:</u> 25 feet from the edge of adjoining street cartway.</p> <p>2.) <u>Side Yards:</u> 12 feet each side.</p> <p>3.) <u>Rear Yard:</u></p> <p>a. Principle structures - 30 feet</p> <p>b. Accessory structures -</p> <p>1.) Abutting another lot - 5 feet</p> <p>2.) Abutting a street or alley - 10 feet from the edge of cartway.</p>	<p>1.) <u>Principle Structures:</u> 35 feet.</p> <p>2.) <u>Accessory Structures:</u> 15 feet.</p>



## R-2 MODERATE DENSITY RESIDENTIAL DISTRICT

### Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
<p>1.) Single-family detached dwellings. (see section 402)</p> <p>2.) Two-family dwellings; i.e. duplexes. (see section 402)</p> <p>3.) Essential services. (see section 419)</p> <p>4.) Churches or places of worship.</p> <p>5.) Public libraries. (see section 415)</p>	<p>Uses &amp; Structures customarily incidental to an approved principle residential use, including but not limited to:</p> <p>1.) Private garages.</p> <p>2.) Satellite receiving dishes.</p> <p>3.) Private swimming pools. (see section 420)</p> <p>4.) No-impact home-based businesses or home occupations. (see section 421)</p> <p>5.) Signs. (see section 703)</p> <p>6.) Off - street parking space. (see section 800)</p> <p>7.) Temporary helicopter landing zone</p>	<p>1.) Conversion apartments. (see section 403)</p> <p>2.) Boarding or rooming homes. (see section 407)</p> <p>3.) Bed &amp; breakfast establishments. (see section 411)</p> <p>4.) Day care centers, nursery schools, or group day care homes. (see section 412).</p> <p>5.) Clubs, lodges, social &amp; fraternal organization facilities or halls.</p> <p>6.) Professional offices.</p> <p>7.) Cemeteries.</p>	<p>1.) Multi-family dwelling structures. (see section 404)</p> <p>2.) Group homes. (see section 408)</p> <p>3.) Personal care homes. (see section 409)</p> <p>4.) Retirement centers. (see section 410)</p> <p>5.) Public or private schools.</p> <p>6.) Parks and playgrounds. (see section 418)</p>

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revised 02/27/13, 7/26/17

## R-2 MODERATE DENSITY RESIDENTIAL DISTRICT

### Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u></p> <p>a. <u>Single-Family Detached Dwellings and Other Principle Uses</u> - 8,000 sq.ft. per dwelling unit or use, except as provided below.</p> <p>b. <u>Two-Family Dwellings</u> - 6,000 sq.ft. per dwelling unit.</p> <p>c. <u>Multi-Family Dwelling Structures</u> - 4,000 sq.ft. per dwelling unit.</p> <p>2.) <u>Minimum Lot Width:</u></p> <p>a. <u>Single-Family Detached Dwellings and Other Principle Uses</u> - 60 feet.</p> <p>a. <u>Single-Family Attached Dwelling Structures</u> - 20 feet per dwelling unit. (See Section 404)</p> <p>3.) <u>Maximum Building Coverage:</u> 35%</p> <p>4.) <u>Maximum Impervious Coverage:</u> 50%</p>	<p>1.) <u>Front Yard:</u> 20 feet from the edge of adjoining street cartway.</p> <p>2.) <u>Side Yards:</u> 10 feet each side. *</p> <p>3.) <u>Rear Yard:</u></p> <p>a. Principle structures - 20 feet</p> <p>b. Accessory structures -</p> <p>1.) Abutting another lot - 5 feet</p> <p>2.) Abutting a street or alley - 10 feet from the edge of cartway.</p> <p>* <u>Note:</u> No side yard required where fire-rated common walls, approved per applicable codes, are used between dwelling units or structures.</p>	<p>1.) <u>Principle Structures:</u> 35 feet.</p> <p>2.) <u>Accessory Structures:</u> 20 feet.</p>

## R-3 HIGH DENSITY RESIDENTIAL DISTRICT

### Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1.) Single -family detached dwellings. (see section 402)  2.) Two-family dwellings; i.e. duplexes. (see section 402)  3.) Essential services. (see section 419)  4.) Churches or places of worship.  5.) Professional offices.  6.) Public libraries. (see section 415)	Uses & Structures customarily incidental to an approved principle residential use, including but not limited to:  1.) Private garages.  2.) Satellite receiving dishes.  3.) Private or semi-public swimming pools. (see section 420)  4.) No-impact home-based businesses or home occupations. (see section 421)  5.) Accessory residential uses. (see section 422)  6.) Signs. (see section 704)  7.) Off - street parking &/or loading areas. (see sections 800 & 801)  8.) Temporary helicopter landing zone	1.) Conversion apartments. (see section 403) 2.) Multi-family dwelling structures. (see section 404) 3.) Boarding or rooming homes. (see 407) section 407) 4.) Bed & breakfast establishments. (see section 411) 5.) Day care centers, nursery schools, or group day care homes. (see section 412) 6.) Clubs, lodges, social & fraternal organization facilities or halls. 7.) Place of assembly. (see section 415)  8.) Personal service businesses. (see section 413) 9.) Neighbor retail stores. (see section 413)  10.) Funeral homes.	1.) Mobile home parks. (see section 406)  2.) Group homes. (see section 408)  3.) Personal care homes. (see section 409)  4.) Retirement centers. (see section 410)  5.) Nursing homes.  6.) Parks and playgrounds. (see section 418)  7.) Cemeteries.

# R-3 HIGH DENSITY RESIDENTIAL DISTRICT

## Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements * (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u></p> <p>a. <u>Single-Family Detached Dwellings and Other Principle Uses</u> - 5,000 sq.ft. per dwelling unit or use, except as provided below.</p> <p>b. <u>Two-Family Dwellings</u> - 4,000 sq.ft. per dwelling unit.</p> <p>c. <u>Multi-Family Dwelling Structures</u> - 3,000 sq.ft. per dwelling unit.</p> <p>d. <u>Mobile Home Parks</u> - 5 acres.</p> <p>2.) <u>Minimum Lot Width:</u></p> <p>a. <u>Single-Family Detached Dwellings and Other Principle Uses</u> - 50 feet.</p> <p>a. <u>Single-Family Attached Dwelling Structures</u> - 20 feet per dwelling unit. (See Section 404)</p> <p>3.) <u>Maximum Building Coverage:</u> 50%</p> <p>4.) <u>Maximum Impervious Coverage:</u> 60%</p> <p><u>MOBILE HOMES PARKS</u> (see section 406)</p> <p>1.) <u>Minimum Park Area:</u> 5 acres.</p> <p>2.) <u>Maximum Building Coverage:</u> 40%</p> <p>3.) <u>Maximum Impervious Coverage:</u> 60%</p> <p>4.) <u>Minimum Lot area per mobile Home</u> - 5,000 sq.ft. excluding the Right of Way.</p> <p>5.) <u>Minimum Lot Width:</u> 50 feet.</p> <p>6.) <u>Minimum entry patio or porch for each Mobile Home</u> - 100 sq.ft.</p>	<p>1.) <u>Front Yard:</u> 20 feet from the edge of adjoining street cartway.</p> <p>2.) <u>Side Yards:</u> 5 feet each side. **</p> <p>3.) <u>Rear Yard:</u></p> <p>a. <u>Principle structures</u> - 20 feet</p> <p>b. <u>Accessory structures</u> -</p> <p>1.) <u>Abutting another lot</u> - 5 feet</p> <p>2.) <u>Abutting a street or alley</u> - 10 feet from the edge of cartway.</p> <p><u>MOBILE HOMES PARKS</u> (see section 406)</p> <p>1.) <u>Front Yard:</u> 30 feet from the edge of adjoining street cartway.</p> <p>2.) <u>Side Yards</u> (not including porches, patios, decks, carports): 10 feet min.</p> <p>3.) <u>Minimum distance between Mobile Homes:</u> 20 feet.</p> <p>4.) <u>Minimum distance between Mobile Homes &amp; auxiliary structures:</u> 20 feet.</p> <p>5.) <u>Rear Yard:</u> 10 feet.</p> <p>** <u>Note:</u> No side yard required where fire-rated common walls, approved per applicable codes, are used between dwelling units or structures.</p>	<p>1.) <u>Principle Structures:</u> 45 feet.</p> <p>2.) <u>Accessory Structures:</u> 20 feet.</p>

# PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

## Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1.) Single-family detached dwellings. (see section 405)	Uses & Structures customarily incidental to an approved principle residential use, including but not limited to:	1.) Day care centers or nursery schools. (see section 412)	1.) Retirement centers. (see section 410)
2.) Two-family dwellings; i.e. duplexes. (see section 402)	1.) Private garages.	2.) Neighbor retail stores. (see section 413)	
3.) Multi-family dwelling structures, including single-family attached dwelling structures. (see section 405)	2.) Satellite receiving dishes.	3.) Churches or places of worship.	
4.) Essential services. (see section 419)	3.) Private or semi-public swimming pools. (see section 420)		
5.) Parks and playgrounds. (see section 418)	4.) No-impact home-based businesses or home occupations. (see section 421)		
	5.) Signs. (see section 703)		
	6.) Off - street parking &/or loading areas. (see section 800 & 801)		
	7.) Temporary helicopter landing zone		

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revised 02/27/13, 7/26/17

# PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

## Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u></p> <p>a. <u>Single-Family Detached Dwellings and Other Principle Uses</u> - 9,000 sq.ft. per dwelling unit or use, except as provided below.</p> <p>b. <u>Two-Family Dwellings</u> - 7,000 sq.ft. per dwelling unit.</p> <p>c. <u>Multi-Family Dwelling Structures</u> - 5,000 sq.ft. per dwelling unit.</p> <p>2.) <u>Minimum Lot Width:</u></p> <p>a. <u>Single-Family:</u></p> <p>1.) At right-of-way line: 24 feet</p> <p>2.) At building line: 50 feet</p> <p>b. <u>Multi-Family (including Two-Family Dwellings):</u></p> <p>1.) At right-of-way line: 24 feet</p> <p>2.) At building line: 25 feet</p> <p>3.) <u>Maximum Building Coverage:</u> 30%</p> <p>4.) <u>Maximum Impervious Coverage:</u> 45%</p>	<p>1.) <u>Front Yard:</u></p> <p>a. <u>Collector Streets:</u> 50 feet from edge of adjoining street right-of-way.</p> <p>b. <u>Interior Local Streets:</u> 30 feet from edge of adjoining street right-of-way.</p> <p>2.) <u>Side Yard:</u> 12 feet each side. *</p> <p>3.) <u>Rear Yard:</u></p> <p>a. <u>Single-Family:</u></p> <p>1.) Principle structures: 20 feet</p> <p>2.) Accessory structures: 5 feet</p> <p>b. <u>Multi-Family (including Two-Family Dwellings):</u></p> <p>1.) Tract Perimeter: 30 feet</p> <p>2.) Interior Lots: 5 feet</p> <p>* <u>Note:</u> No side yard required where fire-rated common walls, approved per applicable codes, are used between dwelling units or structures.</p>	<p>1.) <u>Principle Structures:</u> 35 feet.</p> <p>2.) <u>Accessory Structures:</u> 20 feet.</p>

## C GENERAL COMMERCIAL DISTRICT

### Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1.) Retail or personal service business establishments. (see section 413) 2.) Business, professional, or financial offices or institutions. 3.) Medical or dental offices or clinics. 4.) Restaurants or other eating establishments. (see section 413) 5.) Automotive sales and service facilities. 6.) Automotive service stations and/or automotive repair garages. (see section 414) 7.) Car washes. 8.) Public service buildings and facilities. 9.) Funeral homes. 10.) Clubs, lodges, social & fraternal organization facilities or halls. 11.) Essential services. (see section 419) 12.) Mobile Food Vending (see section 429) 13.) Single-family detached dwellings (see section 402). 14.) Two-family dwellings; i.e. duplexes (see section 402). 15.) Multi-family dwellings (see section 404). 16.) Convenience market, grocery store 17.) Laundromat 18.) Neighborhood or community shopping centers. 19.) Neighborhood retail store. 20.) Studio	Uses & Structures customarily incidental to an approved principle residential use, including but not limited to:  1.) Private or semi-public swimming pools. (see 420)  2.) No-impact home-based businesses or home occupations. (see section 421)  3.) Outside storage. (see section 423)  4.) Satellite receiving dishes.  5.) Residential accessory structures (private garages, sheds, etc) for Single-family detached & attached & Two-family dwellings only (see section 422)  6.) Signs. (see section 705)  7.) Off - street parking &/or loading areas. (see section 800 & 801)  8.) Temporary helicopter landing zone	1.) Public entertainment establishments. (see section 415)  2.) Multiple principle Uses in a single building or structure.	1.) Hotel, motel or similar commercial lodging facilities. (see section 416)  2.) Commercial office buildings or office complexes.

## C GENERAL COMMERCIAL DISTRICT

### Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p><b>NON-RESIDENTIAL USES:</b></p> <p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u> 15,000 sq. ft. per use.</p> <p>2.) <u>Minimum Lot Width:</u> 100 feet</p> <p>3.) <u>Maximum Building Coverage:</u> 50%</p> <p>4.) <u>Maximum Impervious Coverage:</u> 80%</p>	<p><b>NON-RESIDENTIAL USES:</b></p> <p>1.) <u>Front Yard:</u> Same depth as existing or adjoining buildings or structures.</p> <p>2.) <u>Side Yards:</u></p> <p style="padding-left: 20px;">a. Abutting another lot in the C District - 12 feet each side. *</p> <p style="padding-left: 20px;">b. Abutting a lot in any other District - 25 feet each side. *</p> <p>3.) <u>Rear Yard:</u></p> <p style="padding-left: 20px;">a. <u>Principle Structures</u> - 25 feet.</p> <p style="padding-left: 20px;">b. <u>Non-Residential Accessory Structures</u></p> <p style="padding-left: 40px;">1.) 5 feet from the property line</p> <p style="padding-left: 40px;">2.) 10 feet from edge of road cartway</p>	<p>1.) <u>Principle and Accessory Structures:</u> 40 feet</p>
<p><b>RESIDENTIAL USES:</b></p> <p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u></p> <p style="padding-left: 20px;">a. <u>Single-Family Detached Dwellings and Other Principle Uses</u> - 8,000 sq.ft. per dwelling unit or use, except as provided below.</p> <p style="padding-left: 20px;">b. <u>Two-Family Dwellings</u> - 6,000 sq.ft. per dwelling unit.</p> <p style="padding-left: 20px;">c. <u>Multi-Family Dwelling Structures</u> - 4,000 sq. ft. per dwelling unit.</p> <p>2.) <u>Minimum Lot Width:</u></p> <p style="padding-left: 20px;">a. <u>Single-Family Detached Dwellings and Other Principle Uses</u> - 60 feet.</p> <p style="padding-left: 20px;">a. <u>Single-Family Attached Dwelling Structures</u> - 20 feet per dwelling unit. (See Section 404)</p> <p>3.) <u>Maximum Building Coverage:</u> 50%</p> <p>4.) <u>Maximum Impervious Coverage:</u> 60%</p>	<p><b>RESIDENTIAL USES:</b></p> <p>1.) <u>Front Yard:</u> Same depth as existing or adjoining buildings or structures.</p> <p>2.) <u>Side Yards:</u> 10 feet each side. *</p> <p>3.) <u>Rear Yard:</u></p> <p style="padding-left: 20px;">a. <u>Principle Structures</u> - 25 feet.</p> <p style="padding-left: 20px;">b. <u>Residential Accessory Structures</u></p> <p style="padding-left: 40px;">1.) 5 feet from the property line</p> <p style="padding-left: 40px;">2.) 10 feet from edge of road cartway</p> <p>* <u>Note:</u> No side yard required where fire-rated common walls, approved per applicable codes, are used between dwelling units or structures.</p>	



# **CBD 1      CENTRAL BUSINESS DISTRICT 1**

## **Uses and Structures**

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1.) Retail or personal service business establishments. (see section 413) 2.) Public entertainment facilities or places of assembly. (see section 415). 3.) Art, music, dance & photography studios. 4.) Automotive sales facilities. 5.) Bar or cocktail lounges. 6.) Clubs, lodges, social & fraternal organization facilities or halls. 7.) Medical or dental offices or clinics. 8.) Household or office equipment repair shops. 9.) Publishing facilities. 10.) Public parking garages. 11.) Professional, business &/or technical schools. 12.) Business, professional, or financial offices or institutions. 13.) Restaurants or other eating establishments. (see section 413) 14.) Funeral homes. 15.) Essential services. (see section 419) 16.) Public libraries. (see section 415) 17.) Mobile Food Vending (see section 429) 18.) Public service buildings and facilities.	Uses & Structures customarily incidental to an approved principle residential use, including but not limited to: 1.) Satellite receiving dishes. 2.) Private or semi-public swimming pools. (see section 420) 3.) No-impact home-based businesses or home occupations. (see section 421) 4.) Accessory residential uses. (see section 422) 5.) Signs. (see section 705) 6.) Off - street parking &/or loading areas. (see section 800 & 801) 7.) Temporary helicopter landing zone	1.) Hotel, motel or similar commercial lodging facilities. (see section 416) 2.) Multiple retail or office uses in a single structure. 3.) Bed & breakfast establishments. (see section 411) 4.) Automotive service stations and/or automotive repair garages. (see section 414) 5.) Churches or place of worship. 6.) Boarding or rooming homes, or group homes. (see section 407 & 408)	

# **CBD 1      CENTRAL BUSINESS DISTRICT 1**

## **Lot, Yard and Open Space Requirements**

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p><b>NON-RESIDENTIAL USES:</b></p> <p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u> No minimum, however each lot shall be of sufficient size to accommodate all proposed buildings or structures, as well as all required service, access, parking, loading and open space areas.</p> <p>2.) <u>Minimum Lot Width:</u> No minimum, however space between buildings or structures located on the same or adjoining lots shall be sufficient to provide safe access to all such facilities.</p> <p>3.) <u>Maximum Building Coverage:</u> 75%</p>	<p><b>NON-RESIDENTIAL USES:</b></p> <p>1.) <u>Front Yard:</u> Same depth as existing or adjoining buildings or structures.</p> <p>2.) <u>Side Yards:</u> 5 feet each side. *</p> <p>3.) <u>Rear Yard:</u></p> <p>    a. <u>Principle Structures</u> - 10 feet.</p> <p>    b. <u>Non-Residential Accessory Structures</u></p> <p>        1.) 5 feet from the property line</p> <p>        2.) 10 feet from edge of road cartway</p> <p>* <u>Note:</u> No side yard required where fire-rated common walls, approved per applicable codes, are used between structures.</p>	<p>1.) <u>Principle and Accessory Structures:</u> 45 feet</p>

## CBD 2 CENTRAL BUSINESS DISTRICT 2

### Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1.) Retail or personal service business establishments. (see section 413) 2.) Public entertainment facilities or places of assembly. (see section 415). 3.) Art, music, dance & photography studios. 4.) Automotive sales facilities. 5.) Bar or cocktail lounges. 6.) Clubs, lodges, social & fraternal organization facilities or halls. 7.) Medical or dental offices or clinics. 8.) Household or office equipment repair shops. 9.) Publishing facilities. 10.) Public parking garages. 11.) Professional, business &/or technical schools. 12.) Business, professional, or financial offices or institutions. 13.) Restaurants or other eating establishments. (see section 413) 14.) Funeral homes. 15.) Essential services. (see section 419) 16.) Public libraries. (see section 415) 17.) Mobile Food Vending (see section 429) 18.) Single-family detached dwellings (see section 402). 19.) Two-family dwellings; i.e. duplexes (see section 402). 20.) Multi-family dwellings (see section 404). 21.) Public service buildings and facilities.	Uses & Structures customarily incidental to an approved principle residential use, including but not limited to: 1.) Satellite receiving dishes. 2.) Private or semi-public swimming pools. (see section 420) 3.) No-impact home-based businesses or home occupations. (see section 421) 5.) Residential accessory structures (private garages, sheds, etc) for Single-family detached & attached & Two-family dwellings only (see section 422) 5.) Signs. (see section 705) 6.) Off - street parking &/or loading areas. (see section 800 & 801) 7.) Temporary helicopter landing zone	1.) Hotel, motel or similar commercial lodging facilities. (see section 416) 2.) Multiple retail or office uses in a single structure. 3.) Bed & breakfast establishments. (see section 411) 4.) Automotive service stations and/or automotive repair garages. (see section 414) 5.) Churches or place of worship. 6.) Boarding or rooming homes, or group homes. (see section 407 & 408)	

## CBD 2      CENTRAL BUSINESS DISTRICT 2

### Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p><b>NON-RESIDENTIAL USES:</b></p> <p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u> No minimum, however each lot shall be of sufficient size to accommodate all proposed buildings or structures, as well as all required service, access, parking, loading and open space areas.</p> <p>2.) <u>Minimum Lot Width:</u> No minimum, however space between buildings or structures located on the same or adjoining lots shall be sufficient to provide safe access to all such facilities.</p> <p>3.) <u>Maximum Building Coverage:</u> 75%</p>	<p><b>NON-RESIDENTIAL USES:</b></p> <p>1.) <u>Front Yard:</u> Same depth as existing or adjoining buildings or structures.</p> <p>2.) <u>Side Yards:</u> 5 feet each side. *</p> <p>3.) <u>Rear Yard:</u></p> <p style="padding-left: 20px;">a. <u>Principle Structures</u> - 10 feet.</p> <p style="padding-left: 20px;">b. <u>Non-Residential Accessory Structures</u></p> <p style="padding-left: 40px;">1.) 5 feet from the property line</p> <p style="padding-left: 40px;">2.) 10 feet from edge of road cartway</p>	<p>1.) <u>Principle and Accessory Structures:</u> 45 feet</p>
<p><b>RESIDENTIAL USES:</b></p> <p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u></p> <p style="padding-left: 20px;">a. <u>Single-Family Detached Dwellings and Other Principle Uses</u> - 5,000 sq.ft. per dwelling unit or use, except as provided below.</p> <p style="padding-left: 20px;">b. <u>Two-Family Dwellings</u> - 4,000 sq.ft. per dwelling unit.</p> <p style="padding-left: 20px;">c. <u>Multi-Family Dwelling Structures</u> - 3,000 sq.ft. per dwelling unit.</p> <p>2.) <u>Minimum Lot Width:</u></p> <p style="padding-left: 20px;">a. <u>Single-Family Detached Dwellings and Other Principle Uses</u> - 50 feet.</p> <p style="padding-left: 20px;">a. <u>Single-Family Attached Dwelling Structures</u> - 20 feet per dwelling unit. (See Section 404)</p> <p>3.) <u>Maximum Building Coverage:</u> 50%</p> <p>4.) <u>Maximum Impervious Coverage:</u> 60%</p>	<p><b>RESIDENTIAL USES:</b></p> <p>1.) <u>Front Yard:</u> Same depth as existing or adjoining buildings or structures.</p> <p>2.) <u>Side Yards:</u> 5 feet each side. *</p> <p>3.) <u>Rear Yard:</u></p> <p style="padding-left: 20px;">a. <u>Principle Structures</u> - 25 feet.</p> <p style="padding-left: 20px;">b. <u>Residential Accessory Structures</u></p> <p style="padding-left: 40px;">1.) 5 feet from the property line</p> <p style="padding-left: 40px;">2.) 10 feet from edge of road cartway</p> <p>* <u>Note:</u> No side yard required where fire-rated common walls, approved per applicable codes, are used between dwelling units or structures.</p>	

# M MANUFACTURING DISTRICT

## Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1.) Manufacturing or assembly operations, including light industrial uses. (see section 417) 2.) Steel fabrication. (see section 417) 3.) Machine shops. (see section 417) 4.) Forges or foundries. (see section 417) 5.) Food processing or meat packing operations. (see section 417) 6.) Wholesale bakeries. (see section 417) 7.) Research and development facilities, including laboratories. 8.) Brewing, distilling and/or bottling plants. (see section 417) 9.) Stone or monument works. 10.) Building materials sales yards, lumber yards. 11.) Industrial or manufacturing machine repair shops. 12.) Essential services. (see section 419)	Uses & Structures customarily incidental to an on-site principle use, including but not limited to: 1.) Administrative offices 2.) Accessory warehousing and storage. 3.) Accessory sales and retail outlets. 4.) Satellite receiving dishes. 5.) Outside storage. (see section 423) 6.) Signs. (see section 705) 7.) Off - street parking and / or loading areas. (see section 800 & 801) 8.) Temporary helicopter landing zone	1.) Commercial communication antennas, towers and / or equipment buildings. 2.) Multiple industrial or wholesale uses of a single building.	1.) Automobile sales facility. 2.) Automotive repair garage. 3.) Automotive service station. 4.) Distribution facility. 5.) Retail establishment. 6.) Warehouse or storage facilities. 7.) Trucking or Motor Freight Terminals. 8.) Business Office. 9.) Business Services. 10.) Carwash. 11.) Clinic, medical or dental. 12.) Commercial Lodging Facility. 13.) Convenience Market. 14.) Commercial Office Building. 15.) Entertainment Facility, Public 16.) Financial Offices / Institutions 17.) Grocery Stores. 18.) Hotels 19.) Industrial Park. 20.) Laundromat. 21.) Motel 22.) Office Complex. 23.) Personal Service Business. 24.) Professional Offices. 25.) Public Service Building or Facility. 26.) Shopping Center. 27.) Studio. 28.) Supermarket. 29.) Outdoor commercial recreational facilities. (see section 418) 30.) Wireless Communication Facilities (see 430)

# M MANUFACTURING DISTRICT

## Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u> 40,000 sq. ft. per use.</p> <p>2.) <u>Minimum Lot Width:</u> 100 feet</p> <p>3.) <u>Maximum Building Coverage:</u> 80%, or as may otherwise determined by application of appropriate yard requirements.</p>	<p>1.) <u>Front Yard:</u> 30 feet from the edge of adjoining street cartway.</p> <p>2.) <u>Side Yards:</u> a. Abutting another lot in the M District - 12 feet each side. *</p> <p>b. Abutting a lot in any other District - 25 feet. *</p> <p>3.) <u>Rear Yard:</u> a. <u>Principle Structures</u> - 1.) Abutting another lot in the M District - 30 feet. 2.) Abutting a lot in any other District - 50 feet.</p> <p>b. <u>Accessory Structures</u> - 25 feet.</p> <p>* <u>Note:</u> No side yard required where fire-rated common walls, approved per applicable codes, are used between structures.</p> <p>** <u>Note:</u> See Sections 430 &amp; Appendix H for Wireless Communication Facility regulations</p>	<p>1.) <u>Principle and Accessory Structures:</u> 100 feet</p>

# EDD ECONOMIC DEVELOPMENT DISTRICT

## Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1.) Manufacturing or assembly operations, including light industrial uses. (see section 417)  2.) Research & development facilities.  3.) Wholesale commercial greenhouses.  4.) Automotive service stations & / or repair shops. (see section 414)  5.) Professional, business, & / or technical schools.  6.) Public service buildings and facilities.  7.) Wholesale bakeries. (see section 417)  8.) Food processing or meat packing operations. (see section 417)  9.) Machine shops. (see section 417)  10.) Essential services. (see section 419)	Uses & Structures customarily incidental to an on-site principle use, including but not limited to:  1.) Administrative offices  2.) Accessory warehousing and storage.  3.) Accessory sales and retail outlets.  4.) Satellite receiving dishes.  5.) Outside storage. (see section 423)  6.) Signs. (see section 705)  7.) Off - street parking and / or loading areas. (see section 800 & 801)  8.) Temporary helicopter landing zone	1.) Multiple industrial or wholesale uses of a single building.  2.) Commercial communication antennas, towers and / or equipment buildings.	1.) Trucking or motor freight terminal.  2.) Warehousing, storage, or distribution facilities.  3.) Commercial office buildings or office complexes.  4.) Industrial parks. (see section 417)  5.) Heliport  6.) Wireless Communication Facilities (see 430)  7.) Adult entertainment establishments. (see section 427)  8.) Outdoor commercial recreational facilities. (see section 418)

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# EDD ECONOMIC DEVELOPMENT DISTRICT

## Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u> 2 acres per use.</p> <p>2.) <u>Minimum Lot Width:</u> 150 feet</p> <p>3.) <u>Maximum Building Coverage:</u> 50%</p> <p>4.) <u>Maximum Impervious Coverage:</u> 70%</p>	<p>1.) <u>Front Yard:</u> 40 feet from the edge of adjoining street cartway.</p> <p>2.) <u>Side Yards:</u> 20 feet each side.</p> <p>3.) <u>Rear Yard:</u> 30 feet.</p> <p>4.) <u>Heliports (only):</u>                      a. <u>Safety Area</u> - The obstruction free safety area                      around the outside of the (FATO) Final Approach                      and Take-Off area: 100 feet from all property lines.                      b. <u>Structures:</u> See the front, side and rear yard                      requirements as noted above.</p> <p><b>** Note:</b> See Sections 430 &amp; Appendix H for Wireless                      Communication Facility regulations</p>	<p>1.) <u>Principle and Accessory Structures:</u> 100 feet</p>

revised 7/11/12



# I/OP INDUSTRIAL / OFFICE PARK DISTRICT

## Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1.) Light industrial uses. (see section 417)	Uses & Structures customarily incidental to an on-site principle use, including but not limited to:	1.) Multiple industrial uses of a single building.	1.) Heliport
2.) Research & development facilities.	1.) Administrative offices	2.) Professional or business offices.	2.) Wireless Communication Facilities (see 430)
3.) Professional & / or business schools.	2.) Accessory warehousing and storage.	3.) Commercial office buildings or office complexes.	
4.) Public service buildings and facilities.	3.) Accessory sales and retail outlets.	4.) Commercial communication antennas, towers and / or equipment buildings.	
5.) Essential services. (see section 419)	4.) Satellite receiving dishes.		
	5.) Outside storage. (see section 423)		
	6.) Signs. (see section 705)		
	7.) Off - street parking and / or loading areas. (see section 800 & 801)		
	8.) Temporary helicopter landing zone		

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# I/OP INDUSTRIAL / OFFICE PARK DISTRICT

## Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u> 2 acres per use.</p> <p>2.) <u>Minimum Lot Width:</u> 150 feet</p> <p>3.) <u>Maximum Building Coverage:</u> 50%</p> <p>4.) <u>Maximum Impervious Coverage:</u> 70%</p>	<p>1.) <u>Front Yard:</u> 40 feet from the edge of adjoining street cartway.</p> <p>2.) <u>Side Yards:</u> 20 feet each side.</p> <p>3.) <u>Rear Yard:</u> 30 feet.</p> <p>4.) <u>Heliports (only):</u>  a. <u>Safety Area</u> - The obstruction free safety area around the outside of the (FATO) Final Approach and Take-Off area: 100 feet from all property lines.  b. <u>Structures:</u> See the front, side and rear yard requirements as noted above.</p> <p><b>** Note:</b> See Sections 430 &amp; Appendix H for Wireless Communication Facility regulations</p>	<p>1.) <u>Principle and Accessory Structures:</u> 100 feet</p>

revised 7/11/12

# OS OPEN SPACE DISTRICT

## Uses and Structures

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
1.) Land cultivation, horticulture, outdoor nurseries, and forest management activities.	<p>Uses &amp; Structures customarily incidental to an on-site principle use, including but not limited to:</p> <p>1.) Pervious parking areas.</p> <p>2.) Temporary helicopter landing zone</p>	1.) Paved roads, driveways or parking areas.	<p>1.) Undeveloped outdoor public or private recreational uses, including parks, playgrounds, picnic areas, swimming or boating areas, wildlife or nature preserves, day camps, hiking trails, and similar activities.</p> <p>2.) Water - related uses, such as docks, piers, marinas, etc. (see section 426)</p> <p>3.) Essential services, including railroads, bridges, transmission lines, water &amp; sewer treatment plants, &amp; similar uses. (see section 419)</p>

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## OS OPEN SPACE DISTRICT

### Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
<p>1.) <u>Minimum Lot Area Per Principle Structure or Use:</u> 1 acre per use.</p> <p>2.) <u>Minimum Lot Width:</u> 100 feet</p> <p>3.) <u>Maximum Building Coverage:</u> 20%</p>	<p>1.) <u>Front Yard:</u> 40 feet from the edge of adjoining street cartway.</p> <p>2.) <u>Side Yards:</u> 12 feet each side.</p> <p>3.) <u>Rear Yard:</u> a. <u>Principle Structures</u> - 50 feet. b. <u>Accessory Structures</u> - 25 feet.</p>	<p>1.) <u>Principle Structures:</u> 35 feet.</p> <p>2.) <u>Accessory Structures:</u> 20 feet.</p>

**FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT**  
(OVERLAY DISTRICT)

**Uses and Structures \***

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
Same as the underlying district, and  1.) Temporary uses, such as carnivals or circuses. (see section 425)	Same as the underlying district.	Same as the underlying district, and  1.) Storage of materials & equipment, provided they are not buoyant, flammable or explosive, and are not subject to major damage by flooding or can be firmly anchored during times of flooding.	
***** SAME AS THE UNDERLYING DISTRICT *****			

\* NOTE: All uses, activities, and/or development in this district shall be undertaken in strict compliance with the floodproofing regulations contained in Article 6 of this Ordinance.

