

BOROUGH OF MOUNT JOY

LANCASTER COUNTY, PENNSYLVANIA

---

ORDINANCE NO. 1-16

---

THE MOUNT JOY BOROUGH ZONING ORDINANCE; TO REGULATE THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR AGRICULTURAL, RESIDENTIAL, INDUSTRIAL AND COMMERCIAL PURPOSES; REGULATING THE BULK AND SIZE OF BUILDINGS, STRUCTURES, AND USES; ESTABLISHING ZONING DISTRICTS AND REGULATIONS FOR USES WITHIN EACH SUCH DISTRICT; DEFINING TERMS; ESTABLISHING PERFORMANCE STANDARDS AND REGULATIONS; PROVIDING FOR THE ADMINISTRATION OF THE ZONING ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF A ZONING HEARING BOARD AND THE POWERS AND DUTIES OF SUCH BODY; AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Borough of Mount Joy, Chapter 270, Zoning, shall be deleted in its entirety and a new Chapter 270, Zoning, shall be inserted which shall provide as follows:

Table of Contents

21-1

**Article I. Administration and Enforcement ..... 1**

§ 270-1. Applicability.....1

§ 270-2. Purpose; community development objectives.....1

§ 270-3. Permits and certificates.....2

§ 270-4. Issuance of permits.....6

§ 270-5. Interpretation; uses not regulated.....7

§ 270-6. Enforcement; violations and penalties.....7

§ 270-7. Fees.....9

§ 270-8. Amendments to chapter.....9

§ 270-9. Curative amendments.....9

§ 270-10. Zoning Officer.....9

§ 270-11. Zoning Hearing Board.....10

§ 270-12. Hearings and decisions.....13

§ 270-13. Appeals to court.....14

§ 270-14. Limited public utility exemptions.....14

§ 270-15. Limited Borough and municipal authority exemption.....14

§ 270-16. Special exceptions.....14

§ 270-17. Liability.....16

§ 270-18. Conditional uses.....16

§ 270-19. Title.....18

§ 270-20. Repeals and Continuation of Prior Regulations.....18

§ 270-21. Severability.....19

§ 270-22. (Reserved).....19

§ 270-23. (Reserved).....19

§ 270-24. (Reserved).....19

§ 270-25. (Reserved).....19

§ 270-26. (Reserved).....19

§ 270-27. (Reserved).....19

§ 270-28. (Reserved).....19

§ 270-29. (Reserved).....19

§ 270-30. (Reserved).....19

**Article II. Terminology ..... 19**

§ 270-31. Word usage.....19

§ 270-32. Definitions.....20

§ 270-33. (Reserved).....48

§ 270-34. (Reserved).....48

§ 270-35. (Reserved).....48

§ 270-36. (Reserved).....48

§ 270-37. (Reserved).....48

§ 270-38. (Reserved).....48

Table of Contents

**Article I. Administration and Enforcement** ..... 1

§ 270-1. Applicability.....1

§ 270-2. Purpose; community development objectives.....1

§ 270-3. Permits and certificates.....2

§ 270-4. Issuance of permits.....6

§ 270-5. Interpretation; uses not regulated. ....7

§ 270-6. Enforcement; violations and penalties.....7

§ 270-7. Fees.....9

§ 270-8. Amendments to chapter. ....9

§ 270-9. Curative amendments.....9

§ 270-10. Zoning Officer.....9

§ 270-11. Zoning Hearing Board.....10

§ 270-12. Hearings and decisions.....13

§ 270-13. Appeals to court.....14

§ 270-14. Limited public utility exemptions.....14

§ 270-15. Limited Borough and municipal authority exemption. ....14

§ 270-16. Special exceptions.....14

§ 270-17. Liability.....16

§ 270-18. Conditional uses. ....16

§ 270-19. Title.....18

§ 270-20. Repeals and Continuation of Prior Regulations.....18

§ 270-21. Severability.....19

§ 270-22. (Reserved).....19

§ 270-23. (Reserved).....19

§ 270-24. (Reserved).....19

§ 270-25. (Reserved).....19

§ 270-26. (Reserved).....19

§ 270-27. (Reserved).....19

§ 270-28. (Reserved).....19

§ 270-29. (Reserved).....19

§ 270-30. (Reserved).....19

**Article II. Terminology** ..... 19

§ 270-31. Word usage. ....19

§ 270-32. Definitions. ....20

§ 270-33. (Reserved).....48

§ 270-34. (Reserved).....48

§ 270-35. (Reserved).....48

§ 270-36. (Reserved).....48

§ 270-37. (Reserved).....48

§ 270-38. (Reserved).....48



§ 270-39.	(Reserved)	48
§ 270-40.	(Reserved)	48
<b>Article III. District Regulations</b>		<b>48</b>
§ 270-41.	Establishment of districts; purposes.	48
§ 270-42.	Applicability	50
§ 270-43.	Zoning Map	50
§ 270-44.	District boundaries	51
§ 270-45.	Setbacks across municipal boundaries	51
§ 270-46.	Permitted uses	51
§ 270-47.	Lot and setback requirements	53
§ 270-48.	Additional requirements for CI District	54
§ 270-49.	WP Wellhead Protection Area District	59
§ 270-50.	Sewage and water services	62
§ 270-51.	Requirements for lots of two or more acres in NC and GC Districts	62
§ 270-52.	(Reserved)	62
§ 270-53.	(Reserved)	62
§ 270-54.	(Reserved)	62
§ 270-55.	(Reserved)	62
§ 270-56.	(Reserved)	62
§ 270-57.	(Reserved)	63
§ 270-58.	(Reserved)	63
§ 270-59.	(Reserved)	63
§ 270-60.	(Reserved)	63
<b>Article IV. Specific Use Regulations</b>		<b>63</b>
§ 270-61.	Applicability; conflicting provisions	63
§ 270-62.	Principal uses	63
§ 270-63.	Accessory uses	90
§ 270-64.	(Reserved)	106
§ 270-65.	(Reserved)	106
§ 270-66.	(Reserved)	106
§ 270-67.	(Reserved)	106
§ 270-68.	(Reserved)	106
§ 270-69.	(Reserved)	106
§ 270-70.	(Reserved)	106
<b>Article V. Environmental Protection</b>		<b>106</b>
§ 270-71.	Erosion control	106
§ 270-72.	Nuisances; hazards to public safety	106
§ 270-73.	Wetlands	107
§ 270-74.	Flood-prone areas (floodplains)	107
§ 270-75.	Odors and dust	127
§ 270-76.	Outdoor Lighting	128
§ 270-77.	Steep slopes	132
§ 270-78.	Setbacks from rivers and creeks	132
§ 270-79.	(Reserved)	132
§ 270-80.	(Reserved)	132

<b>Article VI. Off-Street Parking and Loading.....</b>	<b>132</b>
§ 270-81. Required number of parking spaces. ....	132
§ 270-82. General regulations for off-street parking.....	134
§ 270-83. Design standards for off-street parking. ....	135
§ 270-84. Off-street loading.....	137
§ 270-85. (Reserved).....	138
§ 270-86. (Reserved).....	138
§ 270-87. (Reserved).....	138
§ 270-88. (Reserved).....	138
§ 270-89. (Reserved).....	138
§ 270-90. (Reserved).....	138
<b>Article VII. Signs.....</b>	<b>138</b>
§ 270-91. Purpose; permit requirements; changes on signs. ....	138
§ 270-92. Nonconforming signs. ....	138
§ 270-93. Miscellaneous signs not requiring permits. ....	139
§ 270-94. Freestanding, wall and window signs; portable and sidewalk signs. ....	139
§ 270-95. Abandoned or outdated signs. ....	142
§ 270-96. Location of signs. ....	142
§ 270-97. Illumination of signs. ....	143
§ 270-98. Vehicles functioning as signs. ....	143
§ 270-99. Prohibited signs. ....	143
§ 270-100. Construction of signs. ....	143
§ 270-101. Definitions; measurement and type requirements. ....	144
§ 270-102. Off-premises signs; billboards. ....	145
§ 270-103. (Reserved).....	146
§ 270-104. (Reserved).....	146
§ 270-105. (Reserved).....	146
§ 270-106. (Reserved).....	146
§ 270-107. (Reserved).....	146
§ 270-108. (Reserved).....	146
§ 270-109. (Reserved).....	146
§ 270-110. (Reserved).....	146
<b>Article VIII. General Regulations.....</b>	<b>146</b>
§ 270-111. Street frontage; number of uses or buildings; minimum size of dwellings.....	146
§ 270-112. Height exceptions. ....	147
§ 270-113. Special lot and yard requirements; sight clearance; buffer yards. ....	147
§ 270-114. Landscaping. ....	150
§ 270-115. Nonconformities. ....	152
§ 270-116. Screening of waste containers. ....	155
§ 270-117. Historic buildings and historic preservation provisions.....	155
§ 270-118. Access management. ....	159

## Article I. Administration and Enforcement

### § 270-1. Applicability.

This chapter shall apply throughout the Borough of Mount Joy. Any activity regulated by this chapter shall only occur in such a way that conforms with the regulations of this chapter. See § 270-3.A.

### § 270-2. Purpose; community development objectives.

This chapter is hereby adopted:

- A. In accordance with the requirements and purposes [including Sections 604 and 605 or their successor section(s), which are included by reference] of the MPC, as amended.
- B. In accordance with goals and objectives of the Donegal Region Comprehensive Plan. The relevant goals and objectives of such plan have been modified, for the purposes of this chapter, as follows to serve as community development objectives:
  - (1) Incorporate the policy goals established by the Lancaster County Planning Commission.
  - (2) Promote innovative residential design that encourages the creation of a sense of community for undeveloped parcels.
  - (3) Provide startup housing opportunities that are affordable to young families.
  - (4) Encourage adaptive reuse and infill development.
  - (5) Protect sensitive and important natural features from indiscriminate development.
  - (6) Stimulate economic development and revitalization by attracting commercial uses (such as retail, service and specialty stores) to the downtown area.
  - (7) Encourage additional light industrial development, particularly in the eastern part of the Borough; maintain and enhance existing industrial areas.
  - (8) Provide opportunities for home occupations of limited intensity.
  - (9) Work to improve the marketability of underutilized buildings.
  - (10) Provide for the diverse housing needs of all of the region's current and future residents.
  - (11) Provide for the preservation of historic resources.
  - (12) Provide for development that takes full advantage of the availability of public water and sewage services.
  - (13) Encourage the creation of developer-aided neighborhood parks in future residential developments; work to improve parkland in existing neighborhoods where there is a deficit.
  - (14) Coordinate future land and roadway functions to maximize safe and efficient use of major roads.

- (15) Coordinate road improvements with planned roadway functions, design standards and planned land uses.
- (16) Assure that future development provides for access designs and planned locations that minimize traffic congestion and safety problems; encourage needed improvements to be completed by developers.
- (17) Promote alternative means of transportation, such as pedestrian movement, bicycles, public transit and carpooling.
- (18) Seek to minimize the need for zoning variances for routine improvements.

**§ 270-3. Permits and certificates.**

**A. Applicability.**

- (1) Any of the following activities or any other activity regulated by this chapter shall only be carried out in conformity with this chapter:
  - (a) Erection, construction, movement, placement or extension of a structure, building or sign.
  - (b) Change of the type of use or expansion of the use of a structure or area of land.
  - (c) Creation of a lot or alteration of lot lines.
  - (d) Creation of a new use.
- (2) Zoning permit. A zoning permit indicates that a zoning application complies with this chapter to the best knowledge of the applicable Borough staff.
  - (a) A zoning permit is required to be issued prior to the start of any of the following activities:
    - [1] Erection, construction, movement, placement or expansion of a structure, building or sign.
    - [2] Change of the type of use or expansion of the use of a structure or area of land.
    - [3] Creation of a new use.
    - [4] Demolition of a building.
  - (b) The Borough may, at its option, issue combined or separate building permits and zoning permits and/or may utilize a single or separate applications for the permits.
- (3) Certificate of use and occupancy.
  - (a) It shall be unlawful to use and/or occupy any structure, sign, land area or portion thereof for which a zoning permit is required until a certificate of use and occupancy for such activity has been issued by the Borough staff.
  - (b) The Borough staff may permit the zoning permit application to serve as the application for the certificate of use and occupancy.

- (c) The certificate of use and occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this chapter to the best knowledge of the Zoning Officer. The Borough may also withhold issuance of the certificate until there is compliance with other Borough ordinances.
- (d) The applicant shall keep a copy of the certificate of use and occupancy available for inspection.
- (e) Upon the request of an applicant, the Zoning Officer may issue a temporary certificate of use and occupancy. Such temporary certificate may permit an activity to occur in all or part of a structure before the entire work covered by the permit has been completed.
  - [1] However, such temporary certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
  - [2] The temporary certificate shall establish, in writing, a maximum time period under which it is valid. A six-month maximum time period shall apply if not otherwise specified.
  - [3] Failure to receive a permanent certificate of use and occupancy within such time period shall be a violation of this chapter.
  - [4] The temporary certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
  - [5] See also § 270-3.G.
- B. Repairs and maintenance. Ordinary repairs and maintenance to existing structures shall not by itself be regulated by this chapter. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a construction permit under the UCC may be needed for such work.)
- C. Types of uses.
  - (1) Permitted by right uses. The Zoning Officer shall issue a permit under this chapter in response to an application for a use that is permitted by right if it meets all of the requirements of this chapter.
  - (2) Special exception use or application requiring a variance. A permit under this chapter for a use requiring a special exception or variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
  - (3) Conditional use. A permit under this chapter for a use provided as a conditional use shall only be issued by the Zoning Officer in response to a written approval by the Borough Council, after providing the Planning Commission with an opportunity for a review.
- D. Applications.

- (1) Submittal. All applications for a zoning permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Borough. Such completed application, with required fees, shall be submitted to a designated Borough staff person.
- (2) Site plan. The applicant shall submit a minimum of two copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:
  - (a) Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features.
  - (b) Notes showing the dimensions of all buildings from lot lines and street rights-of-way.
  - (c) Locations of any watercourses and any one-hundred-year floodplain.
  - (d) Proposed lot areas, lot widths and other applicable dimensional requirements.
  - (e) Locations and widths of existing and proposed sidewalks.
  - (f) Locations and widths of all easements on the subject property.
- (3) Additional information. Any application under this chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this chapter:
  - (a) The address of the lot.
  - (b) Name and address of the applicant, and of the owner of the property if different from the applicant.
  - (c) A description of the proposed use of the property.
  - (d) All other applicable information listed on the official Borough application form.
  - (e) Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this chapter.
- (4) Submittals to the Board. In addition to the information listed in Subsection D(3) above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this chapter:
  - (a) The present zoning district and major applicable lot requirements.
  - (b) For a nonresidential use:
    - [1] A description of the proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.

- [2] A list of the maximum hours of operation.
  - (c) The existing directions of stormwater flow (and any proposed revisions) and any proposed methods of stormwater management.
  - (d) A listing of any sections of this chapter being appealed, with the reasons for any appeal.
  - (e) Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract and a description of uses of adjoining properties (such as “drugstore” or “single-family detached dwelling”).
  - (f) Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting.
  - (g) Name and address of person who prepared the site plan.
  - (h) Signed acknowledgment of the site plan by the applicant and such additional information required under applicable sections of this chapter.
- (5) Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of “landowner” in § 270-32.)
- E. Issuance of permits.
- (1) At least one copy of each permit application and any other zoning approval shall be retained in Borough files.
  - (2) PennDOT permit. Where necessary for access onto a state road, a Borough zoning or building permit shall be automatically conditioned upon issuance of a PennDOT highway occupancy permit.
- F. Revocation of permits; appeal of permit or approval.
- (1) Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this chapter in case of one or more of the following:
    - (a) Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: The Pennsylvania Crimes Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
    - (b) Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance.
    - (c) Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved permit application.
    - (d) For any other just cause set forth in this chapter.

- (2) Appeals. A party with legitimate standing, or as otherwise provided by state law, may appeal decisions under this chapter within the provisions of the MPC. Any such appeal shall occur within the time period established in the MPC.
- G. Zoning permit for temporary uses and structures.
- (1) Zoning permit. A zoning permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
- (a) Customary, routine and accessory short-term special events, provided that only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted.
  - (b) Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway.
  - (c) Such other activities that the applicant proves are routine, customary and temporary.
- (2) Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a six-month maximum period shall apply. A temporary permit may be renewed for just cause.
- H. Compliance with Chapter 240, Subdivision and Land Development. If an application under this chapter would also be regulated by Chapter 240, Subdivision and Land Development (SALDO), then any permit or approval under this chapter shall automatically be conditioned upon compliance with the SALDO. See definitions of "land development" and "subdivision" in the SALDO (Chapter 240).
- (1) For example, if an applicant applies for a single-family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

**§ 270-4. Issuance of permits.**

- A. After receiving a proper application, the Zoning Officer shall either:
- (1) Issue the applicable permit(s); or
  - (2) Deny the application(s) as submitted, indicating one or more reasons.
- B. After the permit under this chapter has been issued, the applicant may undertake the action specified by the permit, in compliance with other Borough ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty-day appeal period shall be at the risk of the applicant.

**§ 270-5. Interpretation; uses not regulated.**

- A. Minimum requirements. Where more than one provision of this chapter controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this chapter are in addition to any other applicable Borough ordinance.
- B. Uses not specifically regulated. If a use clearly is not permitted by right or as a special exception use by this chapter within any zoning district, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
- (1) The proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the district;
  - (2) The proposed use would be closely similar in impacts and character to uses permitted in that district, considering the standards in § 270-115.F;
  - (3) The use would meet the standards that would apply under § 270-16.C to a special exception use; and
  - (4) The use is not specifically prohibited in that district.
- C. Interpretation of chapter text and boundaries.
- (1) The Zoning Officer shall literally apply the wording of this chapter and the location of all district boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Borough Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.
  - (2) If an applicant disagrees with the Zoning Officer's determination and believes that this chapter should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See § 270-11.
- D. Undefined terms/interpretation of definitions. See § 270-31.
- E. Interpretation of zoning boundaries. See § 270-44.

**§ 270-6. Enforcement; violations and penalties.**

All of the enforcement, violations and penalty provisions of the MPC, as amended, are hereby incorporated into this chapter by reference.

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this chapter:
- (1) Failure to secure a zoning permit prior to a change in use of land or a structure or the erection, construction or alteration of any structure or portion thereof or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof.