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**FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT**  
(OVERLAY DISTRICT)

## Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)
*****	SAME AS THE UNDERLYING DISTRICT *****	*****

Section 314  
**FW FLOODWAY DISTRICT**  
 (OVERLAY DISTRICT)

**Uses and Structures** \*

Permitted Principal Uses & Structures (Zoning Officer)	Permitted Accessory Uses & Structures (Zoning Officer)	Special Exception Uses & Structures (Zoning Hearing Board)	Conditional Uses & Structures (Borough Council)
Same as the underlying district, and in addition:  1.) Temporary uses, such as carnivals or circuses. (see section 425) 2.) Water-related uses. (see section 426)	Same as the underlying district, and in addition:  1.) Accessory uses, such as yards, gardens, or pervious parking areas.	Same as the underlying district.	Same as the underlying district.
***** SAME AS THE UNDERLYING DISTRICT *****			

\* **NOTE:** NO construction, development, use, activity, or encroachment shall be permitted which will cause an increase in 100 year flood heights.  
 (See also Article 6 of this Ordinance for detailed floodplain management regulations.)

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FW FLOODWAY DISTRICT  
(OVERLAY DISTRICT)

## Lot, Yard and Open Space Requirements

Minimum Lot Requirements (See Section 501)	Minimum Yard Requirements (See Section 502)	Maximum Height Requirements (See Section 503)



## ARTICLE 4

### SUPPLEMENTARY USE REGULATIONS

#### **400 PURPOSE AND APPLICABILITY**

The purpose of this Article is to supplement the District Regulations contained in Article 3 with additional requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Article 3, the following regulations shall apply to the identified uses.

#### **401 USES NOT PROVIDED FOR**

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Borough Council to hear and decide such request as a conditional use. The Borough Council shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 1101 of this Ordinance. In addition, the use may only be permitted if:

- A. it is similar to and compatible with the other uses permitted in the zone where the subject property is located; and
- B. it is not permitted in any other zone under the terms of this Ordinance; and
- C. it is in no way in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the health, safety and welfare of the neighborhood where it is to be located.

#### **402 DWELLING UNITS**

All dwelling units, including single-family, two-family, and multi-family units hereafter erected or created shall adhere to the following requirements.

- A. Every dwelling unit shall conform to all applicable building, housing, electrical and plumbing codes in effect in the Borough or as may hereafter be enacted.
- B. Every dwelling unit shall be placed upon and firmly anchored to a permanent, frost-free foundation or footer in accordance with the standards set forth in the applicable Borough building code, except as provided otherwise in Section 406 for mobile home parks. In no event shall a dwelling unit be placed or erected upon loose blocks, jacks or other temporary materials.
- C. Every dwelling unit which is to be located in the Flood Fringe or General Floodplain District shall comply with all applicable District Regulations in Article 3 and the floodplain

management provisions in Article 6 of this Ordinance.

- D. In the absence of more restrictive codes, every dwelling unit shall contain a minimum of 600 square feet of habitable floor area, except as provided otherwise in Sections 407, 408, 409, and 410.

#### **403 CONVERSION APARTMENTS**

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate a greater number of dwelling units or households shall be permitted only within those zoning districts and as specified in Article 3, the District Regulations. Further, such conversions shall meet the requirements outlined below.

- A. The lot upon which a conversion apartment is situated shall meet the minimum area requirements established for the district in which it is located.
- B. Conversions may only be authorized for structures which were erected prior to the adoption of this Ordinance. Conversions shall be limited to one (1) building or structure per lot, unless approved otherwise by the Zoning Hearing Board during its review of the application.
- C. Structures to be used for conversions shall contain no less than 1,400 square feet of habitable floor area and no dwelling unit therein shall contain less than 600 square feet of habitable floor area.
- D. No structural alterations designed to increase the ground floor dimensions of the original structure shall be made in order to achieve the conversion, except as may be necessary to assure adequate emergency egress is provided or to improve handicapped accessibility.
- E. The yard, off-street parking, and other applicable requirements of this Ordinance shall also be met.

#### **404 MULTI-FAMILY DWELLING STRUCTURES**

Multi-family dwelling structures (dwelling structures containing three or more dwelling units) shall be permitted only within those zoning districts and as specified in the District Regulations, Article 3. Every application for such a use shall meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance. (Applications proposing to locate more than one multi-family dwelling structure on a single tract of ground shall also meet the requirements of Section 404 E. below.)

##### **A. Minimum Tract Area and Density Requirements**

- 1. The minimum gross area required for each tract containing a multi-family dwelling structure shall be as specified in the District Regulations, Article 3.

2. Where individual dwelling units of a ***single-family attached type of multi-family dwelling structure*** and the land on which the structure is located are proposed to be subdivided and conveyed as separate lots, the following dimensional requirements shall be met. In such cases, the applicant shall submit sufficient documentation along with his subdivision plans which demonstrates that satisfactory arrangements have been made regarding the ownership and maintenance of all common ground or open space not proposed for conveyance. (See also Sub-Section E.6 below.)

a. Minimum Lot Area.

- 1) R-2 Zone. 4,000 square feet per dwelling unit.
- 2) R-3 Zone. 3,000 square feet per dwelling unit.
- 3) PRD Zone. 5,000 square feet per dwelling unit.

b. Minimum Lot Width.

- 1) R-2 and R-3 Zones. 20 feet.
- 2) PRD Zone. 25 feet.

c. Minimum Yard Requirements. See applicable District Regulations.

3. Where ***individual dwelling units of any multi-family dwelling structure*** are proposed to be conveyed independently of any land area, the applicant shall demonstrate that all requirements of the Uniform Condominium Act will be met. (See also Sub-Section D.6 below.)
4. Where ***individual dwelling units of any multi-family dwelling structure*** are proposed to be subdivided, whether or not such subdivision includes any land area, all dwelling units contained in the structure shall be part of the proposed division.

B. Minimum Tract Width

The minimum width for each tract containing a multi-family dwelling structure may vary with each individual application depending upon the number of dwelling units proposed in each structure. In no case however shall the overall width of the tract be less than the minimum established for other uses in the District where the multi-family dwelling structure is located.

C. Minimum Tract Yard Requirements

The minimum yard requirements for each tract containing a multi-family dwelling structure shall be as set forth in the District Regulations, Article 3.

D. Habitable Floor Area

Each dwelling unit in the multi-family dwelling structure shall contain a minimum of 600 square feet of habitable floor area.

#### E. Design Standards

All multi-family dwelling structures shall be designed in accordance with the standards forth in the Borough Subdivision and Land Development Ordinance. In addition, the following requirements shall apply.

1. Traffic Access. Each multi-family dwelling structure must access onto a public street or onto a private internal street. All new streets or access drives shall be designed and constructed in accordance with the road standards outlined in the Borough Subdivision and Land Development Ordinance.
2. Grading and Ground Cover (Soil Erosion and Sedimentation Control). Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be submitted showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be stabilized or otherwise protected with a vegetative cover. And where determined appropriate by Borough Council during their review of the application, buffer yards and screen plantings may be required to be provided in accordance with the requirements of Sections 505 and 506 of this Ordinance.
3. Drainage Facilities. All plans for multi-family dwelling structures shall include information regarding the slope of the site and shall indicate what types of drainage or storm water management facilities will be installed to handle runoff produced by the new structure. The plans shall also indicate where the drainage is to be ultimately channeled.
4. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted to the Borough for approval as part of the plan submission process.
5. Off-Street Parking Facilities. The number of parking spaces available on the site shall equal no less than two (2) stabilized spaces per dwelling unit.
6. Common Open Space Ownership & Maintenance. Where the conveyance of title to individual dwelling units of a multi-family dwelling structure does not include the conveyance of any land area or does not include conveyance of the entire site, the developer shall submit a plan of the arrangements to be made for ultimate ownership of and maintenance responsibilities for the common open space/land area associated with the building (including access drives and driveways) to the Borough for review and approval as a part of his application for such a use. Copies of such arrangements shall be recorded as part of every deed for such conveyances. Where no conveyance is proposed, the developer shall submit a copy of his plan for the maintenance of all common open space areas associated with the structure for the Borough's approval.

F. Building Relationships.

Where more than one (1) multi-family dwelling structure is proposed for a single tract of ground, the following standards shall apply to the relationship of the buildings.

1. Arrangement of Buildings. Adequate provision must be made for light, air, access, and privacy between buildings where more than one (1) multi-family dwelling structure is proposed to be located on a single site. Each dwelling unit shall have a minimum of two (2) exterior exposures.
2. Maximum Length of Rows. The maximum length of any multi-family dwelling structure shall be 160 feet. Building groups must be arranged so as to readily accessible by emergency vehicles.
3. Distance Between Buildings.
  - a. The front or rear of any building shall be no closer to the front or rear of any other building in the group than 50 feet.
  - b. The side of any building shall be no closer to the side, front, or rear of any other building than 25 feet.
4. Open Space. A minimum of ten (10) percent of the gross area of the multi-family housing development shall be reserved by the developer as common open space for the use of all residents of the complex. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. This area shall also be easily accessible to all units.

Applicants for multi-family housing developments shall submit a proposal regarding the ultimate ownership and maintenance responsibilities for any common open space areas to the Borough for review and approval as a part of their application for such a use. Copies of such arrangements shall be included in each deed or lease for a unit in such a development.

**405 PLANNED RESIDENTIAL DEVELOPMENTS**

Planned residential developments shall be permitted only within those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall be processed in accordance with the procedures set forth in Article VII of the PA Municipalities Planning Code, or as may hereafter be amended, and shall meet the standards outlined below.

A. Intent

1. The intent of these regulations is to provide, in the case of planned projects, an added degree of flexibility in the placement, bulk, and inter-relationship of the buildings and uses within the planned project and the implementation of new design concepts while at

the same time maintaining the overall intensity of use, density of population, and the amounts of light, air, access, and open space specified for the PRD Zone.

2. The housing type, minimum lot area, yard, height and accessory uses shall be determined by the requirements and procedures set forth in this Section and within the PA Municipalities Planning Code and shall prevail over conflicting requirements contained in the District Regulations or within the Borough Subdivision and Land Development Ordinance.

#### B. Types of Uses Permitted

The types of uses permitted to be included in planned residential developments shall be as set forth in the District Regulations, Article 3, and as indicated below.

1. Single-family detached dwellings, two-family dwellings, and multi-family dwelling structures (including single-family attached dwelling structures or townhouses and apartment buildings).
2. Commercial and recreational uses or activities (including neighborhood retail stores, athletic fields and courts, tot lots, and similar recreational facilities) appropriate for incorporation into the proposed development and which are designed primarily to serve the occupants of the proposed development.
3. Institutional uses (including churches, day care centers, and retirement centers) appropriate for incorporation into the proposed development and which are designed primarily to serve the occupants of the proposed development.

#### C. Maximum Residential Densities

The following maximum gross densities shall apply to all residential units within the proposed development.

1. Single-Family Detached Dwellings - four (4) dwelling units per acre.
2. Two-family Dwellings - six (6) dwelling units per acre.
3. Single-Family Attached Dwelling Units - eight (8) dwelling units per acre.
4. Other Multi-family Dwelling Units - eight (8) dwelling units per acre.

In no case shall more than 30 percent of the total land area included in the proposed development be utilized for multi-family dwelling structures.

#### D. Minimum Lot Area Requirements

All lots created for single-family detached dwellings shall contain a minimum area of 9,000 square feet. Lots for individual residential units contained in single-family attached type of multi-family dwelling structures shall contain no less than 5,000 square feet of area.

E. Minimum Lot Width and Yard Requirements

Minimum lot width and yard requirements shall be as set forth in the District Regulations, Article 3.

F. Habitable Floor Area Requirements

Each dwelling unit in the development shall contain a minimum of 600 square feet of habitable floor area.

G. Design Standards

The design standards set forth in Section 404 E., Sub-Sections 1. through 5., of this Ordinance shall be met by all applications for planned residential developments.

H. Building Relationships

The building relationship standards set forth in Section 404 F. of this Ordinance shall be met by all applications for planned residential developments. In addition, all such developments shall be setback a minimum of 25 feet from all tract boundaries.

I. Open Space Requirements

Common open space for recreation purposes, either active or passive, shall be an essential and major element of the plan. A minimum of 25% of the total tract shall be set aside by the developer as common open space for the use and enjoyment of all residents of the development. Where possible, such open space shall include the preservation of existing natural features and shall be easily accessible to all units in the development. Portions of the area to be used for recreation shall have suitable physical characteristics, including well-drained soils, gentle topography, and suitable shape and size.

Applications for planned residential developments shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such open space areas. Where such open space is not dedicated to the Borough, or where such dedication is not accepted by the municipality, an Agreement which assigns maintenance responsibilities for the open space/recreation facilities shall be submitted by the developer and approved by the Borough, recorded with the final plan, and referenced in the deeds or leases for each parcel or dwelling unit in the development.

**406 MOBILE HOME PARKS**

Mobile home parks shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All proposed mobile home parks must meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance.

A. Minimum Park Area and Density Requirements

The minimum gross area provided for each mobile home park shall be five (5) acres. Overall, the density of the park shall not exceed eight (8) mobile home lots per acre of gross area of the park provided that all other applicable requirements of this Ordinance can be met. The maximum permitted building coverage for a mobile home park shall be 40%.

B. Mobile Home Park Lot Area and Width Requirements

1. Minimum Lot Sizes. Each mobile home lot shall contain no less than 5,000 square feet, exclusive of rights-of-way.
2. Minimum Lot Width. The minimum width of any mobile home lot, measured at the building setback line, shall be not less than 50 feet.

C. Mobile Home Pad Requirements

All mobile home lots within the mobile home park shall be improved to provide a permanent pad for the placement of the mobile home, thereby providing an opportunity to secure the substructure against uplift, sliding or rotation. Such pads shall be properly equipped to render the parcel useable and shall be maintained in satisfactory condition by the developer or park owner. At a minimum, the following requirements shall be met.

1. The pad shall be equal to the length and width of the mobile home proposed to use the lot.
2. The pad shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure and shall be designed to uniformly support the mobile home in a level position. All pads shall meet the requirements of the applicable Borough Building Code and the mobile home manufacturer's specifications.
3. Each pad shall be provided with anchors and tie-downs sufficient to meet the Borough's Building Code requirements and the mobile home manufacturer's specifications.
4. Each mobile home pad shall be equipped with properly designed and approved water and sewer connections, and shall be provided with approved electrical service connections.
5. Each mobile home lot shall be provided with an entrance patio or porch, not less than 100 square feet in size.

D. Minimum Yard Requirements

1. Setback from Public Streets. All mobile homes and auxiliary park buildings shall be located at least 30 feet from the edge of any adjoining street cartway, including internal



mobile home park streets.

2. Side and Rear Yard Setbacks. All mobile homes, including attached porches, patios, decks, or carports, shall be set back a minimum of 10 feet from the side and rear lot lines of the mobile home lot.
3. Minimum Distance Between Mobile Homes. Each mobile home, including attached porches, patios, decks, or carports, shall be located at least 20 feet from any other mobile home in the mobile home park.
4. Minimum Distance Between Mobile Homes and Auxiliary Structures. All mobile homes shall be located at least 20 feet from any auxiliary park buildings and repair, maintenance, or storage buildings.
5. Park Perimeter Screening Requirements. Screen plantings or fencing shall be provided around the entire perimeter of all mobile home parks to separate the park from adjacent land uses. Screening may also be required to effectively and attractively conceal repair, maintenance, or storage buildings from mobile home lots, park streets, or public roads.

#### E. Design Standards

All mobile home parks shall be designed in accordance with the standards set forth in the Borough Subdivision and Land Development Ordinance. In addition, the following requirements shall apply.

1. Traffic Access. All mobile home lots shall abut and have access on a street in the mobile home park internal street system. Mobile home parks shall be provided with two (2) points of ingress and egress. All streets within the mobile home park shall be designed and constructed in accordance with the street standards outlined in the Borough Subdivision and Land Development Ordinance. In addition, at the entrance/exit intersection of the mobile home park, the cartway shall have a radius of 75 feet in order to facilitate the safe movement of vehicles and mobile home units into and out of the park.
2. Off-Street Parking Requirements. A minimum of two (2) stabilized off-street parking spaces shall be provided for each mobile home lot within the mobile home park. These parking spaces shall be located on the mobile home lot which they are intended to serve.
3. Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans). The ground surface in the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Exposed ground surfaces in the park shall be covered with stone screenings, or other solid material, or be stabilized or otherwise protected with a vegetative cover capable of preventing soil erosion.
4. Drainage Facilities. All plans for mobile home parks shall include information regarding

the slope of the site and shall indicate what types of drainage or stormwater management facilities will be installed to handle run-off produced by the development. The plans shall also indicate where the drainage is to be ultimately channeled.

5. Common Open Space Requirements. A minimum of ten (10) percent of the gross park area shall be reserved by the developer as common open space for the use of all residents of the park. At least a portion of this area shall be set aside for recreation use. Such recreation area shall be suitable for outdoor recreational activities and shall be easily accessible to all units. Applicants for mobile home parks shall submit a proposal regarding the ultimate ownership and maintenance responsibilities for such common open space and recreation areas to the Borough for review and approval as a part of their application for such a use. Copies of such arrangements shall be included in the lease for each lot in the park.

F. Utilities and Park Facilities

1. Sewage Facilities. An adequate and safe sewage system shall be provided by the developer in all mobile home parks for collecting, conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Mobile home parks shall be connected to the public sewer system.
2. Water Facilities. An adequate supply of water shall be provided by the developer for mobile homes, service buildings and other accessory facilities in the park. Mobile home parks shall be connected to the municipal water system.
3. Other Utility Systems. Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided by the developer in accordance with plans approved by the Borough and the appropriate utility company. Underground installation of the utility distribution and service lines is required for approval of the mobile home park proposal.
4. Solid Waste, Collection, Storage and Disposal. Arrangements for the collection, storage, and disposal of solid wastes generated by the residents of the park shall be made by the developer and submitted to the Borough for approval as a part of the plan submission process.
5. Service and Other Auxiliary Park Buildings. Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and maintenance of the park and for the well-being of park residents shall be allowed within the mobile home park boundaries. The entire area of these buildings however, shall be used for the management, servicing and maintenance requirements of the park and park residents.
6. Park Management. Each mobile home park owner shall designate a resident manager who shall be responsible for maintaining the facility in accordance with the requirements of this Ordinance and the terms of the Park's Conditional Use approval.

#### G. Rules and Regulations of the Park

The developer shall submit to the Borough a copy of the proposed rules and regulations to be followed by tenants of the mobile home park as a part of his application for such a use. At a minimum, such regulations shall require that:

1. All garbage and trash must be placed in appropriate receptacles; and
2. Each mobile home placed in a mobile home park shall be skirted. Acceptable skirting shall include materials which have been prefabricated for this specific purpose or other similar articles, but shall not include bales of hay, straw, interior plywood, or like materials.

#### H. Permits Required

Every mobile home placed in a mobile home park in Milton Borough, including replacement units, shall secure a Zoning Permit prior to its placement in the park and its use as a dwelling unit. In addition, all improvements or enlargements proposed for mobile homes located in mobile home parks shall require a Zoning Permit from the Borough prior to being initiated.

### **407 BOARDING OR ROOMING HOMES**

Boarding or rooming homes shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses, whether new construction or a conversion, shall also meet the requirements outlined below.

- A. The lot upon which the boarding or rooming home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Boarding or rooming facilities shall be accessory to a single-family dwelling unit and such uses may or may not include arrangements for meals. And, for the purposes of this Ordinance, the owner of the single-family dwelling must occupy the unit as its legal resident.
- C. Accommodations may be provided for up to four (4) boarders, with a maximum of two (2) persons per bedroom. For the purposes of this Ordinance, there shall be no less than 75 square feet of habitable floor area per bedroom for the first boarder, and no less than 50 square feet of habitable floor area for the second occupant in the same bedroom. Such accommodations shall be for periods of one (1) week or more in duration.
- D. There shall be no less than one (1) bathroom provided for each three (3) bedrooms.

- E. There shall be no provision made for cooking in individual rooms of a boarding or rooming house.
- F. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

#### **408    GROUP HOMES**

Group homes shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such activities, whether new construction or a conversion, shall also meet the requirements outlined below.

- A. The lot upon which the group home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Residents of a group home shall maintain a single household unit with shared use of rooms, except bedrooms, and shall share mealtimes and housekeeping responsibilities.
- C. Accommodations in a group home shall be provided for no more than eight (8) residents, excluding staff, at one time. *For the purposes of this Ordinance, group homes providing accommodations for more than eight (8) residents shall be considered as a personal care home.* Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.
- D. There shall be no more than two (2) persons per bedroom in a group home. Further, there shall be no less than 75 square feet of habitable floor area per bedroom for the first occupant, and no less than 50 square feet of habitable floor area for the second occupant in the same bedroom.
- E. There shall be no less than one (1) bathroom provided for each three (3) bedrooms.
- F. Adult supervision shall be provided at the facility on a 24-hour basis.
- G. Residents of such facilities shall remain in residence for a period of at least three (3) months, and a change of residents shall not routinely occur, except in the case of death, extended illness, disability or similar circumstances.
- H. Applicants for group homes shall indicate the type of care, counseling or treatment to be provided at the site. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.
- I. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.
- J. Any Zoning Permit issued for a group home shall apply only to the facility and applicant named, the premises designated, and for the activities or purposes listed or identified in the application. Said Permit shall be nontransferable.

- K. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

#### **409 PERSONAL CARE HOMES**

Personal care homes shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Every application for a personal care home, whether new construction or a conversion, shall meet the requirements outlined below.

- A. The lot upon which the personal care home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Evidence shall be provided by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health, PA Department of Public Welfare, and the PA Department of Labor and Industry).
- C. Structures housing personal care homes shall contain a minimum of 200 square feet of habitable floor area per resident, and not less than 25% of the total habitable floor area of the structure shall be dedicated to communal activities, including community rooms, dining rooms, or common areas for social activities, unless approved otherwise by the Borough Council during their review of the application.
- D. There shall be no more than two (2) persons per bedroom in a personal care home, nor less than 75 square feet of habitable floor area per person per bedroom.
- E. Adult supervision shall be provided at the facility on a 24-hour basis.
- F. Any Zoning Permit issued for a personal care home shall apply only to the facility and applicant named, the premises designated, and for the activities and purposes listed in the application. Said Permit shall be nontransferable.
- G. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

#### **410 RETIREMENT CENTERS**

Retirement centers shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Every application for a retirement center, whether new construction or a conversion, shall meet the requirements outlined below.

- A. The lot upon which the retirement center is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. The building(s) housing the retirement center shall contain no less than 12,000 square feet

of habitable floor area, at least 25% of which shall be dedicated to communal activities, including community rooms, dining rooms, or common areas for social activities.

- C. Individual or family units, containing a minimum of 400 square feet of habitable floor area, shall be provided within the retirement center, and there shall be no more than two (2) persons per unit.
- D. Arrangements for residents may include the preparation and service of meals on the premises and the provision of housekeeping services, but shall exclude 24-hour supervision or full-time convalescent or chronic nursing care, such as may be found in a personal care home or a nursing home.
- E. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.
- F. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

#### **411 BED AND BREAKFAST ESTABLISHMENTS**

Bed and breakfast establishments or other similar residential lodging facilities shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Every application for a bed and breakfast establishment, whether new construction or a conversion, shall meet the requirements outlined below.

- A. The lot upon which the bed and breakfast is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. The facility must be privately owned and occupied by the owner thereof.
- C. The total number of guest rooms in the facility shall not exceed five (5), and each guest room shall contain a minimum of 120 square feet of habitable floor area.
- D. No more than two (2) adults and their accompanying children under 18 years of age may occupy a single guest room.
- E. There shall be at least one (1) bathroom for every two (2) guest rooms.
- F. Overnight accommodations shall not exceed 14 continuous nights at any one time, nor exceed 60 days in any calendar year.
- G. Dining facilities and food services shall be available only to lodgers.
- H. Exterior alterations to existing structures shall be limited to those customarily associated

**§ 403.23. Child day care facilities.**

(a) A dwelling unit where child day care services are provided for less than 24 hours for 4 to 12 children is an R-3 occupancy if the dwelling unit is used primarily as a private residence and the provision of day care services is accessory to the principal use of the dwelling unit as a residence.

(b) A day care facility that is an R-3 occupancy under subsection (a) which provides day care services to 4—6 children shall comply with all of the following:

- (1) Have a smoke detector on each floor and in the basement. The smoke detector may be powered by a non-replaceable, lithium battery listed by Underwriters Laboratories that is warranted for 10 years and should sound an alarm when activated that is audible to persons in the unit's indoor child care space with all intervening doors closed. Where this type of detector is utilized, the unit owner of this detector shall keep the proof and date of purchase of the detector in the unit's fire drill logs.
- (2) Have a portable fire extinguisher rated for Class B Fires in the kitchen and other cooking areas.
- (3) Meet the exiting requirements for an R-3 occupancy and licensure under 55 Pa. Code Chapter 3290 (relating to family child day care homes).

(c) A day care facility that is an R-3 occupancy under subsection (a) which provides day care services to 7—12 children shall comply with all of the following:

- (1) Have an interconnected smoke detector system.
- (2) Have a fire extinguisher rated for Class B fires in the kitchen and other cooking areas.
- (3) Meet the exiting requirements for an R-3 occupancy and licensure under 55 Pa. Code Chapter 3280 (relating to group child day care homes).

(d) All other child day care facilities shall be classified under Chapter 3 of the "International Building Code." The facilities shall meet all Uniform Construction Code standards for these occupancy classifications.

with residential uses.

- I. Signs advertising the facility shall meet the requirements of Article 7 of this Ordinance.
- J. The off-street parking requirements set forth in Article 8 and all other applicable standards of this Ordinance shall be met.

#### **412 DAY CARE CENTERS, NURSERY SCHOOLS, OR GROUP DAY CARE HOMES**

Day care centers, nursery schools, or group day care homes, or those facilities providing limited daytime care for adult, elderly or handicapped persons, shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All such uses, whether new construction or a conversion, shall meet the requirements outlined below.

- A. The lot upon which the day care facility is located shall meet the minimum area requirements established in the District Regulations for the district in which it is to be located.
- B. Outdoor recreation area in accordance with applicable State regulations shall be provided. Such areas shall be completely enclosed with a six (6) foot fence or a natural barrier meeting the requirements of Section 506 of this Ordinance and shall be located at least 25 feet from the edge of any adjoining street cartway. A dwelling or accessory building may also be used as part of the required enclosure.
- C. All other applicable codes, ordinances or laws (including regulations of the PA Department of Public Welfare, PA Department of Labor and Industry, and PA Department of Education) shall be met. Satisfactory evidence that all necessary permits or approvals have been obtained shall be submitted as part of any application for a day care center, nursery school, or group day care home.
- D. Signs advertising the facility shall meet the requirements of Article 7 of this Ordinance.
- E. Passenger drop-off and pick-up areas shall be provided and arranged so that passengers do not have to cross the traffic lanes on or adjacent to the site. In addition, the requirements set forth in Article 8 regarding off-street parking, and all other applicable standards of this Ordinance shall be met.

#### **413 RETAIL ESTABLISHMENTS**

Retail establishments shall include those facilities and personal service uses permitted in the District Regulations, Article 3. In addition, every proposed retail establishment must meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance.



A. Applications for new retail establishments shall include the following information.

1. A site plan prepared by a registered professional engineer, land surveyor, or architect, showing the tract of ground on which the use is proposed and the location of all buildings or structures existing or to be situated on the site;
2. An indication that the use will not have a detrimental effect on the character of the area or neighborhood where it is proposed to be located, including the use of externally-broadcast music, public address systems, public announcements, paging and similar activities;
3. An indication that adequate sewage disposal and water supply facilities are available;
4. An indication that arrangements have been made for the collection, storage and disposal of solid wastes generated by the commercial use, including an indication of the type of screening to be used to conceal all such storage facilities;
5. An indication that a buffer yard or screening as required in Section 505 and 506 of this Ordinance will be provided around the perimeter of the site;
6. An indication that all outdoor lighting associate with the proposed establishment will be mounted and shielded to effectively eliminate glare on adjacent properties and avoid creating safety problems for motorists on public streets;
7. An indication that all signs used to advertise such facilities will meet the requirements of Article 7 of this Ordinance;
8. An indication that access to the proposed establishment will be adequate and as required by this Ordinance and that the number of off-street parking spaces and loading berths required in Article 8 will be provided; and
9. An indication of the establishment's proposed hours of operation.

B. Applicants proposing to ***change from one commercial use to another*** in an existing building, where no structural alteration is proposed or necessary to effect the change, need only apply to the Permit Officer for a Certificate of Compliance. All such applicants shall however provide sufficient information to the Permit Officer indicating that the issues raised in Sub-Section A. above will be adequately addressed.

C. No perpetual outside displays or retail sales shall be permitted for approved commercial uses, except where such display is a necessary part of the use, and no merchandise shall be placed on a sidewalk except as part of a periodic sidewalk sale.

D. All outside storage associated with a commercial use shall meet the requirements set forth in Section 423 of this Ordinance.

E. No commercial building in the Central Business District 1 may provide for

residential use on the first floor.

(Revised August 27, 2014 per Ordinance # 1191)

#### **414 AUTOMOTIVE SERVICE STATIONS AND/OR REPAIR GARAGES**

Automotive service stations and/or repair garages shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall meet the criteria established for retail uses in Section 413 of this Ordinance as well as the standards outlined below.

- A. Gasoline pumps or other fuel dispensing devices shall be no closer than 25 feet to any boundary of the Residential District.
- B. All fuel, oil, propane gas, or other similar substance shall be stored at least 25 feet from any street right-of-way or property line. (Additional permits may be necessary to meet State and Federal requirements regarding the location of storage tanks for such purposes.)
- C. All repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building.
- D. Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets all State regulations and is designed to contain all noise, vibrations, dust, and odor generated by the activity.
- E. The applicant shall include an indication of the methods being proposed for storage and disposal of any solvents, paints, or other potentially hazardous materials or substances to be used on the premises as part of his application for an automotive service station or repair garage.

#### **415 PUBLIC ENTERTAINMENT FACILITIES or PLACES OF ASSEMBLY and PUBLIC LIBRARY**

(Revised September 25, 2008 per Ordinance # 1159)

Public entertainment facilities or places of assembly shall be permitted only in those zoning districts and as specified in Article 3, the District Regulations. In addition, all applications for such uses shall meet the criteria established for retail uses in Section 413 of this Ordinance, as well as the standards outlined below, and all other applicable State or local requirements. (See also Section 427 for regulations governing adult entertainment establishments.)

- A. All such uses shall contain, at a minimum, 2000 square feet of enclosed structure area.  
(Revised September 25, 2008 per Ordinance # 1159)
- B. Applications for such uses shall include an indication of the measures to be taken to prevent noise or other nuisance influences from disturbing nearby properties.

- C. Illuminated signs or other outdoor lighting shall be installed and shielded to avoid causing glare on adjacent properties or creating a hazard for passing motorists. (See also Article 7.)
- D. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

#### **416 COMMERCIAL LODGING FACILITIES**

Commercial lodging facilities shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. In addition, all such uses shall meet the criteria established for retail uses in Section 413 of this Ordinance, as well as the standards outlined below, and all other applicable State or local requirements.

- A. Each unit in a commercial lodging facility shall contain a minimum of 120 square feet of habitable floor area and in addition shall include a private bathroom.
- B. Illuminated signs or other outdoor lighting shall be installed and shielded to avoid causing glare on adjacent properties or creating a hazard for passing motorists. (See also Article 7.)
- C. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

#### **417 MANUFACTURING OPERATIONS**

Manufacturing operations shall include those industrial uses and processing activities provided for in the District Regulations, Article 3. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance. Additional documentation may also be required where it is deemed necessary by the Borough to protect the health, safety and welfare of its residents.

- A. Manufacturing operations shall abut on and/or provide direct access to a street or highway which is capable of accommodating the anticipated levels and types of manufacturing and employee traffic.
- B. Adequate sewer and water facilities shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection.
- C. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed manufacturing operation shall be made by the developer and submitted to the Borough for approval as a part of the plan submission process.
- D. The proposed hours, rules, and security arrangements for the facility shall be included as part of the plan submission process. Consideration shall be given not only to the

convenience of the manufacturing operation, but the convenience, safety and welfare of the neighborhood in which the industry is to be located.

- E. Outdoor security lighting provided for the facility shall be installed and shielded to eliminate direct glare on adjacent properties or upon public streets.
- F. All outside storage associated with a manufacturing use shall meet the requirements set forth in Section 423 of this Ordinance.
- G. Buffer yards and/or screening shall be provided along the perimeter of the site in accordance with the standards set forth in Sections 505 and 506 of this Ordinance.
- H. Off-street parking and loading areas shall be provided in accordance with the requirements of Article 8 of this Ordinance.
- I. Manufacturing operations shall comply with all applicable local, State or Federal performance standards, codes and regulations (including the standards of the Department of Environmental Protection pertaining to air, water and noise pollution).
- J. In all activities involving the use or storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment and devices standard in the industry.
- K. No activities shall be permitted which emit radio waves or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

#### **418 OUTDOOR RECREATION FACILITIES OR PARKS AND PLAYGROUNDS**

Outdoor recreation facilities or parks and playgrounds shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. In addition, all applications for such uses shall meet the following requirements.

- A. A plan showing the proposed facilities and/or design of the recreational facility shall be provided by the applicant with the Zoning Permit application.
- B. All buildings, structures or active recreation facilities shall be located at least 25 feet from all property lines and shall be screened in accordance with the standards set forth in Section 506 of this Ordinance.
- C. Arrangements for the collection, storage and disposal of solid wastes generated by the facility shall be made by the applicant and submitted to the Borough as a part of the plan submission process.
- D. The proposed hours, rules, and security arrangements for the facility shall be included with the application for the use. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood in which the facility is

to be located.