- (2) Placement of false statements on or omitting relevant information from an application for a zoning permit.
  - (3) Undertaking any action in a manner which does not comply with a zoning permit.
  - (4) Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval.
  - (5) Violation of any condition imposed by a decision of the Borough Council in granting a conditional use.
- B. Enforcement notice. If the Borough has reason to believe that a violation of a provision of this chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the MPC. Prior to sending an official enforcement notice, the Zoning Officer may, at his/her option, informally request compliance.
- C. Time limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this chapter and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.
- D. Causes of action; enforcement remedies. The causes of action and enforcement remedies provisions of the MPC, as amended, are hereby incorporated by reference.
- (1) Enforcement action. If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Borough Council. The Borough Council may request the Borough Solicitor to institute in the name of the Borough any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this chapter or the order or direction made pursuant thereto. The Borough Council may also direct the Zoning Officer or Borough Solicitor to institute a civil enforcement proceeding before a Magisterial District Judge.
  - (2) Violations and penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500, plus all court costs, including the reasonable attorneys' fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter 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 Magisterial District Judge, and thereafter each day that a violation continues shall

constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this chapter shall be paid over to the Borough for the general use of the Borough.

- (3) Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure, sign or land is used or any hedge, shrub, tree or other growth is maintained in violation of this chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter or any condition imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

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

#### **§ 270-7. Fees.**

Borough fee schedule for permits and applications may be established and amended by written resolution of the Borough Council. No application or appeal shall be considered filed until all fees are paid.

#### **§ 270-8. Amendments to chapter.**

Within the requirements of the MPC, the Borough Council may amend or repeal any or all portions of this chapter:

- A. On its own motion.
- B. After agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

#### **§ 270-9. Curative amendments.**

A landowner or the Borough Council may utilize the curative amendment provisions of the MPC.

#### **§ 270-10. Zoning Officer.**

- A. Appointment. The Zoning Officer shall be appointed by Borough Council. The Zoning Officer may designate other Borough staff persons to serve as Assistant Zoning Officer(s). Such designations shall be subject to concurrence by Borough Council. Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Borough, but may hold other appointed offices.
- B. Duties and powers. The Zoning Officer's duties and powers shall include the following:

- (1) Administer this chapter in accordance with its literal terms, including to receive and examine all applications required under the terms of this chapter, and issue or refuse permits within the provisions of this chapter.
- (2) Conduct inspections to determine compliance and receive complaints of violations of this chapter.
- (3) Keep records of applications, permits, certificates, written decisions, and variances granted by the Board and of enforcement orders, with all such records being the property of the Borough and being available for public inspection.
- (4) Review proposed subdivisions and land developments for compliance with this chapter.
- (5) Take enforcement actions as provided by the MPC, as amended.

**§ 270-11. Zoning Hearing Board.**

- A. Membership of Board. The Zoning Hearing Board shall consist of five residents of the Borough appointed by Borough Council. The existing terms of office shall continue, with terms of office being five years and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Borough.
  - (1) Alternate members. Borough Council may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the MPC.
- B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Organization. The applicable provisions of the MPC, as amended, shall apply.
- D. Zoning Hearing Board jurisdiction and functions. The Zoning Hearing Board shall be responsible for the following:
  - (1) Appeal of a decision by the Zoning Officer.
    - (a) The Board shall hear and decide appeals where it is alleged by an affected person or entity or Borough Council that the Zoning Officer has improperly acted under the requirements and procedures of this chapter.
    - (b) See time limitations for appeals in Subsection E.
  - (2) Challenge to the substantive validity of the chapter or map. The applicable provisions of the MPC, as amended, shall apply.
  - (3) Variances.
    - (a) The Board shall hear requests for variances filed with the Borough staff in writing.
    - (b) Standards. The Board may grant a variance only within the limitations of state law. (Note: As of the adoption date of this chapter, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:

- [1] 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 this chapter in the neighborhood or district in which the property is located.
  - [2] Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter, and a variance is therefore necessary to enable the reasonable use of the property.
  - [3] Such unnecessary hardship has not been created by the appellant.
  - [4] 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.
  - [5] The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)
- (c) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.
- (4) Special exceptions.
- (a) The Board shall hear and decide requests filed with the Borough staff in writing. The Board shall only permit a special exception that is authorized by this chapter. See § 270-16.
  - (b) Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes and intent of this chapter.
- (5) Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are necessary to provide a reasonable accommodation under applicable federal law to serve persons who the applicant proves have disabilities as defined in and protected by such laws.
- (a) Such reasonable accommodations shall be requested in accordance with the United States Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 et seq., or the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., and the federal regulations adopted pursuant to such statutes, as amended.

- (b) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation and the manner by which the reasonable accommodation requested may be removed when such person with a protected disability no longer will be present on the property.
- (6) The Zoning Hearing Board shall also hear any other matters as set forth in the MPC, as amended.
- E. Time limits for appeals. The applicable provisions of the MPC, as amended, shall apply.
- F. Stay of proceedings. The stay of proceedings provisions of the MPC, as amended, shall apply.
- G. Time limits on permits and approvals.
- (1) After a variance is approved or other zoning approval is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by such permits shall then be completed within 12 months after the issuance of the permits.
- (2) Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend, in writing, the time limit for completion of work to a maximum total of 36 months after permits are issued.
- (3) If an applicant fails to obtain the necessary permits or begin construction within the above time periods or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer may conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this chapter and may consider all such approvals and permits to have become null and void.
- H. Multiple and pending applications.
- (1) Legislative intent. The consideration of multiple applications for a single property at the same time creates substantial additional administrative work for the Borough staff and the volunteer members of the Zoning Hearing Board. The Borough staff must maintain multiple files with differing time limits within which the Zoning Hearing Board is required to schedule hearings and render decisions. The Borough staff and the Zoning Hearing Board must also ensure that each submission, letter or other document is properly included in the record of one or more of the multiple application files, as appropriate. Documents which cannot be easily reproduced, such as plans, or documents which are bulky must be cross-referenced. The Borough incurs costs to store plans and other documentation associated with an application, which are increased by having to retain copies in each file and to cross-reference each application. The costs to the Borough which arise from multiple applications at one time relating to a single property are greater than the Borough's costs to administer single applications for various properties.

- (2) Number of applications which may be pending. No more than one application for the same property shall be pending before the Zoning Hearing Board at any time. If an applicant files a second or subsequent application with the Zoning Hearing Board while an application for the same property is pending, the Zoning Hearing Board shall schedule a hearing for the second or subsequent application as required by the MPC and may deny the second or subsequent application for violation of this section, unless that applicant has, in writing, withdrawn the application for the property which was pending on the date the second or subsequent application was filed.
- (3) Reconsideration. After the Zoning Hearing Board has rendered a decision or after a court of competent jurisdiction has rendered a final determination upon an appeal from a decision of the Zoning Hearing Board on an application for a special exception, the applicant and his successors and assigns shall not be permitted to file an application for a special exception under the same section of this chapter for a period of one year from the date of the decision of the Zoning Hearing Board or order of the court, whichever is later. Any reapplication for a special exception under the same section of this chapter shall be considered a request for a reconsideration of the Zoning Hearing Board's decision. The Zoning Hearing Board does not have jurisdiction to reconsider a decision. If an applicant files an application for such a reconsideration, whether or not the applicant terms his application a request for reconsideration, the Zoning Hearing Board shall schedule a hearing on the application for reconsideration in accordance with the requirements of the MPC and may deny the application for violation of this section and because the Zoning Hearing Board does not have such jurisdiction under MPC Section 909.1(a). Nothing contained herein shall prevent the Zoning Hearing Board from denying an application for a special exception, application for a variance, challenge to the validity of this chapter or appeal from a determination of the Zoning Officer based upon res judicata, collateral estoppel or other concepts of issue preclusion.

#### **§ 270-12. Hearings and decisions.**

The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board:

- A. Notice of hearings. Notice of all hearings of the Board shall be given as follows:
  - (1) Ad. Public notice shall be published, as defined by Section 107 of the MPC. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
  - (2) Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Borough staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
  - (3) Persons given notice. The Borough shall provide written notice to the applicant of the time and place of the hearing. The Borough should also provide notice to the President of Borough Council. In addition, the Borough should provide notice to the last known

principal owner of record of each property that is immediately adjacent to or immediately across a street from the subject property; however, failure to provide such notice shall not be grounds for an appeal. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.

- B. Initiation of hearings. A hearing required under this chapter shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
- C. Decision/findings.
  - (1) The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
  - (2) Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
  - (3) References shall be provided to the most pertinent section(s) of this chapter and/or the MPC.
- D. Notice of decision. A copy of the final decision shall be personally delivered or mailed to the applicant or his/her representative at their last known address not later than the time limit established by the MPC, as amended.
- E. State law. See also Section 908 of the MPC.

**§ 270-13. Appeals to court.**

The provisions for appeals to court that are stated in the MPC, as amended, shall apply.

**§ 270-14. Limited public utility exemptions.**

See the provisions of the MPC, as amended.

**§ 270-15. Limited Borough and municipal authority exemption.**

The minimum lot area, minimum lot width and minimum street frontage requirements of this chapter shall not apply to uses or structures owned by Mount Joy Borough or by a municipal authority created solely by Mount Joy Borough for uses and structures that are intended for a public utility, stormwater or public health and safety purpose.

**§ 270-16. Special exceptions.**

- A. Purpose. The special exception process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- B. Special exception procedure.

- (1) See submission provisions in § 270-3.
  - (2) All site plans shall contain the information required in § 270-3.D.
  - (3) The Zoning Officer should provide a review to the Board regarding the compliance of the application with this chapter.
  - (4) The Zoning Hearing Board shall follow the procedures provided in § 270-12.
- C. Consideration of special exception applications. When special exceptions are provided for in this chapter, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with stated standards and criteria. The Zoning Hearing Board may grant approval of a special exception, provided that the applicant complies with the following standards for special exceptions. The burden of proof shall rest with the applicant.
- (1) Compliance with this chapter. The applicant shall establish by credible evidence compliance with all conditions of the special exception enumerated in the section which gives the applicant the right to seek the special exception. The applicant shall provide the Zoning Hearing Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
  - (2) Compliance with other laws. The applicant shall establish by credible evidence compliance with all applicable Borough, state and federal ordinances, statutes and regulations. The applicant shall provide the Zoning Hearing Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
  - (3) Traffic and public services. The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including, but not limited to, fire protection, parks and recreation and utilities.
  - (4) Site planning. The applicant shall establish by credible evidence that the proposed special exception shall be in and of itself properly designed with regard to internal circulation, parking, buffering, and all other elements of proper design as specified in this chapter and any other governing law or regulation.
  - (5) Neighborhood. The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the desirable character of the neighborhood, and the use of property adjacent to the area included in the special exception application shall be adequately safeguarded.
  - (6) Safety. The applicant shall establish by credible evidence that the proposed use will not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
- D. Conditions. In granting a special exception, the Zoning Hearing Board may require such reasonable conditions and safeguards (in addition to those expressed in this chapter) as it

determines are necessary to implement the purposes of this chapter. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this chapter.

**§ 270-17. Liability.**

- A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, stormwater runoff review, review of activity on steep slopes or any other review, approval or permit under this chapter by an officer, employee, board, commission, solicitor, consultant or agency of the Borough shall not constitute a representation, guarantee or warranty of any kind by the Borough or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- B. If the Zoning Officer mistakenly issues a permit under this chapter, the Borough shall not be liable for any later lawful withdrawal of such permit.

**§ 270-18. Conditional uses.**

- A. Purpose. The conditional use approval process is designed to allow Borough Council the opportunity to review certain larger-scale residential development uses which will also come before Borough Council as part of the subdivision and land development approval process.
- B. Procedure. Applications for conditional use approvals shall meet all requirements in the sections of this chapter which authorize such conditional use. Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the MPC.
- C. Consideration of conditional use application. When a conditional use is provided for in this chapter, Borough Council shall hear and decide requests for such conditional uses in accordance with stated standards and criteria in the section of this chapter which authorizes such conditional use. Borough Council may grant approval of a conditional use, provided that the applicant complies with the express standards and the following standards for all conditional uses. The burden of proof shall rest with the applicant.
  - (1) Compliance with this chapter. The applicant shall establish by credible evidence compliance with all standards and criteria for the conditional use enumerated in the section which gives the applicant the right to seek the conditional use. The applicant shall provide Borough Council with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
  - (2) Compliance with other laws. The applicant shall establish by credible evidence compliance with all applicable Borough, state and federal ordinances, statutes and

- regulations. The applicant shall provide Borough Council with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
- (3) Traffic and public services. The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems, including but not limited to fire protection, utilities, parks and recreation.
  - (4) Site planning. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design as specified in this chapter and any other governing law or regulation.
  - (5) Neighborhood. The proposed special exception shall not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and the use of property adjacent to the area included in the special exception application shall be adequately safeguarded.
- D. Conditions. Borough Council, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in this chapter.
- E. Multiple and pending applications. Multiple and pending applications shall be subject to the provisions of § 270-11.H of this chapter, substituting "Borough Council" for "Zoning Hearing Board" each time such phrase appears.
- F. Modifications.
- (1) Borough Council may, by conditional use approval, permit the modification of the provisions of this chapter which authorize the granting of the conditional use for cluster development, including, but not limited to, provisions relating to the percentage of types of dwelling units and the amount of commercial development, in order to encourage cluster development. A landowner desiring to obtain such conditional use approval shall, when making an application for the conditional use as required by this section, also make application for conditional use approval under this subsection. Borough Council shall consider both conditional use approval requests simultaneously. However, the granting of a modification shall not have the effect of making null and void the intent and purpose of the section authorizing cluster development. Any conditional use to permit a modification of the requirements governing cluster development shall be subject to the following standards. Borough Council may consider both conditional use approval requests separately or simultaneously. However, if a request for conditional use approval for modification(s) is granted under this

subsection, the subsequent conditional use application as required for the cluster development under this section must be obtained within 180 days of granting of conditional use approval for modifications.

- (a) The design and improvement of the development shall be in harmony with the purpose and intent of this chapter.
  - (b) The design and improvement of the development shall generally enhance the development plan or, in any case, not have an adverse impact on its physical, visual or spatial characteristics.
  - (c) The design and improvement of the development shall generally enhance the streetscape and neighborhood or, in any case, not have an adverse impact on the streetscape and neighborhood.
  - (d) The modification shall not result in configurations of lots or street systems which shall be impractical or detract from the appearance of the proposed development.
  - (e) The proposed modification shall not result in any danger to the public health, safety or welfare by making access to the dwellings by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air or by violating the other purposes for which zoning ordinances are to be enacted under Section 604(1) of the MPC.
  - (f) Landscaping and other methods shall be used to ensure compliance with the design standards and guidelines of this chapter.
  - (g) The landowner shall demonstrate that the proposed modification will allow for equal or better results and represents the minimum modification necessary.
- (2) If Borough Council determines that the landowner has met his burden, it may grant a modification of the requirements of this chapter. In granting modifications, Borough Council may impose such conditions as will, in its judgment, secure the objectives and purposes of this chapter.

**§ 270-19. Title.**

This chapter shall be known and cited as the "Mount Joy Borough Zoning Ordinance of 2016."

**§ 270-20. Repeals and Continuation of Prior Regulations.**

Except as otherwise required by law, this chapter is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this chapter restates regulations contained in ordinances previously enacted by the Borough, this chapter shall be considered a restatement and not a repeal of such regulations. It is the specific intent of Borough Council that all provisions of this chapter shall be considered in full force and effect as of the date such regulations were initially enacted. All zoning ordinances or parts of zoning ordinances inconsistent with the provisions of this chapter are hereby repealed. It is expressly provided that the provisions of this chapter shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be

instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under any prior zoning regulation or ordinance of Mount Joy Borough, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

**§ 270-21. Severability.**

In the event any provision, section, sentence, clause or part of this chapter shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this chapter, it being the intent of Borough Council that the remainder of the chapter shall be and shall remain in full force and effect.

§ 270-22. (Reserved)

§ 270-23. (Reserved)

§ 270-24. (Reserved)

§ 270-25. (Reserved)

§ 270-26. (Reserved)

§ 270-27. (Reserved)

§ 270-28. (Reserved)

§ 270-29. (Reserved)

§ 270-30. (Reserved)

## **Article II. Terminology**

**§ 270-31. Word usage.**

For the purposes of this chapter, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied," as applied to any land or building, include the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.

- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice versa.
- F. Any word or term not defined in this chapter shall have its plain and ordinary meaning within the context of the section. A standard reference dictionary should be consulted.
- G. The words “such as,” “includes,” “including” and “specifically” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- H. The word “person” includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
- I. References to codes, ordinances, resolutions, plans, maps, standards, regulations, statutes, documents, lists, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps, standards, regulations, statutes, documents, lists, governmental bodies, commissions or agencies or officials of the Borough or of the Commonwealth of Pennsylvania as in effect or office from time to time, including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended. It is the intent of the Borough that this chapter be interpreted in accordance with Section 1937 of the Statutory Construction Act, 1 Pa. C.S. §1937.

#### § 270-32. Definitions.

When used in this chapter, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

**ADAPTIVE USE (REUSE)** — The process of converting a building to a use other than that for which it was designed.

**ABUT or ABUTTING** — Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of “adjacent.”

**ACCESSORY STRUCTURE (includes ACCESSORY BUILDING)** — A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool or an accessory storage building to a business use. An “accessory building” is any accessory structure that meets the definition of a “building.” A portion of a principal building used for an accessory use shall not be considered an accessory building.

**ACCESSORY USE** — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

**ADJACENT** — Two or more lots that share a common lot line or that are separated from each other only by a street or waterway.

**ADULT BOOKSTORE** — A use with a significant portion of the market value of, or over 15 square feet of total floor area occupied by, items for sale or rent being books, films, magazines,

videotapes, coin- or token-operated films or videotapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or specified sexual activities. This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under state law.

**ADULT DAY-CARE CENTER** — A use providing supervised care and assistance primarily to persons who are over age 60 and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

**ADULT LIVE ENTERTAINMENT FACILITY** — A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual specified sexual activities related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

**ADULT MOVIE THEATER** — A use involving the presentation to three or more persons at one time in a room of motion pictures, videotapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of specified sexual activities for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter.

**ADULT USE** — This term shall include any of the following uses: adult bookstore, adult movie theater, massage parlor or adult live entertainment facility/use.

**AFTER-HOURS CLUB** — A use that permits the consumption of alcoholic beverages by five or more unrelated persons between the hours of 2:00 a.m. and 6:00 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

**ALLEY** — A vehicle right-of-way having a maximum right-of-way width of 20 feet and that usually provides secondary access to the side or rear on one or more lots and which is not intended for through traffic.

**ALTERNATIVE ENERGY SYSTEM** — An accessory use, comprised of either a closed-loop geothermal energy system, an accessory solar energy system, an accessory wind energy system, or an outdoor hydronic heating system.

**AMATEUR RADIO ANTENNA** — The arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves by an amateur radio station.

**AMATEUR RADIO ANTENNA SUPPORT STRUCTURE** — Any structure, mast, pole, tripod or tower utilized for the purpose of supporting an amateur radio antenna or antennas.