- E. Outdoor security lighting provided for the facility shall be installed and shielded to eliminate direct glare on adjacent properties or upon public streets.
- F. No public address system shall be permitted, except where such system will be inaudible at all property lines.
- G. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

#### **419 ESSENTIAL SERVICES**

Essential services may be permitted in all zoning districts of the Borough, but shall meet the following standards.

- A. Public utility structures, including substations, water pumping stations, and/or sewage treatment plant facilities shall be designed and constructed to be compatible with the general character (appearance and structural material) of the other structures within the district in which they are located.
- B. Structures may be permitted for the housing of transformers, pumps and similar equipment subject to the yard requirements set forth in Article 3, the District Regulations. Such structures shall house only that equipment and/or vehicles necessary to provide normal maintenance and repair for the systems, except in the General Commercial and Central Business District 1 & 2 where related business office space may also be provided.
- C. All outside storage areas associated with utility services shall meet the requirements of Section 423 of this Ordinance.

#### **420 SWIMMING POOLS, SPAS, AND HOT TUBS**

##### **A. Private Swimming Pools**

Private swimming or bathing pools (pools used by the owner and guests), spas, and hot tubs may be permitted as accessory uses to any principal residential use, but must comply with the following requirements.

1. Every outdoor private swimming pool, spa, or hot tub, containing water more than 24 inches in depth, shall be completely surrounded by a fence or wall not less than four (4) feet in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Further, such gates and doors shall be designed and maintained in accordance with all applicable building and property maintenance codes.
2. A dwelling or accessory structure may be used as part of the required enclosure.

3. The pool, spa, or hot tub shall not be located within any front yard nor be closer to any side or rear property line than is established for accessory structures in the district where the use is located.

B. Public or Semi-Public Swimming Pools

Public or semi-public swimming or bathing pools shall be defined as those facilities available for use by the public or specified groups or organizations, including pools owned and operated by municipal governments, private organizations, or pools provided in conjunction with motels or similar lodging facilities, residential or institutional developments, or mobile home parks. Such pools shall be subject to all requirements established by the PA Department of Environmental Protection.

**421 HOME OCCUPATIONS**

Where not prohibited by deed restrictions or other covenants or agreements restricting the use of land, no-impact home-based businesses and other home occupations may be permitted subject to the following requirements.

A. No-Impact Home-Based Businesses

No-impact home-based businesses may be permitted in the R-1, R-2, R-3, and PRD Zoning Districts subject to the following standards.

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business activity shall be conducted *entirely within the owner's dwelling* and may occupy no more than 25% of the floor area of the residence.
3. The business shall employ no employees other than family members residing in the dwelling.
4. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
5. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
6. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
7. The business activity shall not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

8. The business shall not involve any customer, client, or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises in excess of that normally associated with a residential use.
9. The business shall not involve any illegal activity.

B. Home Occupations

Home occupations meeting the following standards may be located within the R-1, R-2, R-3, PRD, C, and CBD 1 & 2 Zoning Districts.

1. The home occupation shall be clearly secondary to the principal residential nature or use of the dwelling.
2. A home occupation shall not in any way alter the residential character of a neighborhood nor in any way adversely affect the safe and comfortable enjoyment of the neighborhood in which the use is located.
3. The area devoted to the permitted home occupation shall be located wholly within either the operator's dwelling or a building accessory thereto.
4. A home occupation may occupy no more than 33% of the gross floor area of the dwelling, except in the case of home offices, which may utilize no more than 50% of the gross floor area of the dwelling, and family day care homes, for which the entire dwelling may be utilized.
5. Permitted home occupations shall be operated by the members of the family residing on the premises and not more than one (1) additional non-resident employee, except in the General Commercial or Central Business District 1 & 2, where a home occupation may utilize as many non-resident employees as appropriate or necessary.
6. There shall be no exterior display or sign, except as may be permitted in Article 7, and no outside storage of materials associated with the business shall be permitted on the premises.
7. No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot containing the home occupation.
8. The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood.
9. A minimum of two (2) additional off-street parking spaces shall be provided for all home occupations.
10. Not more than one (1) of the following service-oriented uses may be permitted as a home occupation in any dwelling unit.

- a. Home office for physician, dentist, attorney, real estate or insurance agent, engineer, architect, accountant, or other professional;
- b. Barber and/or beauty shop;
- c. Family day care home;
- d. Tutoring facility;
- e. Custom dressmaking facility; or
- f. Fine arts or photography studio.

11. Requests for other home occupations not specified above may be submitted to the Zoning Hearing Board for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the Borough, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located, such use may be approved.

#### **422 ACCESSORY RESIDENTIAL USES**

Accessory residential uses, including apartments or dwelling units above or adjoining a commercial use, may be permitted in the High Density Residential, General Commercial, and Central Business Districts 1 & 2. Every such proposed use shall also meet the requirements outlined below.

- A. All such uses must remain secondary to the principal commercial use of the structure, if applicable.
- B. The minimum gross floor area requirements for new construction or conversions proposed after the effective date of this Ordinance shall be as set forth in Section 402 of this Ordinance shall be met.
- C. The off-street parking requirements set forth in Article 8 of this Ordinance shall be met for both the commercial and residential uses.
- D. No commercial building in the Central Business District 1 may provide for residential use on the first floor.

(Revised August 27, 2014 per Ordinance # 1191)

#### **423 OUTSIDE STORAGE**

For the purposes of this Ordinance, the outside storage of goods, materials, or merchandise may only be authorized as accessory to an approved, principal use in the General Commercial, Manufacturing, or Economic Development District and shall be subject to the following standards.

- A. No such storage shall constitute a nuisance, nor be located within 25 feet of a Residential District.
- B. No storage shall be permitted in any front yard and shall be situated so as to meet the



applicable side and rear yard setback requirements of the district in which it is located.

- C. No part of a street right-of-way, sidewalk or other area intended or designated for pedestrian use, and no required parking area shall be used for such storage.
- D. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except those directly connected to heating devices or appliances located on the same premises.
- E. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be attractive to rodents or insects shall be stored outdoors only in properly closed and sealed containers.
- F. All such storage areas shall be screened or shielded from view by a fence, wall or screen planting which is open or broken only where necessary for vehicle entrances and exits and to avoid obstructing a clear sight triangle.
- G. No such storage shall be permitted in any designated Floodway District. Where permitted within a Flood Fringe or General Floodplain District, all such storage shall be floodproofed to avoid being transferred from the site during times of flooding.

#### **424 TEMPORARY USES AND STRUCTURES (SEE ALSO SECTION 425)**

Temporary uses such as carnivals, circuses or open-air cultural, religious, or sporting events may be held in the Borough, but shall require the issuance of a Temporary Zoning Permit. (Community events which do not exceed a single day in duration shall be exempt from these requirements). Temporary Permits for such events shall be valid for no more than 14 days and shall be issued only after the applicant has met the following requirements.

- A. If the temporary use is to take place on land not owned by the applicant, the applicant shall present a written statement from the owner of the property in which he agrees to the temporary use of his property.
- B. The applicant shall provide sufficient insurance coverage to adequately protect the Borough against any damage, accident or other claim resulting from the event. Evidence of such insurance shall be submitted as a part of the Permit application.
- C. The site of such temporary use shall not be left unattended by the applicant or agents of the applicant at any time during which the use is located on the site.
- D. Information concerning water supply and sewage disposal facilities to be used shall be presented to the Borough by the applicant with assurance from the PA Department of Environmental Protection or the Borough's Sewage Enforcement Officer that such arrangements are adequate.
- E. Any solid waste generated by the temporary use shall be collected and disposed of by the applicant in a fashion determined appropriate by the Borough.

- F. The applicant shall assure the Borough that all vendors intending to dispense food or beverages to the public will be properly licensed or approved by the PA Department of Health, where applicable.
- G. Assurance shall be given by the applicant to guarantee that there is adequate space to satisfy the parking demands that will be generated by the use and that adequate traffic control precautions will be taken.
- H. All wagons, tents, temporary structures, animals and any other materials brought to the site, as well as all debris or refuse generated by the event, shall be removed by the applicant within the time limit stated on the Temporary Permit and prior to vacating the site.
- I. Noise levels associated with the activity shall be controlled to avoid creating a nuisance or disturbance in the vicinity of the use.

The Zoning Officer shall note on the Temporary Permit or attach to the Permit application, information that demonstrates that the applicant has agreed to or complies with the requirements of this Section. The Zoning Officer shall inspect the site as necessary to ensure that the provisions of the Permit are followed.

#### **425 TEMPORARY USES IN FLOODPLAIN AREAS**

Temporary uses such as carnivals, circuses or open-air cultural, religious, or sporting events may also be held in the General Floodplain District of the Borough, but shall require the issuance of a Temporary Zoning Permit. All such uses shall be subject to the standards of Section 424 above. Further, if there is a threat of flooding or a flood warning is issued by the National Weather Service, all wagons, tents, structures, animals and other materials associated with the temporary use shall be removed completely from of the identified floodplain. This shall be done promptly before the threat of flood becomes a reality.

#### **426 WATER-RELATED USES**

Water-related uses, including docks, piers, marinas, and other similar activities, may be permitted in or along the Susquehanna River as provided in the District Regulations, but shall be subject to all applicable State and Federal rules and regulations. In addition such uses must adhere to the following standards.

- A. All water-related uses shall be installed so that they create no rise in the 100 year flood level.
- B. Docks must be removed from any designated Floodplain District by their owner during the off-season, and when there is a threat of a flood.
- C. No variance shall be granted to any of the requirements of this Section which would cause a rise in elevation of the 100 year flood or be contrary to the requirements of the National

Flood Insurance Program.

**427 ADULT ENTERTAINMENT ESTABLISHMENTS**

Adult entertainment establishments or facilities shall be permitted only in those zoning districts and as specified in Article 3, the District Regulations. All applications for such uses shall meet the criteria established for retail uses in Section 413 of this Ordinance, as well as the standards outlined below, and all other applicable State or local requirements.

- A. Adult entertainment establishments shall not be located within:
  - 1. 250 feet of the boundary of any Residential District or residential property line; nor within
  - 2. 500 feet of the property line of any church, school, theater, park, playground, or other areas where minors congregate; nor within
  - 3. 250 feet of the property line of any establishment licensed by the PA Liquor Control Board to dispense alcoholic beverages; nor within
  - 4. 500 feet of the property line of any other adult entertainment establishment.
- B. Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.
- C. All building openings, entries, exits or windows for adult entertainment establishments shall be located, covered or screened in such a manner so as to prevent a view into the interior from any street, sidewalk, public place, or residential property. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.
- D. No person under 18 years of age shall be permitted within an adult entertainment establishment, nor be permitted to purchase or rent any adult entertainment materials.
- E. Business identification signs shall include no promotional advertisement or pictorial displays.

**428 HELIPORT USE**

(added 02/27/2013 per Ordinance # 1182)

All heliports shall be private (as per the Pa state regulations 67 PA CODE 471.6) and shall meet the following specific criteria applicable to the use as a conditional use:

- A. A Pennsylvania Department of Transportation Bureau of Aviation Notice of Intent to License for the proposed heliport shall have been issued for the subject property, prior to approval of the conditional use application.
- B. All facilities shall be designed and operated in strict compliance with all rules and

regulations appropriate governing agencies of the United States, the Commonwealth of Pennsylvania, Northumberland County, and the Borough of Milton.

- C. Recommended approach/departure paths as designated by the Pennsylvania Bureau of Aviation or the Federal Aviation Administration shall be the flight paths followed by the applicant.
- D. The applicant and users of the heliport shall agree to adhere to the Helicopter Association International guidelines related to noise abatement as published in the *Fly Neighborly Guide*, as amended from time-to-time and helicopter manufacturer's sound abatement guidelines.
- E. The applicant shall comply with National Fire Protection Association 418, *Standards for Heliports*.
- F. Heliports shall be used only for uses appurtenant to a business having primarily other commercial objectives and shall not be the sole or primary use, nor shall it be available for hire or use by the general public or others not affiliated with the principle occupant of the property.

#### 429 **MOBILE FOOD VENDING**

(added 02/27/2014 per Ordinance # 1188)

- A. Zoning Permits are required for all mobile food vending units.

##### Exception:

- 1. Public Events authorized by the Borough. (02/12/15 per B. BENION -- NON PROFITS CAN ASK AUTHORIZATION FROM BORO. COUNCIL & BE EXEMPT.)
- 2. Public Auctions lasting no longer than 3 days maximum.

- B. The mobile food vendor and the mobile food vending unit may be allowed in the Manufacturing, Economic Development and the Industrial/Office Park Districts as an Accessory Use when a Zoning Permit application is provided to the Zoning Officer which includes the location and the hours of operation, and the signatures and addresses and phone numbers of the property owner(s) and the mobile food vendor. Also, an agreement containing the following must be included with the Zoning Permit application:

- 1. An agreement between the property owner(s) and the mobile food vendor which allows the mobile food vendor to operate on the private property, and
- 2. a statement that the mobile food vendor will sell their goods only to the staff located at that private property and not to the general public, and
- 3. the agreement shall be signed by the property owner(s) and the mobile food vendor as being true and correct, and
- 4. the agreement shall be notarized.

- C. The mobile food vendor and the mobile food vending unit must be at least 200 feet away from the door of a lawfully established restaurant(s) unless the mobile food vendor provides a notarized letter of consent from the owner(s) of the restaurant(s) allowing the mobile food vendor and the mobile food vending unit within the 200' feet area up to a specified distance, a copy of which shall be kept within the mobile food vending unit.
- D. The mobile food vendor must provide both a garbage receptacle and recycling receptacle (glass, cans, and bottles) and properly dispose of the items as provided for by law.
- E. Health, food handling and all other permits as required by the federal, state and local laws must be displayed at all times and a copy shall be provided along with the Zoning Permit application.
- F. There shall be no tables, chairs, or sit down type furniture, outside of the mobile food vendor unit.
- G. Fees:
  - 1. All mobile food vendor(s) shall pay an annual fee of fifty-dollars (\$50.00) per mobile food vendor unit.
- H. Violations:
  - 1. 1<sup>st</sup> violation will result in a written warning.
  - 2. 2<sup>nd</sup> violation will result in a one-hundred (\$100.00) fine to be paid to the Borough of Milton.
  - 3. 3<sup>rd</sup> violation will result in the Zoning Permit being revoked and a one year suspension of all operations (all mobile food vendor units owned by the violator) within the Borough of Milton limits.
  - 4. 4<sup>th</sup> violation will result in permanent loss of any Zoning Permit to operate as a mobile food vendor and the mobile food vendor unit.

#### **430 WIRELESS COMMUNICATION FACILITIES**

(added by Ordinance # 1213)

Wireless Communication Facilities, including Towers, antennas, related equipment and broadcast transmission equipment buildings, except satellite receivers less than thirty-nine (39") inches in diameter, transmission facilities required for public safety, and facilities owned or operated by a federally-licensed amateur radio operator.

- 1. General and Specific Standards for all Antennas. The following regulations shall apply to all Antennas, except those operated by a federally licensed amateur radio operator or Borough-recognized police, fire, ambulance or any other emergency organization or agency:

- a. Standard of care. All Antennas 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 Pennsylvania Uniform Construction Code, American National Standards Institute (ANSI) Code, and National Electrical Code. Antennas 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 any property in the Borough.
- b. Conditional Use authorization required. An Applicant proposing the installation of an Antenna, except those that fall under the provisions of the WBCA, shall apply for Conditional Use authorization from Borough Council. The Conditional Use application shall demonstrate that the proposed Antenna complies with all pertinent provisions of this Ordinance.
- c. Antennas are permitted only where indicated in Appendix H.
- d. Historic areas. No Antenna may be located upon any property, or on a building or structure, that is listed on either the National or Pennsylvania Registers of Historic Places, or that is within the Boundary of the Milton Borough Historic District.
- e. Wind. Antennas shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and the Broadcast Transmission Industry Association (ANSI/TIA-222, as amended).
- f. Aviation safety. Antennas shall comply with all federal and state laws and regulations concerning aviation safety.
- g. Public safety communications. Antennas shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by residents of the borough.
- h. Radio frequency emissions. An Antenna shall not, by itself or in conjunction with other Antennas and/or Wireless Communications Towers, 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.
- i. Removal. In the event that use of an Antenna is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue such use and the date when the use shall be discontinued. Unused or abandoned Antennas, or portions of Antennas, shall be removed as follows:

- (i) All abandoned or unused Antennas and Related Equipment shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
  - (ii) If the Antenna or Related Equipment is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the Antenna and/or Related Equipment may be removed by the Borough. As security, the Borough reserves the right to the salvage value of any removed Antenna and/or Related Equipment if such Antenna and/or Related Equipment is/are not removed by the owner as set forth herein.
- j. Insurance. Each person that owns or operates an Antenna shall provide the Borough with a certificate of insurance, naming the Borough as an additional insured, and evidencing general liability coverage in the minimum amount of One Million (\$1,000,000.00) Dollars per occurrence and property damage coverage in the minimum amount of One Million (\$1,000,000.00) Dollars per occurrence covering the Antenna.
- k. Indemnification. Each person that owns or operates an Antenna shall, at their sole cost and expense, indemnify, defend and hold harmless the Borough, and 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, or their officers, agents, employees or contractors, arising out of, but not limited to, the construction, installation, operation, post construction inspections, maintenance or removal of the Antenna. Each person that owns or operates an Antenna 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 an Antenna. 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.
- l. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
  - (i) Antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (ii) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.
  - (iii) All maintenance activities shall utilize nothing less than the best available

technology for preventing failures and accidents.

m. Removal and Replacement or Modification.

- (i) To the extent permitted by law, the removal and replacement of Antennas and/or Related Equipment for the purpose of upgrading or repairing the Antenna is permitted, provided that such repair or upgrade does not Substantially Change the overall size of the Wireless Communications Support Structure or the number of Antennas. If a Substantial Change will occur as a result of such removal and replacement, the Applicant shall proceed through the Conditional Use process, demonstrating that the proposed removal and replacement complies with the terms and conditions established herein.
- (ii) To the extent permitted by state law, any material alteration to an Antenna shall require notice to be provided to the Borough, and possible supplemental permit approval to the original permit or authorization.

2. In addition to the regulations enumerated hereinabove, the following regulations shall apply to Antennas that fall under the WBCA:

- a. Permit required. Antenna Applicants proposing the modification of an existing Wireless Communications Tower or Wireless Communication Support Structure, which does not Substantially Change the dimensions of the existing structure, shall obtain a building permit from the Borough. In order to be considered for such permit, the Applicant must submit a permit application to the Borough in accordance with applicable permit policies and procedures.
- b. Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for an Antenna is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision.
- c. 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 an Antenna not to exceed the amounts set by applicable state law.

3. In addition to the regulations enumerated hereinabove, the following regulations shall apply to Antennas that do not fall under the WBCA:



- a. Prohibited on Residential Dwellings. To the extent permissible under federal and state law, no Antenna shall be located on any residential dwelling.
- b. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the Antenna and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these Antenna provisions. The Applicant and/or owner of the Antenna shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- c. 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 an Antenna, as well as related inspection, monitoring and related costs.
- d. Development Regulations. To the extent permitted by federal and state law, antennas shall be colocated on existing Wireless Communication Support Structures, subject to the following conditions:
  - (i) The total height of any Wireless Communications Support Structure and mounted Antenna shall not exceed twenty (20') feet above the maximum height permitted in the underlying Zoning District.
  - (ii) In accordance with industry standards and where permitted by state or federal law, all Antenna Applicants must submit documentation to the Borough justifying the total height of the Antenna. Such documentation shall be analyzed in the context of such justification on an individual basis.
  - (iii) If the Applicant proposes to locate the Related Equipment in a separate equipment building, the building shall comply with the minimum setback requirements for the applicable Zoning District, and landscaping shall be required to screen as much of the equipment building as possible.
- e. A chain link security fence with a minimum height of ten (10') feet, including barbed or similar type security wiring at the top of the fence, shall surround any separate Wireless Communications equipment building. Vehicular access to the Wireless Communications equipment building, or any structure housing Related Equipment, shall not interfere with the parking or vehicular circulations on the site for the principal use.
- f. Non-commercial usage exemption. Borough residents utilizing satellite dishes and antennas for the purpose of maintaining television, phone, radio and/or internet connections at their respective residences and amateur radio operators

shall be exempt from the regulations enumerated herein.

- g. Design Regulations. Antennas shall employ Stealth Technology and be treated to match the Wireless Communications Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the Borough.
- h. Inspection.
  - (i) Inspection of the Wireless Communications Facility, Wireless Communications Support Structure, and the Equipment Compound shall be performed by the owner, or any authorized agent for the owner, at least one time in every six-month period of time, and a copy of the inspection shall be given to the Borough Code Enforcement Officer.
  - (ii) The Borough reserves the right to inspect any Antenna to ensure compliance with the provisions of this Chapter and any other applicable provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which an Antenna is located at any time, upon reasonable notice to the operator, to ensure such compliance.

4. Regulations Applicable to all Antennas Located within the Public Rights-of-Way. In addition to the regulations enumerated hereinabove, the following regulations shall apply to Antennas located within the public rights-of-way:

- a. Colocation. Antennas within the right-of-way shall be colocated on existing poles, such as existing utility poles or light poles. If colocation is not technologically feasible, the Applicant, with the Borough's approval, shall locate its Antennas on existing poles or freestanding structures that do not already act as Wireless Communications Support Structures. Documentation shall be provided to the Borough indicating the Wireless Communications Support Structure is able to structurally support the additional loads and continues to withstand 100 mph wind.
- b. Design Requirements:
  - (i) Antenna installations located above the surface grade in the public right-of-way including, but not limited to, those on streetlights and utility poles, shall consist of equipment components that are no more than six (6') feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - (ii) Antennas and Related Equipment shall be treated with Stealth Technology by the Antenna owner or Applicant to match the Wireless Communications

Support Structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

- c. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Antennas in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
- d. Equipment Location. Antennas and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic or vehicle site distance, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Borough. In addition:
  - (i) Ground-mounted Related Equipment shall be located between the sidewalk and the curb. For reasons of safety and aesthetics, such equipment shall neither protrude onto the curb nor obstruct the sidewalk nor obstruct the site distance of a vehicle.
  - (ii) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
  - (iii) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
  - (iii) Any graffiti on any Wireless Communications Support Structures or any Related Equipment shall be removed at the sole expense of the owner within 30 days after being notified.
- e. Relocation or Removal of Wireless Communication Facilities. Within two (2) months 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, the owner of an Antenna in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Antenna when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
  - (i) the construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;

- (ii) the operations of the Borough or other governmental entity in the right-of-way;
- (iii) vacation of a street or road or the release of a utility easement; or
- (iv) an emergency as determined by the Borough.
- (v) No permit is required for such removal, relocation, change or alteration ordered by the Borough.
- (vi) The site shall be restored to the predevelopment condition by the owner of the Wireless Communication Facility.

5. General and Specific Standards for Wireless Communications Towers. The following regulations shall apply to all Towers, excluding any Tower that is owned and operated by a federally licensed amateur radio operator:

- a. Standard of care. Towers 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 and National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Towers 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 any property in the Borough.
- b. Notice. Upon submission of an application for a Tower and the scheduling of the public hearing upon the application, the Applicant shall mail notice to all owners of every property within five hundred (500') feet of the proposed facility. The Applicant shall provide proof of such notification to the Borough.
- c. Conditional Use authorization required. Towers are permitted by Conditional Use in certain areas, and at a height, as permitted in Appendix H. No 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 Applicant shall demonstrate that the Tower is the minimum height necessary for the service area.
  - (i) Prior to Borough Council's approval of a Conditional Use authorizing the construction and installation of a Tower, it shall be incumbent upon the Applicant for such Conditional Use approval to prove to the reasonable satisfaction of Borough Council that the Applicant cannot adequately

extend or infill its Wireless Communications system by the use of equipment, such as redoes, repeaters, antennas and other similar equipment, installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The Applicant shall further demonstrate that the proposed Tower must be located where it is proposed in order to serve the Applicant's service area and that no other viable alternative location exists.

- (ii) The Conditional Use application shall be accompanied by a propagation study evidencing the need for the proposed Tower or other Wireless Communication Facilities and Related Equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the Applicant, the power in watts at which the Applicant transmits, and any relevant related tests conducted by the Applicant in determining the need for the proposed site and installation.
  - (iii) The Conditional Use application shall be accompanied by documentation demonstrating that the proposed Tower complies with all state and federal laws and regulations concerning aviation safety.
  - (iv) Where the Tower is located on a property with another principal use, the Applicant shall present documentation to Borough Council that the owner of the property has granted an easement for the proposed Tower and that vehicular access will be provided to the facility.
  - (v) The Conditional Use application shall be accompanied by documentation demonstrating that the proposed Tower complies with all applicable provisions in this Section.
- d. Engineer inspection. Prior to the Borough's issuance of a permit authorizing construction and erection of a Tower, a structural engineer registered in Pennsylvania shall issue to the Borough a written certification of the proposed Tower'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 Use hearing, or at a minimum, be made as a condition attached to any approval given that such certification be provided prior to issuance of any building permits.
- e. Fence. A chain link security fence with a height of ten (10') feet minimum, including barbed or similar type security wiring at the top of the fence, shall completely surround any Tower greater than thirty-five (35') feet in height, as well as guy wires, or any building housing Related Equipment. An evergreen screen shall be required to surround the site, which must be a minimum height of six (6') feet at planting and grow to a minimum of fifteen (15') feet at maturity.

- f. Visual appearance and design. Towers shall employ Stealth Technology, which may include the Tower portion to be painted silver or another color approved by Borough Council. All Towers and Related 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. Application of the Stealth Technology chosen by the Applicant shall be approved by Borough Council.
- g. Colocation and siting. An application for a new Tower shall demonstrate that the proposed Tower cannot be accommodated on an existing or approved structure or building. Borough Council may deny an application to construct a new Tower if the Applicant has not made a good faith effort to mount a Wireless Communication Antenna on an existing structure. The Applicant shall demonstrate that it contacted the owners of tall structures, buildings and Towers within a one 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:
  - (i) the proposed Antenna and Related Equipment would exceed the structural capacity of the existing building, structure or Tower;
  - (ii) the proposed Antenna and Related 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; or
  - (iii) 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; or
  - (iv) a commercially reasonable agreement could not be reached with the owner of such building, structure or Tower.
- h. Permit required for modifications. To the extent permissible under applicable state and federal law, any Applicant proposing the modification of an existing Tower, which increases the overall height of such Tower, shall first obtain a building permit from the Borough. Non-routine modifications that do not fall under the WBCA or the FCC's October 2014 Report & Order shall be prohibited without such permit.
- i. Gap in coverage or deficiency in capacity. An application for a Tower must demonstrate that a significant gap in wireless coverage or deficiency in capacity exists in the applicable area, and that the type of Wireless Communications Facility being proposed is the least intrusive means by which to fill such gap. The

existence or non-existence of a gap in wireless coverage or deficiency in capacity shall be a factor in the Borough's decision on an application for approval of a Tower.

- j. Additional Antennas. As a condition of Conditional Use approval for all Towers, the Applicant shall provide the Borough with a written commitment that it will allow other service providers to collocate antennas on its Tower where technically and economically feasible. The owner of a Tower shall not install any additional antennas without obtaining the prior written approval of the Borough.
- k. Wind. Tower structures shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and the Telecommunications Transmission Industry Association (ANSI/EIA/TIA-222), as amended.
- l. Height. The total height of any Wireless Communications Support Structure and mounted Antenna outside the public rights-of-way shall not exceed twenty (20') feet above the maximum height permitted in Appendix H.
- m. Related Equipment. Related Equipment shall either be housed in an equipment building or on a pad not to exceed five hundred (500) square feet unless the Applicant can otherwise prove to the satisfaction of Borough Council that its proposed Tower necessitates a larger area for equipment storage purposes.
- n. Public safety communications. No Tower shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- o. Maintenance. A Tower shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents, and utilize the best available technology for preventing failures and accidents.
- p. Inspection of the Wireless Communications Facility, Wireless Communications Support Structure, and the Equipment Compound shall be performed by the owner, or any authorized agent for the owner, at least once time in every six-month period of time, and a copy of the inspection shall be given to the Borough Code Enforcement Officer.
- q. Radio frequency emissions. A Tower shall not, by itself or in conjunction with other Antennas or Towers, 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. Historic areas. A Tower shall not be located upon a property and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or that is recognized by the Borough as an Historic Structure.
- s. Signage. All Wireless Communication Towers & Facilities shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the Borough.
- t. Lighting. No Tower shall be artificially lighted, except as required by law. If lighting is required, the 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 Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities. Required lighting shall have an emergency power backup system.
- u. Noise. All Wireless Communications Towers and Wireless Communications Facilities shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state and local law. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.
- v. Aviation safety. Towers shall comply with all federal and state laws and regulations concerning aviation safety.
- w. Retention of experts. The Borough may hire any consultant and/or expert necessary to assist the Borough in reviewing and evaluating the application for approval of the Tower and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The Applicant and/or owner of the Tower shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- x. Timing of approval. Within thirty (30) calendar days of the date that an application for a Tower is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. All applications for Towers shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower and the Borough shall advise the Applicant in writing of its decision.
- y. Non-conforming uses. Non-conforming Towers 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.

- z. Removal. In the event that use of a Tower is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue such use and the date when the use shall be discontinued. Unused or abandoned Towers and shall be removed within six (6) months of the cessation of operations at the site, and the site restored to the predevelopment condition unless the Borough approves a time extension. If the Tower and Related Equipment are not removed within such time, the Tower and Related Equipment may be removed by the Borough and the cost of removal assessed against the owner of the Tower.
- (aa) 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, as well as related inspection, monitoring and related costs.
- (bb) FCC license. Each person that owns or operates a Tower over thirty-five (35') feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility, on an annual basis.
- (cc) Insurance. Each person that owns or operates a Tower greater than thirty-five (35') feet in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of Five Million (\$5,000,000.00) Dollars per occurrence and property damage coverage in the minimum amount of Five Million Dollars (\$5,000,000.00) Dollars per occurrence covering the Tower. Each person that owns or operates a Tower thirty-five (35') feet or less in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of One Million (\$1,000,000.00) Dollars per occurrence and property damage coverage in the minimum amount of One Million (\$1,000,000.00) Dollars per occurrence covering each Tower.
- (dd) Indemnification. Each person that owns or operates a Tower shall, at their sole cost and expense, indemnify, defend and hold harmless the Borough, and 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, or their officers, agents, employees or contractors, arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower. Each person that owns or operates a Tower 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 the Tower. 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.

- (ee) Financial security. Prior to receipt of a zoning permit for a Tower, the Applicant shall provide to the Borough financial security sufficient to guarantee the removal of the Tower. Said financial security shall remain in place until the Tower is removed.

6. In addition to the regulations enumerated hereinabove, the following regulations shall apply to Towers located outside the public rights-of-way:

a. Development Regulations.

- (i) Towers are permitted by Conditional Use where indicated in Appendix H.
- (ii) Sole use on a lot. A Tower shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum size specifications set forth in this Article III.
- (iii) Combined with another use. A Tower may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, subject to the following conditions:
  - (a) As permitted only where indicated in Appendix H,
  - (b) The existing use on the property may be any permitted use in the applicable district,
  - (c) 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 and guy wires, the accessory equipment, equipment building, equipment compound, chain link security fence, landscape buffer planting, and screening, if the proposed Tower is greater than thirty-five (35') feet in height. If combined with another Use on the lot, then each Use shall comply with the requirements for the applicable Zoning District,
  - (d) Minimum setbacks. The minimum distance between the base of a Tower and any adjoining property line or street right-of-way line (not lease line) shall be equal to one hundred-twenty (120%) percent of the height of the Tower and Antennas, or the maximum setback of the underlying Zoning District, whichever is greater. The setbacks are implemented to protect surrounding properties should a Tower collapse and are thus related to the height of the tower and

antennas.

- b. Surrounding Environs. The Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the Wireless Communications Facility shall be preserved to the maximum extent possible. Landscaping (buffer planting) shall be required to screen as much of a newly constructed Tower as possible. Borough Council may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of Borough Council, they achieve the same degree of screening.
  - c. Related Equipment.
    - (i) Ground-mounted Related Equipment associated to, or connected with, a Tower shall be placed underground or screened from public view using Stealth Technology.
    - (ii) All Related 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.
  - d. Access Road. For Towers greater than thirty (35') feet in height, an access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to the Tower. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.
  - e. Parking. For each Tower greater than thirty-five (35') feet in height, there shall be two off-street parking spaces minimum.
  - f. Inspection. The Borough reserves the right to inspect any Tower not located in the right-of-way to ensure compliance with this Chapter and any other applicable provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a Tower is located at any time, upon reasonable notice to the operator, to ensure such compliance.
7. In addition to all applicable regulations enumerated hereinabove, the following regulations shall apply to Towers located within the public rights-of-way.
- a. Location and Development Standards.
    - (i) Towers greater than thirty-five (35') feet in height are prohibited.