**AMATEUR RADIO OPERATOR** — A person named in an amateur operator/primary license station grant on the ULS consolidated licensee database of the Federal Communications Commission to be the control operator of an amateur radio station.

**AMATEUR RADIO STATION** — A station in an amateur radio service consisting of the apparatus necessary for carrying on radio communications. For the purpose of this definition, amateur radio service is radio communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

**ANAEROBIC DIGESTER, PRINCIPAL** — A facility, the main purpose of which is to use anaerobic digestion processes to convert livestock manure (primary catalyst) and feedstock into biogas, which is generally burned on-site to produce electricity, heat, water, as well as to manage livestock and poultry manure. Anaerobic digesters may include “co-digestion” in which the livestock and poultry manure (primary catalyst) may be mixed with other organic materials (secondary catalyst). Types of anaerobic digesters include covered anaerobic lagoons, plug-flow, and/or complete mix (continually stirred tank reactor), along with other appurtenant sites, structures and buildings, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**ANAEROBIC DIGESTION** — The process in which microorganisms in the absence of oxygen convert the energy stored in volatile acids in livestock and poultry manure or other organic materials into biogas.

**ANTENNA, STANDARD** — A device, partially or wholly exterior to a building, that is used for receiving electronic signals (other than a satellite dish antenna which is treated separately) or for transmitting shortwave or citizens band radio frequencies. This shall include antennas used by an amateur radio operator or by a contracting business or utility to communicate with its employees, but shall not include a commercial communications antenna. This term includes any accessory supporting structures.

**APARTMENT** — See “dwelling types.”

**APPLICANT** — The definition in the MPC, as amended, shall apply.

**ARCHITECTURE** — The art/science of building design and construction; a method or style of building; the product of construction; the recognizable features for any kind of structure; the materials and methods used to produce a structure.

**ASSISTED LIVING FACILITY** — Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities, for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

**AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES** — An area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use, provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See the requirements in § 270-62.

**AUTO REPAIR GARAGE** — An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of “auto service station.” An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an auto service station is also permitted as part of an auto repair garage. This use shall not include activity meeting the definition of a “truck stop.” See the requirements in § 270-62.

**AUTO SERVICE STATION** — An area where gasoline is dispensed into motor vehicles and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emissions inspections and sale of prepackaged propane. This use may include a convenience store, provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. This use shall not include activity meeting the definition of a “truck stop.” See storage limits and other requirements in § 270-62.

**BASEMENT** — An enclosed floor area partly or wholly underground. A basement shall be considered a story if the majority of the basement has a clearance from floor to ceiling of 6.5 feet or greater, and the top of the ceiling of the basement is an average of five or more feet above the finished grade along the majority of the front side of the building that faces onto a street.

**BED-AND-BREAKFAST INN** — A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests and that meets the maximum number of overnight guests specified in § 270-62 for this use and which does not provide any cooking facilities for actual use by guests and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in § 270-62.

**BOARDINGHOUSE (includes ROOMING HOUSE)** — A residential use in which room(s) that do not meet the definition of a lawful “dwelling unit” are rented for habitation or a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boardinghouse shall not include a use that meets the definition of a “hotel,” “dormitory,” “motel,” “life care center,” “personal care center,” “bed-and-breakfast inn,” “group home” or

“nursing home.” A college fraternity or sorority house used as a residence shall be considered a type of boardinghouse. A boardinghouse may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boardinghouse shall primarily serve persons residing on site for five or more consecutive days.

**BOROUGH** — Borough of Mount Joy, Lancaster County, Pennsylvania.

**BUFFER YARD** — A strip of land that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See § 270-113.

**BUILDING** — Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under the roof of greater than 50 cubic feet. “Building” is interpreted as including “or part thereof.” See the separate definition of “structure.” Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

**BUILDING COVERAGE** — The percentage obtained by dividing the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by the total lot area of the lot upon which the buildings are located.

**BUILDING, PRINCIPAL** — A building used for the conduct of the principal use of a lot and which is not an accessory building.

**BUILDING WIDTH** — The horizontal measurement between two vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

**BULK RECYCLING CENTER** — A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of nonrecycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a junkyard.

**CARTWAY** — The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

**CHAPTER, THIS** — Chapter 270, Zoning, of the Code of the Borough of Mount Joy, including the Official Zoning Map, as amended.

**CHRISTMAS TREE FARM or TREE FARM** — A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale from November 15 to December 30 of trees that were produced on the premises.

**CHURCH** — See “place of worship.”

**CLEAN WOOD** — Natural wood that has been seasoned to reduce its water content and provide more efficient combustion. The term clean wood does not include wood:

- A. Coated with paint, stain, oil, resin or any other preservative, fire retardant or decorative materials;
- B. Impregnated with preservatives or fire retardants;
- C. Exposed to salt water; or
- D. Manufactured with use of adhesives, polymers or resins, such as strand, particle and veneer lumber and recycled lumber.

**CLUSTER DEVELOPMENT** — A residential development that involves the permanent preservation of common open space and that meets the requirements for such use in § 270-46 and § 270-62.

**COMMERCIAL COMMUNICATIONS TOWER OR ANTENNA** — A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals and that does not meet the definition of a “standard antenna.” Commercial communications antennas shall include, but are not limited to, antennas used for transmitting commercial radio or television signals or to receive such signals for a cable system or for cellular telephone communications. See § 270-62.

**COMMERCIAL DISTRICT** — The CBD, NC and GC Zoning Districts.

**COMMERCIAL USE** — Includes, but is not limited to, retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making nonindustrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

**COMMISSION** — The Mount Joy Borough Planning Commission.

**COMMUNITY CENTER** — A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups and which does not involve substantial use of machinery or noise-producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a treatment center.

**CONDITIONAL USE** — A use that is only allowed under this chapter if conditional use approval is obtained. Conditional use approval shall be required from Borough Council, after the Planning Commission is provided an opportunity for a review. See § 270-18.

**CONDOMINIUM** — A set of individual dwelling units or other areas of buildings, each owned by an individual person(s) in fee simple, with such owners assigned a proportionate

interest in the remainder of the real estate which is designated for common ownership and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

**CONSERVATION DISTRICT** – The Lancaster County Conservation District, or any entity, successor thereto.

**CONSERVATION EASEMENT** – A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property owners, lessees and all other users of the land.

**CONVENIENCE STORE** – A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant and that includes a building with a floor area of less than 6,500 square feet. A convenience store involving the sale of gasoline shall be regulated as an auto service station.

**CRAFTS OR ARTISAN'S STUDIO** – A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a home occupation, provided the requirements for such use are met.

**CROP FARMING** – The cultivation of plants for food, animal foodstuffs, or other commercial uses.

**CURATIVE AMENDMENT** – A process provided in the MPC that permits a municipality to address the potential invalidity of portions or all of its own zoning ordinance.

**DAY CARE, CHILD** – A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school or Head Start programs. See also the definition of "adult day-care center."

A. The following three types of day care are permitted without regulation by this chapter:

- (1) Care of children by their own relatives;
- (2) Care of children within a place of worship during regularly scheduled religious services; and
- (3) Care of one to three children within any dwelling unit, in addition to children who are relatives of the caregiver.

B. **FAMILY DAY-CARE HOME (or CHILD DAY CARE AS AN ACCESSORY USE)** – A type of day-care use that is accessory to and occurs within a dwelling unit and provides care for four to six children at one time who are not relatives of the primary caregiver. See § 270-63.

- C. **GROUP DAY-CARE HOME** — A type of day-care use that provides care for between seven and 12 children at one time who are not relatives of the primary caregiver, provides care within a dwelling unit and is registered with the applicable state agency.\*
- D. **CHILD DAY-CARE CENTER** — A type of day-care use that provides care for seven or more children at any one time who are not relatives of the primary caregiver, does not meet the definition of a “group day-care home” and is registered with the applicable state agency.\* See § 270-62.

**DCED** — The Pennsylvania Department of Community and Economic Development, or any entity, successor thereto.

**DEMOLITION BY NEGLECT** — The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure.

**DEMOLITION OR DEMOLISH** — To tear down, raze, destroy, do away with.

**DENSITY** — The total number of dwelling units proposed on a lot divided by the lot area, unless otherwise stated.

**DEP** — The Pennsylvania Department of Environmental Protection, or any entity, successor thereto, and its relevant bureaus.

**DEVELOPMENTAL DISABILITY** — A disability of a person which has continued or can be expected to continue indefinitely; a disability which is:

- A. Attributable to mental retardation, cerebral palsy, epilepsy or autism.
- B. Found to be attributable to any other conditions found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons.
- C. Attributable to dyslexia resulting from a disability described in the above Subsections A and B of this definition.

**DISTRICT (or ZONING DISTRICT)** — A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this chapter.

**DRIVE-THROUGH SERVICE** — An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

**DRIVEWAY** — A privately owned, constructed, and maintained vehicular access from a street to one or two principal buildings or their accessory buildings and which does not meet the definition of a “street” or an “alley.”

**DWELLING** — A building used as nontransient living quarters, but not including a boardinghouse, hotel, motel, hospital, nursing home or dormitory. A “dwelling” may include a use that meets the definition of a “sectional home.”

**DWELLING TYPES** — This chapter categorizes dwellings into the following types:

- A. **CONVERSION APARTMENT** — A new dwelling unit created within an existing building within the standards of Article IV and where permitted by Article III and meeting the floor area requirements of Article VIII.
- B. **APARTMENTS** — Two or more dwelling units within a building that do not meet the definition of a “single-family detached dwelling,” “semi-detached dwelling” or “townhouse/row house.” The individual dwelling units may be leased or sold for condominium ownership.
- C. **SECTIONAL OR MODULAR HOME** — A type of dwelling that meets the definition of “single-family detached dwelling,” “single-family semidetached dwelling,” “townhouse” or “low-rise apartment” that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site and that does not meet the definition of a “mobile/manufactured home” and that is supported structurally by its exterior walls and that rests on a permanent foundation.

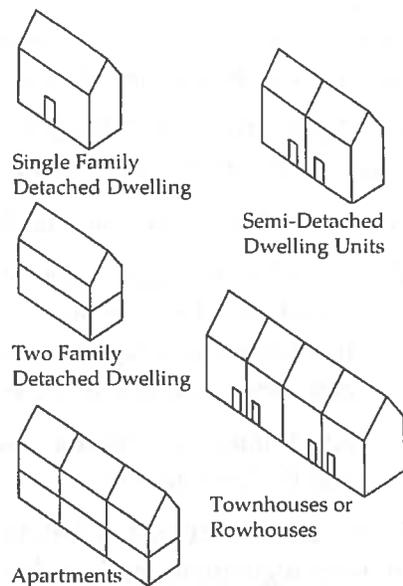
D. **SINGLE-FAMILY DETACHED DWELLING** — One dwelling unit in one building accommodating only one family and having open yard areas on all sides. A single-family detached dwelling may be a mobile/manufactured home.

(1) **MOBILE/MANUFACTURED HOME** —

(a) A type of single-family detached dwelling that meets all of the following requirements:

- [1] It is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing;
- [2] It is designed for permanent occupancy;
- [3] It arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations;
- [4] May be constructed so that it may be used without a permanent foundation.
- [5] It is not a recreation vehicle.

(b) The terms “mobile home” and “manufactured home” have the same meaning. This term is different from a sectional home, which is defined above. See standards in § 270-62.



E. **SEMI-DETACHED or TWO-FAMILY DWELLING UNIT** — One dwelling unit accommodating one family that is attached to and completely separated from only one additional dwelling unit, either side-by-side containing a vertical, unpierced, fire resistant wall or in the over-and-under configuration. One side yard shall be adjacent to each

dwelling unit if the units are in the side-by-side configuration. Each unit may or may not be on a separate lot from the attached dwelling unit.

- F. **TOWNHOUSE or ROW HOUSE** — One dwelling unit that is attached to two or more dwelling units and with each dwelling unit being completely separated from and attached to each other by unpierced, vertical, fire-resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in § 270-62.

**DWELLING UNIT** — A single habitable living unit occupied by only one family. See definition of “family.” Each dwelling unit shall have its own toilet, bath or shower, sink, sleeping and cooking facilities and separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include either or both of the following: two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another; or two separate and distinct sets of kitchen facilities.

**EMERGENCY SERVICES STATION** — A building for the housing of fire, emergency medical or police equipment and for related activities. A membership club may be included if it is a permitted use in that district. This use may include housing for emergency personnel while on call.

**EMPLOYEES** — The highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

**ESSENTIAL SERVICES** — Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. See standards in § 270-46. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power-generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

**FAMILY** — One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to four unrelated individuals who maintain a common household and live within one dwelling unit. “Family” shall also expressly include numbers of unrelated persons provided by the group home provision of § 270-62 residing within a licensed group home, as defined herein. It is the express intent of the Borough to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.

**FEMA** — Federal Emergency Management Agency, or any entity, successor thereto.

**FENCE** — A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a wall. The term “wall” does not include engineering retaining walls, which are permitted uses as needed in all districts. See § 270-63.

**FINANCIAL INSTITUTION** — An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public and that may include automatic transaction machines.

**FLOODPLAIN** — See definitions of “floodplain” and related terms in § 270-74.

**FLOOR AREA, TOTAL** — The total floor space within a building(s) measured from the exterior faces of exterior walls or from the center lines of walls separating buildings. “Floor area” shall specifically include, but not be limited to, fully enclosed porches and basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. “Floor area” shall not include unenclosed porches, decks or breezeways.

**GARAGE SALE** — The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See § 270-63.

**GEOTHERMAL ENERGY SYSTEM, CLOSED LOOP** — A type of geothermal heating or cooling system, not designed or used for the generation of power, that utilized a pressurized heat exchanger consisting of pipe, a circulating pump, and a water-source heat pump in which the heat transfer fluid is not exposed to the atmosphere. The heat transfer fluid is potable water and may have approved antifreeze added. There are two kinds of closed loop systems:

- A. Closed Horizontal Loop Geothermal System: A mechanism for heat exchange which consists of the following basic elements: horizontal underground loops of piping; heat transfer fluid; a heat pump; an air distribution system. An opening is made in the earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a horizontal closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchange and back.
- B. Closed Vertical Loop Geothermal System: A borehole that extends vertically beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.

**GEOTHERMAL ENERGY SYSTEM, OPEN LOOP** — A type of geothermal heating or cooling system that utilizes a water-supply well and water pump to deliver ground water to a water-source heat pump. The discharge water from the water-source heat pump may be returned to the subsurface through a recharge well or infiltration bed or may be discharged into a pond, lake or stream. A spring may also be the source of the ground water supply.

**GLARE** — A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See § 270-76.

**GOVERNMENT FACILITY (other than Borough-owned)** — A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose and which is not owned by Mount Joy Borough. This term shall not include uses listed separately in the table of uses in Article III, such as publicly owned recreation. This term shall not include a prison.

**GROUP HOME** — A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age or emotional, mental or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and all persons subject to protection under the Federal Fair Housing Act Amendments of 1988. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

- A. Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
- B. It is the express intent of the Borough to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A group home shall not include a treatment center.
- D. See standards in § 270-62.

\* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

**HAZARDOUS SUBSTANCES** — A product or waste or combination of substances that, because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into groundwater resources and the subsurface environment, which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to, materials which are included on the latest edition of one or more of the following lists:

- A. Hazardous substances as defined pursuant to Section 311 of the Federal Clean Water Act or its successor provisions.
- B. Hazardous substances as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

**HAZARDOUS SUBSTANCES, EXTREMELY** — Hazardous substances included on the list of extremely hazardous substances in 29 CFR Part 1910 or its successor provisions.

**HEIGHT** — The vertical distance measured from the average elevation of the proposed ground level along the front of the building to the highest point of a structure. For a building with a defined and pitched roof, an area equal to 20% of the building coverage may exceed the maximum height to provide for the roof peak, provided such 20% is not occupied by persons. See exemptions for certain types of structures in § 270-112. A maximum of one more story may be exposed in the rear of a building compared to what is visible in the front of a building. For height of signs, see Article VII, Signs.

**HISTORIC RESOURCE** — Any building, structure, site, object or district that is included on any of the following lists:

- A. The National Register of Historic Places, individually or as a contributing resource in a National Register Historic District.
- B. The Mount Joy Borough Registry of Historic Buildings included in Appendix 1.

**HOME OCCUPATION** — A routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the home occupation requirements of § 270-63. A light home occupation shall be a home occupation that meets the additional requirements for a light home occupation stated in § 270-63. A general home occupation shall be a home occupation that does not meet the requirements for a light home occupation.

**HOSPITAL** — A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an office. A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

**HOTEL or MOTEL** — A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a boardinghouse and shall meet the requirements of that use. See also “bed-and-breakfast” use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such use(s) is not the principal use of the property.

**IMPERVIOUS COVERAGE** — The percentage of the lot area covered by man-made surfaces that have a coefficient of runoff of 0.85 or greater. For the purposes of determining compliance with this chapter, any stone surfaces that may be allowed to be used for vehicle parking and movement shall be considered to be impervious.

**INDUSTRIAL DISTRICT** — The LI, CI and GI Zoning Districts.

**INTERESTED PARTY** — A person or group of persons having a direct or personal interest relating to the demolition of historic resources.

**JUNK** — Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials. “Junk” shall not include:

- A. Solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with state regulations;
- B. Toxic wastes;

- C. Grass clippings, leaves, tree limbs or similar yard waste materials; or
- D. Items clearly awaiting imminent recycling at an approved recycling facility.

**JUNK VEHICLE —**

- A. Any vehicle or trailer that meets any of the following conditions:
  - (1) Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs.
  - (2) Cannot be towed, in regards to a trailer designed to be towed.
  - (3) Has been demolished beyond repair.
  - (4) Has been separated from its axles, engine, body or chassis.
  - (5) Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.
- B. See also the definition of “unregistered vehicle.”

**JUNKYARD —**

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
  - (1) Junk. (See definition.)
  - (2) Three or more junk vehicles that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles allowed to be stored within the requirements of § 270-62 for an auto repair garage or auto service station.
  - (3) One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. A “junkyard” specifically shall include but not be limited to any metal scrap yard or auto salvage yard.

**KENNEL —** The keeping of a greater number of dogs and/or cats than are permitted under the “keeping of pets” provisions of this chapter. A kennel may also serve other animals.

**LANDOWNER —** The legal or beneficial owner or owners of land including the holder of a formal option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or other person having a proprietary interest in the land. (53 P.S. Section 10107).

**LIFE CARE CENTER —** A residential use designed and operated exclusively for adults of 55 years of age or older and/or physically handicapped persons that includes a nursing home and certain limited support facilities intended specifically to serve the needs of these residents.