- (ii) Towers are prohibited where all public service utilities are primarily located underground within one-hundred (100') feet of the proposed Tower or Base Station.
  - (iii) Towers shall not be located in the front façade area of any structure.
  - (iv) Towers shall be permitted along those roads and corridors throughout the Borough, regardless of the underlying Zoning District, as shall be determined from time to time by resolution of Borough Council.
- b. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Towers in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
  - c. Equipment Location. Towers and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Borough. In addition:
    - (i) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18") inches of the face of the curb.
    - (ii) Ground-mounted Related Equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
    - (iii) Any graffiti on the Tower or on any Related Equipment shall be removed at the sole expense of the owner within 30 days after being notified.
  - d. Relocation or Removal of Facilities. Within sixty (60) 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 Tower in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Tower 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:
    - (i) the construction, repair, maintenance or installation of any Borough or other

public improvement in the right-of-way;

- (ii) the operations of the Borough or other governmental entity in the right-of-way;
- (iii) vacation of a street or road or the release of a utility easement; or
- (iv) an emergency as determined by the Borough.

e. Reimbursement for Right-of-Way Use. In addition to permit fees as described in this Section, every Tower in the right-of-way is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Borough's actual right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Borough. The owner of each Tower shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described herein.

- 8. Police Powers: The Borough, by granting any permit or taking any other action pursuant to Section 430, does not waive, reduce, lessen, or impair the lawful police powers vested in the Borough under applicable federal, state and local laws and regulations.
- 9. Severability: If any part, subsection, sentence, clause, phrase, or word of this Section 430 is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this Ordinance invalid.
- 10. Appeals: Any person adversely affected by any final action or failure to act by the Borough that is inconsistent with the provisions of this act may, within 30 days after the action or failure to act, file an appeal with the Milton Zoning Hearing Board or the Northumberland County Court of Common Pleas, whichever is applicable.

## ARTICLE 5

### SUPPLEMENTARY LOT REGULATIONS

#### 500 PURPOSE

The provisions of this Article represent standards and regulations that shall be applied to all uses in addition to those established for the applicable zoning district. These regulations are to be used either in common within all zoning districts or are to be applied to specific situations as may be otherwise stated throughout the Ordinance.

#### 501 GENERAL LOT REQUIREMENTS

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- B. No part of a yard or other open space required by this Ordinance in connection with any building or use shall be included as part of a yard or open space similarly required for any other building or use.
- C. Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal building and its accessory structures on one lot, except in the case of multi-family housing developments, mobile home parks, OR other land development approved pursuant to the requirements of the Borough's Subdivision and Land Development Ordinance.
- D. The width of any lot shall be measured at the minimum required front building setback line, except that lots located on cul-de-sacs or curves in the road may have lot widths of less than those required provided that the average of the front and back lot line is equal to or greater than the required lot width. In no case however, shall the front lot line have a width less than 25 feet measured at the front building setback line.
- E. Portions of a lot included in a street right-of-way may be included in calculating the lot's area.
- F. Where a single lot extends from a street to an alley (except corner lots), the widest roadway shall be deemed the street upon which the property fronts and no principal structure or dwelling shall be erected facing the rear of such lot.
- G. Every lot shall be adjacent to a public street or shall have access to a public street via a private street or right-of-way approved pursuant to the requirements of the Borough's Subdivision and Land Development Ordinance.

## 502 YARD REQUIREMENTS

### A. Projections

1. Cornices, chimneys, flues, eaves, gutters, steps, or bay windows may project into any required yard, but not more than three (3) feet. In no case however, shall the projection be closer than five (5) feet to any property line.
2. Uncovered porches, patios or decks may project into required side or rear yard areas up to one-half (1/2) of the required yard dimension, but in no case shall they be located closer than five (5) feet to any property line or street right-of-way line.
3. Covered porches, covered patios, covered decks, and attached carports, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into any required yard.

### B. Front Yards

1. Front yard setbacks shall be as set forth in Article 3, the District Regulations, and shall be measured from the edge of the adjoining street cartway or as may be otherwise noted.
2. Buildings proposed for construction in the Central Business District 1 & 2 may be setback at the same depth as existing or adjoining buildings in order to maintain the character of the downtown area.
3. When an unimproved lot is situated between two (2) improved lots (even if such lots are separated by an alley or local street), each having a principal building which extends into the required front yard, the front yard of such unimproved lot shall be no less than the average depth of the two adjacent lots.
4. Where an addition is proposed for an existing principal building which extends into the required front yard, the addition may be authorized by the Zoning Officer so long as the addition projects no further into the required front yard than the average depth of the buildings on the adjoining lots.
5. Accessory buildings or structures may not be erected or located within a required front yard, except as may be provided otherwise in the Supplementary Use Regulations (Article 4) or in the Sign Regulations (Article 7).
6. Off-street parking and loading areas may be located within a required front yard, but only as provided in Article 8 of this Ordinance.

### C. Side Yards

1. On a corner lot, all yards abutting a street shall have a depth equal to the required front yard for the district in which the lot is located. The remaining two (2) yards shall

constitute a side yard and a rear yard.

2. Where a corner lot is situated at the intersection of a street and an alley, the required front yard shall be measured from the street, and the side yard requirement shall be measured from the alley.
3. Side yards shall be measured from the property line or from the edge of the cartway of any adjoining alley.
4. Accessory buildings or structures may not be constructed within a required side yard, except as may be provided otherwise in the Supplementary Use Regulations (Article 4) or in the Sign Regulations (Article 7).
5. Off-street parking and loading areas may be located within a required side yard, but only as provided in Article 8 of this Ordinance.

D. Rear Yards

1. Rear yards shall be measured from the property line or from the edge of any adjoining cartway.
2. Accessory buildings or structures may not be constructed within a required rear yard, except as may be provided otherwise in the Supplementary Use Regulations (Article 4) or in the Sign Regulations (Article 7).
3. Off-street parking and loading area may be located within a required rear yard, but only as provided in Article 8 of this Ordinance.

**503 HEIGHT REGULATIONS**

- A. The maximum height regulations set forth in the District Regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, solar collectors, or related equipment, and ornamental or necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall however be erected only to such height as is necessary to accomplish their intended purpose. Ham radio towers, flagpoles, and commercial or institutional satellite receiving dishes may also exceed the maximum height limitations set forth in the District Regulations, up to an additional 25% of the maximum height established for the district in which such facilities are to be located. (See also Sub-Section C. below.)
- B. Commercial communications towers may also exceed the maximum height regulations contained in the District Regulations, but only where their setback from each property line is equal to or greater than their height. (See also Sub-Section C. below.)
- C. Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the Federal Aviation Administration, the Federal Communications Commission,



and any other governmental agency which may have jurisdiction.

#### **504 MISCELLANEOUS PROVISIONS**

##### **A. Two or More Principal Uses in Same Building**

When two (2) or more principal uses occupy the same building (not including home occupations as defined in Section 421), parking spaces, open space, etc., shall be provided so that the standards pertaining to each use will be met in full, unless provided otherwise in this Ordinance or as part of a land development approved pursuant to the requirements of the Borough's Subdivision and Land Development Ordinance.

##### **B. Accessory Buildings or Structures**

Accessory buildings or structures may be erected, placed or maintained in conjunction with any principal use provided that the following standards are met.

1. All accessory buildings or structures shall be set back in accordance with the yard requirements established in Article 3, the District Regulations. In addition, accessory buildings or structures shall be located no closer than ten (10) feet to the edge of the cartway of any abutting street or alley.
2. In the R-1, R-2, R-3 and PRD Districts, no storage or utility building shall be located in front of its principal structure.
3. No manufactured housing or mobile home units, travel trailers, buses, or similar units shall be used as accessory buildings or structures. Accessory storage trailers may however be permitted in the General Commercial, Manufacturing, or Economic Development Districts as set forth in Article 3, the District Regulations.
4. The height of all accessory buildings or structures shall be as set forth in Article 3, the District Regulations, except as may be set forth in Section 503 above or in Article 7, the Sign Regulations.

##### **C. Fences and Walls (See also Section 506 B.)**

1. No fence or wall erected within any Residential District shall exceed six (6) feet in panel height unless authorized otherwise by the Zoning Hearing Board or other provision of this Ordinance. Fences or walls situated in other zones may be up to ten (10) feet in height. No barbed wire or above-ground electric fencing shall be used in the Borough, unless part of an approved security plan for an industrial, commercial or institutional activity.
2. Fences or walls may be permitted to be located within any required yard, but shall be set back at least five (5) feet from the edge of any adjoining street or alley right-of-way.
3. In no case shall a fence or wall be erected which could cause danger to traffic on a public or private street or alley by obscuring a driver's view or which does not comply

with the clear sight triangle requirements contained in Section 504 I. below.

4. Fences or walls having only one "finished" side shall be installed so that the finished side faces out or away from the subject property.
5. All fences to be placed in an identified floodplain area shall meet the floodplain management regulations set forth in Article 6 of this Ordinance.

D. Maximum Building Coverage

The percentage of land covered by principal and accessory buildings or structures on each lot shall not be greater than is permitted in Article 3, the District Regulations, for the district in which the lot is located.

E. Maximum Impervious Surface

The percentage of land covered by impervious surfaces on a lot, i.e. buildings, structures, and any area of concrete, asphalt, or similar material which will not absorb precipitation (including parking areas, driveways, roads, and sidewalks) shall not be greater than is permitted in Article 3, the District Regulations, for the district in which the lot is located.

F. Erosion and Sedimentation Control

All erosion and sedimentation control requirements set forth in the Borough's Subdivision and Land Development Ordinance as well as those erosion control standards established in Title 25, Chapter 102, of the Department of Environmental Protection's regulations (or as may hereafter be amended), shall be met to the satisfaction of the Borough Zoning Officer before the issuance of a Zoning Permit.

G. Drainage and Stormwater Management

All drainage and/or stormwater management requirements set forth in the Borough's Subdivision and Land Development Ordinance as well as those stormwater management provisions contained in the PA Stormwater Management Act (Act 167-1978, or as may hereafter be amended), shall be met to the satisfaction of the Borough Zoning Officer before the issuance of a Zoning Permit.

H. Outdoor Lighting

All outdoor flood lighting and spot lighting shall be mounted and shielded to effectively eliminate direct glare on adjacent properties and to avoid creating safety problems for motorists on public streets.

I. Clear Sight Triangle Requirements

At all street intersections, no obstruction or planting exceeding 30 inches in height above the established grade of the street at the property line shall be permitted to be located within the clear sight triangle of the intersection. A clear sight triangle shall be defined as

that area of unobstructed vision at an intersection formed by lines of sight between points at a given distance from the intersection of the street centerlines. These distances shall be as follows.

1. For the intersection of a collector street and a local street, the distance from the intersection of the street centerlines shall be 50 feet.
2. For the intersection of two (2) local streets, the distance from the centerline intersection shall be 30 feet.
3. For the intersection of a local street and an alley or the intersection of two (2) alleys, the minimum distance shall be 25 feet.

#### **505 BUFFER YARDS**

- A. Where a commercial or industrial use (commenced after the effective date of this Ordinance) abuts any Residential District, buffer yards shall be provided in accordance with the yard requirements of the applicable zoning district. (See Article 3, District Regulations.) The buffer yard shall be a part of the commercial or industrial operation and shall be maintained by that property owner.
- B. A buffer yard may be part of the required side or rear yard setback.
- C. All buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Where required within buffer yards, screening shall be accomplished in accordance with Section 506 below.
- D. No building, structure, sign, storage of materials, or off-street parking and/or loading areas shall be permitted in a required buffer yard; however, access drives and utilities may cross, but not traverse, such yards.

#### **506 SCREENING**

Where required, screening may be accomplished through the use of any one or a combination of the following methods.

##### **A. Screen Plantings**

1. Screen planting may be required as provided as set forth in Article 4, the Supplementary Use Regulations, or where determined necessary by the Borough Council or Zoning Hearing Board, as appropriate, to serve as a barrier to visibility, glare, and/or noise between adjacent properties.
2. Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such species as will produce, within three (3) years, a complete visual screen at least six (6) feet in height and be of such density as is necessary to achieve the intended purpose.

3. Screen planting shall be maintained permanently by the lot owner, and any plant material which does not live shall be replaced within one (1) year.
4. Screen planting shall be placed so that at maturity it will be no closer than five (5) feet to any street or property line, except that the appropriate clear sight triangle, as provided in Section 504 I. above, shall be maintained at all intersections. Required screen plantings shall be broken only at points of vehicular or pedestrian access or utility easements.
5. Where a commercial or industrial use abuts a Residential District, all required screening plantings shall extend the entire length of the common boundary.

B. Fences or Walls

1. In lieu of, or in addition to, plantings as described above, the Borough Council or Zoning Hearing Board, as appropriate, may consider the use of a fence or wall as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.
2. Fences or walls used for screening shall meet all requirements set forth in Section 504 C. of this Ordinance.
3. Fences or walls used to provide required screening shall be at least six (6) feet in height and be of such type as is necessary to achieve the intended purpose.
4. Fences or walls used to provide required screening shall meet the clear sight triangle requirements set forth in Section 504 I. of this Ordinance.
5. Any fence or wall used to provide required screening shall be maintained in structurally sound condition by the lot owner.

C. Berms or Natural Landforms

1. In lieu of, or in addition to, plantings as described above, the Borough Council or Zoning Hearing Board, as appropriate, may consider the use of an earthen berm or other existing or proposed natural landform as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.
2. Berms or landforms used to provide required screening shall be of such height and of such type as is necessary to achieve the intended purpose.
3. Any berm or landform used to provide required screening shall be maintained in satisfactory condition by the lot owner, and may not be altered except for usual maintenance.

## ARTICLE 6

### SUPPLEMENTARY FLOODPLAIN MANAGEMENT REGULATIONS

#### SECTION 600 STATUTORY AUTHORIZATION

(Article 6 replaced by Ordinance # 1206 on 07/27/2016)

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the Borough of Milton does hereby order as follows.

#### SECTION 601 GENERAL PROVISIONS

##### Subsection 601.1 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

##### Subsection 601.2 Applicability

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Milton floodplain unless a Permit has been obtained from the Floodplain Administrator, and in compliance with applicable regulations which apply to uses within the jurisdiction of this Ordinance.

##### Subsection 601.3 Abrogation and Greater Restrictions

This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

#### **Subsection 601.4 Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

#### **Subsection 601.5 Warning and Disclaimer of Liability**

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

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

### **SECTION 602 ADMINISTRATION**

#### **Subsection 602.1 Designation of the Floodplain Administrator**

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may with the approval from the Office of the Borough Manager and or Borough Council: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Borough Manager.

#### **Subsection 602.2 Permits Required**

A Permit shall be required before any construction or development is undertaken within any area of the Borough of Milton floodplain.

#### **Subsection 602.3 Duties and Responsibilities of the Floodplain Administrator**

- A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

- B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
- D. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any cumulative substantial damage concerns can be addressed before the permit is issued.
- E. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- F. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- G. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Borough Manager and or Borough Council for whatever action it considers necessary.
- H. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- I. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
- J. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate

responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.

- K. The Floodplain Administrator shall consider the requirements of the latest revision of the 34 PA Code and the IBC and the IRC thereof as adopted by the Commonwealth of Pennsylvania.

#### **Subsection 602.4 Application Procedures and Requirements**

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Borough of Milton. Such application shall contain the following:
1. Name and address of applicant.
  2. Name and address of owner of land on which proposed construction is to occur.
  3. Name and address of contractor.
  4. Site location including address.
  5. Listing of other permits required.
  6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
  7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
  3. adequate drainage is provided so as to reduce exposure to flood hazards;
  4. structures will be anchored to prevent floatation, collapse, or lateral movement;
  5. building materials are flood-resistant;



6. appropriate practices that minimize flood damage have been used; and

7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

1. A completed Permit Application Form.

2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

a. north arrow, scale, and date;

b. topographic contour lines, if available;

c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

d. the location of all existing streets, drives, and other access ways; and

e. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988 or the most current thereof;

b. the elevation of the base flood;

c. supplemental information as may be necessary under the latest revision of the 34 PA Code and the IBC and the IRC thereof as adopted by the Commonwealth of Pennsylvania.

4. The following data and documentation:

- a. detailed information concerning any proposed floodproofing measures and corresponding elevations.
- b. Elevation Certificate.
- c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
- d. documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a Floodway Area (See subsection 603.2.A) will not increase the base flood elevation at any point.
- e. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See subsection 603.2.B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
- f. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- g. detailed information needed to determine compliance with subsection 604.3.F Storage, and subsection 604.4 Development Which May Endanger Human Life, including:
  - i. the amount, location and purpose of any materials or substances referred to in subsections 604.3.F. and 604.4 which are intended to be used, produced, stored or otherwise maintained on site.
  - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in subsection 604.4 during a base flood.

h. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

i. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

D. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

#### **Subsection 602.5 Review of Application by Others**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

#### **Subsection 602.6 Changes**

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

#### **Subsection 602.7 Placards**

In addition to the Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

#### **Subsection 602.8 Start of Construction**

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of a floodplain development permit does not guarantee zoning approval.

The actual start of construction means either the first placement of permanent structural component(s) on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the

main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

### **Subsection 602.9 Enforcement**

#### **A. Notices**

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any method authorized or required by the laws of this State;
5. contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Ordinance.
6. Comply with the provisions of the enforcement sections of the Zoning Ordinance of the Borough of Milton and the "Pennsylvania Municipalities Planning Code."

#### **B. Penalties**

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a summary offense and upon conviction shall pay a fine to Borough of Milton as set forth in Ordinance #1195, and with the violation penalty to be set at a Level Two violation, plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with

this Ordinance shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Council to be a public nuisance and abatable as such.

In addition to the penalties referred to above, any person found violating this Ordinance can be assessed legal fees and costs incurred by the Borough of Milton in the proceedings.

#### **Subsection 602.10 Appeals**

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

#### **Subsection 602.11 Appeal Fee**

The fee for an appeal shall be a non-refundable four hundred seventy-five dollars (\$475.00) or the latest revision of the Zoning Hearing Fee as adopted by resolution by the Borough of Milton.

### **SECTION 603 IDENTIFICATION OF FLOODPLAIN AREAS**

#### **Subsection 603.1 Identification**

The identified floodplain area shall be:

- A. any areas of Borough of Milton, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated July 16, 2008 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Borough of Milton and declared to be a part of this ordinance.

### **Subsection 603.2 Description and Special Requirements of Identified Floodplain Areas**

The identified floodplain area shall consist of the following specific areas:

- A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
  1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  2. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
  1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
  2. AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
    - (i) No permit shall be granted within any AE Zone without floodway, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.
      1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any

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FLOODPLAIN MAP  
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watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

- C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

- D. The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

### **Subsection 603.3 Changes in Identification of Area**

The Identified Floodplain Area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See subsection 604.1.B for situations where FEMA notification is required.

### **Subsection 603.4 Boundary Disputes**

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough of Milton and any party aggrieved by this decision or determination may appeal to the Council. The burden of proof shall be on the appellant.



### **Subsection 603.5 Jurisdictional Boundary Changes**

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

## **SECTION 604 TECHNICAL PROVISIONS**

### **Subsection 604.1 General**

#### **A. Alteration or Relocation of Watercourse**

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

#### **B. When Borough of Milton proposes to permit the following encroachments:**

1. any development that causes a rise in the base flood elevations within the floodway; or
2. any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
3. alteration or relocation of a stream (including but not limited to installing culverts and bridges)

#### **C. the applicant shall (as per 44 CFR Part 65.12):**

1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
2. Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances

incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

3. Upon completion of the proposed encroachments, a (Borough of Milton or applicant) shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

D. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

### **Subsection 604.2 Elevation and Floodproofing Requirements**

#### **A. Residential Structures**

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with subsection 603.2.C of this ordinance.
3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
4. The design and construction standards and specifications contained in the latest revision of 34 PA Code (Chapters 401-405 as amended) and the International Building Code (IBC) and the International Residential Code (IRC) and the ASCE 24, thereof as adopted by the Commonwealth of Pennsylvania, shall be utilized, where they are more restrictive.

#### **B. Non-residential Structures**

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
  - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
  - b. has structural components with the capability of resisting hydrostatic and

hydrodynamic loads and effects of buoyancy:

2. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with subsection 603.2.C of this Ordinance.
3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
4. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992, or the last published version) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.
5. Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:
  - a. An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
    1. Mechanical equipment such as sump pumps and generators,
    2. Flood shields and closures,
    3. Walls and wall penetrations, and
    4. Levees and berms (as applicable)
  - b. Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:

1. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
2. A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
3. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
4. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
5. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
6. The design and construction standards and specifications contained in the latest revision of 34 PA Code (Chapters 401-405 as amended) and the International Building Code (IBC) and the International Residential Code (IRC) and the ASCE 24, thereof as adopted by the Commonwealth of Pennsylvania, shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Basements are prohibited.
2. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
3. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls,
- b. the bottom of all openings shall be no higher than one (1) foot above grade,
- c. openings may be equipped with screens, louvers, or other coverings devices provided that they permit the automatic entry and exit of floodwaters.

#### D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

#### E. Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 200 square feet.
3. The structure will have a low damage potential by using flood resistant materials, and by meeting the floodplain regulations, as required at the time of construction.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation, collapse, and

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lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. the bottom of all openings shall be no higher than one (1) foot above grade.
  - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
9. For accessory structures that are 200 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Section 607. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
10. Prohibit the storage of Hazardous Materials in accessory structures.
11. Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.

#### **Subsection 604.3 Design and Construction Standards**

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

##### **A. Fill**

##### **1. If fill is used, it shall:**

- a. extend laterally at least fifteen (15) feet beyond the building line from all points;
- b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved

by the Floodplain Administrator; and

- e. be used to the extent to which it does not adversely affect adjacent properties.

#### B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

#### C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the latest revision of the 34 PA Code (UCC) thereof as adopted by the Commonwealth of Pennsylvania, and FEMA #348, "Protecting Building Utilities from Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

#### D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

#### E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

#### F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in subsection 604.4, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood



Elevation or floodproofed to the maximum extent possible.

#### G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

#### H. Fences

1. No fences, except two-wire fences, or other structures which may impede, retard, or change the direction of the flow of floodwaters, or which will catch or collect debris carried by such waters shall be placed within a designated Floodway, nor shall any such structure be placed where the natural flow of floodwater could carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.
2. Split rail, post and picket, chain link, or other similar types of fencing with a minimum 2:1 open space ratio may be permitted in a designated Flood Fringe. Also privacy fencing may be permitted if kept a minimum of (6) inches off finished grade and have every 3<sup>rd</sup> picket installed on the opposite side of the fence to allow the flow of flood waters.

#### I. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

#### J. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

#### K. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

#### L. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

#### M. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be located at least (3) feet above Base Flood Elevation and shall be anchored to resist floatation, collapse, and lateral movement
2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

#### N. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

#### O. Uniform Construction Code Coordination

The Standards and Specifications contained in the latest revision of 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

The latest revision of the International Building Code (IBC) thereof as adopted by the Commonwealth of Pennsylvania:

Sections. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

The latest revision of the International Residential Building Code (IRC) thereof as adopted by the Commonwealth of Pennsylvania:  
Sections. R104, R105, R109, R322, Appendix E, and Appendix J.

#### **Subsection 604.4 Development Which May Endanger Human Life**

Within any Identified Floodplain Area, any structure of the kind described in Subsection A., below, shall be prohibited. If a variance is obtained in accordance with the criteria in section 607, then the following provisions apply: (subsection 604.4.B, C, & D)

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
3. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and Sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

- B. Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Within any Floodway Area, any structure of the kind described in subsection 604.4.A above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in subsection 604.4.A, above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with subsections 604.1, 604.2 and 604.3.
- D. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in subsection 604.4.A above, shall be built in accordance with subsections 604.1, 604.2 and 604.3 including:
1. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and
  2. designed to prevent pollution from the structure or activity during the course of a base flood.
  3. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.
  4. In addition, the Borough may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.

#### **Subsection 604.5 Special Requirements for Subdivisions and Development**

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

#### **Subsection 604.6 Special Requirements for Manufactured Homes**

- A. Within any Identified Floodplain Area manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in section 607, then the following provisions apply:

- B. Within any Identified Floodplain Area manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
  - 1. placed on a permanent foundation;
  - 2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;
  - 3. and anchored to resist flotation, collapse, or lateral movement.
- D. Equipment requirement:
  - 1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be located at least (3) feet above the Base Flood Elevation and shall be anchored to resist flotation, collapse, and lateral improvement.
  - 2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.
- E. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of the latest revision thereto of Appendix E of the International Residential Building Code (IRC) or the latest revision thereto of the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, or the latest revision thereto of 34 PA Code Chapter 401-405 as adopted by the Commonwealth of Pennsylvania shall apply.
- F. Consideration shall be given to the installation requirements of the latest revision of 34 PA Code and the IBC and the IRC thereof as adopted by the Commonwealth of Pennsylvania, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

#### **Subsection 604.7 Special Requirements for Recreational Vehicles**

Within any Identified Floodplain Area recreational vehicles shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:

- A. Recreational vehicles in Zones A, A1-30, AH and AE must either:
  - 1. be on the site for fewer than 180 consecutive days, and
  - 2. be fully licensed and ready for highway use, or

3. meet the permit requirements for manufactured homes in subsection 604.6.

## **SECTION 605 ACTIVITIES REQUIRING SPECIAL PERMITS**

### **Subsection 605.1 General**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the Borough of Milton:

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  1. Hospitals
  2. Nursing homes
  3. Jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

### **Subsection 605.2 Application Requirements for Special Permits**

Applicants for Special Permits shall provide five copies of the following items:

- A. A written request including a completed Permit Application Form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  1. north arrow, scale and date;
  2. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
  3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  4. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  6. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
  7. the location of all proposed buildings, structures, utilities, and any other improvements; and
  8. any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
  2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
  4. detailed information concerning any proposed floodproofing measures, including the Flood Emergency Operation Plan and the Inspection and Maintenance Plan;
  5. cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;
  6. profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and
  7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- E. The following data and documentation:
1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect

against damage from the base flood;

3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
6. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166 or latest revision thereof; and
9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

### **Subsection 605.3 Application Review Procedures**

Upon receipt of an application for a Special Permit by the Borough of Milton the following procedures shall apply in addition to those of section 602:

- A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Borough of Milton Planning Commission and Borough of Milton engineer for review and comment.
- B. If an application is received that is incomplete, the Borough of Milton shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Borough of Milton decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.



- D. If the Borough of Milton approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development (or other mandated agency of authority), by registered or certified mail, within five (5) working days after the date of approval.
- E. Before issuing the Special Permit, the Borough of Milton shall allow the Department of Community and Economic Development (or other mandated agency of authority) thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Borough of Milton.
- F. If the Borough of Milton does not receive any communication from the Department of Community and Economic Development (or other mandated agency of authority) during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community and Economic Development (or other mandated agency of authority) should decide to disapprove an application, it shall notify the Borough of Milton and the applicant, in writing, of the reasons for the disapproval, and the Borough of Milton shall not issue the Special Permit.

#### **Subsection 605.4 Special Technical Requirements**

- A. In addition to the requirements of section 604 of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in section 604 of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - 1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - a. the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
    - b. the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above base flood elevation.
    - c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
  - 2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

3. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Borough of Milton and the Department of Community and Economic Development.
4. In approving any application for a Special Permit, the Borough may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general public health, safety, and welfare.

## **SECTION 606 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS**

### **Subsection 606.1 Existing Structures**

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Subsection 606.2 shall apply.

### **Subsection 606.2 Improvements**

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- A. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
- D. The above activity shall also address the requirements of the latest revisions of the 34 PA Code and the IBC and the IRC thereof as adopted by the Commonwealth of Pennsylvania.
- E. Within any Floodway Area/District (See subsection 603.2.A), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office
- F. Within any AE Area/District without Floodway (See subsection 603.2.B), no new construction or development shall be located within the area measured fifty (50) feet

landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

- G. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "cumulative substantial damage" shall be undertaken only in full compliance with the provisions of this ordinance.

## **SECTION 607 VARIANCES**

### **Subsection 607.1 General**

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough of Milton Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

### **Subsection 607.2 Variance Procedures and Conditions**

Requests for variances shall be considered by the Borough of Milton Zoning Hearing Board in accordance with the procedures contained in Subsection 602.10 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. No variances shall be granted for a proposed accessory structure that exceeds 200 square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.
- D. Except for a possible modification of the Regulatory Flood Elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 605) or to Development Which May Endanger Human Life (Subsection 604.4).
- E. If granted, a variance shall involve only the least modification necessary to provide relief.
- F. In granting any variance, the Borough of Milton Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- G. Whenever a variance is granted, the Borough of Milton Zoning Hearing Board shall notify the applicant in writing that:

1. The granting of the variance may result in increased premium rates for flood

insurance.

2. Such variances may increase the risks to life and property.

H. In reviewing any request for a variance, the Borough of Milton Zoning Hearing Board shall consider, at a minimum, the following:

1. That there is good and sufficient cause.

2. That failure to grant the variance would result in exceptional hardship to the applicant.

3. That the granting of the variance will

a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

I. A complete record of all variance requests and related actions shall be maintained by the Borough of Milton Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

## **SECTION 608 DEFINITIONS**

### **Subsection 608.1 General**

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its' most reasonable application.

### **Subsection 608.2 Specific Definitions**

1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides.
6. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
7. Cumulative substantial damage – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
8. Declaration of Land Restriction (Non-Conversion Agreement) - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.
9. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
10. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
11. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
12. Flood - a temporary inundation of normally dry land areas.
13. Flood Emergency Operations Plan – a document detailing the activities the owner will take in preparing for a flooding event, the inspection/maintenance/operation/activation of all floodproofing measures, and evacuation procedures. Each activity shall include the river crest height forecast that would trigger the said activity, if applicable.

14. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
15. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
16. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
17. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
18. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
19. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
20. Historic structures – any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
    - i. By an approved state program as determined by the Secretary of the Interior or
    - ii. Directly by the Secretary of the Interior in states without approved programs.
21. Identified Floodplain Area- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always

include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See subsections 603.1 and 603.2 for the specifics on what areas the community has included in the Identified Floodplain Area.

22. Low Damage Potential - meeting the floodplain regulations & technical guidelines as required at the time of construction.
23. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
24. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
25. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
26. New construction - structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after March 10, 1972 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
27. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
28. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
29. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated March 10, 1972, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

30. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated March 10, 1972, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
31. Recreational vehicle - a vehicle which is:
- a. built on a single chassis;
  - b. not more than 400 square feet, measured at the largest horizontal projections;
  - c. designed to be self-propelled or permanently towable by a light-duty truck,
  - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
32. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet. The freeboard safety factor also applies to utilities and ductwork.
33. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks/ subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
34. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
35. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of structural component(s) on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.



36. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
37. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
38. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
39. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
40. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 (34 PA Code) applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC. See the PA UCC (34 PA Code) for the latest revision of the IRC and IBC thereof as adopted by the Commonwealth of Pennsylvania.
41. Variance- A grant of relief by a community from the terms of a floodplain management regulation.
42. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

## ARTICLE 7

### SIGN REGULATIONS

#### 700 PURPOSE

In order that the legitimate demands for signage can be met without the unsightly intrusion of an unlimited number of signs of inappropriate size, dimension and location, any sign erected or altered in Milton Borough after the effective date of this Ordinance shall conform to the following regulations.

#### 701 TYPES OF SIGNS

Signage may include a variety of different types of signs, each with unique functions. The following list itemizes and describes the types of signs considered under the provisions of this Article.

- A. Advertising Sign Board: A sign or board intending to attract the attention of motorists or pedestrians to a product, place or activity that exists or occurs at a location other than the location upon which the sign is situated; i.e. an off-premises sign.
- B. Awning Sign: A sign that is displayed on or is attached flat against the surface of an awning which identifies the business to which it is attached; i.e. a business identification sign. Such signs shall project from and be supported by the exterior wall of a building and may be composed of rigid or non-rigid materials and/or fabric on a supporting framework. For the purposes of this Ordinance, awning signs may be either permanent or retractable.
- C. Business Identification Sign: A sign or board intending to attract motorists or pedestrians to a business, product, service or activity that is sold, produced, or conducted on the same premises upon which the sign is located; i.e. an on-premises sign. For the purposes of this Ordinance, business identification signs may be either free-standing or parallel or projecting wall signs.
- D. Canopy Sign: A sign affixed to the visible surface(s) of an attached or free-standing canopy which advertises a product available on the premises or identifies the business to which it is attached or accessory; i.e. a business identification sign. Such signs may be located on various sides of the canopy.
- E. Directional Sign: A sign erected and maintained for the purpose of directing vehicular or pedestrian traffic to a particular destination, which does not contain any advertisement or promotional information, but may include a business logo. Such signs may be either on-premises or off-premises signs.

- F. Free-Standing Sign: A self-supporting sign resting on the ground or supported by means of poles or standards placed in or on the ground. Such signs may advertise a business, product or item offered for sale or that are directly related to the premises on which they are located, i.e. a business identification sign, or may advertise a business, product or event located elsewhere, i.e. an advertising sign board.
- G. Parallel Wall Sign: A type of wall sign which is attached parallel to the face of its supporting wall, and which does not protrude more than 15 inches from such wall.
- H. Permanent Sign: A sign intended to be used for a period of time exceeding 30 days, excluding standard real estate signs.
- I. Projecting Wall Sign: A type of wall sign with its horizontal plane attached at right angles to its supporting wall and which protrudes more than 15 inches from such wall.
- J. Temporary Sign: A sign intended to be used for a period of time of 30 days or less, including advertising boards used periodically.
- K. Wall Sign: A sign attached to a wall or part of a wall of a building or structure. Such signs may be either parallel or projecting signs.

## 702 GENERAL SIGN REGULATIONS

The following regulations shall apply to all permitted sign uses.

### A. Zoning Permit Required

A Zoning Permit shall be required for the placement, erection, or alteration of all **permanent** signs, except name plates or personal identification signs, property posting signs, property sale or rental signs, and municipally-placed directional or public service signs. Applications for signs being erected on property other than that owned by the applicant shall include written permission from the property owner. (Fees for the issuance of Zoning Permits for signs shall be paid to the Borough and shall be in accordance with the schedule of fees established by Resolution of Council. There shall be no fee charged for any Permit connected with the erection of a sign necessary to the public welfare.)

### B. Construction and Maintenance

Signs shall be constructed of durable materials, be maintained in good condition, and shall not be allowed to become dilapidated or endanger public health, safety or welfare. All signs shall be securely fastened in order to prevent their displacement by the elements. Further, the design of all signs exceeding 12 square feet in size which are building or canopy-mounted shall be certified by a registered professional engineer or architect to meet the wind load requirements of the Borough Building Code.

### C. Sign Area

For the purposes of this Ordinance, sign area shall include the entire face of a single side of a sign, including all trim and border area, but excluding any supporting framework or bracing. A double-faced sign shall be considered a single sign. Where a sign consists of individual letters or symbols attached to a building, the area of the sign shall be the smallest rectangle or other regular geometric shape which encompasses all of the letters and/or symbols.

### D. Placement

1. No sign shall be placed within the clear sight triangle of any intersection as per the requirements of Section 504 I., nor at any other location that could obstruct or impair a motorist's clear vision. In addition, no sign (whether temporary or permanent) shall be located where it could be an impediment to pedestrian traffic.
2. No sign, other than an official traffic sign, shall be erected within the right-of-way of any street, unless authorized by Borough Council or PADOT, as applicable, for a special purpose.
3. The supporting structure(s) of all free-standing signs shall be located no closer than ten (10) feet to any lot line or the edge of any street cartway. In no case shall a free-standing sign hang over a street cartway or walkway.
4. No sign shall be erected or maintained which could prevent free ingress or egress from any door, window, or fire escape, nor shall any sign be attached to a standpipe or fire escape.
5. Signs placed in any floodplain district shall be subject to the regulations of the underlying district, except that no sign in any floodplain area may impede natural drainage or the flow of water.

### E. Height

1. No free-standing sign located in an R-1, R-2, R-3, PRD, or OS District shall exceed eight (8) feet in height. In all other zones, the maximum height of free-standing signs shall be 40 feet.
2. No portion of a wall sign shall extend above the top of the wall to which it is attached.
3. No sign shall be erected or placed upon the roof of any building.

### F. Projection

1. Parallel wall signs shall not extend more than 15 inches from the surface to which they are mounted or attached, nor in any way interfere with pedestrian or vehicular traffic.

2. Projecting wall signs shall not extend or project more than three (3) feet from their supporting structure or wall, nor shall any such sign extend over a street cartway.
3. Projecting wall signs shall have a clearance of no less than ten (10) feet, measured from the ground or pavement immediately surrounding the sign to the bottom or lowest part of the sign.

#### G. Illumination

Illumination shall be steady in nature, not flashing, moving, or changing in brilliance, color, or intensity, except for approved time and temperature signs. Illuminated signs shall cause no glare or other disturbance which would be incompatible with the nature of the neighborhood where the sign is located or which would in any way impair the vision of passing motorists. In addition, signs in the R-1, R-2, PRD, and OS Districts should be "down-lit" where possible in order to avoid disturbing adjacent property owners.

#### H. State Regulations

All applicable State regulations shall be met where signs are proposed in areas adjacent to highways included in PADOT's Primary and Interstate Highway System. Any person desiring to erect a sign in these areas shall contact PADOT to determine if the state's regulations will effect his proposal. A copy of PADOT's determination, in writing, shall accompany all applications for signs in such areas.

### 703 SIGNS IN THE R-1 (Low Density Residential), R-2 (Moderate Density Residential), PRD (Planned Residential Development) AND OS (Open Space) DISTRICTS

Signs may be placed or located in the R-1, R-2, PRD, or OS Zoning Districts subject to the following specified requirements.

#### A. General Signs

The following types of **non-illuminated, non-advertising** general signs may be permitted in the R-1, R-2, PRD, and OS Districts as indicated below. Such signs may be designed as either **free-standing or parallel wall signs**.

1. Property Posting Signs. Signs which indicate the private nature of a property, a driveway, or a road may be permitted as follows:
  - a. Maximum Size - 2 square feet.
  - b. Maximum Number - As needed.
2. Name Plates or Personal Identification Signs. Signs which display the name of the property owner and/or address of the property on which they are located may be permitted as follows:
  - a. Maximum Size - 3 square feet.

- b. Maximum Number - No more than one (1) such sign per property, unless the property is situated on a corner, in which case one (1) sign may be erected on each frontage.
- 3. Home Occupation Signs. Signs which identify the name of a specific home occupation to be conducted on the site where they are located may be permitted as follows:
  - a. Maximum Size - 4 square feet.
  - b. Maximum Number - No more than one (1) such sign per property, unless the property is situated on a corner, in which case one (1) sign may be erected on each frontage.
- 4. Property Sale and/or Rental Signs. Signs which advertise the sale, rental, or lease of property on which they are located may be permitted as follows:
  - a. Maximum Size - 12 square feet.
  - b. Maximum Number - No more than two (2) such signs per property, unless such property is situated on a corner, in which case two (2) signs may be erected on each frontage.
- 5. Artisans Signs. Signs of mechanics, painters, or other artisans performing work on the premises may be permitted temporarily while such work is on-going as follows:
  - a. Maximum Size - 12 square feet.
  - b. Maximum Number - No more than one (1) such sign per property, unless such property is situated on a corner, in which case one (1) sign may be erected on each frontage.
- 6. Residential Development Identification Signs. Signs which identify the name of the residential development upon which they are located may be permitted as follows:
  - a. Maximum Size - 20 square feet; with no commercial advertising.
  - b. Maximum Number - No more than one (1) such sign per entrance, or if such property is situated on a corner, one (1) sign may be erected on each frontage.
- 7. Welcome Signs. Signs which are placed by a governmental entity or a non-profit trade/tourist/commerce entity which welcome visitors to the community may be permitted as follows:
  - a. Maximum Size - 28 square feet.
  - b. Maximum Number - As needed.
  - c. Special Provisions - Such signs may be externally illuminated, and may be located within PADOT right-of-way with PADOT approval.
  - d. Special Authorization Required - Borough Council approval.
- 8. Business District Directional Signs. Signs which are placed by a governmental entity or a non-profit trade/tourist/commerce entity which direct visitors to the community's business district may be permitted as follows:

- a. Maximum Size - 18 square feet.
- b. Maximum Number - As needed.
- c. Special Provisions - Such signs may be externally illuminated, and may be located within PADOT right-of-way with PADOT approval.
- d. Special Authorization Required - Borough Council approval.

B. Civic and Institutional Signs

**Illuminated or non-illuminated**, civic or institutional signs may be permitted in the R-1, R-2, PRD, and OS Districts as indicated below. Such signs may be designed as either **free-standing or parallel wall signs**.

1. On-Premises Signs. Signs which display the name of a school, church, fire station, day care center, government or cultural facility, park or playground, personal care or nursing home, retirement centers, fraternal or non-profit organization facilities, or similar public or semi-public use may be permitted as follows:
  - a. Maximum Size - 16 square feet.
  - b. Maximum Number - No more than one (1) such sign per property, unless such property is situated on a corner, in which case one (1) sign may be erected on each frontage.
2. Off-Premises Signs. Signs directing persons or motorists to the location of churches, schools, non-profit or civic organizations may be permitted as follows:
  - a. Maximum Size - 6 square feet per civic organization.
  - b. Maximum Number - As needed.
  - c. Special Provisions - Such signs must be attached to a designated civic marquee, and may not be free-standing signs.
  - d. Special Authorization Required - Borough Council approval.

C. Business Identification Signs

The following types of **illuminated or non-illuminated, non-advertising** business identification signs may be permitted in the R-1, R-2, PRD, and OS Districts as indicated below. Such signs may be designed as **free-standing or parallel wall signs**.

1. Existing Nonconforming Uses. Signs which identify the name of an existing nonconforming use (whether a new sign or a replacement for an existing sign) may be permitted as follows:
  - a. Maximum Size - 16 square feet for new or replacement signs.
  - b. Maximum Number - No more than one (1) such sign per property, unless the property is situated on a corner, in which case one (1) sign may be erected on each frontage.
2. New Commercial Uses. Signs which identify the name of an approved commercial use or activity, including professional offices, bed and breakfast

establishments, boarding or rooming homes, or other uses set forth in the District Regulations, Sections 302, 303, 305, and 310, may be permitted as follows:

- a. Maximum Size - 16 square feet.
- b. Maximum Number - No more than one (1) such sign per property, unless the property is situated on a corner, in which case one (1) sign may be erected on each frontage.

#### 704 SIGNS IN THE R-3 (High Density Residential) DISTRICT

Signs may be placed or located in the R-3 Zoning District subject to the following specified requirements.

##### A. General Signs

Those signs permitted in the Section 703 A., General Signs in the R-1, R-2, PRD, and OS Districts, may also be permitted in the R-3 District at the same size, in the same number, and in same style.

##### B. Civic or Institutional Signs

Those signs permitted in Section 703 B., Civic and Institutional Signs in the R-1, R-2, PRD, and OS Districts, may also be permitted in the R-3 District at the same size, in the same number, and in the same style.

##### C. Business Identification Signs

Where proposed in conjunction with a permissible commercial use or activity in the R-3 District, the following types of **illuminated or non-illuminated** business identification signs may be permitted in the R-3 District as indicated below. Such signs may be designed as either **free-standing OR parallel wall signs**.

Business identification signs in the R-3 Zone shall be limited to those which identify the name and/or logo or trademark of the business, service, or activity which is situated or is occurring on the premises where the sign is located, and may be permitted as follows:

##### 1. Free-Standing Signs.

- a. Maximum Size - 24 square feet.
- b. Maximum Number - No more than one (1) such sign per property, regardless of the road frontages or exposures available for the use or activity.

##### 2. Parallel Wall Signs.

- a. Maximum Size - 24 square feet.
- b. Maximum Number - No more than one (1) such sign per property, unless such property is located on a corner, in which case one (1) parallel wall sign may be permitted on each frontage. Total sign area for all such signs shall not exceed 48 square feet.



705 SIGNS IN THE C (General Commercial), CBD 1 & 2 (Central Business District 1 & 2), M (Manufacturing), EDD (Economic Development District), AND I/OP (Industrial/Office Park) DISTRICTS

Signs may be placed or located in the C, CBD 1 & 2, M, EDD, or I/OP Districts subject to the following specified requirements.

A. General Signs

Those signs permitted in Section 703 A., General Signs in the R-1, R-2, PRD, and OS Districts, may also be permitted in the C, CBD 1 & 2, M, EDD, and I/OP Districts at the same size, in the same number, and in the same style.

B. Civic and Institutional Signs

Those signs permitted in Section 703 B., Civic and Institutional Signs in the R-1, R-2, PRD, and OS Districts, may also be permitted in the C, CBD 1 & 2, M, EDD, and I/OP Districts at the same size, in the same number, and in the same style.

C. Business Identification Signs

Where proposed in conjunction with an approved commercial or industrial use or activity, the following types of **illuminated or non-illuminated** business identification signs may be permitted in the C, CBD 1 & 2, M, EDD, or I/OP District as indicated below. Such signs may be designed as **free-standing signs, parallel wall signs, projecting wall signs, or awning or canopy signs.**

Business identification signs in the these districts shall be limited to those which identify the name, logo, or trademark of the business, service, activity, or industry, and/or the availability or pricing of certain products offered for sale on the premises where the sign is located, and may be permitted as follows:

1. Free-Standing Signs.

- a. Maximum Size - 50 square feet in the C District; 75 square feet in the M, EDD, and I/OP Districts. No free-standing signs may be permitted in the CBD District 1 & 2.
- b. Maximum Number - No more than one (1) such sign per property, unless the property is situated on a corner, in which case one (1) free-standing sign may be permitted on each frontage.

2. Parallel Wall Signs.

- a. Maximum Size - 50 square feet in the CBD District 1 & 2; 100 square feet in the M, EDD, I/OP, and C Districts.
- b. Maximum Number - No more than one (1) such sign per property, unless such property is situated on a corner, in which case one (1) parallel wall sign may be permitted on each frontage. Total sign area for all such signs shall

not exceed 75 square feet in the CBD District 1 & 2, 150 square feet in the M, EDD, I/OP, and C Districts.

3. Projecting Wall Signs.

- a. Maximum Size - 50 square feet.
- b. Maximum Number - No more than one (1) such sign per property; however, projecting wall signs may only be used in lieu of parallel wall signs.

4. Canopy or Awning Signs.

- a. Maximum Size - Total area of all such signs shall be not more than 25% of the background area of the awning or canopy upon which the sign is affixed or applied.
- b. Maximum Number - As needed; however, canopy or awning signs may only be used in lieu of wall signs.

5. Residential Signs in the CBD 2 (Central Business District 2).

- a. Shall follow the regulations as set forth by Section 703

## ARTICLE 8

### OFF-STREET PARKING AND LOADING AREAS

#### 800 OFF-STREET PARKING REQUIREMENTS

In all districts, in connection with every use, there shall be provided, at the time any new building or structure is erected or any existing building is converted to a new use or is increased in capacity, off-street parking spaces in accordance with the requirements of this Section. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which they are provided.

##### A. Size

All vehicle parking spaces shall contain a minimum of 180 square feet of usable area and shall have a width of not less than nine (9) feet.

##### B. Location

Off-street parking spaces for residential uses shall be located on the same lot or contiguous lot as the dwelling unit(s) being served, either inside or outside of a building. Off-street parking for nonresidential uses may be located on a lot other than that containing the principal use, but shall be situated within 250 feet of the use being served. Such remote parking shall however remain under the control and care of the owner or operator of the use to which it is accessory, and applications involving such parking areas shall include documentation which authorizes the use of said area for parking in connection with the proposed use and sets forth appropriate maintenance responsibilities for the parking area.

##### C. Layout and Design

All off-street parking areas shall be designed to provide for the orderly and safe parking of vehicles, shall be clearly marked to facilitate movement and efficiency of use, and shall be maintained in good condition.

##### D. Grading and Surfacing

All off-street parking spaces and parking areas shall be graded for proper drainage and shall be provided with a bituminous or concrete pavement or similar durable and dustless wearing surface.

#### E. Lighting

All lighting which is used to illuminate off-street parking areas shall be mounted and shielded in such a manner to avoid creating safety problems for motorists on public streets and to avoid causing direct glare on adjacent properties.

#### F. Setback and Screening Requirements

Non-residential parking areas serving more than five (5) vehicles shall be set back a minimum of five (5) feet from all property lines, and shall be effectively screened on each side that abuts a Residential District, a residential use, or an institutional premises. Screening shall consist of a solid fence or plantings not less than six (6) feet in height. All other requirements of Section 506 A. of this Ordinance regarding screening shall be met.

#### G. Accessibility

Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street or alley upon which the parking area abuts be permitted, except where the depth of the parking area is less than 35 feet. Where possible, parking areas shall also be designed so there will be no need for motorists to back over public walkways, streets or alleys.

#### H. Number of Spaces Required

1. Required parking spaces for any number of separate uses may be combined in one lot, but the required spaces assigned to one use may not be assigned to another use at the same time, except that parking spaces required for uses whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and/or on Sundays, upon recommendation of the Borough Planning Commission.
2. The number of off-street parking spaces required shall be provided as set forth in TABLE 1 below. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and is deemed similar, in the opinion of the Zoning Officer, shall apply. In the case of mixed uses or multiple uses of one building, the total number of required parking spaces shall be the sum of the number of spaces required for each use.
3. Applicants proposing development in the Central Business District 1 & 2 are encouraged to provide as much off-street parking as possible. The Borough Planning Commission shall review each proposal in this district and shall recommend an appropriate number of spaces to Borough Council, who shall ultimately determine the number of spaces that must be provided.

TABLE 1

OFF-STREET PARKING SCHEDULE

<u>USE CLASSIFICATION</u>	<u>MINIMUM SPACES REQUIRED</u>
<b>A. <u>Residential Uses</u></b>	
1. Residential dwelling units, including single- and multi-family dwellings, conversion or accessory apartments, & mobile home park units.	2.25 for each dwelling unit.
2. Bed & breakfast establishments; boarding or rooming homes.	2 for the dwelling unit + 1 for each guest room.
<b>B. <u>Institutional Uses</u></b>	
1. Day care centers, group day care homes, or nursery schools.	1 for each 5 students/clients + 1 for each employee.
2. Schools. (Public or private)	
a. Elementary schools.	5 for each classroom + 1 for each employee.
b. Middle or high schools or post-secondary education facilities.	1 for each 3.5 seats of auditorium or gymnasium capacity, whichever is greater, + 1 for each employee.
c. Professional, business, or technical schools.	1 for each 2 students + 1 for each employee.
3. Places of public or private assembly; churches and place of worship; clubs, lodges & fraternal organization facilities or halls and public libraries, including new construction on undeveloped sites or renovation (creating a higher occupancy) or expansion of existing facilities.	1 space for each 2.5 seats of fixed (permanently mounted) seating area plus 1 space for each 250 sq.ft. of all other occupied areas, excluding storage and mechanical equipment areas

4. Public service or non-profit facilities, such as police or fire stations, government or community buildings.
  - a. New construction on undeveloped sites. 1 for each 200 sq.ft. of gross floor area.
  - b. Renovation or expansion of existing facilities. As much additional off-street parking as possible.
5. Group homes or retirement centers. 1 for each 2 residents + 1 for each employee in the maximum work shift.
6. Nursing or personal care homes. 1 for each 3 beds + 1 for each employee in the maximum work shift.

### C. Commercial/Retail Uses

1. Home occupations. 2 for the dwelling unit + 2 customer spaces.
2. Retail stores or personal service businesses, inc. business, professional & financial offices, *except as provided below.* 1 for each 300 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.
3. Neighborhood retail stores. 1 for each 200 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.
4. Restaurants; bars or taverns. 1 for each 100 sq.ft. of gross floor area + 1 for each employee in the maximum work shift.
5. Medical or dental offices or clinics. 5 for each doctor + 1 for each employee.
6. Commercial lodging facilities. 1 for each guest room + 1 for each employee in the maximum work shift.
7. Public entertainment establishments. 1 for each 3 persons of total facility capacity + 1 for each employee in the maximum work shift.
8. Funeral homes. 20 for funeral home + 1 for each employee.

#### **D. Industrial Uses**

- |  |   |
|--|---|
| 1. Industrial activities or manufacturing operations.            | 1.25 for each employee in the maximum work shift + 5 visitor spaces.  |
| 2. Warehousing or storage facilities; machine shops.             | 1 for each employee + 3 visitor spaces.   |
| 3. Trucking or motor freight terminals; distribution facilities. | Sufficient number to meet all on-site parking & circulation needs + 1 for each employee in the maximum work shift & 3 visitor spaces. |

#### **E. Recreational or Open Space Uses**

- |  |  |
|--|--|
| 1. Parks or playgrounds.                     | 1 for each 5 persons of total facility capacity.   |
| 2. Outdoor commercial recreation facilities. | 1 for each 3 persons of total facility capacity + 1 for each employee in the maximum work shift. |

### **801 OFF-STREET LOADING REQUIREMENTS**

In all districts, in connection with every commercial, industrial or institutional building hereafter erected, having a gross floor area of 10,000 square feet or more, which requires the delivery or shipment of merchandise or materials, there shall be provided and maintained on the same lot with such building, off-street loading berths in accordance with the requirements of this Section. Such accommodations shall meet the following requirements.

#### **A. Size and Location**

Each off-street loading berth shall be of sufficient size to adequately accommodate the use being served and shall be located entirely on the subject lot. Where possible, loading berths shall be designed so that there will be no need for drivers to back over public walkways, streets, or alleys.

#### **B. Grading and Surfacing**

Loading berths shall be graded for proper drainage and shall be provided with a bituminous or concrete pavement or similar durable and dustless wearing surface.

C. Lighting

All lighting used to illuminate off-street loading berths shall be mounted and shielded in such a manner to avoid creating safety problems for motorists on public streets and to avoid causing glare on adjacent properties.

D. Setbacks and Screening Requirements

All loading berths or docks shall be set back a minimum of ten (10) feet from all property lines, and shall be effectively screened on each side that abuts a Residential District, a residential use, or an institutional premises. Screening shall consist of a solid fence or plantings not less than six (6) feet in height. All other requirements of Section 506 A. of this Ordinance regarding screening shall be met.

E. Number of Berths Required

Applicants proposing developments requiring the provision of off-street loading space are encouraged to meet the guidelines set forth below. The Borough Planning Commission shall review each such proposal and shall recommend an appropriate amount of off-street loading space to Borough Council, who shall ultimately determine the number of berths that must be provided.

TABLE 2

OFF-STREET LOADING GUIDELINES

<u>Gross Floor Area</u>	<u>Recommended # of Berths</u>
10,000 sq.ft. - 25,000 sq.ft.	One (1)
25,001 sq.ft. - 40,000 sq.ft.	Two (2)
40,001 sq.ft. - 60,000 sq.ft.	Three (3)
60,001 sq.ft. - 100,000 sq.ft.	Four (4)
over 100,000 sq.ft.	Four (4) + one (1) for each additional 50,000 sq.ft. of gross floor area.



## ARTICLE 9

### NONCONFORMITIES

#### 900 NONCONFORMING USES AND STRUCTURES

Any nonconforming use or structure legally existing at the effective date of this Ordinance or that is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold or maintained even though it does not conform to the regulations of the district in which it is located, except as may be provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, discontinued or abandoned. (See Section 901 for nonconforming lots.)

##### A. General Application of Provisions

Nothing contained herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing laws or for which a Zoning Permit was granted and/or where the construction shall have started before the date of adoption of this Ordinance or applicable amendment thereto.

##### B. Abandonment

If any nonconforming use, or building or structure occupied by a nonconforming use, is abandoned for a period of one (1) year, the future use of such building, structure or land shall be in conformity with the District Regulations of this Ordinance. A nonconforming use shall be judged to be abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

##### C. Repairs, Alterations and Reconstruction

1. Exterior repairs, non-structural alterations, and other general maintenance adjustments may be made to a nonconforming building or structure or to a building or structure occupied by a nonconforming use. Such adjustments shall however be subject to all applicable Zoning Permit requirements. (See Section 1202)
2. A nonconforming building or structure, or a building or structure occupied by a nonconforming use, which is damaged by fire, flood or other natural cause may be reconstructed, restored and used as before provided that:
  - a. the Zoning Hearing Board approves the method of said reconstruction or restoration;
  - b. said reconstruction commences within six (6) months of the damage, or within such additional time as may be authorized by the Zoning Hearing Board for due cause (See also Section 1202 G);

- c. said reconstruction shall not exceed the size, height and area that existed prior to the damage, unless approved by the Zoning Hearing Board;
- d. where the nonconformity is located in a Flood Fringe or General Floodplain District, the new construction shall comply, to the greatest extent possible, with all of the floodproofing requirements contained in Section 602 of this Ordinance; and
- e. where the nonconformity is located in a Floodway District, such nonconformity may only be reconstructed, replaced and used as before provided that:
  - 1) the property owner does not own adjoining vacant or undeveloped land located outside of the Floodway District where the use could be relocated;
  - 2) the reconstruction will cause NO rise in elevation of the 100 year flood; and
  - 3) the reconstruction will be floodproofed in accordance with the requirements contained in Section 602 of this Ordinance.

In reviewing applications for reconstruction or restoration, the Zoning Hearing Board shall give due consideration to the welfare of the community in its entirety and may attach such reasonable conditions and safeguards as they deem appropriate to implement the purposes of this Ordinance.

#### D. Extensions and Enlargements

- 1. Exterior structural alterations may be made to extend or enlarge a nonconforming building or structure or a building or structure occupied by a nonconforming use, except in the Floodway District. Such extension or enlargement shall however be subject to all applicable Zoning Permit requirements (See Section 1202) and may only be authorized where:
  - a. the Zoning Hearing Board approves the proposed extension or enlargement;
  - b. the extension or enlargement does not extend the structure or use beyond the remainder of the lot or parcel as it existed at the effective date of this Ordinance, nor extend the structure or use by an aggregate total of more than 25% of the gross floor area occupied by the use at the time it became nonconforming;
  - c. the extension or enlargement conforms to the yard and height requirements of the district in which it is located; and
  - d. the use may not be expanded or extended into a more restrictive zoning district.

In reviewing applications for extension or enlargement, the Zoning Hearing Board shall give due consideration to the welfare of the community in its entirety and may

attach such reasonable conditions and safeguards as they deem appropriate to implement the purposes of this Ordinance.

2. A nonconforming use shall not be extended to displace a conforming use, unless authorized by the Zoning Hearing Board.
3. For nonconforming uses whose normal operations involve non-structural expansion (i.e. junk yards, cemeteries, etc.), expansion shall be permitted by right up to 25% of the volume or area of the nonconformity which existed at the effective date of this Ordinance. For expansion beyond 25%, approval must be obtained from the Zoning Hearing Board.
4. Any nonconforming building or structure, or building or structure occupied by a nonconforming use, which is moved for any reason, must meet all requirements of the district in which it is to be located.

#### E. Change of Use

1. A nonconforming use of a building, structure or land may be changed to a nonconforming use of the same or a more restricted classification, subject to the following conditions.
  - a. The Zoning Hearing Board shall approve all such proposed changes; and,
  - b. The applicant shall show that the proposed change will be no more objectionable in external effect than the existing nonconforming use with respect to:
    - 1) traffic generation and congestion, including truck, passenger car and pedestrian movement;
    - 2) noise, smoke, dust, fumes, vapor, gases, heat, odor, glare, vibration, or lighting;
    - 3) outside, unenclosed storage, and waste collection and disposal; and,
    - 4) appearance, character, and nature of the neighborhood or area.

In reviewing applications for change of use, the Zoning Hearing Board shall give due consideration to the welfare of the community in its entirety and may attach such reasonable conditions and safeguards as they deem appropriate to implement the purposes of this Ordinance.

2. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.
3. Whenever a nonconforming use has been changed to another nonconforming use in accordance with the provisions of this Ordinance, such use shall not thereafter be changed again, except in conformance with these regulations.

F. Certification

A Certification of Nonconformance shall be issued by the Zoning Officer for all nonconforming uses or structures, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the time of enactment of this Ordinance.

901 NONCONFORMING LOTS

Any nonconforming lot legally existing at the time of adoption of this Ordinance or that is created whenever a district is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the district in which it is located. It is not the intent of this Ordinance to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

A. Lot Changes

If any nonconforming lot becomes conforming through its addition to adjacent land, said lot shall not thereafter be changed back to a nonconforming lot.

B. Repairs, Alterations and Reconstruction

1. Exterior repairs, non-structural alterations, and other general maintenance adjustments may be made to a conforming structure on a nonconforming lot. Such adjustments shall however be subject to all applicable Building/ Zoning Permit requirements. (See Section 1202.)
2. A conforming use situated on a nonconforming lot which is damaged by fire, flood, or other natural cause may be reconstructed, restored, and used as before provided that:
  - a. said reconstruction shall not exceed the size, height, and area that existed prior to the damage, unless approved otherwise by the Zoning Hearing Board; and
  - b. if located in any designated floodplain area, the provisions of Sub-Sections 900 C.2.d. and e. shall be met.

C. Existing Undeveloped Lots of Record

In the case of an undeveloped lot of record which existed at the effective date of this Ordinance which does not meet the minimum area requirements for the district in which it is located, a permitted principal structure may be placed on the parcel provided that:

1. the owner does not own adjoining land which could be combined to form a conforming lot;

2. each side yard is not less than 15 feet in the EDD and I/OP Districts; not less than 12 feet in the C and M Districts where such lots abut another lot in the same district; not less than ten (10) feet in the R-1, R-2, PRD, and OS Districts; and not less than five (5) feet in the R-3 and CBD Districts 1 & 2 (except that no side yard is required where fire-rated party walls are used);
3. the rear yard is not less than 25 feet in the M, EDD, I/OP, and OS Districts; not less than 15 feet in the R-1, R-2, R-3, PRD and C Districts, and not less than 10 feet in the CBD Districts 1 & 2;
4. the front yard conforms to the minimum distance required; and
5. provided that the site and its intended use complies with all other applicable provisions of this Ordinance.

D. Certification

A Certification of Nonconformance shall be issued by the Zoning Officer for all nonconforming lots, upon written request of the property owner or occupant. Sufficient evidence shall be provided by the applicant at the time of such request which documents the existence of the nonconformity at the time of enactment of this Ordinance.

## ARTICLE 10

### RESPONSIBILITIES OF THE ZONING HEARING BOARD

#### 1000 ORGANIZATION AND PROCEDURE

##### A. Establishment

Pursuant to the provisions of the PA Municipalities Planning Code, a Zoning Hearing Board is hereby established in Milton Borough.

##### B. Appointment

The Zoning Hearing Board shall consist of three (3) residents of Milton Borough to be appointed by Resolution of Borough Council. The term of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Members of the Zoning Hearing Board shall hold no other office in the municipality.

The Borough Council may also appoint, by Resolution, two (2) alternate members of the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. For each case, the Chairman of the Zoning Hearing Board shall designate as many alternates as necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority. Alternates shall hold no other office in the municipality.

A Zoning Hearing Board member may be removed by majority vote of the Borough Council for just cause only after the member has received 15 days' advanced notice of the Borough's intent to take such a vote. A Hearing shall be held in connection with the vote if requested in writing by the member.

##### C. Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

##### D. General Grant of Power

The Zoning Hearing Board shall perform the duties and have the powers pre-scribed by the Planning Code, as amended, and as herein described.

## 1001 POWERS AND DUTIES

The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of the PA Municipalities Planning Code, as amended, and shall have the following powers.

### A. To Hear and Decide Appeals

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.
2. The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in the PA Municipalities Planning Code.
3. The Zoning Hearing Board shall hear and decide appeals from a determination by the Zoning Officer or municipal engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
4. The Zoning Hearing Board shall hear and decide upon appeal from a determination of the Zoning Officer, any questions involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

### B. To Hear and Decide Challenges to the Validity of any Land Use Ordinance

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the governing body pursuant to the PA Municipalities Planning Code, as amended.
2. The Zoning Hearing Board shall hear and decide challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days of the effective date of said ordinance.

### C. To Hear and Decide Requests for Variances

The Zoning Hearing Board shall hear requests for variances and may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally

# STANDARD QUESTIONS FOR VARIANCES

## General Property Information

- Location of the subject property
- In which Zoning District is the property located
- Who owns the property; for how long
- Is someone representing the owner; if so, by what authority
- Size, shape, dimensions of the property
- Current use of the property: who, or what, currently occupies the premises; for how long
- Structures that are presently built on the property; where are the structures located; when were they built
- What are adjacent properties being used for
- Is this a "dimensional variance"; is it a "use variance"

## Specific Requirements of the Zoning Ordinance

- What are the specific provisions of the zoning ordinance from which variance relief is being requested
- What hardship is claimed to be caused by the ordinance provision
- Is the variance for the property
- Is the variance for the owner's convenience
- Is the problem a "personal" one
- Is the variance for a change of use
- Would a dimensional variance result in a change of use (or intensity, or character of use)
- If a use variance is being requested, is it for a use permitted in the zone district the property is in; for a use allowed in a different zone
- Is the variance for a purpose that is not *serious, substantial, and compelling*

## Specific Variance Criteria (MPC Section 910.2)

All five criteria are to be reviewed. The Applicant has the burden of proof to show there is an "unnecessary hardship" to the property caused by the zoning ordinance.

1. What are the physical circumstances or conditions of the property
  - + is the condition "unique" to this property
  - + is the condition a general one in the neighborhood or district
  - + is this property nonconforming: use, structure, lot



irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions.

The Board's decision to approve a variance request shall be made only after public notice and hearing. (See Section 1002.) (See also Section 609 for additional information regarding variances in Floodplain Districts and Appendix C for a chart illustrating the variance procedure.)

No variance in the strict application of any provisions of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

1. that there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
2. that because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. that such unnecessary hardship has not been created by the appellant;
4. that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and,
5. that the variance, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

D. To Hear and Decide Requests for Special Exceptions

The Zoning Hearing Board may grant Special Exceptions only for such uses as are provided for in Article 3, the District Regulations, and pursuant to express standards and

criteria outlined in Article 4. The Board's decision to approve a Special Exception shall be made only after public notice and public hearing. (See Section 1002.) Such approval shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent changes or additions shall be subject to further review and public hearing by the Zoning Hearing Board as a separate Special Exception request. (See Section 610 for additional information regarding Special Exceptions in Floodplain Districts and Appendix D for a chart illustrating the Special Exception procedure.)

No application for a Special Exception shall be granted by the Zoning Hearing Board until said Board has first received and considered an advisory report thereon from the Borough Planning Commission. Said report shall review the proposal with respect to the location of such use in relation to the needs and growth patterns of the area and, where appropriate, the adequacy of the site area and arrangement of buildings, driveways, parking areas, off-street loading spaces and other pertinent features. The Planning Commission shall have 30 days from the date of its receipt of the application from the Zoning Hearing Board within which to file its report. In the event that the Commission shall fail to file its report within 30 days, the application shall be deemed to have been approved by the Commission. The Commission may have representation at the hearing held by the Zoning Hearing Board on such application.