**LIGHTING, DIFFUSED** — Illumination that passes from the source through a translucent cover or shade.

**LIVESTOCK, RAISING OF or ANIMAL HUSBANDRY** — The raising and keeping of livestock, horses, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under § 270-63.D(9), Keeping of pets, and beyond what is allowed within the definition of “crop farming.” For the purposes of this chapter, the “keeping of livestock” shall have the same meaning as “animal husbandry.” “Raising of livestock” shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

**LOT** — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. A lot may or may not coincide with a lot of record and includes one or more adjacent pieces, parcels or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots bisected by public or private streets. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

**LOT AREA** — The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the designated future or existing legal rights-of-way of any proposed or existing public streets or alleys or any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this chapter may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common open space on a separate lot. (Note: Other sections of this chapter may specifically permit proposed common open spaces to be included in determining density for a specific use.)

**LOT, CORNER** — A lot abutting on two or more intersecting streets which has an interior angle of less than 135° at the intersection of right-of-way lines of two streets. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135°.

**LOT LINES** — The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. **FRONT LOT LINE (STREET LINE)** — A lot line separating the lot from the existing street right-of-way.
- B. **REAR LOT LINE** — Any lot line which is parallel to or within 45° of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line farthest from any street shall be considered a rear lot line.

C. **SIDE LOT LINE** — Any lot line other than a front or rear lot line.

SAMPLE LOT LINE CONFIGURATIONS

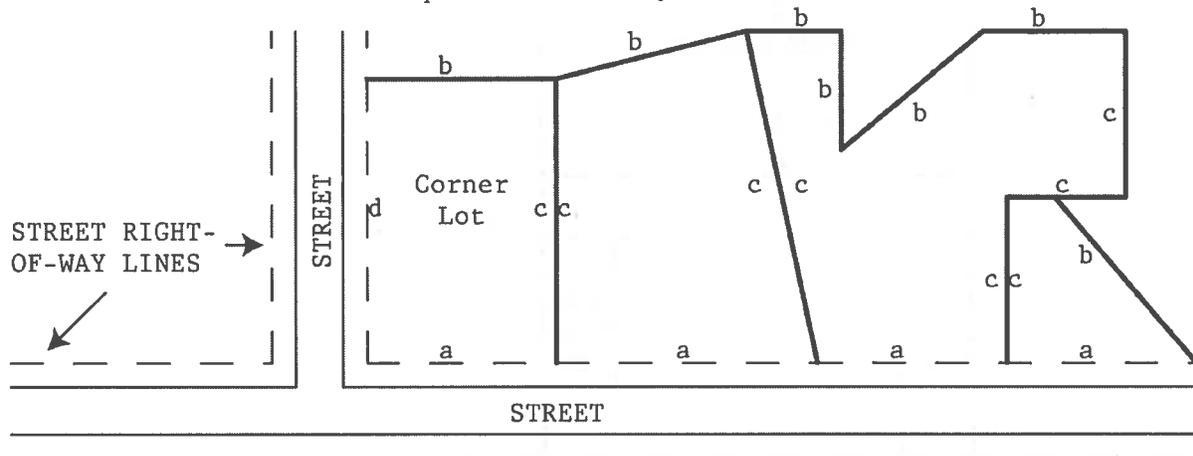
Abbreviations correspond to:

a = Front Lot Line

b = Rear Lot Line

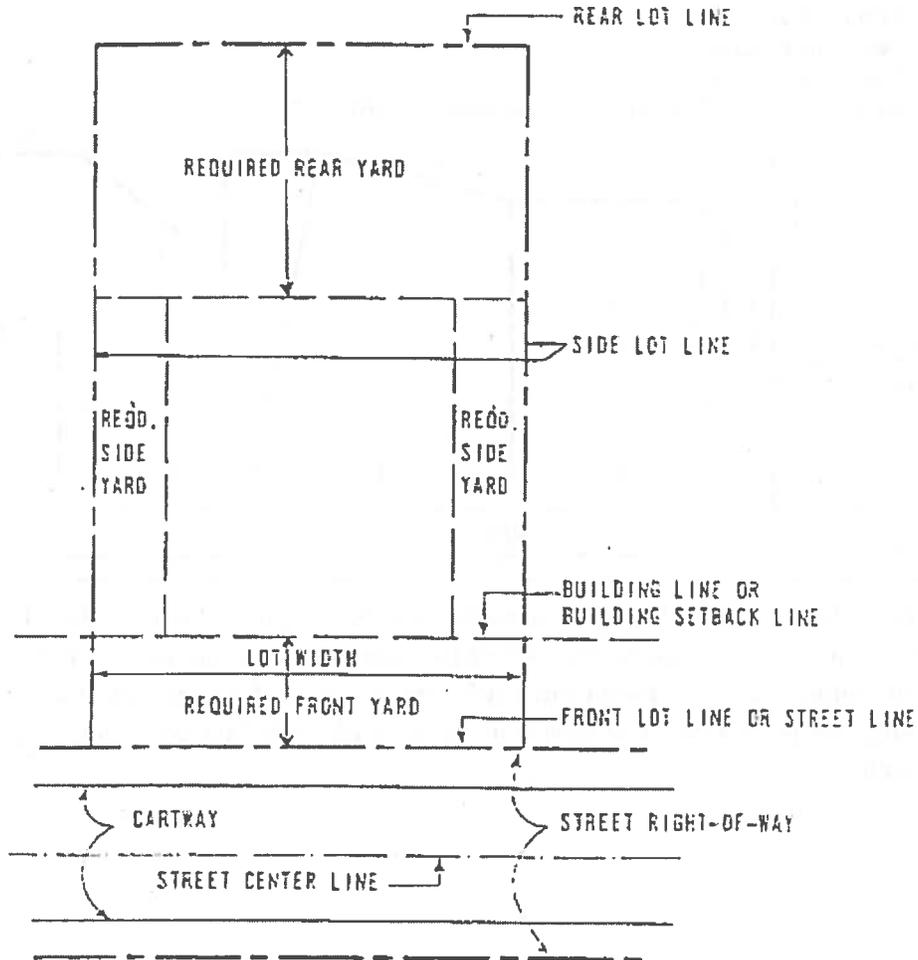
c = Side Lot Line

d = Side Lot Line Required to Meet §270-113.B



**LOT WIDTH** — The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall.

**Terms For Lot Requirements  
For Illustrative Purposes Only**



**MASSAGE** — The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person's skin other than the face or neck by another person(s) that is related to certain monetary compensation and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.

**MASSAGE PARLOR** — An establishment that meets all of the following criteria:

- A. Massages are conducted.
- B. The use does not meet the definition of "massage therapy, certified," and the person conducting the massage is not licensed as a health care professional or massage therapist by the state.
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.

- D. The massages are conducted within private or semiprivate rooms.
- E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

**MASSAGE THERAPY, CERTIFIED** — A use involving performance of massages by a person licensed by the Commonwealth of Pennsylvania as a massage therapist or health professional. This use shall be considered a type of personal service.

**MEMBERSHIP CLUB** — An area of land or a building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boardinghouse, tavern, restaurant or retail sales, unless that particular use is permitted in that district and the requirements of that use are met.
- B. See § 270-62. See also “after-hours club.”

**MINERAL EXTRACTION** — The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. “Mineral extraction” includes, but is not limited to, the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

**MOBILE/MANUFACTURED HOME** — See under “dwelling types.”

**MOBILE/MANUFACTURED HOME LOT** — A parcel of land in a mobile/manufactured home park, improved with necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile/manufactured home.

**MOBILE/MANUFACTURED HOME PARK** — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile/manufactured home lots for the placement thereon of mobile/manufactured homes. See § 270-62.

**MOTOR VEHICLE** — An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate to carry persons or cargo on roads and that is powered by mechanized means.

**MPC** — The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 et seq

**NATIONAL REGISTER of HISTORIC PLACES** — the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture.

**NET METERING** — A mechanism that provides a simplified approach for interconnecting and metering on-site renewable generating facilities, such as a solar PV system. It allows customers

to use excess solar electric generation to offset utility-purchased electricity on a monthly or annual basis.

**NEIGHBORHOOD BUSINESS** – A commercial establishment intended to provide services for residents of the neighborhood in which it is located. Since the customers/clientele of a neighborhood business are from the immediate area, the majority of customers will arrive at the business by either walking or bicycle. Therefore, no off-street parking is required. A neighborhood business includes the following uses: bakery, laundromat, restaurant without drive-through service (limited to no more than 3,500 square feet of gross floor area), retail store and personal services (limited to no more than 3,500 square feet of gross floor area).

**NIGHTCLUB** – A place that is open at night, has music, dancing, or a show, and usually serves alcoholic drinks and food.

**NONCONFORMING LOT** – A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this chapter or amendments hereinafter enacted.

**NONCONFORMING STRUCTURE** – A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this chapter, as amended, where such structure lawfully existed prior to the enactment of such chapter or applicable amendment(s). Such nonconforming structures include, but are not limited to, signs. See § 270-115.

**NONCONFORMING USE** – A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendment(s), where such use was lawfully in existence prior to the enactment of this chapter or applicable amendment(s). A use granted by variance is not a nonconforming use. See § 270-115.

**NURSING HOME** – A facility licensed by the state for the housing and intermediate or fully skilled nursing care of three or more persons. See § 270-62.

**OFFICE** – A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

**OFFICIAL ZONING MAP** – The map, as adopted by Borough Council, which designates the location and boundaries of zoning districts.

**OPEN SPACE, COMMON** – A parcel or parcels of land within a tract which meets all of the following standards:

- A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public.
- B. Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned.

- C. Will be deeded to the Borough and/or deed restricted to permanently prevent uses of land other than common open space and noncommercial recreation.
- D. Does not use any of the following areas to meet minimum open space requirements:
- (1) Existing street rights-of-way.
  - (2) Vehicle streets or driveways providing access to other lots.
  - (3) Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation, and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation).
  - (4) Off-street parking (other than that clearly intended for noncommercial recreation).
  - (5) Area(s) needed to meet a requirement for an individual lot.
  - (6) Land intended to be open to the public that does not have provisions for entry with a twenty-foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street.
  - (7) Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves, to the satisfaction of the Borough Council, would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions.
  - (8) Portions of land that have a width of less than 20 feet.

**OUTDOOR WOOD-FIRED BOILER (HYDRONIC HEATER)** — A fuel-burning device also known as an “outdoor heater,” “outdoor wood-fire furnace,” and “outdoor wood-burning appliance,” designed:

- A. To burn clean wood or other fuels specifically tested and listed for use by the manufacturer;
- B. By the manufacturer specifically for outdoor installation in structures not normally intended for habitation by humans or domestic animals (e.g. garages); and,
- C. To heat building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water/antifreeze mixture.

**PA** — The Commonwealth of Pennsylvania.

**PARKING** — Off-street parking and aisles for vehicle movement unless otherwise stated.

**PENNDOT** — The Pennsylvania Department of Transportation or any entity successor thereto, and its subparts.

**PERMITTED BY RIGHT USES** — Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of this chapter. A nonconforming use shall not be considered to be a permitted by right use, a special exception use or a conditional use.

**PERSONAL CARE HOME OR CENTER** — See “assisted living facility.”

**PERSONAL SERVICE** — An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barbershops and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any adult uses as herein defined.

**PETS, KEEPING OF** — The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See § 270-63.

**PHASE 2 OUTDOOR WOOD-FIRED BOILER (HYDRONIC HEATER)** — An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTU) output and is labeled accordingly, with a white “hang” tag.

**PLACES OF WORSHIP** — Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate dwelling type. See standards in § 270-62.

**PLANNED UNIT COMMUNITY** — A residential development in which separate lots will not be created for each principal building.

**PLANNING COMMISSION** — See “Commission.”

**POTENTIALLY HISTORIC STRUCTURE** — Any building or structure that is not an historic resource and was constructed prior to 1940.

**PRINCIPAL BUILDING** — A principal structure which is also a building.

**PRINCIPAL STRUCTURE** — The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

**PRINCIPAL USE** — A dominant use(s) or main use on a lot, as opposed to an accessory use.

**PUBLICLY OWNED RECREATION** — Leisure facilities owned, operated or maintained by governmental entities for use by the general public.

**PUBLIC NOTICE** — Notice required by the Pennsylvania Municipalities Planning Code.

**RECREATION** — The offering of leisure-time activities to unrelated persons. This term shall not include any adult use. For the purposes of this chapter, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests. Publicly owned recreation is a distinctly different use from indoor recreation or outdoor recreation.

A. **INDOOR RECREATION** — A type of recreation use that does not meet the definition of “outdoor recreation” and is used principally for active or passive recreation, such as a

bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by § 270-46.

- B. **OUTDOOR RECREATION** — A type of recreation use that has a total building coverage of less than 15% and is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by § 270-46, such as a firearms target range.

**RECYCLING COLLECTION CENTER** — A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Borough-owned use or an emergency services station.

**RELATED** or **RELATIVE** — Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "dwelling unit."

**REPAIR SERVICE** — Shops for the repair of appliances, watches, guns, bicycles and other household items.

**RESIDENTIAL ACCESSORY STRUCTURE OR USE** (includes **BUILDING**) — A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: garage (household), carport, tennis court, garage sale, basketball backboard, household swimming pool, gazebo, storage shed, greenhouse, children's playhouse or children's play equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

**RESIDENTIAL DISTRICT** — The C, LDR, MDR, and MHDR Zoning Districts.

**RESIDENTIAL LOT LINES** — The lot line of a lot that contains an existing primarily residential use or is undeveloped and zoned as a residential district.

**RESTAURANT** —

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern or nightclub, as applicable, must be met.

C. See "drive-through service" in this section.

**RETAIL STORE** — A use in which merchandise is sold or rented to the general public, but not including the following:

- A. Sales of motor vehicles or boats.
- B. Adult movie theater.
- C. Adult bookstore.
- D. Manufacturing.
- E. Tavern.
- F. Car wash.
- G. Auto service station.
- H. Auto repair garage.
- I. Convenience store or any restaurant.

**RETIREMENT COMMUNITY** — A residential development consisting of living units exclusively serving persons of retirement age. Such a development may include facilities for health or convalescent care, ancillary support services and community services to service persons of retirement age in the surrounding area. At least one resident of each household shall be at least 55 years of age or be the surviving spouse of a deceased resident who was at least 55 years of age. In addition, the care of persons with disabilities shall be permitted in assisted living facilities. Such use shall meet the applicable requirements of § 270-62.

**RIGHT-OF-WAY** — An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "right-of-way" by itself shall mean the street right-of-way that will exist after completion of a subdivision or development, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

**ROOMING HOUSE** — See "boardinghouse."

**SCHOOL, PUBLIC OR PRIVATE PRIMARY OR SECONDARY** — An educational institution primarily for persons between the ages of five and 19 that primarily provides state-required or largely state-funded educational programs. This term shall not include trade schools (such as privately operated schools of trade, vocation or business).

**SCREENING** — Year-round plant material of substantial height and density designed to provide a buffer. See requirements in § 270-113.D.

**SECTIONAL DWELLING** — See under "dwelling units."

**SELF-STORAGE DEVELOPMENT** — A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

**SETBACK LINE** —

- A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the lot line.
- B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in § 270-113.B.
- C. Unless otherwise stated, setback distances are for both accessory structures and principal structures.
- D. Private streets. For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

**SIGHT TRIANGLE** — An area required to be kept free of certain visual obstructions to traffic. See § 270-113.

**SIGN** — Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in § 270-93 and § 270-101. This shall not include displays that only involve symbols that are clearly and entirely religious in nature and which do not include advertising.

**SIGN AREA** — See § 270-101.

**SIGN, OFF-PREMISES** — A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

**SINGLE AND SEPARATE OWNERSHIP** — The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

**SOLAR ENERGY SYSTEM, ACCESSORY** — A solar collection system consisting of one or more roof and/or ground mounted solar collector devices, including photovoltaic shingles, and solar related equipment, which is intended to primarily reduce on-site consumption of utility power.

**SOLAR ENERGY SYSTEM, PRINCIPAL** — Any solar collector consisting of one or more cell(s), panel(s), or array(s) designed to collect and convert solar power into another form of energy such as electricity or heat, and other structures and buildings, used in the conversion, storage, and distribution including electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

**SOLID WASTE TRANSFER FACILITY** — Land or structures where solid waste is received and temporarily stored at a location other than the site where it was generated and which

facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

**SPECIAL EXCEPTION** — A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this chapter, provided the use complies with the conditions and standards required by this chapter. See § 270-16.

**SPECIFIED SEXUAL ACTIVITIES** — One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of "adult use."

**STACK** — Any vertical structure enclosing a flue(s) that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extended above a roof.

**STATE** — The Commonwealth of Pennsylvania and its agencies.

**STORY (and HALF STORY)** — A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a half story.

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

**STREET RIGHT-OF-WAY, EXISTING OR LEGAL** — The official established street right-of-way that either the Borough or the state presently owns, or holds another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this chapter, whether by dedication or otherwise.

**STRUCTURE** — Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this chapter, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this chapter.

**SUBDIVISION** — The definition in Chapter 240, Subdivision and Land Development, shall apply.

**SUBDIVISION ORDINANCE or SUBDIVISION AND LAND DEVELOPMENT ORDINANCE** — Chapter 240, Subdivision and Land Development, of the Code of the Borough of Mount Joy, as amended.

**SWIMMING POOL, HOUSEHOLD OR PRIVATE** — A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and

that is intended to serve the residents of only one dwelling unit and their occasional guests. See § 270-63.

**SWIMMING POOL, NONHOUSEHOLD** — A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that does not meet the definition of a “household swimming pool.”

**TAVERN** — A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a “nightclub” or an “after-hours club.” The sale of food may also occur. See also the definition of “restaurant.”

**THEATER** — A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

**TIRE STORAGE, BULK** — The storage of more than 150 used tires on a lot. See § 270-63.D(8), Outdoor storage and display.

**TOWNHOUSE** — See “dwelling types.”

**TRADE/HOBBY SCHOOL or TRADE SCHOOL** — A facility that is primarily intended for education of a work-related skill or craft or a hobby and does not primarily provide state-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

#### **TRADESPERSON**

A person involved with building trades, such as but not limited to plumbing, electrical work, building construction, building remodeling, and roofing.

#### **TREATMENT CENTER** —

A. A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- (1) Criminal rehabilitation, such as a criminal halfway house.
- (2) Current addiction to alcohol or a controlled substance that was used in an illegal manner.
- (3) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

B. See standards in § 270-62.

**TRUCK STOP** — A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales and repair services.

**UCC** — Mount Joy Borough Uniform Construction Code.

**UNDERGROUND INJECTION WELL** — A bored, drilled, driven or dug well for the emplacement of fluids into the ground. This term shall not include drilling muds or similar materials used in water supply well construction.