In reviewing applications for Special Exceptions, the Zoning Hearing Board shall take into account the comments received from the Borough Planning Commission and the following requirements, in addition to those found in Article 4, and in other applicable sections of this Ordinance.

1. that the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;
2. that the use will not cause substantial injury to the value of other property in the neighborhood where the use is to be located;
3. that the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located;
4. that adequate landscaping and screening is provided as required herein;
5. that adequate off-street parking and loading is provided and ingress and egress is designed to cause minimum interference with traffic on abutting streets; and,
6. that the use conforms with all applicable regulations governing the district where it is to be located, except as may otherwise be determined for large-scale developments.

In approving a Special Exception, the Zoning Hearing Board may attach whatever reasonable conditions and safeguards it deems necessary in order to insure that the proposed development is consistent with the purposes of this Ordinance.

## 1002 HEARING PROCEDURES

### A. Parties Appellant Before Zoning Hearing Board

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or by any person aggrieved. Requests for a variance or special exception must be filed with the Zoning Hearing Board by the landowner or an authorized agent of such landowner.

### B. Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, whether preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given.

### C. Applications Required

All requests and appeals made to the Zoning Hearing Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans or the details of the variance or special exception that is applied for, in addition to the following information:

1. the name and address of the applicant or appellant;
2. the name and address of the owner of the parcel to be affected by such proposed change or appeal;
3. a brief description and location of the parcel to be affected by such proposed change or appeal;
4. a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and,
5. a reasonably accurate description of any existing buildings, structures or improvements located on the site and the additions or changes intended to be made under this application, indicating the size of such proposed improvements. In addition, the applicant shall provide the Zoning Hearing Board with an accurate plot plan, drawn to scale, of the property to be affected, indicating the location and size of the lot and the size and location of all existing buildings, structures, trees, or other physical features thereon and those additional improvements proposed to be erected.

D. Procedure for Zoning Officer

1. The notice of appeal in any case where a Permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing Board under general rule after notice of such action granting or denying the Permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
2. It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

E. Hearings Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, special exception, challenge or other matter requiring the Board's decision or other official action. Within 60 days of the date of receipt of an applicant's application for such hearing, the Board shall fix a reasonable time and place for and commence the first hearing thereon, giving notice as follows:

1. Publish Public Notice in accordance with the definition of "Public Notice" in Article 13 of this Ordinance;
2. Post in a conspicuous place on the property involved a written notice of the pending hearing and action; such notice shall take place at least seven (7) days prior to the public hearing;
3. Give written notice to the applicant, the Zoning Officer, the Borough Secretary, Secretary of the Borough Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Borough Planning Commission, the Planning Commission shall be given notice at least 30 days prior to the hearing); and,
4. In the case of an appeal, or a request for a variance or special exception, all adjacent property owners shall be given written notice at least seven (7) days prior to the hearing.

Each subsequent hearing on the application shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record of the previous hearing.

F. Rules of Conduct

The Zoning Hearing Board shall adopt rules consistent with the provisions of this

Ordinance, and shall commence, conduct, and complete all hearings in accordance with the requirements of the PA Municipalities Planning Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the chairman and at such other times as the Zoning Hearing Board may determine. The chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Borough Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Borough Council once each year.

A quorum of two (2) Board Members shall be required for the Zoning Hearing Board to take action.

#### G. Decisions

The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Zoning Hearing Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance shall be construed as limitations of the power of the Zoning Hearing Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance.

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day following its date. All other persons interested in the result, who filed their name and address with the Board not later than the last day of the hearing, shall be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

#### H. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorized permit within one (1) year from the date of authorization thereof.

I. Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Zoning Hearing Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

J. Failure to Hold Required Hearing or Render Decision

Where the Board fails to commence, conduct, or complete the required hearing or fails to render a decision within the prescribed time periods (except for challenges filed under Section 916.1 of the PA Municipalities Planning Code), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision. If the Board shall fail to provide such notice, the applicant may do so.

K. Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies to the Board that such a halt could cause an imminent danger to life or property, then development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any other appropriate agency.

L. Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Northumberland County pursuant to the procedures established in the PA Municipalities Planning Code.

## ARTICLE 11

### RESPONSIBILITIES OF BOROUGH COUNCIL

#### 1100 AMENDMENTS TO ZONING ORDINANCE OR MAP

The municipality may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. (See also Appendix E for a chart illustrating the amendment procedure.) For Curative Amendments see Procedure For Landowner Curative Amendments and Procedure for Municipal Curative Amendments in the PA Municipalities Planning Code.

##### A. Public Hearing and Notice Requirements

The Borough Council shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) successive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed revision in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the affected tract at least seven (7) days prior to the date of the hearing. Further, where a proposed amendment involves a zoning map change, other than a comprehensive municipal rezoning, the Borough shall notify all property owners within the area proposed for rezoning (by first class mail) of the date, time and location of the hearing at least 30 days prior to the hearing.

If after said public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the Council shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

##### B. Review by Planning Commissions

Every such proposed amendment or change, whether initiated by the Borough Council or by petition, shall be referred to the Borough Planning Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) shall fail to file such a report before the public hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

C. Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

D. Notice of Enactment

Prior to taking action on the amendment, the Borough Council shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary in a newspaper of general, local circulation. Such notice shall include the time and place of the meeting at which passage will be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed in the County Law Library or other county office designated by the County Commissioners.

E. Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Borough Council. The vote of Council shall be within 90 days after the last public hearing on the amendment. If Council fails to take action within 90 days, the proposed amendment shall be deemed to have been denied.

Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

**1101 CONDITIONAL USES**

Borough Council may grant Conditional Use approval for only those uses set forth in Article 3 of this Ordinance, the District Regulations, pursuant to the express standards and criteria outlined in Article 4, the Supplementary Use Regulations. In addition, Council may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Ordinance. (See also Appendix F for a chart illustrating the Conditional Use procedure.)

A. Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Secretary of Borough Council. Upon receipt of a Conditional Use application, the Secretary shall forward a copy of the application to the Borough Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and make its recommendations within 45 days of receipt of such request.



B. Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

1. the location of the tract of land;
2. the present use of the tract for which the conditional use is requested;
3. the present use of surrounding tracts;
4. the type of conditional use for which the application is made;
5. a brief description of the type and extent of the proposed activities;
6. an estimate of the total development cost of the conditional use; and,
7. the names of the applicant, the owner of the tract, the developer of the conditional use and the person or organization who will operate the conditional use.

C. Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below.

The site plan shall be drawn to a scale not more than 50 feet to the inch and shall be on a sheet no smaller than 18" x 24" and no larger than 24" x 36". If the site plan is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet. The site plan shall include:

1. title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
2. tract boundaries showing bearings and distances, and names of adjacent property owners;
3. existing significant natural or man-made features of the site;
4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;
5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
6. existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;

7. proposed grading and drainage plan;
8. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
9. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,
10. location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a conditional use, Borough Council may waive the requirement for submittal of certain information that they deem unnecessary for their review of the application. In all cases however, the information submitted shall be adequate for review of the conditional use request.

#### D. Hearing Requirements

Within 60 days of the date of receipt of the applicant's application for a Conditional Use, Council shall select a date, advertise (pursuant to the definition of Public Notice), and hold the first public hearing on the proposal. Hearings shall be conducted in accordance with the procedures set forth in Section 1002 F. of the Ordinance for Zoning Hearing Board hearings. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

#### E. Criteria for Conditional Uses

Council shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance:

1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
2. whether the specific site is an appropriate location for the use, structure or condition;
3. whether the use developed will adversely affect the neighborhood;
4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;

6. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,
7. whether satisfactory provision and arrangement has been made concerning the following:
  - a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
  - b. off-street parking and loading areas;
  - c. waste collection, storage and disposal;
  - d. utilities, with reference to location, availability and compatibility;
  - e. screening and buffering with reference to type, dimensions and character;
  - f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,
  - g. required yards and open spaces.

#### F. Decisions

Council shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the PA Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

#### G. Failure to Hold Required Hearing or Render Decision

Where Borough Council fails to commence, conduct, or complete the required hearing or fails to render a decision within the prescribed time periods (except for challenges filed under Section 916.1 of the PA Municipalities Planning Code), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, Borough

Council shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day they could have met to render a timely decision. If Council fails to provide such notice, the applicant may do so.

H. Expiration of Decision

Unless otherwise specified by Council at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorization within one (1) year from the date of authorization.

I. Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

## ARTICLE 12

### ADMINISTRATION AND ENFORCEMENT

#### 1200 DUTIES OF THE ZONING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Borough Council and who shall hold no elective or appointed office in the municipality. Said Officer shall be able to demonstrate to the satisfaction of the Council a working knowledge of municipal zoning, and shall meet such other qualifications as the Council may, from time to time, deem necessary for the effective implementation of the provisions of this Ordinance. The Zoning Officer may be compensated for his work and shall have the following duties:

- A. to receive and process applications for permits, certificates, variances, special exceptions, conditional uses, appeals and other applications required under the terms of this Ordinance;
- B. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- C. to issue or deny applications for Zoning Permits in accordance with the procedures set forth in Section 1202 of this Ordinance. **In cases involving requests for a conditional use, a special exception, or a variance, permits shall be issued only upon written order of the appropriate approving agency.** (It shall be the responsibility of the Zoning Officer to process requests for hearings before the Borough Council and Zoning Hearing Board, as applicable.);
- D. to issue or deny requests for Certificates of Compliance in accordance with the procedure set forth in Section 1203 of this Ordinance;
- E. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;
- F. to issue written enforcement notices as specified in Section 1204 A. of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Borough as a means of enforcing the zoning regulations. (Duplicate copies of such notices shall be referred to the Borough Solicitor, Zoning Hearing Board and to the Borough Council.);
- G. to maintain and update, as authorized, the official Zoning Map;
- H. to record and file all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued;

- I. to post notice of pending Zoning Hearing Board hearings in accordance with the procedure established in Section 1002 E.2 of this Ordinance and to post notice of proposed zoning district changes as per the requirements of Section 1100 A.;
- J. to present facts, records, and other information to the Borough Council and/or Borough Planning Commission, upon request of such body, as will assist them in their deliberations of specific applications;
- K. to present to the Zoning Hearing Board, in each case before the Board, all relevant facts and arguments to support the Borough's position, interpretation, and procedures in application of the provisions of this Ordinance;
- L. to issue Certificates of Nonconformance as requested (see Sections 900 F. and 901 D.); and
- M. to perform such other duties as may be made necessary by the terms of this Ordinance.

## 1201 GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS

All persons desiring to undertake any development, new construction, structural alteration, or change in the use of a building, structure, or land shall apply to the Borough Zoning Officer for a Zoning Permit by completing the appropriate application form and by submitting the required fee. After thoroughly reviewing the application, the Zoning Officer shall either issue or deny the Zoning Permit or refer the application to the Zoning Hearing Board or Borough Council for their consideration, as applicable. After the applicant has received a Zoning Permit, he shall contact the Borough Building Code Official and make application for a Building Permit. Following completion of his project, the applicant shall apply to the Zoning Officer for a Certificate of Compliance. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Zoning Permit, he shall issue a Certificate of Compliance, after which the Building Code Official shall inspect the project and issue or deny an Occupancy Permit allowing the premises to be occupied or used. (The specifics of each step of the zoning procedure are presented in Sections 1202 and 1203 below and in chart form in Appendix G. of this Ordinance.) **Nothing in this Ordinance shall exempt the applicant from obtaining any Permits which may be required by other regulations or codes in effect in Milton Borough.**

## 1202 ZONING PERMITS

### A. Requirements for Zoning Permits

A Zoning Permit shall be required prior to the placement, erection, construction, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building, structure or land, including parking lots; prior to the erection or alteration of signs, except as specified in Article 7; prior to the change or extension of a nonconforming use; and prior to development in any Floodplain District; *except as listed below.*

It shall be unlawful for any person to commence work for the erection or alteration of any building or structure or to change a land use, until a Zoning Permit has been duly issued therefor. (In many instances, additional permits may also need to be obtained prior to beginning construction or alterations.)

#### Exemptions

Zoning Permits shall not be required for the following activities **unless they are proposed within a floodplain district**:

1. interior alterations when there is no increase in ground floor exterior dimension and no change in use;
2. general exterior maintenance and repair to existing buildings or structures; including roofing, painting, the addition or replacement of storm windows, and similar activities;
3. landscaping, or the construction of land terraces, steps or similar features; or
4. placement or location of utility distribution lines.

#### B. Application for Zoning Permits

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it, along with the required fee, to the Borough. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible parties shall be stated in the application.

The Zoning Officer shall have 10 days after receipt of a completed application to issue or deny the Permit. Any denial shall be in writing and shall state the reason(s) for such action.

#### C. Description of Work and Plan Requirements

All applications for Zoning Permits shall be accompanied by plans drawn to scale showing the actual shape and dimensions of the lot, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part thereof, and such other information as necessary to determine compliance with this Ordinance and all other pertinent regulations. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Borough.

All applications and accompanying plans and documents shall become a matter of public record once a permit has been either issued or denied.

#### D. Applicability of Other Regulations

In addition to meeting the requirements set forth in this Ordinance, applicants shall adhere to all other regulations or codes in effect in Milton Borough or as may hereafter be enacted. Nothing in this Ordinance shall exempt an applicant from obtaining approvals or permits which may be required by such regulations or other local, State, or Federal laws or rules. It shall be the applicant's responsibility to provide the Borough with evidence that shows that such laws, rules or regulations have been met.

In particular, the standards and specifications contained in 34 PA Code (the Uniform Construction Code) Chapters 401-405, as amended, and the following referenced provisions shall apply to all Sections of this Ordinance, to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.

1. International Building Code (IBC) 2000 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G.
2. International Residential Building Code (IRC) 2000 or the latest edition thereof: R104, R105, R109, R327, Appendix AE101, Appendix E, and Appendix J.

#### E. Changes

After the issuance of a Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for consideration.

#### F. Display of Permit Placard

In addition to the Zoning Permit, the Zoning Officer shall issue a Permit placard which shall be displayed or posted on the premises during the time construction is in progress. The Permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the Zoning Permit, the date of its issuance, a brief description of the construction authorized, and the signature of the Zoning Officer.

#### G. Time Limitations

Work on the approved construction shall commence within six (6) months after the date of issuance of the Zoning Permit and shall be completed within 18 months following Permit issuance or the Permit shall expire, unless a time extension is granted in writing by the Zoning Officer. Time extensions may be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request. Where such cause is determined, no more than two (2), 90-day



extensions may be granted. Additional time shall require the issuance of a new Zoning Permit.

For the purposes of this Section, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

#### H. Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with all other applicable Borough laws. He shall make as many inspections as necessary to determine this compliance.

In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any zoning district, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Ordinance.

#### I. Revocation of Permits

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Borough Council for whatever action they may deem necessary.

#### J. Temporary Zoning Permits

A Temporary Zoning Permit may be authorized by the Zoning Officer for a non-permanent structure or use not generally permitted where it is deemed beneficial to the public health or general welfare, necessary to promote the proper development of the community, or for temporary accessory use, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Borough. Such Permits shall be issued for a period of time not to exceed one (1) year, and may be renewed for no more than two (2) additional 90-day periods, except as provided otherwise in Sections 424 and 425 for specific types of temporary uses.

### 1203 CERTIFICATES OF COMPLIANCE

#### A. Requirements for Certificates of Compliance

No land shall be occupied or used and no building hereafter erected, altered or extended

shall be used in whole or in part, or shall be changed in use, until a Certificate of Compliance has been issued by the Borough Zoning Officer. Such requirements shall include proposals to *change from one use to another use* in any existing building (regardless if a structural alteration is proposed or necessary to accommodate the change).

The issuance of a Certificate of Compliance is not intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure. The purpose of the Certificate is only to certify that all work authorized by the Zoning Permit has been satisfactorily completed and that the building or proposed use thereof complies with the provisions of this Ordinance.

#### B. Issuance and Effect

The applicant shall notify the Zoning Officer upon completion of the permitted activity and the Certificate of Compliance shall be issued or denied by the Zoning Officer within ten (10) days after the activity has been inspected and approved as complying with the provisions of this Ordinance and the issued Zoning Permit. Once granted, the Certificate of Compliance shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants. If any part of the construction is found in violation, then the applicant shall be notified in writing of the deficiencies found or the reasons for denial of the Certificate.

### 1204 VIOLATIONS AND ENFORCEMENT

Failure to secure a Zoning Permit when required hereunder; failure to secure a Certificate of Compliance; or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

#### A. Enforcement Notice

Whenever it appears to the Zoning Officer that there has been a violation of any provision of this Ordinance, the Zoning Officer, on behalf of the Borough, shall give notice of such alleged violation as hereinafter provided. Such enforcement notice shall:

1. be in writing;
2. be served upon the owner of record of the parcel upon which the violation has occurred or be sent to him by certified mail (return receipt requested), and be sent to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record;
3. state the name of the owner of record and any other person against whom the Borough intends to take action;
4. indicate the location of the property in violation;

5. identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the Ordinance;
6. contain an outline of remedial action which, if taken, will effect compliance;
7. specify the date before which the steps for compliance must be commenced and the date before which the steps must be completed;
8. notify the recipient of his right to appeal to the Borough Zoning Hearing Board prior to the expiration of the time period provided in the enforcement notice; and,
9. indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided in this Section.

In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.

#### B. Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Borough Zoning Officer may institute in the name of the Borough, any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent any action, conduct, business, or use in or about such premises constituting a violation.

Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an appropriate corrective action or proceeding. Such action must be preceded however by serving a copy of the complaint on the Borough Council at least 30 days prior to being instituted. No such action may be maintained until such notice has been given.

#### C. Jurisdiction

District Justices shall have initial jurisdiction over proceedings brought for a violation of this Ordinance.

#### D. Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law, shall, upon being found liable therefore in a civil enforcement proceeding commenced by Milton Borough, pay a judgment of not more than **\$500 plus all court costs**, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the

determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Milton Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to Milton Borough.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this Sub-Section shall be construed or interpreted to grant to any person or entity other than Milton Borough the right to commence any action for enforcement pursuant to this Sub-Section.

#### **1205 FEES**

Fees for the issuance of Zoning Permits, Certificates of Compliance, ordinance amendments, Conditional Uses, Special Exceptions, variances and other zoning actions shall be paid to the Borough upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the Borough Council. (A copy of the current fee schedule may be obtained from the Borough Zoning Officer or municipal Secretary.)

Further, any fees paid by a party for appeal of an enforcement notice to the Borough Zoning Hearing Board, shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

## ARTICLE 13

### DEFINITIONS

#### 1300 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "person" shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word "lot" shall include the words "plot" and "parcel"; the term "shall" is mandatory, the word "may" permissive; and the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

#### 1301 DEFINITIONS

ABANDONED: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ABUT: To physically touch or border another lot, use, or district boundary; to share a common property line. (See also ADJACENT.)

ACCESS DRIVE: A vehicular means, other than a street, which provides access from a street or public road to a lot; e.g. a driveway or private right-of-way.

ACCESSORY EQUIPMENT: Any equipment serving or being used in conjunction with a primary facility or structure; i.e. Wireless Communications Facility or Wireless Communications Support Structure (The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures).

ACCESSORY RESIDENTIAL USE: A residential dwelling unit(s) which is accessory to a principal commercial use; i.e. an apartment(s) located above or adjoining a retail establishment.

ACCESSORY STRUCTURE: See STRUCTURE, ACCESSORY.

ACCESSORY USE: See USE, ACCESSORY.

ACCESSORY WAREHOUSING OR STORAGE FACILITIES: See WAREHOUSING FACILITY.

ADJACENT: To share all or part of a common lot line with another lot, parcel of ground, or district boundary. (See also ABUT.)

ADULT ENTERTAINMENT ESTABLISHMENT: An adult book store, adult motion picture theater, adult amusement arcade, and/or similar establishment providing entertainment of a sexual nature. (See also Section 427.)

AGENT: Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Borough official for the purpose of obtaining approval thereof.

AGRICULTURE: The use of land for agricultural purposes, including crop farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, forestry, animal and poultry husbandry, and the accessory buildings or structures for packing, treating, or storing that which is produced; provided however, that the operation of any such accessory use shall be secondary to that of the agricultural activities.

ALLEY: A permanent, public or private service way providing a secondary means of access to lots, not intended for general traffic circulation.

ALTERATION: As applied to a building or structure, an alteration shall be defined as a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another. For the purposes of this Ordinance, alteration shall not be defined to include maintenance or repair activities.

AMENDMENT: 1) The process set forth by the PA Municipalities Planning Code for changing or altering the provisions of this Ordinance or the boundary of any zoning district shown on the zoning map. (See also Section 1100.) 2) The actual change or alteration proposed for the Zoning Ordinance text or map.

AMUSEMENT ARCADE: A retail establishment whose principal business is offering to patrons mechanical, electrical or video amusement devices or games such as pinball machines, ping pong, darts, rides, shooting galleries or similar devices and games.

ANTENNA: Wireless Communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of Wireless Communications Services. This includes, but not limited to, any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas owned or operated by any person or entity licensed by the Federal Communications Commission ("FCC") to operate such device, which is attached to a Wireless Communications Support Structure. This definition shall not include the following: private residence-mounted satellite dishes, television antennas, amateur radio equipment, including without limitation ham or citizens band radio antennas, and support structures for antennas or any Related

Equipment that is mounted to the ground or at ground-level.

APPLICANT: 1) Any property owner, lessee, or authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Borough official for the purpose of obtaining approval thereof. 2) A landowner or developer who has filed an application for development including his heirs, successors and assigns.

APPLICATION: A formal request submitted to the Borough for permission or approval to do or comply with something; i.e. construct or modify a Wireless Communications Support Structure, Wireless Communications Facility, or Equipment Compound, or to request Zoning Permits, Variances, Conditional Use Variances, etc.

AREA: The surface included within a set of lines.

- a. Area, Lot: The area contained within the property lines of individual parcels of land shown on a plan, including in some instances, area within a street right-of-way adjacent to the street cartway.
- b. Area, Buildable: That portion of a lot bounded by the required front, side and rear yards.
- c. Area, Site: The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

AREA OF LAND: (See Area)

(added 02/27/2013 per Ordinance # 1182)

ASSEMBLY OPERATIONS: See MANUFACTURING OPERATIONS.

AUTOMOBILE SALES FACILITY: Any building or land area used for the display and sale of new or used automobiles and/or other motor vehicles, including warranty repair or service associated work.

AUTOMOTIVE REPAIR GARAGE: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, trucks, farm equipment or machinery, and/or snowmobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance. (See also Section 414.)

AUTOMOTIVE SERVICE STATION: A building or place of business where gasoline or any motor vehicle fuel or oil or other lubricating substance, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered. (See also Section 414.)

BAR: A building or structure, or portion thereof, used primarily for the sale or dispensing of liquor or alcohol by the drink. For the purposes of this Ordinance, a bar may also include those facilities selling bottled goods, either as a principal activity or as an accessory use. (See also COCKTAIL LOUNGE.)

BASEMENT: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides. (See also CELLAR.)

BASE STATION: A structure or equipment at a fixed location that enables Federal Communications Commission – licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

- a. The term includes, but is not limited to, equipment associated with Wireless Communications Services, such as private, broadcast, and public safety services, as well as unlicensed Wireless Communications Services (i.e. Wi-Fi) and fixed Wireless Services (i.e. point to point microwave transmissions) such as backhaul.
- b. The term includes, but is not limited to, radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (DAS) and small – cell networks).
- c. The term includes any structure other than a tower that, at the time the relevant application is filed with the Borough under this subpart, supports or houses equipment described in subpart 1 and 2 of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- d. The term does not include any structure that, at the time the relevant application is filed with the Borough under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.

BED AND BREAKFAST ESTABLISHMENT: An establishment, dwelling, or part thereof, in which individual rooms are offered for temporary lodging purposes by the resident owner for limited periods of time. Breakfast or other meals may also be offered for overnight guests as a part of the lodging fee. (See also Section 411.)

BOARDING OR ROOMING HOME: An owner-occupied single-family dwelling, or part thereof, where lodging is provided for a fee by the owner thereof. Such lodging shall be for periods of time exceeding one (1) week, whether or not arrangements are made for meals. For the purposes of this Ordinance, there shall be no provision made for cooking in any individual room or suites.

BOARD OR ZONING HEARING BOARD: The Zoning Hearing Board of Milton Borough, Northumberland County, PA.



BOROUGH: Borough of Milton, Pa 17847.

BOROUGH COUNCIL: The elected governing body of Milton Borough, Northumberland County, PA.

BUFFER YARD: Yard space, either landscaped or planted, provided between high intensity activities and other uses. For the purposes of this Ordinance, a buffer yard may be part of any required front, side, or rear yard. (See also Section 505.)

BUILDING: A structure having walls and a roof which is used for the shelter, housing or enclosure of persons, animals, or property. The word "building" shall include any part thereof. Included shall be all mobile or manufactured homes and trailers to be used for human habitation.

- a. Building, Accessory: A detached, subordinate building located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
- b. Building, Principal: A building in which the principal use of the site is conducted.
- c. Building, Attached: A building which has one (1) or more walls in common with adjacent buildings.
- d. Building, Detached: A building which has no common walls and is surrounded by open space on the same lot.

BUILDING COVERAGE: That percentage of the plot or lot area covered by the total ground floor area of all principal and accessory buildings, including carports and breezeways, porches, patios and decks, but excluding unenclosed parking or loading areas.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the ground surrounding the building to a point midway between the highest and lowest point of the roof, excluding chimneys, spires, towers, tanks and similar projections which may be attached to the building.

BUILDING LINE: The required setback (front, side, or rear) of a building from a property line.

BUILDING MATERIALS SALES YARD: A wholesale or retail business primarily engaged in the sale of lumber, siding, doors, windows and other building materials.

BUILDING SETBACK LINE: A line parallel to the street right-of-way line located at a distance which is equal to the front yard for the district in which the lot is located; i.e. the front yard setback.

BUSINESS OFFICE: For the purposes of this Ordinance, a business office shall be defined

as a group of rooms occupied by three (3) or more members of a recognized profession(s) used for conducting the affairs of said profession. Such facilities may be created by the conversion of an existing structure or they may be situated in an office building or office complex. (See also HOME OCCUPATION and PROFESSIONAL OFFICE.)

BUSINESS SERVICES: Commercial establishments primarily engaged in rendering services to other business or industrial establishments on a fee or contract basis, such as advertising and mailing, building maintenance, personnel or employment services, management and consulting services, protective services, equipment rental and leasing, copying and printing, travel, office supply, and similar services.

CARPORT: A roofed structure providing space for the parking or storage of motor vehicles which is enclosed on not more than three (3) sides.

CARTWAY: The area of a street or alley within which vehicles are permitted, including travelled lanes and on-street parking spaces, but excluding shoulders, curbs, sidewalks, or drainage swales.

CAR WASH: Any building or premises used for washing automobiles or other motor vehicles.

CELLAR: A portion of a building partly underground, having half or more than half of its clear height below grade. (See also BASEMENT.)

CEMETERY: Property used for interring the dead.

CERTIFICATE OF COMPLIANCE: The certificate required by this Ordinance which indicates that all work authorized by the project's Zoning Permit has been satisfactorily completed or, in a case involving no construction, a proposed new use is in compliance with the terms of this Ordinance.

CERTIFICATE OF NONCONFORMANCE: A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot as of the effective date of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned.

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

CHURCH OR PLACE OF WORSHIP: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious or worship services, and uses customarily accessory and incidental thereto. For the purposes of this Ordinance, additional uses such as schools, child nursery or day care facilities, social halls or similar operations associated with the church or other place of worship shall require separate consideration and approval by Borough officials.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street and/or driveway centerlines.

CLINIC, MEDICAL OR DENTAL: For the purposes of this Ordinance, a medical or dental clinic shall be defined as an establishment housing three (3) or more physicians, dentists, psychologists, or social workers, where patients are received for examination or treatment, but where no patients are lodged overnight.

CLUB, LODGE, SOCIAL, OR FRATERNAL ORGANIZATION: A non-profit organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes. Clubs shall include but need not be limited to service organizations, fraternal organizations, as well as social, athletic or similar associations or groups.

COCKTAIL LOUNGE: A building, or portion thereof, primarily engaged in the sale of liquor or alcohol by the drink. For the purposes of this Ordinance, a cocktail lounge may be located in a hotel, motel or other commercial lodging facility. (See also BAR.)

COLOCATION: The placement, replacement, mounting, installation or modification of new Wireless Communications facilities on previously approved and constructed Wireless Communications Support Structures, including self-supporting or guyed monopole or tower, electrical transmission tower, water tower or any other structure not classified as a Wireless Communications Support Structure that can support to support the placement or installation of Wireless Communications Facilities if approved by the Borough. The term includes the placement, replacement, or modification of accessory equipment within a previously approved equipment compound.

COMMERCIAL: Relating to or connected with trade or exchange of goods, products or property, and other uses of a similar profit-making non-industrial and non-manufacturing nature. (added 02/27/2013 per Ordinance # 1182)

COMMERCIAL LODGING FACILITY: See LODGING FACILITY, COMMERCIAL.

COMMERCIAL OFFICE BUILDING: See OFFICE BUILDING, COMMERCIAL.

COMMISSION: The Planning Commission of Milton Borough, Northumberland County, PA.

COMMON OPEN SPACE: See OPEN SPACE, COMMON.

COMMON WALL: A wall on an interior lot line or a fireproof wall adapted for joint service between two (2) buildings; i.e. a party wall.

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPREHENSIVE PLAN: The complete plan for future development of Milton Borough, Northumberland County, PA, as adopted by Resolution of the Board of Borough Council in 1996, or as may hereafter be amended.

CONDITIONAL USE: A principal use allowed in certain districts, as provided for in Article 3, which may only be authorized by the Borough Council as set forth in Section 1101 of this Ordinance, after review and recommendation of the Borough Planning Commission.

CONDOMINIUM: A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION: See NEW CONSTRUCTION.

CONVENIENCE MARKET: A retail establishment selling a limited range of food products and some household or other consumer goods. Such facilities generally offer fewer items and maintain a smaller inventory of merchandise than a grocery store or supermarket. In some cases, gasoline and related automotive supplies are also offered on a self-service basis.

CONVERSION APARTMENT: A dwelling or other building existing at the effective date of this Ordinance which is converted for residential occupancy or to accommodate a greater number of dwelling units. (See also Section 403.)

COUNCIL: The Council of Milton Borough, Northumberland County, PA; the elected governing body of the municipality.

COUNTY: Northumberland County, PA.

DISTRIBUTED ANTENNA SYSTEM (DAS): A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.

DAY CARE CENTER: A private facility enrolling more than 12 young children where tuition, fees, or other forms of compensation for the care of the children may be charged and which is licensed, inspected and approved to operate as a child day care center by the PA Department of Public Welfare. For the purposes of this Ordinance, such facilities may also provide care for adult, elderly, or handicapped persons. (See also Section 412.)

DECK: A platform, either free-standing or attached to a building, that is supported by pillars or posts. For the purposes of this Ordinance, a deck may be constructed with or without a permanent roof, but may not be otherwise enclosed by walls, except for the side of the building to which it is attached.

DENSITY: The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

DENTAL CLINIC: See CLINIC, MEDICAL OR DENTAL.

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of mobile homes or manufactured housing; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DISTRICT: A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

DISTRIBUTION FACILITY: For the purposes of this Ordinance, a distribution center shall be defined as a building or structure containing more than 15,000 square feet gross floor area and/or more than four (4) loading berths where merchandise is stored for ultimate distribution to specific wholesale or retail operators or to the general public. (See also TRUCKING OR MOTOR FREIGHT TERMINAL and WAREHOUSING FACILITY.)

DRIVEWAY: A minor vehicular access between a street and a parking area or garage within a lot or property.

DWELLING: A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

- a. Dwelling, Single-Family Detached: A dwelling containing one (1) dwelling unit from ground to roof, having independent outside access and open space on all sides, not including a mobile home as defined herein. (See also MOBILE HOME.)
- b. Dwelling, Single-Family Attached: A dwelling containing one (1) dwelling unit from ground to roof, having independent outside access and a portion of one or two walls in common with an adjoining dwelling(s); i.e. a townhouse. For the purposes of this Ordinance, a single-family attached dwelling structure shall be considered to be a type of multi-family dwelling structure and shall contain a minimum of three (3) dwelling units. (See also Section 404.)
- c. Dwelling, Two-Family: A dwelling structure containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar; i.e. a duplex.
- d. Dwelling, Multi-Family: A dwelling structure containing three (3) or more dwelling units, including single-family attached dwelling structures (townhouses) and apartment buildings. (See also Section 404.)

For the purposes of this Ordinance, a MULTI-FAMILY HOUSING DEVELOPMENT shall be defined as a development consisting of more than one (1) multi-family dwelling structure.

DWELLING UNIT: One or more rooms in a dwelling structure designed for use by one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Lodging facilities, retirement centers, nursing or personal care homes shall not be considered as dwelling units for the purposes of this Ordinance. (See also Section 402.)

ENCLOSED USE: A use which is located entirely within a building or structure.