**UNIT FOR CARE OF RELATIVE** — A dwelling unit that is especially created for and limited to occupancy by a close relative of the permanent residents of the principal dwelling unit, is necessary to provide needed care and supervision to such relative, and meets the requirements for such use in § 270-63.

**UNREGISTERED VEHICLE** — Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid state safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which state regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

**USE** — The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include, but are not limited to, the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

**VARIANCE** — The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of this chapter. Any variance shall only be granted within the limitations of the MPC. See § 270-11.

**WALL** — See “fence.”

**WAREHOUSE** — A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

**WETLANDS** — An area of land and/or water meeting one or more definitions of a “wetland” under federal and/or Pennsylvania law and/or regulations.

**WIND ENERGY SYSTEM, ACCESSORY** — A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power.

**WIND ENERGY SYSTEM, PRINCIPAL** — An area of land or other area used for a wind energy conversion system, principally used to capture wind energy and convert it to electrical energy. Principal wind energy production facilities consist of one or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than one hundred (100) kilowatts.

**WIND TURBINE** — An accessory wind energy system that converts wind energy into electricity through the use of a wind turbine generator. It includes the nacelle, rotor, tower and pad transformer, if any.

**WIND TURBINE TOWER** — The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

**YARD** — An area not covered by buildings and that is on the same lot as the subject structure or use and which is measured inward from a lot line. Regulations of specific districts prohibit principal structures and accessory structures within specified required minimum yard setbacks.

**YARD, FRONT or MINIMUM FRONT SETBACK** — A yard measured from along the front lot line (which is the existing street right-of-way line where it abuts a street) and that extends the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street whenever one public street abuts the lot.
- B. See § 270-113 concerning yards along corner lots.
- C. No accessory structure or principal structure shall extend into the required front yard, except as provided in this chapter. See special front yard provisions, including regarding corner lots, through lots and front yard exceptions, in § 270-113.
- D. Every lot shall include at least one front lot line.

**YARD, REAR or MINIMUM REAR SETBACK** —

- A. A yard extending the full width of the lot and which is always measured from along the rear lot line and which establishes the minimum setback for the subject structure and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this chapter.
- C. Every lot shall include a rear lot line.

**YARD, SIDE or MINIMUM SIDE SETBACK** —

- A. A yard which establishes the minimum setback for the closest portion of the subject structure and which is measured from along the entire length of the side lot line and which extends from the front lot line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this chapter.
- C. See corner lot provisions in § 270-113.B.
- D. Every lot shall include at least one side lot line, although such lot line may be regulated as a front yard under § 270-113.B.

**ZONING MAP** — The Official Zoning Map of Mount Joy Borough, Lancaster County, Pennsylvania.

**ZONING OFFICER** — The person charged with the duty of enforcing the provisions of this chapter and any officially designated assistant.

ZONING ORDINANCE — The Mount Joy Borough Zoning Ordinance, as amended (this chapter).

- § 270-33. (Reserved)
- § 270-34. (Reserved)
- § 270-35. (Reserved)
- § 270-36. (Reserved)
- § 270-37. (Reserved)
- § 270-38. (Reserved)
- § 270-39. (Reserved)
- § 270-40. (Reserved)

**Article III. District Regulations**

**§ 270-41. Establishment of districts; purposes.**

A. For the purpose of this chapter, Mount Joy Borough is hereby divided into the following zoning districts, with the following abbreviations:

C	Conservation District
LDR	Low Density Residential District
MDR	Medium Density Residential District
MHDR	Medium High Density Residential District
CBD	Commercial Business District
NC	Neighborhood Commercial District
GC	General Commercial District
LI	Light Industrial District
CI	Campus Industrial District
GI	General Industrial District

- B. For the purposes of this chapter, the zoning districts named in Subsection A shall be of the number, size, shape and location shown on the Official Zoning Map. Any use of the abbreviations listed in Subsection A shall mean the district name that is listed beside the abbreviation.
- C. Overlay districts. The floodplain area, as defined by Article V, shall serve as an overlay district to the applicable underlying districts. The WP Wellhead Protection Overlay District, as defined in § 270-49, shall serve as an overlay district to the applicable underlying districts.

D. Purposes of each district. In addition to serving the overall purposes of this chapter, the specific purposes of each zoning district are summarized below:

- (1) Conservation District: to preserve sensitive environmental features, such as wetlands, flood-prone lands and very steeply sloped areas; to assist in protecting the water quality and habitats along creeks; to provide areas for recreation and open space.
- (2) LDR Low Density Residential District: to provide for low-density residential neighborhoods that are primarily composed of single-family detached dwellings; to protect these areas from incompatible uses; to encourage owner occupancy and neighborhood stability; to provide a transition between higher-density neighborhoods and agricultural areas.
- (3) MDR Medium Density Residential District: to provide for a range of densities of residential neighborhoods with a mix of housing types; to protect these areas from incompatible uses; to encourage “one home, one lot” development in order to promote home ownership and neighborhood stability; to make sure that “infill” development is consistent with neighboring development; to provide opportunities for well-planned retirement communities.
- (4) MHDR Medium High Density Residential District: to provide for medium-high-density residential neighborhoods with a mix of housing types meeting the density goals of the Donegal Region Comprehensive Plan; to protect these areas from incompatible uses.
- (5) CBD Commercial Business District: to promote compact, pedestrian-oriented activities in the downtown; to promote an appropriate mix of retail, service, office, public, institutional and residential uses; to avoid auto-oriented uses that are most likely to conflict with a pedestrian orientation and which are most likely to cause demolition of historic buildings; to primarily provide for smaller-scale uses and mixed uses that utilize existing historic buildings, as opposed to uses that would involve substantial demolition; to promote high-density transit-oriented development at locations in walkable distance from the train station.
- (6) NC Neighborhood Commercial District: to provide for predominantly commercial and mixed uses that would be highly compatible with homes; to promote the adaptive reuse of historic buildings along portions of Main Street that are not within the Commercial Business District; to encourage commercial uses accessible by multiple modes of transportation; to promote uses that will provide a pedestrian orientation.
- (7) GC General Commercial District: to provide for larger-scale employment uses and a mix of commercial uses serving a regional level; to provide for commercial uses of all sizes; to provide for uses that are more auto-related than uses in the CBD and NC Districts.
- (8) LI Light Industrial District: to provide for employment uses such as light industrial, office and related commercial development in a manner that is compatible with any nearby homes; to carefully control the types of operations to avoid nuisances (such as excessive noise and vibrations) and hazards; to encourage the preservation of key

historic buildings; to provide employment areas in walkable proximity to residential areas and the train station; to limit uses with intensive customer or truck traffic where existing streets are unable to accommodate such traffic demands.

- (9) CI Campus Industrial District: to provide for light industrial, office and related commercial development in an attractive well-planned campus-like setting; to carefully control the types of industrial operations to avoid nuisances (such as excessive noise) and hazards; to avoid residential uses that would conflict with existing industries; to encourage coordinated development, particularly in regard to traffic access.
- (10) GI General Industrial District: to meet requirements of state law to provide opportunities for a wide range of business uses; to carefully control industrial uses to avoid significant nuisances and hazards, particularly to neighboring residences.
- (11) WP Wellhead Protection Overlay District. See § 270-49.A.

#### **§ 270-42. Applicability.**

- A. The regulations set by this chapter shall apply uniformly to each class or kind of structure or land, except as provided for in this chapter.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied, and no land shall hereafter be used, developed or occupied, unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

#### **§ 270-43. Zoning Map.**

- A. A map entitled "Mount Joy Borough Zoning Map" accompanies this chapter and is declared a part of this chapter. The Official Zoning Map, which should bear the adoption date of this chapter and the words "Official Zoning Map," shall be retained in the Borough office.
- B. Map changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the MPC. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this chapter.
- C. Replacement map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Borough Council may, by resolution, adopt a new copy of the Official Zoning Map, which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall

be preserved, together with all available records pertaining to its previous adoption or amendment.

**§ 270-44. District boundaries.**

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds office at the time of the adoption of this chapter, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on unsubdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

**§ 270-45. Setbacks across municipal boundaries.**

- A. Intent: to continue the objective of compatible land uses across municipal boundaries.
- B. This chapter requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district.
- C. These same additional setback and buffer yard provisions shall be provided by uses proposed within Mount Joy Borough, regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in the Borough.

**§ 270-46. Permitted uses.**

- A. For the purposes of this section, the following abbreviations shall have the following meanings:

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (decision by Zoning Hearing Board)

CU = Conditional use (decision by Borough Council)

N = Not permitted

- (§ 270-62) = See additional requirements in § 270-62
- (§ 270-63) = See additional requirements in § 270-63
- B. Unless otherwise provided by law or specifically stated in this chapter, including § 270-5.B, any land or structure shall only be used or occupied for a use specifically listed in this chapter as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this chapter.
- (1) The Table of Permitted Uses is divided into two sections, which are included at the end of this chapter:
    - (a) Primarily Residential Districts.
    - (b) Primarily Nonresidential Districts.
  - (2) See § 270-5.B, which generally provides a process for approval of a use that is not listed based upon similarity to permitted uses and other criteria. Except as provided in such § 270-5.B, any other principal use that is not specifically listed as P, SE, or CU in the applicable district in this table is prohibited in that district.
  - (3) For temporary uses, see § 270-3.
- C. Permitted accessory uses in all districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this chapter. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of § 270-63 and all other requirements of this chapter:
- (1) Standard antennas, including antennas used by contractors to communicate with their own vehicles.
  - (2) Fence\* or wall.\*
  - (3) Garage, household.
  - (4) Garage sale.\*
  - (5) Keeping of pets or keeping of bees.\*
  - (6) Parking or loading, off-street, only to serve a use that is permitted in that district.
  - (7) Recreational facilities, limited to use by residents of a development or students at a primary or secondary school or center for the care and treatment of youth and their occasional invited guests.
  - (8) Residential accessory structure. (See definition in Article II.)\*
  - (9) Signs, as permitted by Article VII.
  - (10) Swimming pool, household.\*
  - (11) Such other accessory use or accessory structure that the applicant proves, to the satisfaction of the Zoning Officer, is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

(12) Alternative Energy Systems.\*

\* See standard for each in § 270-63.

- D. Permitted accessory uses to business and institutional uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional use commercial, industrial or institutional use, provided that all requirements of this chapter are met:
- (1) Storage of fuels for on-site use or to fuel company vehicles.
  - (2) The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
    - (a) Internal cafeteria without drive-through service.
    - (b) Day-care center.
    - (c) Recreational facilities.
  - (3) Bus shelters meeting § 270-63.
  - (4) Automatic transaction machine.
  - (5) Storage sheds meeting the requirements of § 270-47.

**§ 270-47. Lot and setback requirements.**

- A. The area, yard and building requirements in the Table of Lot and Setback Requirements at the end of this chapter shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by § 270-62 or § 270-63 or another section of this chapter. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as "lot width") in § 270-32.
- B. Height. The following height provisions shall apply unless specifically stated otherwise for a specific use:
- (1) Within the C, LDR, MDR, MHDR, and NC Districts:
    - (a) The maximum height for structures that are accessory to dwellings shall have a maximum height of 1.5 stories (with the 1/2 story limited to nonhabitable storage areas) or 25 feet, whichever is more restrictive; and
    - (b) The maximum height for other structures shall be 3 1/2 stories or 40 feet, whichever is more restrictive.
  - (2) Within the CI District, see § 270-48.
  - (3) Within all other districts, the maximum height for all buildings shall be six stories or 90 feet, whichever is more restrictive, provided that the maximum height shall be 40 feet within 40 feet of an existing primarily residential use within a residential district.
  - (4) See also § 270-112, Height exceptions.

**§ 270-48. Additional requirements for CI District.**

The following requirements shall apply within the CI Campus Industrial District:

A. Dimensional requirements.

- (1) Minimum lot area: two acres, except that a minimum lot area of one acre shall be permitted if the requirements of Subsection F below are met.
- (2) Setbacks. The following minimum setbacks shall apply:
  - (a) Front yard: 40 feet, except 60 feet adjacent to an arterial street.
  - (b) For each of two side yards: 20 feet, except 50 feet for a side yard contiguous to an existing or approved residential lot.
  - (c) Rear yard: 20 feet, except 50 feet if contiguous to an existing or approved residential lot.
- (3) Lot coverage. A maximum of 50% of the lot area of each lot shall be covered by buildings. A maximum total of 65% of the lot area of each lot shall be covered by buildings and other impervious surfaces.
  - (a) The maximum impervious coverage within a subdivision or land development shall be increased to 80% if the applicant proves, to the satisfaction of the Zoning Officer, based upon the review of the Borough Engineer, that a subdivision or land development will include substantial stormwater management improvements that will substantially reduce existing stormwater management problems on properties that are not owned or controlled by the applicant. The applicant shall have the burden to prove that:
    - [1] Such improvements would be effective;
    - [2] There would be an appropriate system to ensure the long-term maintenance of the system; and
    - [3] The improvements would substantially exceed the improvements that would otherwise be required under Borough, county and state requirements.
  - (b) If a lot contains a shared detention basin serving an entire subdivision, the lot area of the lot with the basin may be considered together with adjacent lots to determine the maximum impervious coverage. In such case, the maximum impervious coverage regulation (as stated above) shall be a maximum average of the adjacent lots, instead of a maximum for each lot.
    - [1] In such case, deed restrictions or other legal mechanisms acceptable to the Borough shall be used to regulate the maximum impervious coverage of each lot so that the average maximum impervious coverage is met.
    - [2] For example, by deed restrictions, two lots of two acres each might each have a maximum impervious coverage of 75%, while a one-acre lot with a shared

detention basin might have a maximum impervious coverage of 25%, resulting in an average impervious coverage of 65%.

- (4) Height. A maximum height of 40 feet or 3.5 stories, whichever is more restrictive, shall apply. However, for portions of a building that are a minimum of 100 feet from an existing or approved residential lot, as a special exception, a maximum height of 65 feet or five stories, whichever is more restrictive, may be approved. The special exception decision shall be based upon fire-protection issues. Customary extensions of a building that are not occupied by persons may exceed this height limit, such as elevator equipment, skylights, water towers, chimneys, smokestacks and similar features.
  - (5) Lot width. The minimum lot width measured at the minimum building setback line shall be 100 feet, except such minimum lot width shall be increased to 300 feet if a lot approved after the effective date of this chapter will involve one or more vehicle driveways involving left-hand turns from the lot onto Main Street/State Route 230. If vehicle access from a lot to Main Street/State Route 230 is shared with an adjacent lot, or first enters onto another street, then the one-hundred-foot minimum lot width shall apply instead of the three-hundred-foot minimum.
- B. Landscaping and screening.
- (1) See § 270-113 and § 270-114.
  - (2) Planting strips shall be provided adjacent to each public street. The planting strip shall have a minimum width of 40 feet adjacent to the curblines of an arterial street and 15 feet adjacent to the curblines of any other street. If curbing is not provided, then such width shall be measured from the street right-of-way line. A sidewalk of approved width and approximately perpendicular driveways of approved width may be placed within this planting strip. The planting strip shall be maintained in trees, shrubs and an attractive vegetative ground cover.
  - (3) As part of each new principal building permit application, a landscaping plan shall be submitted to the Borough. See § 270-113 and § 270-114. A minimum of 15% of each lot shall be landscaped, which shall include grass or other vegetative ground cover and an appropriate distribution of trees and shrubs.
- C. Utilities. Each principal use shall be served by public water and public sewage service. For a lot approved after the date of adoption of this section, all new electric and telephone service lines within the development shall be placed underground.
- D. Traffic.
- (1) The applicant for a subdivision involving the creation of three or more lots in the CI District shall submit a traffic study prepared by a qualified professional.
    - (a) The study shall define an impact area, including intersections that will be significantly affected by the proposed development. Such impact area shall generally include areas within ½ mile of an entrance to the development.

- (b) The study shall estimate the amount of trips expected to be generated by the most likely eventual build-out of the development, based upon the latest estimates published by the Institute of Transportation Engineering.
  - (c) Counts shall be conducted of twenty-four-hour and peak-hour traffic volumes on streets and intersections that will serve and/or be significantly affected by the development.
  - (d) The expected traffic from the new development shall be assigned to routes providing access towards the development.
  - (e) The study shall consider overall increases in traffic, including other proposed or approved developments in the vicinity.
  - (f) The study shall forecast the twenty-four-hour and peak-hour total traffic volumes on affected roads and intersections, including access points into the development, and shall estimate the future level of service of intersections. Levels of service shall be estimated based upon standards of the Transportation Research Board.
  - (g) The study shall describe the number of reportable and known nonreportable accidents in the vicinity.
  - (h) The applicant shall describe the type of transportation improvements the applicant will commit to construct and/or fund. Such improvements may be considered in the traffic analysis.
  - (i) The study shall describe the improvements that are necessary to provide an acceptable level of safety and efficiency on the affected streets and intersections, such as intersection widening and/or traffic control devices. The costs of such improvements shall be estimated. The goal is to maintain a level of service of "C" or better. The study shall estimate the percentage of the traffic along such street or intersection that is generated by the proposed development.
- E. Nuisances and hazards. An applicant for a new industrial use shall provide a written description of methods that will be used to control significant nuisances and hazards, including noise, dust, toxic hazards, hazardous spill and leak hazards, explosion hazards, flammable hazards, radiation hazards and similar nuisances and hazards.
- F. One-acre lot incentives. The minimum lot area shall be reduced from two acres to one acre if the applicant proves to the Zoning Officer, based upon the advice of the Planning Commission, that all of the following additional standards will be met:
- (1) There is a coordinated system of vehicle access using an interior road and/or driveways shared among lots, which holds the number of driveways involving left-hand turns onto Main Street/Route 230 to the absolute minimum.
  - (2) There is a coordinated system of stormwater management within a subdivision, which utilizes a single detention basin to serve all existing and future lots within the subdivision and which involves an appropriate mechanism to fund the long-term maintenance of the stormwater facilities.

G. Pedestrian access and amenities.

- (1) See the provisions of Chapter 240, Subdivision and Land Development, which require sidewalks along streets. Note: An applicant may apply for a modification under such chapter to allow an asphalt bicycle/walking trail in place of concrete sidewalks.
- (2) It is the intent of this section that sidewalks or other suitable pedestrian access be provided to connect new lots with the downtown and residential areas to minimize reliance upon motor vehicles.
- (3) Consideration should be given to providing pedestrian routes (such as crushed stone paths in areas that are not along Main Street) and outdoor lunch areas with picnic tables and trees within a subdivision for the use of employees of businesses within the subdivision. However, this Subsection G(3) is not a chapter requirement. Such internal routes and outdoor areas do not necessarily need to be dedicated.

H. If a subdivision is proposed, then a unified sketch master plan shall be submitted by the applicant. Such master plan shall demonstrate that there will be full coordination of the following, considering future full build-out of all land presently controlled by the applicant:

- (1) Traffic access.
- (2) Infrastructure.
- (3) Stormwater management.

I. Principal Anaerobic Digester.

- (1) Principal Anaerobic Digesters are permitted by Conditional Use in the Campus Industrial District, subject to the following:
  - (a) The minimum lot area ten (10) acres.
  - (b) A traffic impact study analysis shall be provided, showing the following:
    - [1] Existing traffic volume data for all roadways, within one-thousand (1000') feet, which provided access to the site;
    - [2] Anticipated traffic volumes for the area identified above, resulting from the proposed use as well as background traffic growth;
    - [3] Analysis of current and future levels of service for all intersections identified above;
    - [4] Physical analysis of all roadways identified above, including cartway width, shoulder width, pavement condition, horizontal and vertical curves, anticipated storm water drainage characteristics, and sight distances;
    - [5] The traffic analysis shall be reviewed by the Borough Engineer.

- (c) The applicant shall submit a transportation study, detailing the effect of the anaerobic digester system on local roadways, including the effect of vehicle weight, congestion, and noise.
  - (d) All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be loaded/unloaded will not back up onto public roads.
- (2) Applicability. The applicant shall provide a detailed description of the proposed use in each of the following topics and a complete land development plan applicant shall be submitted to the Borough once the conditional use application has been approved.
- (a) The nature of on-site activities and operations, the types of material stored and use, the frequency and duration period of storage of materials and the methods for use and disposal of materials. In addition, the applicant shall furnish evidence that the use, handling, and disposal of materials will be accomplished in manner that complies with State and Federal regulations.
  - (b) The general scale of the operation in terms of its market area, specific space and area requirements for each activity, the total number of employees of each shift, and an overall needed site size.
- (3) Design and Installation.
- (a) The applicant shall address and document performance standards for siting to minimize impacts on neighboring properties which shall include considerations of odor, prevailing wind patterns, proximity to non-industrial properties, operational noise, and specific hours of operation.
  - (b) Anaerobic digester systems shall be designed and constructed in compliance with the guidelines outlined in the publication, Manure Management for Environmental Protections, Bureau of Water Quality Management Publication, and any revisions, supplements, and successors thereto, of DEP.
  - (c) Anaerobic digester systems shall be designed and constructed in compliance with applicable local, State and Federal codes and regulations. Evidence of all Federal and State regulator agencies' approvals shall be included with the application.
  - (d) A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to anaerobic digester systems.
  - (e) The applicant shall provide either (1) a letter from the Conservation District stating that the applicant's anaerobic digester system design has been reviewed and approved by the Conservation District and that all regulations and requirements of the State manure management program have been satisfied, or (2) submit a letter from the Conservation District stating that no review is required under applicable ordinance, or (3) submit evidence that such a letter has been requested and the Conservation District has failed to respond.
- (4) Height and Setback Requirements.

- (a) Except as otherwise provided for under the provisions of the Pennsylvania Nutrient Management and Odor Management Act, no underground storage, in ground storage, trench silo, earthen bank, stacking area or above ground storage facility related to the anaerobic digester system shall be located within two hundred (200') feet from any property line.
  - (b) In addition, no buildings, structures, or facility shall be located nearer than three hundred (300') feet to an existing residential building unless the owner of such residence waives this restriction in writing to the Borough.
- (5) Decommissioning.
- (a) The applicant shall submit a plan for the removal of the manure digestion facility when it becomes functionally obsolete or is no longer in use. The anaerobic digester owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the anaerobic digester facility, the owner shall provide financial security in form and amount acceptable to the Borough to secure the expense of dismantling and removing said structure.

**§ 270-49. WP Wellhead Protection Area District.**

- A. Purposes. In addition to serving the community development objectives of this chapter, the WP Wellhead Protection Area District is intended to:
- (1) Minimize threats to the quality of groundwater and surface water, particularly groundwater supplies of Mount Joy Borough and the surrounding region.
  - (2) Assist in determining compliance with federal and state environmental regulations that could affect water quality.
- B. Applicability. This WP District is an overlay district that overlaps and supplements underlying zoning districts. The WP District shall be as shown on the Wellhead Protection Area Map that is included in this chapter. Where the regulations of this WP District differ on a particular matter from the regulations of any other section of this chapter or another Borough ordinance, then the provision that is most restrictive upon development and use of the property shall apply.
- C. Exemptions. The regulations of this section shall not apply to the following uses:
- (1) Retail stores that store and handle hazardous substances for resale in their original sealed containers.
  - (2) Activities in which hazardous substance storage and use is limited to amounts and types routinely used in on-site building maintenance and building cleaning and typical household hobbies or as routine office supplies.

- (3) Actual transportation of hazardous substances in compliance with federal and state regulations, not involving on-site storage or overnight parking.
  - (4) Storage and use of hazardous substances in conjunction with municipal water supply and municipal wastewater treatment activities.
- D. Reporting requirements.
- (1) The operator of any use involving the storage or use of hazardous substances shall maintain copies of all applicable hazardous substance forms, plans and reports required under federal and state regulations and records of any related enforcement actions in a location within the Borough or within five miles of the Borough's borders. Such copies shall be accessible for review by the Zoning Officer or his/her designee during regular business hours.
  - (2) If requested in writing by the Zoning Officer, copies of such documentation shall be submitted within 10 days to the Zoning Officer.
- E. Allowed uses.
- (1) This section shall not be interpreted to permit any additional uses that are not allowed in the applicable zoning district regulations.
  - (2) If any of the following uses are proposed and are allowed under the applicable zoning district regulations, then special exception approval shall be required within the WP District. The only criteria for special exception approval under this section shall be whether the applicant proves to the satisfaction of the Zoning Hearing Board that the use will involve adequate preventative measures to avoid contamination of groundwater and surface waters. Additional special exception criteria shall apply if the use is listed as a special exception use in § 270-46.
    - (a) Any new or expanded manufacture, bulk use or bulk storage of hazardous substances [other than as exempted by Subsection E(3)].
    - (b) Cleaning of trucks or railroad rolling stock.
    - (c) Bulk storage of road salt and/or deicing chemicals.
    - (d) Motor vehicle maintenance and repair, other than routine maintenance and repair of an individual vehicle by a resident.
    - (e) Car wash.
    - (f) Cemetery.
    - (g) Dry-cleaning establishment, not including simple dropoff and pickup locations.
    - (h) Auto service station.
    - (i) Furniture finishing and refinishing.
    - (j) Film processing laboratories.
    - (k) Research laboratories.

- (l) Outdoor stockpiles of industrial materials.
  - (m) Veterinary offices.
  - (n) Electric substations.
- (3) The following uses shall be prohibited within the WP District:
- (a) Open burning of materials containing hazardous substances.
  - (b) Junkyards.
  - (c) Battery or metal drum recycling or reprocessing.
  - (d) Slaughterhouse, animal rendering or tannery facility.
  - (e) Land application of sewage sludge.
  - (f) Underground injection wells.
  - (g) Regrading of land prior to submittal of zoning, stormwater management, subdivision or land development plans to the Borough.
  - (h) On-site disposal of hazardous substances.
- (4) Any geothermal exchange system shall only be permitted if the applicant provides written evidence that the system will comply with the DEP Ground Source Heat Pump Manual as it pertains to protection of water quality.
- (5) An aboveground or underground storage tank used to store hazardous substances shall only be permitted if the applicant proves compliance with all applicable federal and state storage tank regulations.
- (6) For any use involving more than 2,000 pounds of animal weight per acre, a nutrient management plan prepared by a qualified professional shall be submitted and shall be complied with by the operator.
- (7) For any new or expanded manure storage facility, the applicant shall provide evidence that such facility complies with the DEP Manure Management Manual.
- (8) For any agricultural use involving use of chemical pesticides, evidence shall be provided that the pesticide application is complying with all applicable federal and state regulations.
- (9) For any new water supply well, a sanitary seal shall be provided for all at- or below-grade well openings.
- (10) Abandoned wells shall be sealed within 30 days after abandonment.
- (11) Any proposed withdrawal of 10,000 gallons per day of water, averaged over a year, from groundwater or springs shall require special exception approval. The criteria for special exception approval under this section shall be whether evidence is provided from a qualified hydrogeologist that the proposed withdrawal will not adversely affect available supplies for public water supply and other existing and potential wells to

serve households and agricultural uses within the vicinity. Such evidence shall consider historic drought events.

**§ 270-50. Sewage and water services.**

- A. Each principal building shall be served by public water service and public sewage service prior to occupancy, unless the applicant proves to the satisfaction of the Mount Joy Borough Authority that such service is not feasible.
- B. If a lot will not be served by public water and public sewage service prior to occupancy of any principal building on the lot, then a minimum lot area of one acre and a minimum lot width of 150 feet shall apply, unless a more restrictive requirement is established by another provision of this chapter.

**§ 270-51. Requirements for lots of two or more acres in NC and GC Districts.**

- A. This section shall apply to any subdivision or land development within the NC or GC District that involves a total of two or more acres of land in common ownership or common equitable ownership.
- B. Prior to any application for zoning approval for a principal use or subdivision or land development approval, the applicant shall submit a master site plan. Such site plan shall show how all property controlled by the applicant, landowner or equitable owner, whichever is most inclusive, will be coordinated once it is completely developed. Such site plan is not required, under this section, to include detailed engineering or exact building locations. Such site plan shall show proposed lot lines and provisions for coordinated and interconnected traffic access, coordinated infrastructure and coordinated stormwater management.
- C. On any lot regulated by this section, any principal use, any new lot and any land development shall be designed to maximize coordination of traffic access among current and future uses and adjacent lots, considering future full build-out. The number of traffic access points onto Main Street/Route 230 shall be held to the absolute minimum. To the maximum extent feasible, shared driveways, interconnected parking lots and interior roads shall be utilized.
- D. Section § 270-31.D and G shall also apply to any subdivision or land development regulated by this section and is hereby included by reference.

**§ 270-52. (Reserved)**

**§ 270-53. (Reserved)**

**§ 270-54. (Reserved)**

**§ 270-55. (Reserved)**

**§ 270-56. (Reserved)**

§ 270-57. (Reserved)

§ 270-58. (Reserved)

§ 270-59. (Reserved)

§ 270-60. (Reserved)

#### **Article IV. Specific Use Regulations**

**§ 270-61. Applicability; conflicting provisions.**

- A. This article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this chapter and the requirements of each district. Wherever two requirements conflict, the stricter requirement shall apply.
- B. For uses allowed within a specific zoning district as special exception uses, see also the procedures and standards in § 270-16.

**§ 270-62. Principal uses.**

Each of the following uses shall meet all of the following requirements for that use:

- A. Adult use. (This is limited to the following: adult bookstore, adult movie theater, massage parlor or adult live entertainment use.)
  - (1) Purposes. The regulations on adult uses are intended to serve the following purposes, in addition to the overall objectives of this chapter:
    - (a) To recognize the adverse secondary impacts of adult uses that affect health, safety and general welfare concerns of the Borough. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to, increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that adult uses typically involve insufficient self-regulation to control these secondary effects.
    - (b) To limit adult uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and downtown revitalization.
    - (c) To not attempt to suppress any activities protected by the free speech protections of the United States Constitution, but instead to control secondary effects.
  - (2) No such use shall be located:

- (a) Within 500 lineal feet of the lot line of any library, public park, or existing dwelling.
- (b) Within 1,000 lineal feet of the lot line of any primary or secondary school, place of worship, or child day-care center.
- (3) No such use shall be located within 1,000 lineal feet of any existing adult use.
- (4) A fifty-foot buffer yard shall be provided, regardless of zoning district, along the side lot lines and rear lot lines in accordance with § 270-113, but with plantings of an initial minimum height of five feet.
- (5) No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
- (6) No such use shall be used for any purpose that violates any federal, state or municipal law.
- (7) See § 270-99, Prohibited signs.
- (8) The use shall not include the sale or display of obscene materials, as defined by state law, as may be amended by applicable court decisions.
- (9) Adult uses shall be prohibited in all districts except where specifically permitted by ordinance.
- (10) A minimum lot area of one acre is required.
- (11) For public health reasons, private or semiprivate viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
- (12) No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers.
- (13) Only lawful massages, as defined by state court decisions, shall be performed in a massage parlor.
- (14) All persons within any adult use shall wear nontransparent garments that cover their genitals and the female areola, except within a permitted lawful adult live entertainment use.
- (15) Any application for such use shall state the names and home addresses of:
  - (a) All individuals intended to have more than a five-percent ownership in such use or in a corporation owning such use.
  - (b) An on-site manager responsible to ensure compliance with this chapter on a daily basis. Such information shall be updated at the beginning of each year, in writing, to the Zoning Officer.
- (16) The use shall not operate between the hours of 12:00 midnight and 7:00 a.m.

- (17) As specific conditions of approval under this chapter, the applicant shall prove compliance with the following state laws, as amended:
- (a) The Pennsylvania Liquor Code;
  - (b) Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2:00 a.m. and 8:00 a.m.);
  - (c) Act 207 of 1990 (which pertains to obscenity); and
  - (d) Act 120 of 1996 (which pertains to adult-oriented establishments and which limits enclosed viewing booths, among other matters).
- B. Adult day-care center:
- (1) Shall be fully licensed by the state, if required by the state.
  - (2) Shall include constant supervision during all hours of operation.
  - (3) Shall not meet the definition of a "treatment center."
- C. After-hours club. As a condition of any approval under this chapter, the applicant shall prove full compliance with State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).
- D. Assisted living facility/personal care center. Outside of a retirement community, the standards for nursing homes in this section shall apply.
- E. Auto, boat or mobile/manufactured home sales.
- (1) No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See the buffer yard provisions in § 270-113.
  - (2) See light and glare standards in § 270-76.
  - (3) See parking requirements in Article VI.
  - (4) Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- F. Auto repair garage.
- (1) All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.
  - (2) All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article V. See buffer yard requirements in § 270-113.
  - (3) Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.

- (4) Overnight outdoor storage of junk other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
- (5) Any junk vehicle (as defined by Article II) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of six junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- (6) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.

G. Auto service station.

- (1) See the definition of this term and "auto repair garage" in Article II. The uses may be combined, if the requirements for each are met.
- (2) All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- (3) Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
- (4) Overnight outdoor storage of junk shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- (5) Any junk vehicle (as defined by Article II) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than six junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
- (6) The use may include a convenience store if the requirements for such use are also met.

H. Bed-and-breakfast inn.

- (1) Within a residential district (where permitted under Article III), a maximum of five rental units shall be provided, and no more than three adults may occupy one rental unit. No maximums shall apply within other permitted districts.
- (2) One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed-and-breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
- (3) There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of six square feet on each of two sides and with a maximum height of eight feet. Such sign shall only be illuminated externally and shall use incandescent light or light of similar effect.
- (4) The use shall have a residential appearance and character.
- (5) The use shall be operated and/or managed by permanent residents of the lot.

- (6) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
  - (7) No guest shall stay for more than 14 days in any month.
  - (8) The use shall be restricted to buildings that existed prior to January 1, 1940.
- I. Boardinghouse (includes rooming house):
- (1) Minimum lot area: 20,000 square feet.
  - (2) Minimum side yard building setback: 20 feet per side.
  - (3) Minimum lot width: 100 feet.
  - (4) Maximum density: six bedrooms per acre; shall serve a maximum total of 20 persons.
  - (5) Each bedroom shall be limited to two adults each.
  - (6) A buffer yard with screening meeting § 270-113 shall be provided between any boardinghouse building and any abutting dwelling.
  - (7) See also the standards for an assisted living facility, which is a separate use.
  - (8) Signs shall be limited to two wall signs with a maximum of two square feet each.
  - (9) Rooms shall be rented for a minimum period of five consecutive days.
- J. Campground.
- (1) Site requirements.
    - (a) For each acre of total lot area, there shall be a maximum average of:
      - [1] Three recreational vehicle sites.
      - [2] Four tent sites.
      - [3] Cabin sleeping capacity for eight persons.
    - (b) Such sites may be clustered in portions of the tract.
  - (2) Any store shall be limited to sales of common household and camping items to persons camping on the site.
  - (3) A commercial campground shall include at least one gravel or paved entrance road from a public street, with a minimum width of 20 feet.
  - (4) Minimum lot area: two acres.
  - (5) All campsites, recreational vehicle sites, buildings and vehicle parking shall be set back a minimum of 150 feet from all residential lot lines. Any existing healthy trees within such setback shall be preserved, except at needed perpendicular crossings.
- K. Car wash.
- (1) Traffic flow and ingress/egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.

- (2) Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
  - (3) Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
  - (4) Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- L. Cluster development. The term "cluster development" shall mean a development meeting the requirements of this subsection which involves dwellings and preserved common open space. Cluster development shall require a unified development and shall be in accordance with the following regulations:
- (1) All dwelling units within the cluster development shall be served by public sewer and public water utilities.
  - (2) The minimum area devoted to a cluster development site shall be 15 acres; provided, however, that the expansion of an existing cluster development onto an adjoining property shall have no minimum area requirement.
  - (3) Maximum permitted density: six dwelling units per acre for the total acreage of the cluster development site, excluding street right-of-way.
  - (4) Required mixture of permitted dwelling unit types. The following tabulates the required mixture of permitted dwelling unit types within a cluster development. All percentages are based upon the total number of dwelling units within the cluster development.

<u>Permitted Dwelling Unit Type</u>	<u>Permitted Percentage of Units Within Cluster Development</u>
Single-family detached dwelling	No less than 70%
Single-family semidetached dwelling	No more than 35%
Townhouse	No more than 35%

- (5) Required design standards. The Table of Design Standards for Cluster Developments and its footnotes, included at the end of this Chapter, present applicable design standards applied to the various dwellings/lots:
- (6) Parking. Required off-street parking spaces can take the form of private driveways and/or garages and/or common parking lots. All required parking spaces shall be located within 150 feet of the respective dwelling unit served.
- (7) Driveways for single-family detached units shall not be constructed closer than three feet to any side lot line. Driveways serving single-family semidetached, townhouse or zero-lot-line dwelling units shall not be constructed closer than 18 inches from any side lot line. However, in the case of an L-shaped turnaround area designed to provide

sufficient backup area from the driveway, carport or garage, the terminus of the backup area shall not be constructed closer than one foot from any lot line.