ELECTRICAL TRANSMISSION TOWER: An electrical transmission structure used to support overhead power lines consisting of 69 kilovolt or greater conducting lines, generally of steel construction and having a height of at least 75 feet. The term shall not include any utility pole having the height of less than 75 feet.

ELIGIBLE FACILITIES REQUEST: Any request for modification of an existing Wireless Communications Tower or Base Station that does not substantially change the physical dimensions of such tower or base station, involving (i) colocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmitting equipment.

ELIGIBLE SUPPORT STRUCTURE: Any tower or base station, provided that it is existing at the time the relevant application is filed.

ENTERTAINMENT FACILITY, PUBLIC: An indoor business, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, amusement arcades, motion picture theaters, health clubs, and similar types of establishments, but excluding adult entertainment facilities as defined herein. (See also PLACES OF ASSEMBLY and Section 415.)

EQUIPMENT COMPOUND: An area surrounding or adjacent to a Wireless Communications Support Structure within which base stations, power supplies or accessory equipment are located.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

ESSENTIAL SERVICES: For the purposes of this Ordinance, essential services shall include those utility services provided by a municipal or governmental agency, public utility, or public service corporation which are necessary for such agencies, utility companies, or public service corporations to furnish in order to secure public health, safety and general welfare. Such services may include, but need not be limited to, underground or overhead electrical, telephone, television, gas, water, sewage collection and disposal systems, and may involve the use of poles, wires, lines, mains, drains, sewers, conduits, cables, fire alarm or police call boxes, traffic signals, hydrants, and gas regulators and measuring devices. (See also PUBLIC UTILITIES and Section 419.)

FAMILY: One (1) or more persons related by blood, marriage, adoption, or guardianship occupying a single dwelling unit and living as a single household unit using common living, cooking, sanitary and sleeping facilities. (See also GROUP FAMILY HOUSEHOLD.)

FAMILY DAY CARE HOME: A family residence where care is provided for no more than six (6) children unrelated to the resident household and which is registered by the PA Department of Public Welfare to provide such care. For the purposes of this Ordinance, a family day care home may also provide for care of up to six (6) adult or elderly persons.

FENCE: Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. For the purposes of this Ordinance, a fence shall be considered a structure and shall therefore require the issuance of a Zoning Permit prior to its placement or erection. All fences shall meet the requirements set forth in Section 504 C. of this Ordinance, and fences used as required screening shall also meet the requirements of Section 506 B.

FILL: For the purposes of this Ordinance, fill shall be defined as soil or small rock materials which are brought to a site, compacted, and used as a means of elevating or floodproofing a building or structure proposed to be located within an identified floodplain area of the Borough. (See also Section 602 C.1.)

FINANCIAL OFFICE: For the purposes of this Ordinance, a finance office shall include, but need not be limited to, a bank, credit union, loan company, or other lending institution, including drive-in windows, ATM machines, and similar night deposit facilities.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD FRINGE: That portion of the 100 year floodplain outside of the floodway, excluding areas shown as approximate 100 year flood zones on the Borough's Flood Boundary and Floodway Maps.

FLOOD, ONE HUNDRED YEAR: A flood that on the average is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

FLOODPLAIN: 1) A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation. 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. (See Section 602 for flood damage control provisions.)

FLOODWAY: The designated area of a floodplain required to carry and discharge the flood

waters of a 100 year flood.

FLOOR AREA: The area of a structure covered by floors.

- a. Floor Area, Gross: The sum of the gross horizontal areas of all of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area is not used for business or dwelling purposes, and the area of enclosed or unenclosed porches, decks, patios and terraces.

For the purpose of applying the requirements for off-street parking and loading, floor area in the case of office, merchandising, or service type uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sale of merchandise.

- b. Floor Area, Habitable: Any floor area within a dwelling unit which is useable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof. Stairways, hallways, bathrooms, and floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area, nor shall any space where the floor-to-ceiling height is less than five (5) feet.

FOOD PROCESSING OPERATION: An industrial establishment in which food is processed or otherwise prepared and packaged for human consumption, but is not consumed on the premises.

FOREST MANAGEMENT: See FORESTRY.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FORGE OR FOUNDRY: An industrial operation or workshop where metal is heated, wrought and cast.

FORT (Ft.) WORTH ATTACHMENT: A non-free standing pole which is attached to an electrical transmission tower which is used to support antenna and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical tower.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological



effect of urbanization of the watershed. (See also Section 602 B.)

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE: A building or structure used for the parking and storage of vehicles.

- a. Garage, Private: An accessory building or an accessory portion of a principal building designed or used for the parking or storage of not more than four (4) motor vehicles, which is not a commercial enterprise available to the general public.
- b. Garage, Public: A building or group of buildings used primarily for the parking or storage of motor vehicles available to the general public for compensation. (See also AUTOMOTIVE REPAIR SHOP.)

GENERAL FLOODPLAIN: That portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated 100 year floodplain area on the Borough's Flood Boundary and Floodway Maps.

GRADE: The degree of rise or descent of a sloping surface.

- a. Grade, Street: The elevation of the centerline of an existing or proposed street; the percentage of slope.
- b. Grade, Finished: The final elevation of the ground surface after development.

GROCERY STORE: A retail establishment primarily selling food or groceries as well as other household goods or merchandise; i.e. a supermarket.

GROUP DAY CARE HOME: A residence where day care is provided for between seven (7) and 12 children unrelated to the resident household, which is licensed and inspected by the PA Department of Welfare to provide such care. For the purposes of this Ordinance, such use may be either a principal or accessory use. (see applicable District Regulations) and may also provide care for adult or elderly persons.

GROUP FAMILY HOUSEHOLD: A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability. (See also GROUP HOME.)

GROUP HOME: A residence occupied by eight (8) or fewer persons unrelated by blood, marriage, adoption or guardianship which live together as a single housekeeping unit; i.e. a group family household, where adult supervision is provided for residents on a full-time basis. Such homes include, but are not limited to, homes for orphans, foster children, the elderly, mentally or physically handicapped persons, battered children and women, and specialized treatment facilities providing less than primary health care. (See also Section

408.)

HELICOPTER LANDING ZONE – TEMPORARY: An area of land or water or a structural surface that is used, or intended for the use, for the landing and taking off of emergency service helicopters (police, fire, rescue, medevac, military) on a temporary basis. (added 02/27/2013 per Ordinance # 1182)

HELIPORT: An area of land or water or a structural surface that is used, or intended for the use, for the landing and taking off of helicopters on a regular basis, and any appurtenant areas that are used, or intended for use, for helicopter buildings or other helicopter facilities, storage, maintenance, repairs, fueling, and cargo. This use shall comply with all regulations governing such use as required by the appropriate governing agencies of the United States, the Commonwealth of Pennsylvania, Northumberland County, and the Borough of Milton, and is subject to the specific criteria set forth in Section 428 of this Zoning Ordinance. (added 02/27/2013 per Ordinance # 1182)

HISTORIC STRUCTURE: Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1) by an approved state program as determined by the Secretary of the Interior; or,
  - 2) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: An accessory use or service-oriented occupation operated for gain or profit conducted entirely within the a dwelling or building accessory thereto, which is carried on by the inhabitants thereof; is clearly incidental and secondary to the use of the dwelling for residential purposes; and does not change the character thereof. (See also Section 421.)

HORTICULTURE: The growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

HOTEL: A building or structure containing rooms intended or designed to be used, rented

or occupied for sleeping purposes by overnight guests, where such rooms have no independent outside access and where provision may be made for dining room or restaurant facilities, cocktail lounges, or meeting or conference rooms within the building. (See also Section 416.)

HOT TUB: See SWIMMING POOL.

IDENTIFIED FLOODPLAIN AREA: Those floodplain areas specifically identified in this Ordinance as being inundated by the 100 year flood, including areas identified as Floodway, Flood Fringe and General Floodplain.

IMPERVIOUS SURFACE: That percentage of a lot that does not absorb precipitation. For the purposes of this Ordinance, all buildings, structures, patios, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, brick, or similar materials shall be considered impervious surfaces.

INDUSTRIAL: For the purposes of this Ordinance, industrial shall be defined as large scale manufacturing, assembly, processing and/or shipping activities. See District Regulations for the Manufacturing, Economic Development, and the Industrial/Office Park Districts and meeting the supplementary regulations set forth in Section 417.

INDUSTRIAL USE, LIGHT: For the purposes of this Ordinance, light industrial uses shall be defined as those manufacturing, assembly, processing and shipping activities which generate no audible noise off-site nor create odor discernible beyond the boundaries of the industrial site, and meet the supplementary use regulations set forth in Section 417. (See also MANUFACTURING.)

INDUSTRIAL PARK: A tract of land which has been planned, developed and is operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

INSTITUTIONAL USE: A private, non-profit or quasi-public use or facility such as a church, library, a public or private school, hospital, nursing home, personal care home, or a municipally-owned building, structure or land used for public purposes.

LAND CULTIVATION: The tilling or cultivation of soil for crop or tree farming.

LAND DEVELOPMENT: Any of the following activities: (1) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features; or (2) a subdivision of land.

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

LANDSCAPING: Grass and other plantings such as trees, shrubs and/or bushes.

LAUNDROMAT: A business premises equipped with individual clothes washing and drying machines for the use of retail customers. For the purposes of this Ordinance such facilities shall not include laundry facilities provided as an accessory use, such as those provided in an apartment building or other multi-family dwelling structure.

LOADING BERTH: An off-street space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

LODGING FACILITY: A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests for limited periods of time, including hotels, motels, inns and other similar types of commercial lodging establishments. Dining facilities associated with such uses may also be open or available to the public if authorized by the proper Borough officials. (See also BED AND BREAKFAST ESTABLISHMENT, HOTEL AND MOTEL.)

LOT: A designated parcel or contiguous parcels, tracts, or areas of land established by a plat or otherwise as permitted by Law and to be used, developed or built upon as a unit. (added 02/27/2013 per Ordinance # 1182)

- a. Lot Area: See AREA.
- b. Lot Depth: The distance measured from the front lot line to the rear lot line.
- c. Lot Width: The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line.
- d. Lot, Corner: A lot with two adjacent sides abutting on streets. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- e. Lot, Double Frontage: A lot which extends from one street along its front lot line to another street along its rear lot line, with frontage on both streets.
- f. Lot, Reverse Frontage: A double frontage lot which is not accessible from one of the streets upon which its fronts, usually due to topographic constraints or safety considerations.

LOT LINES: The property lines bounding the lot.

- a. Lot Line, Front: The line separating the lot from a street right-of-way; or where a lot has no road frontage, the lot line opposite the rear lot line.
- b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- c. Lot Line, Side: Any lot line other than a front or rear lot line.

LOT OF RECORD: A lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Northumberland County, PA.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area of a building or structure (including basement or cellar). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage in an area other than a basement or cellar area is not considered a building's lowest floor, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance and the National Flood Insurance Program.

LUMBER YARD: A business establishment primarily engaged in the sale of lumber and related products to contractors or the general public.

MACHINE SHOP: A workshop, manufacturing facility, or other industrial operation where machines are built, repaired or assembled. For the purposes of this Ordinance, such facilities shall include tool and die making, engine rebuilding, and similar types of activities.

MANUFACTURING: The act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

MANUFACTURING OPERATIONS: For the purposes of this Ordinance, manufacturing operations shall be defined as those assembly, processing, and/or shipping activities specified in the District Regulations for the Manufacturing, Economic Development, and Industrial/Office Park Districts and meeting the supplementary regulations set forth in Section 417. (See also INDUSTRIAL USE, LIGHT.)

MARKET VALUE: The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

MEDICAL CLINIC: See CLINIC, MEDICAL OR DENTAL.

MINIMUM FUNCTIONAL HEIGHT: Minimum height necessary for a Wireless Communication Facility to function satisfactorily.

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

MOBILE FOOD VENDOR: A person who peddles, vends, sells, or serves food and/or drink from a mobile food vending unit parked or located on a private parcel of property.

(added 02/27/2014 per Ordinance # 1188)

MOBILE FOOD VENDING UNIT: Any motorized or non-motorized vehicle, trailer, pushcart, stand, or other device that is readily moveable and not permanently attached to the ground, from which food and/or drink is processed, prepared, and/or stored, for the purpose of being peddled, vended, sold, or served on-site to walk-up customers from the general public.

(added 02/27/2014 per Ordinance # 1188)

MOBILE HOME: A transportable, manufactured dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. Furthermore, the frame or chassis shall remain an integral part of every mobile home, and no such unit shall lose its character or identity as a mobile home regardless if its wheels have been removed; the unit has been affixed to a permanent foundation; and/or its motor vehicle title has been surrendered. For purposes of this Ordinance, a mobile home may only be permitted to be placed within a mobile home park. (See also Sections 402 and 406.)

For floodplain management purposes, the term shall also include manufactured housing, and park trailers, travel trailers, recreational vehicles, and other similar units which are placed on a site for a period of time exceeding 180 consecutive days.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PAD: That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more manufactured homes, or park trailers, travel trailers, recreational vehicles, and other similar units for a period of time exceeding 180

consecutive days. (See also Section 406.)

MODIFICATION or MODIFY: The improvement, upgrade or expansion of existing Wireless Communications Facilities or base stations on an existing Wireless Communications Support Structure or the improvement, upgrade or expansion of the Wireless Communications Facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the Wireless Communications Support Structure.

MONOPOLE: A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

MOTEL: A building or structure arranged or used for sheltering, sleeping, and/or feeding of overnight guests, where each unit has independent outside access and where provision may be made for limited cooking in individual rooms. (See also Section 416.)

MULTI-FAMILY DWELLING: See DWELLING, MULTI-FAMILY.

MUNICIPALITY: Any city of the first, second, second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eight class, home rule municipality or any similar general purpose unit of government which shall hereafter be created by the General Assembly that has adopted land use or zoning regulations. For this Ordinance, the term shall mean Milton Borough or the Borough of Milton, Northumberland County, PA.

NEIGHBORHOOD OR COMMUNITY SHOPPING CENTER: See SHOPPING CENTER.

NEIGHBORHOOD RETAIL STORE: A retail store, shop, or establishment of a limited scale designed to provide service to a local neighborhood and oriented to pedestrian or limited vehicular traffic, including general stores, antique or gift shops, personal service businesses, sandwich shops, cafes, or similar types of operations, but excluding liquor sales facilities.

NEW CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.). For floodplain management purposes, the term shall pertain to structures for which the start of construction commenced on or after October 21, 1981 and includes any subsequent improvements thereto.

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use in a residential dwelling which is clearly secondary to the use of the residence as a dwelling and which meets the no-impact criteria set forth in Section 421 A. of this Ordinance.

NONCONFORMING LOT: A lot which does not conform to the minimum width, depth, or

other dimensional requirements specified for the district in which it is located (Article 3), including those lots which existed prior to the enactment of this Ordinance. (See Section 901 for applicable provisions.)

NONCONFORMING STRUCTURE: A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Ordinance, including those structures which lawfully existed prior to the enactment of this Ordinance or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See Section 900 for applicable provisions.)

NONCONFORMING USE: A use of a building or land which does not comply with the applicable use regulations (Article 3) of this Ordinance or amendment, including those uses which lawfully existed prior to the enactment of this Ordinance or amendment. (See Section 900 for applicable provisions.)

NURSERY: Land and/or greenhouses used to raise flowers, shrubs, trees, and plants for sale.

NURSERY SCHOOL: A private institutional establishment providing educational and child care services for children up to 5 years of age where tuition, fees, or other forms of compensation is charged for the service. For the purposes of this Ordinance, a nursery school may be an independent principal use or may be operated as an accessory use in conjunction with a church, day care center, or other similar institutional establishment. (See also DAY CARE CENTER.)

NURSING HOME: A state-licensed institutional establishment which provides full-time convalescent or chronic nursing and/or medical care. Such facilities shall not provide surgical, obstetrical, acute care, or other services generally provided by a hospital.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried down-stream to the damage of life or property.

OFFICE BUILDING, COMMERCIAL: A building used primarily for conducting the affairs of a business service, industry, government, or like activity, that may include ancillary services for office workers such as a cafeteria, coffee shop, newspaper or candy stand, excluding professional offices as defined herein.

OFFICE COMPLEX: A development on a tract of ground that contains a number of office buildings, supporting uses, and open space which is planned, designed, constructed and managed on an integrated, coordinated basis.

OPEN SPACE: Space not occupied by a structure, open to the sky, and on the same lot with



the building or structure.

- a. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public enjoyment.
- b. Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development and which may include complementary structures and improvements as are necessary and appropriate, but shall not include streets, off-street parking areas, and areas set aside for public facilities or utilities.

OUTDOOR RECREATION FACILITY: See RECREATION FACILITY, OUTDOOR.

OUTSIDE STORAGE: See STORAGE, OUTSIDE.

PARCEL: A designated area of land. (added 02/27/2013 per Ordinance # 1182)

PARKING AREA: An open area, other than a street or other public way, used for the parking of automobiles which is available to the public whether for a fee, free, or as an accommodation for clients or customers.

PARKING SPACE: An off-street area on a lot available for the parking of one (1) motor vehicle and having direct, useable access to a street or road. For the purposes of this Ordinance, parking space shall include uncovered lot space located off of any right-of-way and enclosed garage space. (See also Article 8.)

PARK AND PLAYGROUND: A public or semi-public park or park-type facility which provides outdoor recreational enjoyment and activity. Such facilities may include tot lots, tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds and may also include buildings and accessory structures. Activities may be organized to include day camps, leagues or other groups, or may be strictly independent. (See also Section 418.)

PATIO: A surfaced area generally located adjacent to a principal building or surrounding a pool or barbecue area which is constructed without a permanent roof and is intended for outdoor lounging, recreation or dining use. For the purposes of this Ordinance, patios may be surfaced with concrete, brick, flagstone, or other impervious materials.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE: The act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code (as revised and adopted by Pennsylvania).

PERMITTED USE: A principal use allowed in a zoning district, subject to the applicable district regulations, and approved by the Zoning Officer. (See also USE.)

PERSON: An individual, partnership, public or private association or corporation, firm,

trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME: A state-licensed institutional facility providing 24-hour a day supervised care services, including meals and less than full-time skilled or intermediate nursing care for individuals, usually the elderly; i.e. an assisted living facility. (See also RETIREMENT CENTER and Section 409.)

PERSONAL SERVICE BUSINESS: For the purposes of this Ordinance, a personal service business shall be defined as a commercial establishment primarily engaged in providing services involving the care of a person or his apparel. Such facilities shall include, but are not limited to, barber or beauty shops, laundromats or dry cleaning establishments, tailor or dressmaking shops, music or art studios, upholstery or shoe repair facilities, or other establishments of a related nature.

PERSONAL STORAGE WAREHOUSE: A warehousing facility where separate storage spaces of varying size are available for lease or rental, usually on a self-service basis. For the purposes of this Ordinance, there shall be no residential occupancy of nor commercial sales conducted from such storage areas.

PLACE OF ASSEMBLY: A building or structure with an auditorium or rooms, with or without a theatrical stage, containing a minimum of 2,000 square feet which may be used for cultural assemblies and incidental motion picture presentations, lectures or similar purposes, or for art galleries, exhibition halls, or similar activities. (See also Section 415.)

(added September 25, 2008 by Ordinance # 1159)

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance. (See also Section 405.)

PLANNING COMMISSION: The Planning Commission of Milton Borough, Northumberland County, PA.

PLAT: A plan or map containing one or more parcels, lots, tracts, or areas of land. (See Land Development) (added 02/27/2013 per Ordinance # 1182)

PRINCIPAL USE: See USE, PRINCIPAL.

PROFESSION: An occupation requiring specialized knowledge, training, and/or academic preparation.

PROFESSIONAL: An occupation or employment involving mental or intellectual labor; skill or expertise; education or knowledge – a career requiring additional education, licensure and degrees or certifications. (added 02/27/2013 per Ordinance # 1182)

PROFESSIONAL OFFICE: An office occupied by up to two (2) members of a recognized profession used for conducting the affairs of said profession. Such facilities shall include, but need not be limited to, offices for real estate or insurance agents, doctors or dentists, architects, engineers, attorneys, accountants, investment advisors, clergymen, or other similar occupations. A professional office may be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is clearly secondary to the residential use of the dwelling. Professional offices may be created by the conversion of an existing structure or they may be situated in an office building or office complex. (See also HOME OCCUPATION and BUSINESS OFFICE.)

PUBLIC ENTERTAINMENT FACILITY: See ENTERTAINMENT FACILITY, PUBLIC.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Borough Council, Borough Planning Commission, or Borough Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC LIBRARY: A State sanctioned, non-profit, nonsectarian facility which provides for a basic collection of currently useful educational, informational and recreational materials, such as books, pamphlets, magazines, newspapers, recording (including audio cassettes, books on tape, compact discs), computer-related materials and services (including internet access, CD Rom products, database searching and software), pictures, microforms, and video. In addition, a public library may provide additional community services including reference, children's activities, programs for older individuals, services to the underserved and other programs reflecting the community's needs. A public library may also be used for educational & cultural assemblies, motion picture presentations, lectures, concerts or similar purposes, art galleries, exhibition halls or similar activities. In addition, a public library may provide space, for free or for a fee, for any educational, cultural, community or other public or private event, and may provide such programming, and carry on such other activities, as its Trustees determine is consistent with the Library's mission. (amended 05/14/2014 per Ordinance # 1190)

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

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

PUBLIC SERVICE BUILDING OR FACILITY: A facility housing governmental agencies, public service organizations, or other non-profit operations, including but not limited to, U.S. Postal Service, PADOT, PA State Police or local police departments, fire and ambulance companies, as well as other Federal, State, County and municipal operations.

PUBLIC UTILITIES: Facilities, buildings and/or structures constructed and maintained by public utility companies, municipal or governmental agencies, or public service corporations, which are necessary for the provision of utility services to the general public. Such facilities shall include, but need not be limited to, electrical substations, water or sewage treatment plants, reservoirs, pump stations, or other similar facilities. For the purposes of this Ordinance, public utilities shall not include communications antennas, towers, and/or equipment buildings. (See also COMMUNICATIONS ANTENNAS, TOWERS, AND/OR EQUIPMENT BUILDINGS.)

RECREATIONAL VEHICLE: A vehicle which is i) built on a chassis; ii) not more than 400 square feet, measured at the largest horizontal projections; iii) designed to be self-propelled or permanently towable by a light-duty truck; iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Where such vehicles are permitted to be placed on a lot in an identified floodplain area, they may be situated on a site for no more than 179 consecutive days and must be fully licensed, inspected and be ready of highway use at all times.

RECREATION FACILITY, OUTDOOR: Those recreational facilities located outside of an enclosed structure which are available to the public for free, for a fee, or as a commercial enterprise. Such facilities shall include, but need not be limited to, tennis or basketball courts, athletic fields, swimming pools, miniature golf courses, golf driving ranges, ice skating rinks, and similar uses. (See also Section 418.)

REGULATORY FLOOD: The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Ordinance have been based; the 100 year flood.

REGULATORY FLOOD ELEVATION: The 100 year flood elevation.

RELATED EQUIPMENT: Equipment associated with or connected to a specific item.

REPLACEMENT: The replacement of existing Wireless Communications Facilities on an existing Wireless Communications Support Structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the Wireless Communications Facilities initially installed and that does not substantially change the physical dimensions of the existing Wireless Communications Support Structure.

RESTAURANT: A retail establishment where food and drink is prepared, served, and consumed primarily within the principal building.

RESIDENTIAL: Pertaining to, relating to, or suitable for dwelling for human beings of any age. (added 02/27/2013 per Ordinance # 1182)

RETAIL ESTABLISHMENT: A place of business engaged in selling goods and merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods. (See also Section 413.)

RETIREMENT CENTER: A building(s) containing a minimum of 12,000 square feet of habitable floor area designed or rehabilitated especially for use by retired persons. Such facilities shall provide individual or family units containing no less than 400 square feet of habitable floor area, and may include the preparation and service of meals on the premises, and the provision of housekeeping services, but shall exclude 24-hour supervision or full-time convalescent or chronic health care. (See also Section 410.)

RIGHT-OF-WAY (ROW): The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.

SATELLITE RECEIVING DISH: For the purposes of this Ordinance, a satellite dish antenna shall be defined as an accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

SCHOOL: An establishment or facility, or part thereof, which is designed, constructed, or used for public or private education or instruction in any branch of knowledge. For the purposes of this Ordinance, such facilities shall not include halfway homes or training facilities for delinquents, offenders, and other adjudicated individuals, nor other detentional or retentional facilities providing residential or "live-in" services.

SCREENING: The provision of a visual shield or barrier between adjacent properties, structures, or uses, which may include vegetative plantings, fencing, or natural or man-made berms or landforms. (See also Section 506.)

SCREEN PLANTING: A type of screening made of plant materials, such as trees or shrubs which will be of such species that will produce the desired visual screen. Such plantings shall however adhere to the requirements of Section 506 A and shall be broken only at points of vehicular or pedestrian access or utility easements.

SHOPPING CENTER: For the purposes of this Ordinance, a shopping center shall be defined as a group of three (3) or more commercial establishments which have been planned, developed and managed as a unit, whether contained in one (1) building or in several buildings on the same tract.

SIGHT DISTANCE: 1) The length of street, measured along the centerline, which is continuously visible from any point four (4) feet above the centerline. 2) That area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerlines. 3) The amount of distance required to be provided at a street or driveway intersection which is considered adequate for a driver to be able to see in order to proceed in a safe manner. (See also Section 504 I.)

SIGN: Any device, structure or object used for visual communication or for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, or insignia of any government. (See Section 700 for definitions of specific types of signs.)

SIGN AREA: The entire face of a single side of a sign, including all advertising surface and any framing, trim, molding, or border area, but excluding any supporting framework or bracing.

SIGN HEIGHT: The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

SINGLE-FAMILY DETACHED DWELLING: See DWELLING, SINGLE-FAMILY DETACHED.

SITE: A location; i.e. for towers, other than towers in the public Rights-of-Way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible Wireless Communications Support Structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

SOLID WASTE: Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid or contained gaseous materials.

SPA: See SWIMMING POOL.

SPECIAL EXCEPTION USE: A use permitted in a certain zoning district as provided for in Article 3, the District Regulations, which must be approved by the Borough Zoning Hearing Board as set forth in Section 1001 D. of this Ordinance. Special exception approval may not be granted for uses other than those expressly listed in Article 3.

SPECIAL PERMIT: A special approval needed for specific types of development being proposed to be located in any portion of the designated floodplain. (See Section 607 for a listing of the activities requiring Special Permits and details for submission of applications for such activities.)

STEALTH TECHNOLOGY: State-of-the-art design techniques and camouflaging methods applied to Wireless Communications Facilities and Towers which render them

more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and facilities constructed to resemble trees, shrubs, flagpoles, utility poles, and light poles.

STORAGE: 1) A place or space for storing goods, articles of personal property, materials, etc. 2) The maintenance of goods, articles of personal property, materials, etc. on a site or at a location for a period of time.

STORAGE BUILDING: See UTILITY BUILDING.

STORAGE FACILITY: See WAREHOUSING FACILITY.

STORAGE, OUTSIDE: For the purposes of this Ordinance, outside storage shall be defined as the outdoor or unenclosed storage of goods, materials, or merchandise which may be authorized as an accessory use on a lot in the General Commercial, Manufacturing, or Economic Development District. (See also Section 423.)

STREET: Any thoroughfare, whether public or private, located in whole or in part within Milton Borough, excluding alleys. The word "road" may be used interchangeably with the word "street".

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

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, decks, fences, communications towers, swimming pools, and signs, but excluding poles, playground equipment, mailboxes, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank, that is principally above ground, as well as a mobile or manufactured home.

a. Structure, Accessory: A structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal building, structure or use.

b. Structure, Principal: The main or primary structure on a given lot.

STUDIO: A place where a musician, photographer, dancer, or artist does his work or gives lessons.

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels

of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIALLY CHANGE OR SUBSTANTIAL CHANGE: A modification to an existing Wireless Communications Facility that changes the physical dimensions of a Wireless Communications Support Structure or base station if it meets any of the following criteria:

1. For a Tower outside the public rights-of-way:
  - a. It increases the height of the facility by more than ten (10%) percent, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20') feet, whichever is greater; or
  - b. It protrudes from the edge of the Wireless Communications Facility by more than twenty (20') feet, or more than the width of the Tower structures at the level off the appurtenance, whichever is greater.
2. For a Tower within the public rights-of-way:
  - a. It increases the height of the facility by more than ten (10%) percent or ten (10') feet, whichever is greater;
  - b. It protrudes from the edge of the structure by more than six (6') feet;
  - c. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
  - d. It entails any excavation or deployment outside the current site of the Tower; or
  - e. It does not comply with conditions associated with prior approval of construction or modification of the Tower, unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either a) before the improvement or repair or b) if the structure has been damaged and is being restored, before the damage occurred. The term also includes structures which have incurred substantial damage regardless of the actual work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living



conditions or 2) any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

SUPERMARKET: See GROCERY STORE.

SWIMMING POOL, SPA OR HOT TUB: A body of water in an artificial container, whether located in or above the ground, having a depth at any point of more than two (2) feet, used or intended to be used for recreation purposes, excluding ornamental reflecting pools and fish ponds. Such facilities may be private, public, or semi-public in nature. (See also Section 420.)

TEMPORARY HELICOPTER LANDING ZONE: An area of land or water or a structural surface that is used, or intended for the use, for the landing and taking off of emergency service helicopters (police, fire, rescue, medivac, military) on a temporary basis. (added 09/2012)

TEMPORARY ZONING PERMIT: A Zoning Permit authorized by the Zoning Officer for a non-permanent building, structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Borough, or for temporary uses or structures. (See also Section 1202 J.)

TEMPORARY STRUCTURE: A non-permanent structure or building which is located on a lot in the Borough for a specified duration.

TEMPORARY USE: A short-term use or special activity which occurs in the Borough, including but not limited to, carnivals, circuses, open-air cultural, religious, or sporting events. Although such a use may be held periodically, in order to retain its temporary status, it may not be an on-going operation or use.

TOWER: Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for Wireless Communications Services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services (i.e. Wi-Fi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, as well as a Ft. Worth Attachment shall not be considered a tower.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES (TOWER-BASED WCF): Wireless Communications Facilities that include the installation of a new tower to support the transmission equipment. A Wireless Communications Facility that requires the replacement of an existing structure (i.e. building, water tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a Wireless Communications Facility is not considered a new Tower-Based Wireless Communications Facility.

TRACT: A lot, parcel, site, piece of property, or other area of land used or intended to be used, developed, or built upon as a unit. (added 02/27/2013 per Ordinance # 1182)

TRANSMISSION EQUIPMENT: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized Wireless Communications Service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Communications Services and fixed Wireless Communications Services such as a microwave backhaul.

TRUCKING OR MOTOR FREIGHT TERMINAL: Any building or premises upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is located or conducted, including the dispensing of motor fuel or other petroleum products, the sale of accessories or equipment for motor vehicles, or the storage of freight or cargo. Such uses may also include overnight accommodations and restaurant facilities intended primarily to serve the needs of drivers or the motoring public if approved by the proper Borough officials. (See also DISTRIBUTION FACILITY and WAREHOUSING FACILITY.)

USE: The specific purpose or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

- a. Use, Accessory: A use subordinate to the principal use of a building, structure or land located on the same lot and serving a purpose customarily incidental to the principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.
- b. Use, Principal: The primary purpose for which a lot is occupied or utilized.

UTILITY BUILDING: For the purposes of this Ordinance a utility building shall be defined as a detached accessory building used for the storage of articles of personal property, often property maintenance equipment, but not including vehicles, boats, or similar large objects; i.e. a shed.

VARIANCE: A modification of the provisions of this Ordinance which the Borough Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See Section 1001 C. for additional details and criteria to be utilized when a variance is requested.)

WALL: A vertical architectural structure that serves to define and divide space, especially the sides of a building that connects the foundation to the roof.

WAREHOUSING FACILITY: A building used primarily for the storage of goods and materials, including facilities handling freight for a specific commercial or industrial

operation, and those facilities available to the general public. (See also PERSONAL STORAGE WAREHOUSES.)

WATER-RELATED USES: Uses or activities located adjacent to or in the water, including, but not limited to, docks, piers, marinas, and other similar uses. (See also Section 426.)

WATER TOWER: A standpipe or an elevated tank situated on a support structure, both of which shall be constructed of steel, have a height of at least 75 feet and be used as a reservoir or facility to deliver water.

WBCA: Pennsylvania Wireless Broadcast Colocation Act (53 P.S. §11702.1, et seq.)

WETLANDS: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, the United States Forest Service Wetlands Inventory of PA, the PA Coastal Zone Management Plan, the United States Fish and Wildlife National Wetland Inventory, and a wetland area designated by a river basin commission or other regulatory agency.

WHOLESALE: The sale of goods in quantity to retailers, dealers and the public.

WIRELESS: Transmissions through the airwaves, including, but not limited to, infrared line of sight, cellular, personal communications service, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF): The set of equipment and network components, including antennas, nodes, control boxes, towers, poles, receivers, base stations, cabling & accessory equipment, conduits, ducts, pedestals, electronics, transmitters, and other equipment, used to provide Wireless Data and Wireless Communications Services, and for the purpose of transmitting, receiving, distributing, providing, storing, or accommodating Wireless Communications Services. This term shall include Distributed Antenna System (DAS). This term shall not include a Wireless Communications Support Structure. This term shall include a Broadcast Transmission Facility.