- (8) The proposed layout or arrangement of the structure types shall be designated with consideration to both the existing and planned adjacent developments. A transition of similar structure types shall be proposed, wherever possible, to provide compatibility with adjacent structure types.
- (9) The proposed street layout for a cluster development shall provide convenient and safe access to the property. Where practicable, all streets shall be provided as extensions to existing adjoining streets. Cul-de-sac streets within the development shall be minimized if not avoided in all cases except where the turnaround area is rectangular in shape and is designed as a plaza-type layout. The design shall accommodate common parking facilities and shall facilitate maintenance and emergency vehicles. The parking facilities within the plaza-type layout shall accommodate ninety-degree parking, provided that the stalls are not less than 10 feet wide and 18 feet long, with a backup area not less than 25 feet.
- (10) Rolled curbs shall not be permitted within a cluster development. Standard curbing shall be required on all through and collector streets. All other curb requirements will be adhered to within the development, with special consideration given to the utilization of slant curbing on nonconnected accessways, such as culs-de-sac or plaza-designed streets where off-street parking areas may be concentrated. The utilization of slant curbing in these areas may facilitate stormwater management controls.
- (11) Not less than 30% of the parcel to be developed shall be preserved as common open space. The common open space shall be so designated on the plans, and the plans shall contain a notation stating: "Common open space shall not be separately sold and shall not be further developed or subdivided." The common open space shall be provided in accordance with the following regulations:
  - (a) The common open space shall be substantially contiguous and shall be interconnected with common open space on abutting parcels whenever possible. However, in no case shall lands which are unusable because of inaccessibility, excessive smallness or narrowness, or any other factor be proposed for open space.
  - (b) The common open space shall be provided with safe and convenient access to the residentially developed area of the tract by adjoining frontage on streets or easements capable of accommodating pedestrian, bicycle and maintenance vehicle traffic. Such easements shall be a minimum of 10 feet for pedestrian and bicycle traffic and a minimum of 20 feet for maintenance vehicle traffic. Common open space areas shall be provided with perimeter area parking when the open space is to be dedicated to the Borough.
  - (c) The common open space shall not include lots, streets or parking areas, except as allowed in § 270-62.L(11)(b). No more than 50% of the common open space shall contain detention basins, retention basins or other stormwater management facilities.

The common open space shall either be improved for active recreational use or, if the area contains natural features such as trees, wetlands or wildlife habitat, the common open space may be left unimproved.

- (d) The common open space shall be owned and maintained in a manner to insure its preservation. This shall be accomplished through one of the following:
- [1] An offer of dedication to the Borough. The Borough shall not be obligated to accept dedication of the common open space.
  - [2] With permission of the Borough, and with appropriate deed restrictions in favor of the Borough and in language acceptable to the Borough Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Borough.
  - [3] The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners' associations found in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq., or the Pennsylvania Planned Community Act, 68 Pa.C.S.A § 5101 et seq.
- (e) If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Borough Solicitor:
- [1] Such organization shall not dispose of the common open space by sale or otherwise except to the Borough unless the Borough has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this chapter.
  - [2] The organization and all lot owners shall enter into a maintenance agreement with the Borough and shall agree to be bound by the provisions of Article VII of the MPC relating to the maintenance of deteriorating common open space by municipalities.
  - [3] The Borough shall require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space. The cost of such maintenance or improvements shall be assessed against the properties within the cluster development that have a right of enjoyment of the common open space. The fee schedule will be on file at the Borough office and will be adjusted periodically by resolution. If, however, the Council determines that the cost of such maintenance or improvements is inappropriate, the fee may be waived by the Council.

- (12) All applications for a conditional use for cluster development shall be simultaneously considered as a subdivision and/or land development application and shall follow the procedures set forth in Chapter 240, Subdivision and Land Development, except as those procedures are modified herein.
  - (13) Traffic. The applicant shall provide the Borough with a traffic study with its application. The traffic study shall meet all requirements of Chapter 240, Subdivision and Land Development, § 240-62.B. The applicant shall make any improvements necessary to maintain the current level of service on all abutting streets and at abutting intersections within the immediate area.
  - (14) Landscaping. All housing clusters within a cluster development shall be screened from adjoining residences or residentially developed land through the planting of a landscape buffer. The buffer area shall include a suitable and uninterrupted planting of sufficient density to give maximum screening. The landscape buffer shall be at least 10 feet in width and four feet in height. Such screening shall be replanted and permanently maintained by the owner unless Council grants approval for elimination or modification. The buffer yard may be a part of a lot and may be counted towards the front yard, side yard or rear yard requirements; provided, however, in case of a conflict, the larger requirement shall apply. Wherever practical, existing plant material may be retained and may be used to satisfy screening requirements.
    - (a) All street planting requirements, parking area landscaping and screening requirements, and other landscaping requirements imposed by this chapter or other applicable Borough ordinances shall also apply to the cluster development. The applicant shall submit a landscape plan prepared by a landscape architect with the application for conditional use approval setting forth the plantings proposed.
- M. Commercial communications antennas as principal use or accessory use.
- (1) An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
    - (a) All accessory utility building(s) shall have a maximum total floor area of 200 square feet and shall meet applicable accessory building setbacks.
    - (b) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 25 feet above an existing structure on a nonresidential lot, such as a water tower, church bell tower, power line tower or light standard.
    - (c) In a commercial or industrial district, the antenna shall extend a maximum of 50 feet above an existing structure on a nonresidential lot, such as a commercial building, water tower, power line tower, church bell tower or light standard.
  - (2) Any commercial communications antenna that does not meet Subsection M(1) above shall only be permitted where specifically authorized by the applicable district regulations.

- (a) Such antenna shall be set back the following distances from lot lines, whichever is greater:
    - [1] A distance from the lot line of a lot occupied by an existing dwelling (or that is approved for a new dwelling) that is greater than the total height of the antenna above the surrounding ground level; or
    - [2] The applicable principal building setback.
  - (b) A tower attached to the ground that supports such antenna shall be surrounded by a security fence with a minimum height of six feet and evergreen plantings or preserved vegetation with an initial minimum height of four feet.
  - (c) See also structural requirements of the UCC.
  - (d) The applicant is strongly encouraged to provide a written commitment that it will rent space on a tower to other communications providers to minimize the total number of towers necessary within the region.
  - (e) A maximum total height of 100 feet shall apply, unless the applicant proves to the Zoning Hearing Board as a special exception that a taller height is necessary.
- (3) An antenna that primarily serves emergency communications by a Borough-recognized police, fire or ambulance organization shall not be regulated by this chapter.
- N. Conversion of an existing building (including an existing dwelling) into dwelling units.
- (1) See Article III, which regulates where conversions are permitted. Applicable state firesafety requirements shall be met.
  - (2) The following regulations shall apply to the conversion of an existing one-family dwelling into a greater number of dwelling units:
    - (a) The building shall maintain the appearance of a one-family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
    - (b) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building or would require the placement of more than three off-street parking spaces in the required front yard.
  - (3) A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of an historic building.
  - (4) Dumpster screening. See § 270-116.
  - (5) A maximum total of four dwelling units may be developed per lot unless a more restrictive provision is established by another section of this chapter.
  - (6) Each unit shall meet the definition of a “dwelling unit” and shall meet the minimum floor area requirements of § 270-111.C.
- O. Child day-care center.

- (1) See also day care, family day-care home or group day care as an accessory use in § 270-63.
  - (2) The use shall comply with any applicable state and federal regulations, including having an appropriate Pennsylvania Department of Human Services (or its successor agency) registration certificate or license.
  - (3) Convenient parking spaces within the requirements of Article VI shall be provided for persons delivering and waiting for children.
  - (4) In residential districts, where permitted as a principal use, a day-care use shall have a minimum lot area of 10,000 square feet and a minimum setback of 10 feet from an abutting residential lot line.
  - (5) The use shall include secure fencing around outdoor play areas.
  - (6) Outdoor play areas of a day-care center involving the care of 25 or more children at any one time shall be set back a minimum of 25 feet from the exterior walls of an abutting existing dwelling.
  - (7) This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
  - (8) In residential districts, any permitted day-care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
  - (9) A day-care use may occur in a building that also includes permitted or nonconforming dwelling units.
  - (10) See also the standards for a place of worship in this section, which allows a day-care center as an adjunct use.
- P. Forestry.
- (1) A forestry management plan shall be prepared and followed for any commercial forestry involving more than 20,000 square feet, other than routine thinning of woods. This plan shall be prepared by a professional forester.
  - (2) The forestry management plan shall be consistent with the timber harvesting guidelines of the Pennsylvania Forestry Association.
- Q. Group homes. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
- (1) See definition in § 270-32.
  - (2) A group home shall not include any use meeting the definition of a "treatment center."
  - (3) A group home shall include the housing of a maximum of six unrelated persons, except:
    - (a) If a more restrictive requirement is established by another Borough code.

- (b) The number of bona fide paid professional staff shall not count towards such maximum.
  - (c) As may be approved by the Zoning Hearing Board under § 270-11.D.
  - (4) The facility shall have adequate trained staff supervision for the number and type of residents. If the facility involves five or more residents, then twenty-four-hour on-site staffing shall be provided.
  - (5) The applicant shall provide evidence of any applicable federal, state or county licensing or certification to the Zoning Officer.
  - (6) The group home shall register, in writing, its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
  - (7) Any medical or counseling services shall be limited to a maximum of three nonresidents per day. Any staff meetings shall be limited to a maximum of five persons at one time.
  - (8) A minimum of one off-street parking space shall be provided per on-site employee, plus one space for every two residents of a type reasonably expected to be able to drive a vehicle.
  - (9) If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
  - (10) The persons living on site shall function as a common household unit.
- R. Hotel or motel.
- (1) See definitions in Article II, which distinguish a hotel/motel from a boardinghouse.
  - (2) The building shall be a minimum of 50 feet from any residential lot line, except within the CBD District.
- S. Junkyard (includes automobile salvage yard).
- (1) Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on site and routinely awaiting pickup.
  - (2) Outdoor storage of junk shall be at least:
    - (a) One hundred feet from any residential lot line; and
    - (b) Fifty feet from any other lot line and the existing right-of-way of any public street.
  - (3) The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
  - (4) Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a forty-foot-wide buffer yard which complies with § 270-113, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting

shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

- (5) Burning or incineration is prohibited.
- (6) See the noise or dust regulations of Article V.
- (7) All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- (8) Lot area: two acres minimum; 20 acres maximum.
- (9) Tires. See the outdoor storage and display standards in § 270-63.

T. Kennel.

- (1) All buildings in which animals are housed and all runs shall be located at least 200 feet from all residential lot lines.
- (2) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent principal building.
- (3) No animal shall be permitted to use outdoor runs from 8:00 p.m. to 8:00 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.

U. Raising of livestock.

- (1) Any livestock shall be kept on property controlled by the operator of the livestock use, with proper confinement measures as necessary.
- (2) Any structure, other than the inside of a dwelling, used for the keeping of six or more animals over the age of four months shall be set back a minimum of 100 feet from the lot line of any existing dwelling.
- (3) The applicant shall submit a written plan for the sanitary management of animal wastes. Animal wastes shall be properly managed to prevent health hazards, pollution of waterways and odor, insect and rodent nuisances to other properties. Recommendations of the Pennsylvania State University Cooperative Extension Service and the Conservation District should be followed.

V. Membership club.

- (1) See definition in Article II.
- (2) Any active outdoor play areas shall be set back at least 30 feet from any abutting residential lot line.

W. Mineral extraction.

- (1) Application requirements. A copy of all site plan information that will be required by DEP shall also be submitted to the Borough as part of the zoning application.

- (2) A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted.
- (3) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive or beneficial future use.
- (4) A seventy-five-foot-wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation. This yard shall include an earth berm with a minimum average height of six feet and an average of one shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
- (5) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
  - (a) One hundred feet from the existing right-of-way of public streets and from all exterior lot lines of the property.
  - (b) One hundred fifty feet from a commercial or industrial building, unless released by the owner thereof.
  - (c) Two hundred fifty feet from a residential lot line other than an abandoned dwelling.
  - (d) One hundred fifty feet from the lot line of a publicly owned recreation area that existed at the time of the application for the use or expansion.
- (6) The excavated area of a mineral extraction use shall be set back 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.
- (7) Truck access to the use shall be located to reasonably minimize hazards on public streets and dust and noise nuisances to residences.
- (8) Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.
- (9) Noise and performance standards. See Article V.
- (10) Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the Conservation District.
- (11) Hours of operation. The Zoning Hearing Board, as a condition of special exception approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
- (12) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

X. Mobile/manufactured home (installed on an individual lot or within a mobile/manufactured home park approved after the adoption of this chapter).

- (1) Construction. Any mobile/manufactured home placed on any lot after the adoption of this chapter shall be constructed in accordance with the 1976 or later Safety and Construction Standards of the United States Department of Housing and Urban Development. (Note: These federal standards supersede the UCC for the actual construction of the home itself.)
- (2) Each site shall be graded to provide a stable and well-drained area.
- (3) Each home shall have hitch, wheels and axles removed.
- (4) Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that secures the home to the ground to prevent shifting, overturning or uneven settling of the home, with a secure base for the tie-downs.
- (5) May be constructed so that it may be used without a permanent foundation.
- (6) Foundation treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable material that has the appearance of a foundation of a site-built home, such as material with a concrete-type facing. This Subsection X(6) shall not apply within a manufactured/mobile home park. Metal skirting shall only be permitted within a manufactured/mobile home park. Provisions shall be provided as necessary for access to utility connections.
- (7) The front door of the home shall face onto a public street, except within a mobile home park.
- (8) See also the regulations of § 270-47.
- (9) A mobile/manufactured home shall not be permitted within a state-certified or National Register Historic District.
- (10) The home shall have a roof with a minimum pitch of 3.5:1.

Y. Mobile/manufactured home park.

- (1) Plans and permits. Plans shall be submitted and reviewed by the Borough for all mobile/manufactured home parks in compliance with the mobile home park provisions of Chapter 240, Subdivision and Land Development, and all other provisions of such chapter that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this section).
- (2) The minimum tract area shall be five contiguous acres, which shall be under single ownership, but which may include land in an abutting existing mobile home park. The tract shall have a minimum width at the minimum building setback line of 200 feet. Two abutting lots may be merged together to form a single mobile/manufactured home park.
- (3) Density. The maximum average overall density shall be five dwelling units per acre.

- (a) To calculate this density, land in common open space or proposed streets within the park may be included, but land within the one-hundred-year floodplain or that has natural slopes of 15% or greater shall not be included.
  - (b) Phases. If an existing mobile home park is to be expanded into an area not previously part of that mobile home park, the maximum density and minimum common open space for the new area shall be considered separately from the previously approved areas of the mobile home park. All expansions to an existing park shall also meet all other provisions of this chapter and other applicable ordinances.
- (4) Landscaped perimeter. Each mobile/manufactured home park shall include a twenty-five-foot-wide landscaped area, including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception approval. Such landscaped area shall not be required between adjacent mobile home park developments. This landscaped area shall be 35 feet wide, abutting existing single-family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.
  - (5) A dwelling, including any attached accessory building, shall be set back a minimum of 25 feet from another other dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
  - (6) The minimum separation between homes and the edge of an interior street cartway or parking court cartway shall be 25 feet.
  - (7) The minimum principal building and accessory building setbacks from exterior/boundary lot lines shall be 40 feet.
  - (8) Each home shall comply with the above requirements for mobile/manufactured homes in this section.
  - (9) Accessory structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
  - (10) Common open space for a mobile home park. A minimum of 10% of the total lot area of the entire mobile home park shall be set aside as common open space for the residents.
  - (11) Streets.
    - (a) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
    - (b) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private

streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.

- (c) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Borough cartway construction standards.
- (12) Utilities. All units within the mobile home park shall be connected to a public water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements.
- (13) The following provisions shall apply to mobile/manufactured home parks that lawfully existed prior to the adoption of this chapter:
  - (a) The number of dwelling units shall not be increased, except in compliance with all of the provisions of this subsection.
  - (b) One or more existing mobile/manufactured home(s) may be replaced with a different mobile/manufactured home as a permitted by right use without meeting all of the requirements of Subsection Y, provided that all of the following requirements are met:
    - [1] The perimeter building setbacks of the property shall not be reduced from what previously existed, except as is necessary to accommodate a maximum sixteen-foot-wide, seventy-six-foot-long single dwelling or a maximum twenty-eight-foot-wide, seventy-six-foot-long double dwelling where a more narrow or shorter dwelling previously existed. Notwithstanding the foregoing, in no case shall the perimeter building setbacks of the property be reduced below 20 feet.
    - [2] The replacement dwelling shall meet all provisions of Subsection X above [except Subsection X(7)].
    - [3] A minimum setback of 15 feet shall be maintained between the enclosed walls of each dwelling unit.

Z. Nursing home.

- (1) Licensing. See definition in Article II.
- (2) A minimum of 20% of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

AA. Outdoor storage and display. See this use under § 270-63.

BB. Picnic grove, private.

- (1) All parking and activity areas shall be a minimum of 250 feet of an existing dwelling. The use shall not operate between the hours of 11:00 p.m. and 7:00 a.m.
- (2) See noise and glare standards in Article V.
- (3) Minimum lot area: one acre.

CC. Place of worship.

- (1) Minimum lot area: 25,000 square feet, outside of the CBD District.
- (2) Weekly religious education rooms and meeting rooms are permitted accessory uses, provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child day-care center or adult day-care center are permitted on the same lot as a place of worship, provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be permitted if all of the requirements for such uses are also met, including being permitted in the applicable district.
- (3) Two dwelling units may be accessory to a place of worship on the same lot, provided that they are only used to house religious leaders and their families.

DD. Recreation, indoor and outdoor.

- (1) Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened, and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.
- (2) A twenty-foot-wide buffer yard in accordance with § 270-113 shall be required.
- (3) Any swimming pool shall meet the requirements for such use, as stated in this article.
- (4) Lighting, noise and glare control. See Article V.
- (5) Indoor recreation uses within the LI and CI Districts shall be authorized only in buildings constructed before 1980, and the area devoted to indoor recreation uses on any single lot shall not exceed 20,000 square feet.

EE. Recycling collection center.

- (1) This use shall not be bound by the requirements of a solid waste disposal facility.
- (2) All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- (3) Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- (4) A twenty-foot-wide buffer yard with screening as described in § 270-113 shall be provided between this use and any abutting residential lot line.
- (5) This use may be a principal use or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Borough-owned use, subject to the limitations of this section.
- (6) Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on site and that accidentally collected with

the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

- (7) The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- (8) The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- (9) The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

FF. Residential conversions. See Subsection N, Conversion of an existing building, within this section.

GG. Restaurants.

- (1) Screening of dumpsters and waste containers. See § 270-116.
- (2) See § 270-63.D(4), Drive-through facilities.
- (3) Drive-through service shall only be provided where specifically permitted in the applicable district regulations.

HH. Retirement community.