WIRELESS COMMUNICATIONS FACILITIES ON EXISTING STRUCTURES: Wireless Communications Facilities located on existing structures such as, but not limited to, buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles, and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed Wireless Communications Facilities.

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE: A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a Wireless Communications Support Structure,

including, but not limited to, buildings, light poles, utility poles, traffic signal poles and other similar structures that could support the placement or installation of WCF if approved by the Borough. This term shall include a Broadcast Transmission Support Structure.

YARD: An open space which lies on the same lot with a building or structure, unoccupied and unobstructed from the ground upward.

- a. Yard, Front: An open space extending the full width of the lot between the principal building or structure and the street right-of-way line or front lot line, unoccupied and unobstructed from the ground upward.
- b. Yard, Rear: An open space extending the full width of the lot between the principal building or structure and the rear lot line, unoccupied and unobstructed from the ground upward.
- c. Yard, Side: An open space extending from the front yard to the rear yard between the principal building or structure and the side lot line, unoccupied and unobstructed from the ground upward.
- d. Yard, Required: The minimum area or open space required by this Ordinance to be provided between any front, side or rear lot line and a principal or accessory building(s) or structure(s) on the lot.

ZONING HEARING BOARD: The Zoning Hearing Board of Milton Borough, Northumberland County, PA, appointed by the Borough Council.

ZONING MAP: The official Zoning Map of Milton Borough, Northumberland County, PA, together with all notations, references and amendments which may hereafter be enacted. Said map is made a part of this Ordinance as set forth in Section 202.

ZONING OFFICER: The administrative officer duly appointed by the Borough Council and charged with the duty of enforcing the provisions of this Ordinance, the Milton Borough Zoning Ordinance.

ZONING PERMIT: The permit required by this Ordinance which states the purpose for which a building, structure, or land is proposed to be used is in conformity with the use regulations, the dimensional requirements, and all other applicable provisions of this Ordinance. (See also TEMPORARY ZONING PERMIT and Section 1202.)

## ARTICLE 14

### MISCELLANEOUS PROVISIONS AND ENACTMENT

#### 1400 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Borough. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Borough provided that where this Ordinance imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Ordinance shall control.

#### 1401 REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the Milton Borough Zoning Ordinance (Ordinance 625, enacted September 27, 1971, as amended by Ordinance 945, enacted December 17, 1986, and any subsequent amendments which may have been made thereto). Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

#### 1402 SEVERABILITY AND VALIDITY

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the Borough Council, that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

1403    ENACTMENT AND EFFECTIVE DATE

**ENACTED AND ORDAINED** into an Ordinance this 21st day of November , 2006, by the  
Borough Council of Milton Borough, Northumberland County, PA.

**TO BECOME EFFECTIVE** on the 21st day of November , 2006.

MILTON BOROUGH COUNCIL

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Borough Secretary

**APPROVED** this 21st day of November , 2006.

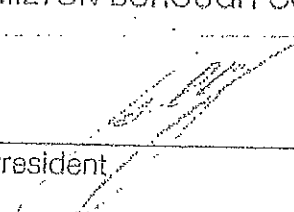
\_\_\_\_\_  
Mayor

BOROUGH SEAL:

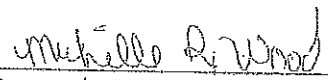
1403 ENACTMENT AND EFFECTIVE DATE

ENACTED AND ORDAINED into an Ordinance this 21<sup>st</sup> day of November, 20012, by the Borough Council of Milton Borough, North-  
umberland County, PA.

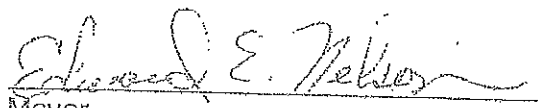
MILTON BOROUGH COUNCIL

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Borough Secretary

APPROVED this 21<sup>st</sup> day of November, 20012.

  
\_\_\_\_\_  
Mayor

BOROUGH SEAL:

ORIGINAL FROM  
ORD # 1165

## APPENDICES

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APPENDIX A  
TABLE OF USES \*

USES	ZONING DISTRICTS										
RESIDENTIAL:	R-1	R-2	R-3	PRD	C	CBD 1	CBD 2	M	EDD	I/OP	OS
Bed & breakfast establishments		SE	SE			SE	SE				
Boarding & rooming homes		SE	SE			SE	SE				
Conversion apartments		SE	SE								
Group homes		C	C			SE	SE				
Mobile home parks			C								
Multi-family dwelling structures		C	SE	P	P		P				
Single-family detached dwellings	P	P	P	P	P		P				
Two-family dwellings		P	P	P	P		P				

INSTITUTIONAL:	R-1	R-2	R-3	PRD	C	CBD 1	CBD 2	M	EDD	I/OP	OS
Cemeteries		SE	C								
Churches or places of worship		P	P	SE		SE	SE				
Clubs, lodges, fraternal organization facilities		SE	SE		P	P	P				
Day care centers		SE	SE	SE							
Essential services	P	P	P	P	P	P	P	P	P	P	C
Group day care homes		SE	SE								
Medical or dental offices or clinics					P	P	P	C			
Nursery schools		SE	SE	SE							
Nursing homes			C								
Personal care homes		C	C								
Places of assembly			SE			P	P				
Public service buildings & facilities					P	P	P	P	P	P	
Retirement centers		C	C	C					P	P	
Schools: professional, business or technical						P	P		P	P	
Schools: public or private (K-12)		C									
Public libraries		P	P			P	P				

COMMERCIAL:	R-1	R-2	R-3	PRD	C	CBD 1	CBD 2	M	EDD	I/OP	OS
Adult entertainment establishments									C		
Art, music, dance & photography studios					P	P	P				
Auto sales & service					P	P	P	C			
Auto service stations or repair garages					P	SE	SE	C	P		
Bars or cocktail lounges					P	P	P				
Building materials sales yards								P			
Business offices					P	P	P	C		SE	
Business services					P	P	P	C			
Car wash facilities					P			C			
Communications antennas & towers	SEE APPENDIX H					SEE APPENDIX H					
Financial offices or institutions					P	P	P	C			
Funeral homes			SE		P	P	P				
Greenhouses, wholesale									P		
Heliport									C	C	
Commercial Lodging, Hotels, Motels					C	SE	SE	C			

(Continued on Next Page)

**APPENDIX A  
TABLE OF USES \***

USES	ZONING DISTRICTS										
	R-1	R-2	R-3	PRD	C	CBD 1	CBD 2	M	EDD	I/OP	OS
<b>COMMERCIAL (continued):</b>											
Convenience market, grocery store					P			C			
Laundromat					P			C			
Neighborhood retail stores			SE	SE	P						
Office buildings or complexes					C			C	C	SE	
Parking garages						P	P				
Personal service business			SE		P	P	P	C			
Professional offices	SE	SE	P		P	P	P	C		SE	
Public entertainment establishments					SE	P	P	C			
Restaurants					P	P	P				
Retail establishment					P	P	P	C			
Shopping centers & developments					P			C			
Studio					P			C			
Mobile Food Vending					P	P	P				

INDUSTRIAL:	ZONING DISTRICTS										
	R-1	R-2	R-3	PRD	C	CBD 1	CBD 2	M	EDD	I/OP	OS
Bakeries, wholesale								P	P		
Distribution facilities								C	C		
Industrial parks								C	C		
Food processing or meat packing								P	P		
Helipport									C	C	
Light industrial uses								P	P	P	
Machinery repair & service								P			
Machine shops								P	P		
Manufacturing or assembly operations								P	P		
Publishing facilities						P	P				
Research & development facilities								P	P	P	
Steel fabrication, forges or foundries								P			
Trucking or motor freight terminals								C	C		
Warehousing or storage facilities								C	C		

AGRICULTURAL:	ZONING DISTRICTS										
	R-1	R-2	R-3	PRD	C	CBD 1	CBD 2	M	EDD	I/OP	OS
Horticultural activities											P
Land cultivation											P
Forest management activities											P

RECREATIONAL:	ZONING DISTRICTS										
	R-1	R-2	R-3	PRD	C	CBD 1	CBD 2	M	EDD	I/OP	OS
Commercial recreation facilities								SE	SE		
Docks											C
Parks and playgrounds	C	C	C	P							C

MULTIPLE PRINCIPAL USES:	ZONING DISTRICTS										
	R-1	R-2	R-3	PRD	C	CBD 1	CBD 2	M	EDD	I/OP	OS
In a single building or structure					SE	SE	SE	SE	SE	SE	

(Continued on Next Page)

APPENDIX A  
TABLE OF USES \*

USES	ZONING DISTRICTS										
	R-1	R-2	R-3	PRD	C	CBD 1	CBD 2	M	EDD	I/OP	OS
ACCESSORY:											
Accessory residential uses			P		P	P	Pr				
Accessory sales or retail outlets								P	P	P	
Accessory warehousing or storage					P			P	P	P	
Administrative offices								P	P	P	
Customarily incidental uses & structures	P	P	P	P	P	P	P	P	P	P	P
Garages, private	P	P	P	P	P		Pr				
Home occupations	P	P	P	P	Pr	Pr	Pr	P			
No-impact home based businesses	P	P	P	P	Pr	Pr	Pr				
Off-street parking areas	P	P	P	P	P	P	P	P	P	P	P
Off-street loading areas			P	P	P	P	P	P	P	P	
Outside storage					P		Pr	P	P	P	
Temporary helicopter landing zone	P	P	P	P	P	P	P	P	P	P	P
Satellite receiving dishes	P	P	P	P	P	P	P	P	P	P	
Signs	P	P	P	P	P	P	P	P	P	P	P
Swimming pools	P	P	P	P	P	P	P				

\* NOTE: This Table is intended to illustrate various uses provided by zone; it is not meant to be all inclusive. For a complete listing of uses provided for each zoning district see Article 3, the District Regulations.

P - Permitted Uses

SE - Special Exception Use

C - Conditional Use

r - Residential Use Only (but not allowed for Multi-family)

# APPENDIX B TABLE OF DIMENSIONAL REQUIREMENTS \*

ZONE	MIN. LOT AREA	MIN. LOT WIDTH	1 MINIMUM YARD SETBACKS					MAX. HEIGHT	MAXIMUM COVERAGE
			2 FRONT	3 SIDE	REAR				
R-1	12,000 sq.ft. (SF)	80 ft.	25 ft.	12 ft.	30 / 5 ft.	5, 7	30 / 15 ft.	30% Bldg. Coverage 40 % Imperv. Surface	
R-2	Single Family: 8,000 sq.ft./dwelling Two Family: 6,000/dwelling Multif Family: 4,000/dwelling	SF: 60 ft. TF & MF: 20 ft./ Dwelling Unit	20 ft.	10 ft.	4	20 / 5 ft.	5, 7	35 / 20 ft.	35% Bldg. Coverage 50 % Imperv. Surface
R-3	Single Family: 5,000 sq.ft./dwelling Two Family: 4,000/dwelling Multif Family: 3,000/dwelling Mobile Home Park: (see section 406)	SF: 50 ft. TF & MF: 20 ft./ Dwelling Unit	20 ft.	5 ft.	4	20 / 5 ft.	5, 7	45 / 20 ft.	50% Bldg. Coverage 60 % Imperv. Surface
PRD	Single Family: 9,000 sq.ft./dwelling Two Family: 7,000/dwelling Multif Family: 5,000/dwelling	24 ft. @ R/W 50 ft. @ Bldg. Line	50 ft. - collector 30 ft. - local st.	12 ft.	4	SF: 20 ft. TF & MF: 30 ft. TP TF & MF: 5 ft. IL Accessory: 5 ft.		35 / 20 ft.	30% Bldg. Coverage 45 % Imperv. Surface
C (NON-RESIDENTIAL)	15,000 sq.ft.	100 ft.	Same as ext. or adj. bldgs.	12 / 25 ft. 4, 6 SEE SECTION 306	25 / 10 / 10 ft.	5, 7, 8	40 ft.	50% Bldg. Coverage 80 % Imperv. Surface	
C (RESIDENTIAL)	Single Family: 8,000 sq.ft./dwelling Two Family: 6,000/dwelling Multif Family: 4,000/dwelling	SF: 60 ft. TF & MF: 20 ft./ Dwelling Unit	Same as ext. or adj. bldgs.	10 ft.	4	5, 7, 8	40 ft.	50% Bldg. Coverage 60 % Imperv. Surface	
CBD 1	No minimum	No minimum	Same as ext. or adj. bldgs.	5 ft.	4	5, 7, 8	45 ft.	75%	
CBD 2 (NON-RESIDENTIAL)	No minimum	No minimum	Same as ext. or adj. bldgs.	5 ft.	4	5, 7, 8	45 ft.	75%	
CBD 2 (RESIDENTIAL)	Single Family: 5,000 sq.ft./dwelling Two Family: 4,000/dwelling Multif Family: 3,000/dwelling	SF: 50 ft. TF & MF: 20 ft./ Dwelling Unit	Same as ext. or adj. bldgs.	5 ft.	4	5, 7, 8	45 ft.	50% Bldg. Coverage 60 % Imperv. Surface	
M	40,000 sq.ft.	100 ft.	30 ft.	12 / 25 ft. 4, 6	30 / 50 / 25 ft.	6	100 ft.	80%	
EDD & I/OP	2 acres	150 ft.	40 ft.	20 ft.	30 ft.		100 ft.	50% Bldg. Coverage 70 % Imperv. Surface	
OS	1 acre	100 ft.	40 ft.	12 ft.	50 / 25 ft.		35 / 20 ft.	20%	

\* NOTE: See also Lot, Yard, & Open Space requirements in Article 3 for each Zoning District and the Supplementary Use Regulations in Article 4 for dimensional standards for specific uses.

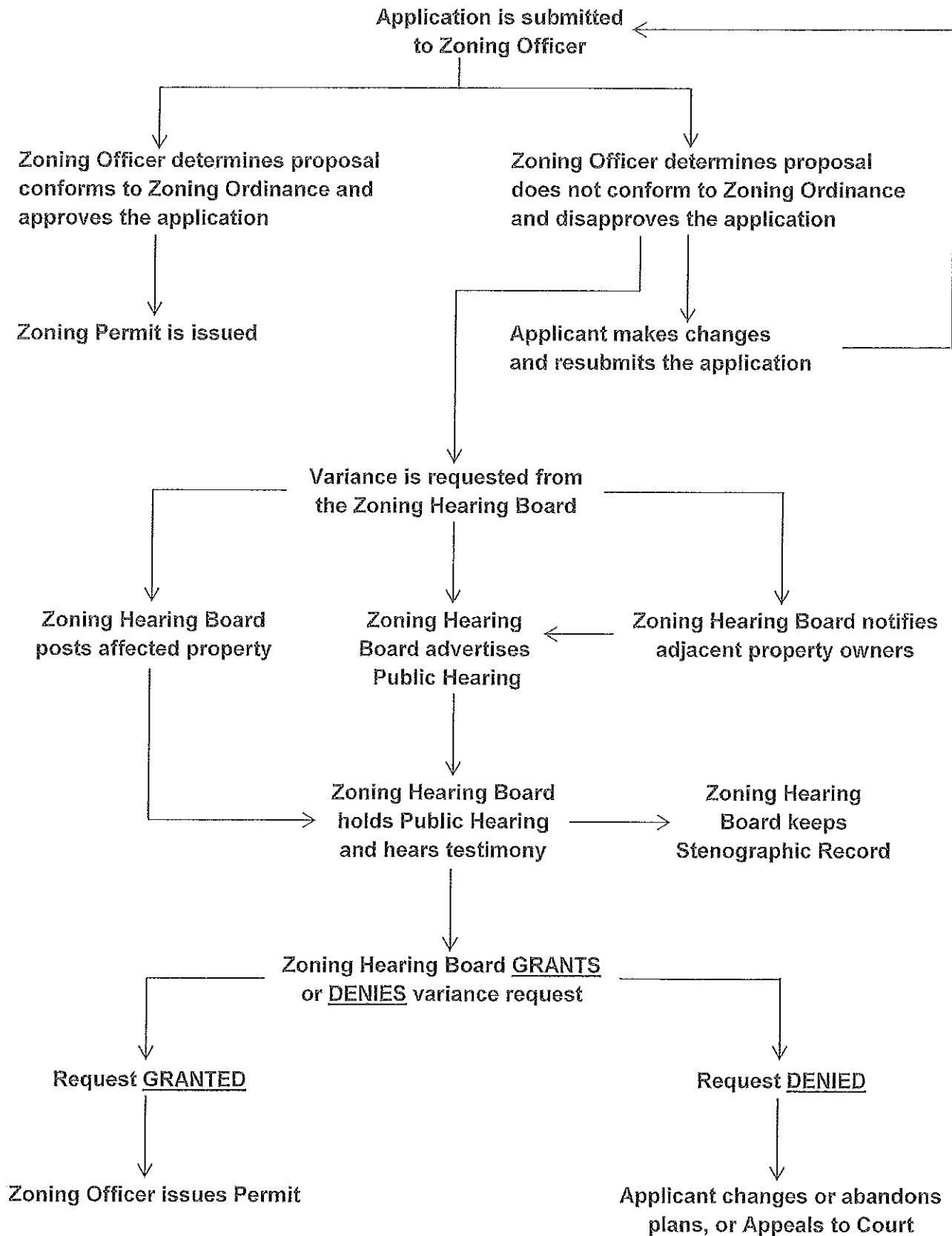
1  
2  
3  
4  
5  
6  
7  
8

SF = Single-Family  
TF = Two-Family  
MF = Multi-Family  
R/W = Right of Way  
TP = Tract Perimeter  
IL = Interior Lot

Principal structures / Accessory structures.  
Measured from edge of adjoining street carway.  
Each side.  
No side yard required where fire-rated common walls are used.  
Accessory structures abutting a street or alley - 10 feet from the edge of the carway.  
Abutting lot in same district / Abutting lot in any other district / Accessory structures.  
Residential accessory structures rear setback minimum of 5' from property line.  
Principle structures / Accessory structures from property line / Accessory structures from carway.

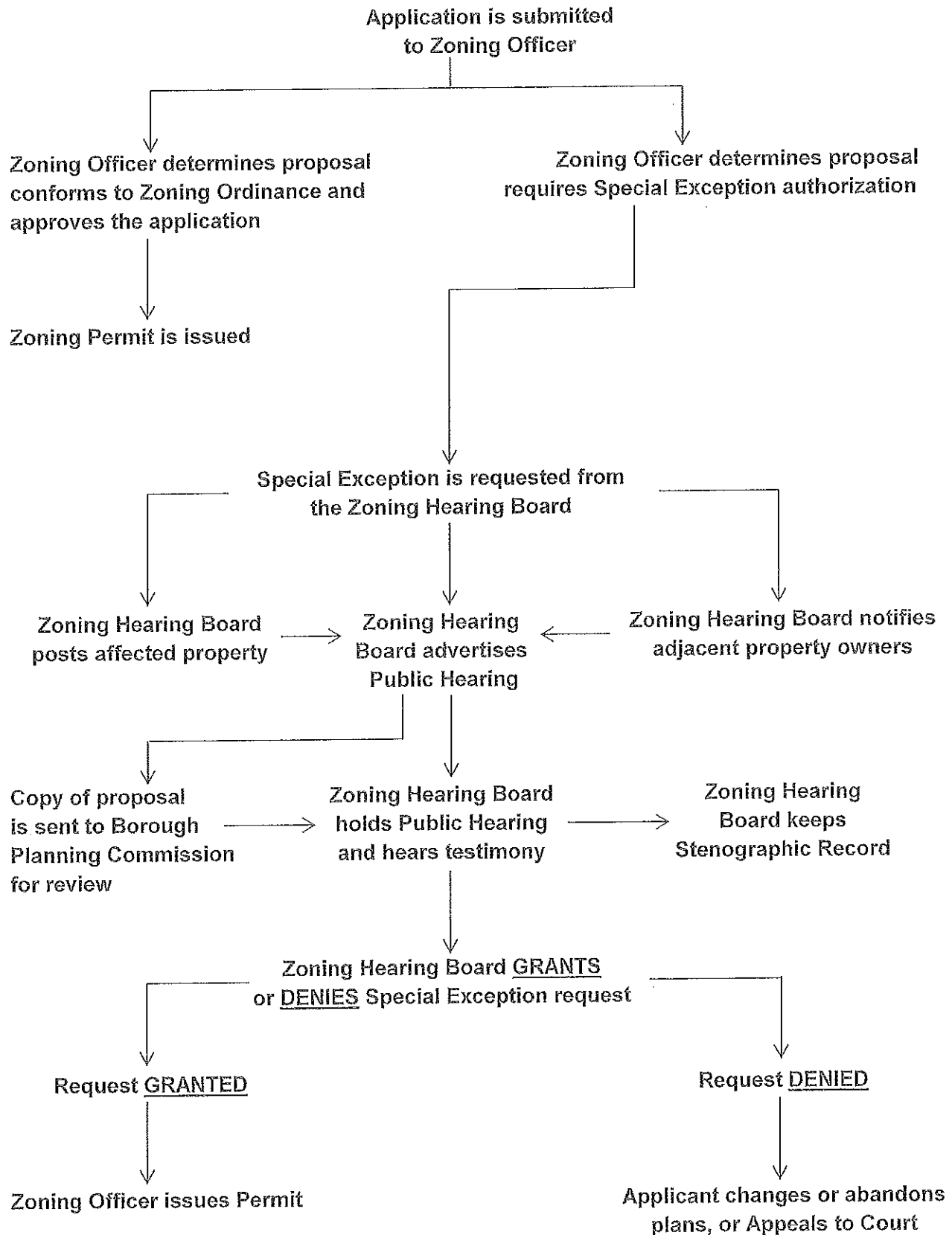
## APPENDIX C

### VARIANCE PROCEDURE



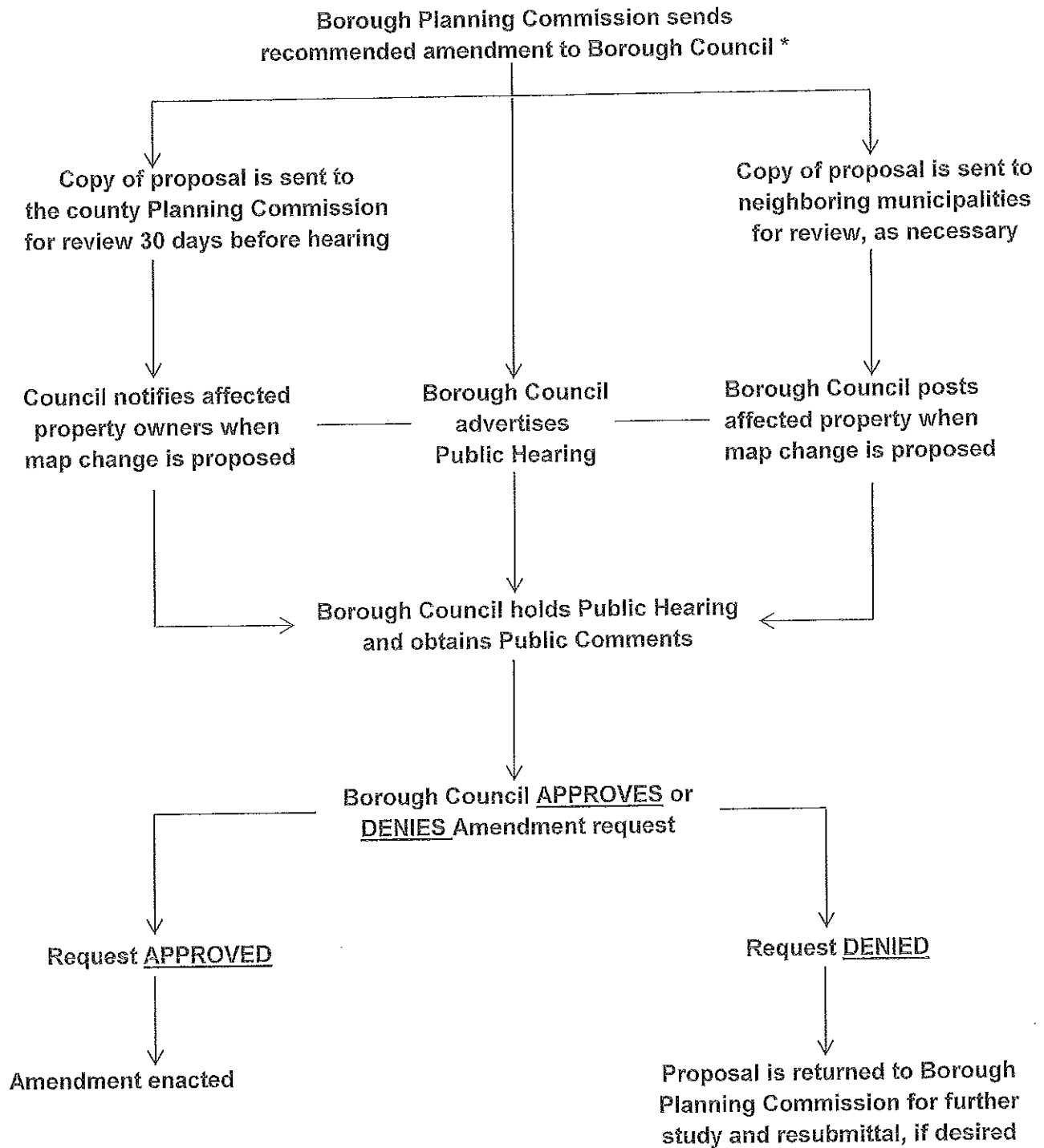
## APPENDIX D

### SPECIAL EXCEPTION PROCEDURE



## APPENDIX E

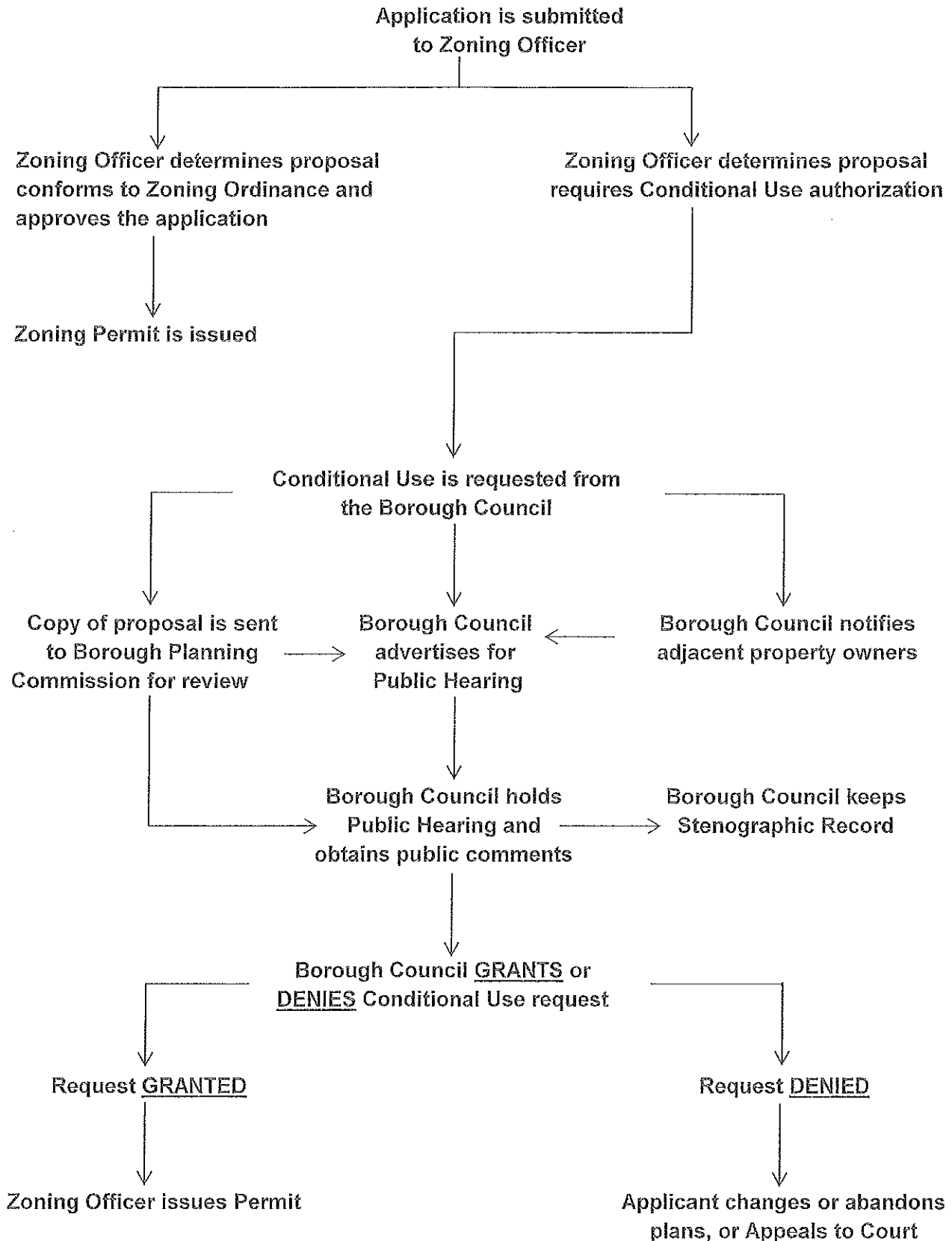
### PROCEDURE FOR AMENDING THE ZONING ORDINANCE



\* If the Amendment is prepared by a party other than the Borough Planning Commission, then Borough Council must send the proposal to the Planning Commission for their review and recommendation at least 30 days prior to the Public Hearing.

## APPENDIX F

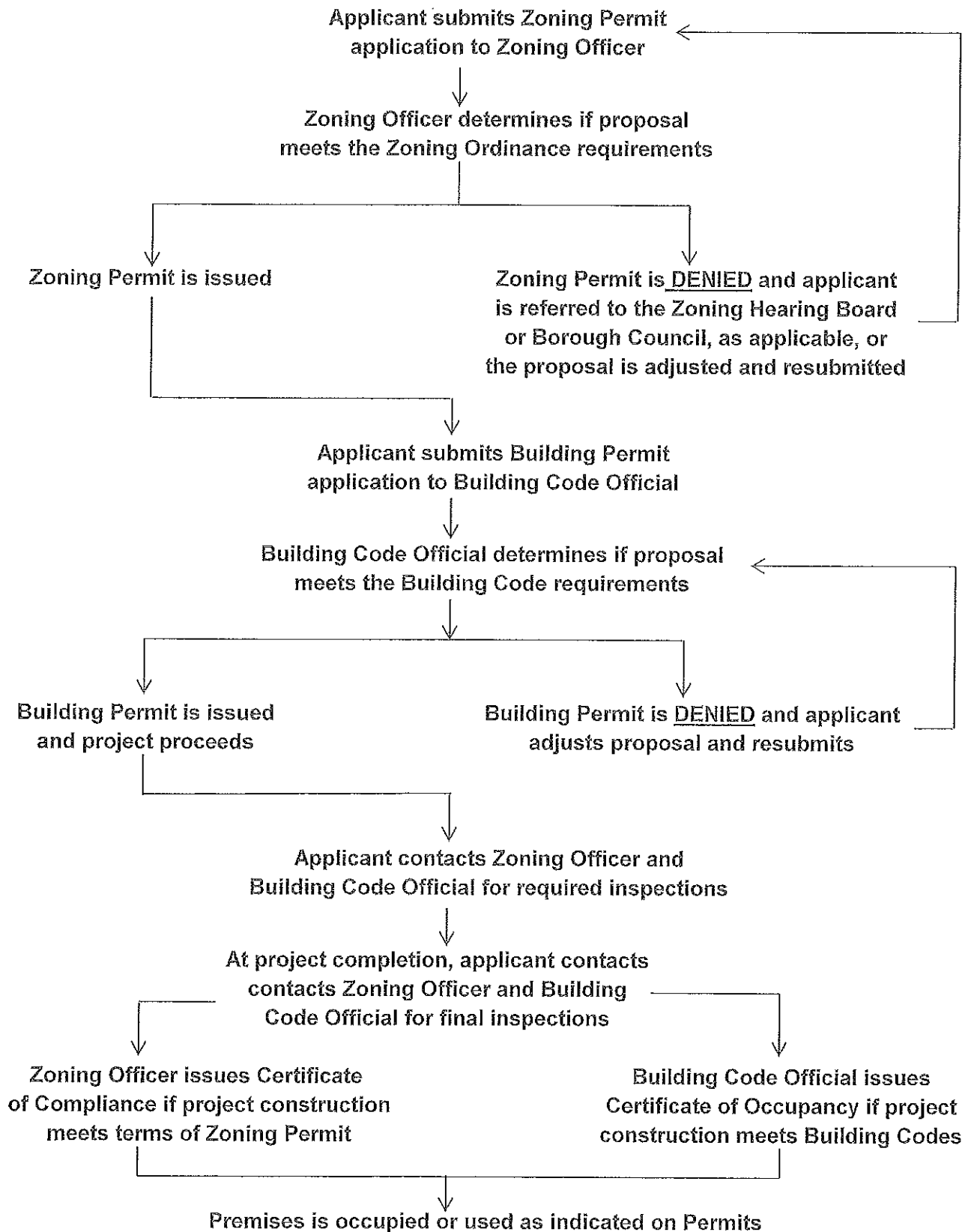
### CONDITIONAL USE PROCEDURE





## APPENDIX G

### GENERAL PROCEDURE FOR ZONING & BUILDING PERMIT APPLICATIONS



INSERT Appendix  
"H" HERE!