- (1) The use shall meet the definition stated in § 270-32.
- (2) The use shall be served by both public water and public sewage services.
- (3) A retirement community shall only include the following uses:
  - (a) Assisted living facility/personal care center.
  - (b) Nursing homes.
  - (c) Single-family detached dwellings.
  - (d) Semi-detached or two-family dwellings.
  - (e) Townhouse/row house dwellings.
  - (f) Apartments.
  - (g) Dining, community center and recreation uses that are clearly accessory to the residential uses and that are limited to use by the residents and employees of the development and their invited guests.
  - (h) Retail and personal service uses that are clearly accessory to the residential uses and are intended to primarily serve the needs of residents and employees of the development and their invited guests, and provided that such uses shall not have individual exterior entrances but instead shall be integrated into a principal

building, and provided that no establishment shall exceed 3,000 square feet of floor area.

(i) Adult day-care center.

(4) Density and lot requirements.

(a) The minimum lot area for a retirement community shall be whichever of the following is greater:

[1] Five acres; or

[2] The total of 1.5 multiplied by the following square feet per each type of unit:

[a] Assisted living or nursing facility bed: 2,000 square feet.

[b] Single-family detached dwelling unit or semi-detached dwelling unit in the over-and-under configuration: 6,000 square feet.

[c] Semi-detached dwelling unit in the side-by-side configuration: 4,000 square feet.

[d] Townhouse dwelling unit: 3,000 square feet.

[e] Apartment dwelling unit: 3,000 square feet.

(b) The maximum density shall be determined based upon the following formula:

$$[(\text{number of assisted living/nursing facility bed units} \times 2,000 \text{ square feet}) + (\text{number of single-family detached units} \times 6,000 \text{ square feet}) + (\text{number of single-family semidetached units} \times 4,000 \text{ square feet}) + (\text{number of townhouse units} \times 3,000 \text{ square feet}) + (\text{number of apartment units} \times 3,000 \text{ square feet})] \times 1.50$$

(c) The overall density of a retirement community shall not exceed 15 units per acre. Each two assisted living/personal care beds shall be considered equivalent to one dwelling unit for the purposes of overall density.

(d) Minimum lot width: 200 feet.

(e) Yard requirements. All buildings within the retirement community shall be set back a minimum of 50 feet from perimeter lot lines and/or rights-of-way of public streets that are boundaries of the property. The following are minimum interior yard requirements between building facades:

[1] Side to side: 15 feet.

[2] Side to rear: 30 feet.

[3] Side to front: 30 feet.

[4] Front to front: 50 feet.

[5] Front to rear: 50 feet.

[6] Rear to rear: 50 feet.

- [7] Corner to corner: 20 feet.
- [8] Interior cartways: 20 feet.
- (f) Not less than 20% of the parcel to be developed as a retirement community shall be preserved as common open space. Common open space shall meet the requirements of and shall be reserved in accordance with this section and the definition of "open space, common."
- (g) Maximum height for all buildings shall be 35 feet; provided, however, that the maximum height of a building may be increased to 45 feet if the building shall be set back from the required front yard, side yard or rear yard setback at least one additional foot for each two feet of building height in excess of 35 feet. In no case shall any building exceed 2.5 stories.
- (h) Maximum building coverage shall be 35%.
- (i) Maximum impervious coverage shall be 50%.
- (j) Ancillary support and community services and facilities, clearly and primarily intended to serve residents of the retirement community and their guests, shall be limited to chapels or religious meeting places, recreational/activities facilities, kitchen/dining services and facilities, wellness centers, gift shops, snack bars, meeting rooms, barbershops/beauty salons, libraries, laundry, vehicle maintenance shops/garages for retirement community use, child day-care centers and adult day-care centers, medical and therapy services and facilities, home care services and facilities and other support and community services similar in nature. Such services and facilities shall be designed and constructed integrally with and managed as part of the retirement community, and said facilities may not exceed 10% of the total gross acreage.
- (k) Lighting facilities shall be provided and arranged in a manner which shall protect the street and neighboring properties from any direct glare or hazardous interference of any kind. No freestanding outdoor light fixture shall be placed at a height greater than 20 feet.
- (l) The applicant shall demonstrate compliance with all requirements of all Commonwealth, County and federal agencies having jurisdiction.
- (m) Signs shall be uniform in design and style throughout the retirement community. Signs that are not readable from the exterior of the retirement community shall not be regulated in size and/or number by this chapter. The size, type and number of all signs which are readable from the exterior of the retirement community shall comply with Article VII. In no case shall more than one freestanding sign be permitted per each abutting street. No sign shall be internally illuminated. All signs shall comply with all applicable provisions of Article VII, except as specifically modified by this subsection.

- (n) Landscaping. See § 270-113 and § 270-114. Landscaping shall be an integral part of the retirement community. Landscape plans must be sealed by a registered landscape architect licensed in the Commonwealth of Pennsylvania. Yards and passive recreation and common areas shall be fully landscaped. There shall be a composition of small, intimate, private yards and court areas for a variety of passive activities. A variety of trees, shrubs, perennial and annual plants and flowers shall be used. The locations and species of trees shall be subject to approval by the Borough. The Zoning Officer shall permit existing healthy trees that will be preserved and protected to be credited towards the number of trees required to be planted.
- (o) Safety shall be emphasized in the design of the retirement community. Particular attention shall be given to pedestrian use. Vehicular circulation drives shall be separated from pedestrian walks which shall be provided. If the retirement community is within 100 feet of an existing walking and/or bicycle path, the retirement community shall connect to such path. Abrupt grades of over 10% shall be avoided, or all such changes in grades in the walk system shall be accomplished by the use of ramps.
- (p) A retirement community shall meet all the same requirements that would apply to a residential development within the applicable district, except for those provisions that are not specifically modified by this section.

II. School, public or private, primary or secondary.

- (1) Minimum lot area: 20,000 square feet, except two acres if 100 students or over.
- (2) No children's play equipment, basketball courts or illuminated recreation facilities shall be within 25 feet of a residential lot line.
- (3) The use shall not include a dormitory unless specifically permitted in the district.

JJ. Self-storage development.

- (1) All storage units shall be of fire-resistant construction.
- (2) Outdoor storage shall be limited to recreational vehicles, boats and trailers. No junk vehicles shall be stored within view of a public street or a dwelling.
- (3) Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins or similar items shall not be stored.
- (4) Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
- (5) The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
- (6) Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.

- (7) See § 270-113 concerning buffer yards. In addition, any area within 200 feet of a street right-of-way shall be screened from that street by a buffer yard meeting § 270-113.
- (8) Minimum separation between buildings: 20 feet.

KK. Solid waste transfer facility.

- (1) All solid waste processing and storage shall be kept a minimum of 150 feet from all of the following features: public street right-of-way, exterior lot line or creek or river.
- (2) All solid waste processing and storage shall be kept a minimum of 300 feet from any dwelling that the operator of the transfer facility does not own.
- (3) The applicant shall prove to the Zoning Hearing Board that the use will have adequate access for fire-fighting purposes and will not routinely create noxious odors detectable off of the site.
- (4) The use shall not include any incineration or burning.
- (5) All solid waste processing and storage shall occur within enclosed buildings or enclosed containers. All unloading and loading of solid waste shall occur within an enclosed building and over an impervious surface that drains to a holding tank that is adequately treated.
- (6) The use shall be surrounded by a secure fence and gates with a minimum height of eight feet.
- (7) The use shall have a minimum lot area of five acres, which may include land extending into another municipality.
- (8) The use shall be operated in a manner that prevents the attraction, harborage or breeding of insects, rodents or other vectors.
- (9) An attendant shall be on duty during all times of operation and unloading.
- (10) Under the authority of Act 101 of 1988, the hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m.
- (11) Tires. See § 270-63.D(8), Outdoor storage and display.
- (12) No radioactive, chemotherapeutic, infectious or toxic materials shall be permitted on site.

LL. Swimming pool, nonhousehold.

- (1) The water surface shall be set back at least 50 feet from any existing dwelling.
- (2) Minimum lot area: one acre.
- (3) Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting § 270-113.
- (4) The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.

- (5) Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

MM. Target range.

- (1) All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.
- (2) The design of the outdoor firearms target range shall be compared by the applicant with any applicable published guidelines of the National Rifle Association.
- (3) An outdoor firearms target range and any firing stations shall be located a minimum of 250 feet from any residential lot line, unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from homes and streets.
- (4) An outdoor firearms target range shall be properly posted.
- (5) The applicant shall provide evidence that the noise limits of Article V will be met.
- (6) An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.

NN. Townhouses/row houses.

- (1) Maximum number of townhouses attached in any manner: eight.
- (2) Paved area setback.
  - (a) All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
  - (b) Townhouse and rowhouse off-street parking shall be located in rear or side yards. Parking shall not be permitted in the front yard.
  - (c) Two off-street parking spaces are required for every one townhouse or rowhouse. Garages may be used toward one off-street parking space. For every two units, one additional off-street parking space is required in a shared parking area or common area to be used by visitors and residents of the townhouses and rowhouses.
- (3) Garages. All townhouses shall be designed so that garages and/or carports are not an overly prominent part of the view from public streets. Parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- (4) Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure for apartments. Individual freestanding mailboxes of noncoordinated types at the curbside are specifically discouraged.

- (5) Access. Townhouse buildings shall not have direct driveway access onto arterial or collector streets.
- (6) Emergency services. An applicant for a townhouse development shall prove to the Borough at the time of plan submittal that a townhouse building or development consisting of multiple townhouse buildings has been designed in a manner acceptable for the access and maneuvering of emergency apparatus. The applicant shall provide comments from local emergency service providers to satisfy this requirement.

OO. Treatment centers.

- (1) See definition in § 270-32.
- (2) The applicant shall provide a written description of all types of persons intended to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception approval.
- (3) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
- (4) The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- (5) If the use involves five or more residents, a suitable on-lot outdoor recreation area shall be provided that is supervised by the center's staff.
- (6) Any such use shall be set back a minimum of 600 feet from any existing treatment center.

PP. Veterinarian offices (includes animal hospital).

- (1) Minimum lot area: 15,000 square feet.
- (2) Any structure in which animals are treated or housed shall be a minimum of 50 feet from any residential lot line. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- (3) Outdoor animal runs may be provided for small animals for use between 8:00 a.m. and 8:00 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
- (4) Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

QQ. Principal Wind Energy Systems.

- (1) The layout, design, and installation of principal wind energy systems shall conform to applicable industry standards, including those of the American National Standards

Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the UCC and with all other applicable fire and life safety requirements. The manufacturer's specifications shall be submitted as part of the application.

- (2) Principal wind energy systems shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels above ambient noise in any one hour, whichever is higher. Noise is measured from the property line of the closest neighboring inhabited structure or nearest habitable structure setback on abutting property. The ambient sound measurement, known as "A-weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken. The fifty-five (55) decibel or ten (10) decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
- (3) All on-site utility and transmission lines shall be placed underground.
- (4) All principal wind energy systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Manual regulation by wind energy system personnel shall not be considered a sufficient braking system for overspeed protection.
- (5) Principal wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).
- (6) Wind turbines and towers shall not display advertising, except for reasonable identification of the principal wind system's manufacturer. Such sign shall have an area of less than four (4) square feet.
- (7) Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.
- (8) All principal wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent property.
- (9) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- (10) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- (11) No portion of any principal wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
- (12) All principal wind energy systems shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.

- (13) The minimum height of the lowest portion of the wind turbine shall be thirty (30) feet above the ground.
- (14) All mechanical equipment of principal energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the screening and landscaping requirements of this chapter (see § 270-113), and the wind turbine's climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the wind turbine's climbing apparatus shall be fully contained and locked within the tower structure.
- (15) The applicant shall submit a plan for the removal of the principal wind energy system when it becomes functionally obsolete or is no longer in use. The principal wind energy system owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the principal wind energy system, the owner shall provide financial security in form and amount acceptable to the Borough to secure the expense of dismantling and removing said structure.

RR. Principal Solar Energy System.

- (1) The layout, design, and installation of principal solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the UCC and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- (2) For purposes of determining compliance with lot coverage standards of the zoning district, the total surface area of all ground-mounted and freestanding solar collectors including solar photovoltaic cells, panels, arrays, and solar hot air or water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations specified within each zoning district.
- (3) Design and installation.
  - (a) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
  - (b) All principal solar energy production facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street right-of-ways.
  - (c) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

- (d) All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completed enclosed by a minimum of eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the screening and landscaping requirements of this chapter (see § 270-113).
- (4) The applicant shall submit a plan for the removal of the principal solar energy system when it becomes functionally obsolete or is no longer in use. The principal solar energy system owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the permit for the construction of the principal solar energy system, the owner shall provide financial security in form and amount acceptable to the Borough to secure the expense of dismantling and removing said structure.

**§ 270-63. Accessory uses.**

- A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this chapter. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this chapter.
- B. Accessory setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- C. Front yard setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this chapter.
- D. Special standards. Each accessory use shall comply with all of the following standards listed for that use:
- (1) Antenna, standard (includes amateur radio antenna).
    - (a) Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
    - (b) Anchoring. An antenna shall be properly anchored to resist high winds.
    - (c) Support structures.
      - [1] Amateur radio antenna support structures shall be installed in compliance with the manufacturer's instructions. Amateur radio antenna support structures may be modified in accordance with the manufacturer's specifications or under the seal of a registered engineer of the Commonwealth of Pennsylvania.
      - [2] The amateur radio antenna support structure shall be fitted with an appropriate anti-climbing device. An effective device can be made by smoothly enclosing the

bottom eight-foot area of the structure with at least five feet of treated plywood, a small mesh screen or sheet metal that prevents access to climb up the structure. Where guy wires and anchors may present an obstruction to walking, running or a passerby, the wires and/or anchor shall be contained in a brightly colored plastic sleeving to alert passing people of their existence.

- [3] Amateur radio antenna support structures (including guy wires, foundations, anchors, and other components of the structure) shall not be permitted in required front yards. Towers shall be set back from any property lines or street edges at a distance that is equal to the height of the tower.
- (d) Maximum per lot. No more than two amateur radio antenna support structures shall be permitted on any lot.
- (e) Removal. Upon the amateur radio operator's cessation of ownership rights in the amateur radio antenna support structures, or upon the loss of his or her federal amateur radio operator's license (whichever shall occur earlier), the amateur radio operator and, if different, the owner of the lot on which the amateur radio antenna support structure is located shall safely remove all amateur radio antenna support structures at no expense to the Borough. All such facilities shall be completely removed within 60 days of the amateur radio operator's cessation of ownership rights in the amateur radio antenna support structures, or upon the loss of his or her federal amateur radio operator's license (whichever shall occur earlier).
- (2) Keeping of bees.
- (a) Facilities for the keeping of bees shall be set back a minimum of 40 feet from any lot line and shall be fenced if within 100 feet of a lot line. Signs shall be erected as necessary to warn persons of the presence of bees.
- (b) The bee facilities shall be located and managed in such a manner as to minimize the potential of the bees entering streets, sidewalks or unauthorized properties.
- (3) Child day care, as accessory to a dwelling.
- (a) See § 270-46 and the definitions in § 270-32 concerning the number of children who can be cared for in different zoning districts in a family day-care home or a group day-care home.
- (b) In any case, seven or more children (other than children who are related to the primary caregiver) shall only be cared for at one time within a single-family detached dwelling with a minimum lot area of 12,000 square feet and a ten-foot minimum setback from all existing dwellings on another lot(s). Four to six children, in addition to children who are related to the primary caregiver, shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.
- (c) The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.

- (d) Any day-care center involving seven or more children shall be considered a principal use and meet the standards of § 270-62 for such use, if permitted.
  - (e) The use shall be actively operated by a permanent resident of the dwelling.
  - (f) If four to six children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.
  - (g) See also day-care center as a principal use in § 270-62 and day care as accessory to a place of worship in § 270-46.B.
  - (h) The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Human Services (or its successor agency) registration certificate of license, if required by such agency.
  - (i) The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
- (4) Drive-through facilities.
- (a) The proposed traffic flow and ingress/egress shall not cause traffic hazards on adjacent streets.
  - (b) On-lot traffic circulation shall be clearly marked.
  - (c) A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
- (5) Fences and walls.
- (a) Fences and walls are permitted by right in all districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
  - (b) No fence, wall or hedge shall obstruct the sight requirements of § 270-113.C.
  - (c) Fences.
    - [1] Front yard. Any fence located in the required front yard of a lot in a residential or CBD District shall:
      - [a] Be an open type of fence (such as picket or split rail), with a minimum ratio of 1:1 of open to structural areas.
      - [b] Not exceed five feet in height.
      - [c] Be constructed entirely of wood (plus any required fasteners and any wire mesh attached on the inside of the fence) or wrought iron or other material that closely resembles wood or wrought iron.

- [2] On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a front yard. A fence shall not be required to comply with minimum setbacks for accessory structures.
  - [3] Height. No maximum height shall apply to fences that are not within a residential district. A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except:
    - [a] A maximum of height of 12 feet shall be permitted where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.
  - [4] Setbacks. No fence shall be built within an existing street or public alley right-of-way. A fence of a dwelling may be constructed without a setback from a lot line in a residential district, but a one-foot or greater setback is recommended to provide for future maintenance of the fence.
  - [5] Fence materials. Barbed wire shall not be used as part of fences around dwellings. Electrically charged fences shall only be used to contain farm animals and shall be of such low intensity that they will not permanently injure humans. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.
- (d) Walls.
- [1] Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section and are permitted by right as needed in all districts.
  - [2] No wall of greater than three feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in § 270-94.
  - [3] A wall in a residential district outside of a required front yard shall have a maximum height of three feet if it is within the minimum accessory structure setback and six feet if it is not.
  - [4] Walls that are attached to a building shall be regulated as a part of that building.
- (6) Garage sale.
- (a) See definition in Article II. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
  - (b) If accessory to a dwelling, no garage sale as an accessory to a dwelling shall be held on a lot during more than four days total in any 12 consecutive months.
  - (c) The use shall be clearly accessory to the principal use.
- (7) Home occupations.
- (a) All home occupations shall meet the following requirements:

- [1] The use shall be conducted primarily by a permanent resident of the dwelling and involve a maximum of one person working on site at any one time who does not reside within the dwelling. A maximum of one nonresident employee shall visit the property on a daily basis or operate a vehicle based at the property.
- [2] The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
- [3] The use shall occupy an area that is not greater than 25% of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
- [4] One off-street parking space shall be required per nonresident employee. In addition, for a general home occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
- [5] The use shall not require delivery by tractor-trailer trucks.
- [6] The regulations of Subsection D(10) regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
- [7] No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare or electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of toxic or highly hazardous substances.
- [8] A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9:00 p.m. and 7:30 a.m.
- [9] Any tutoring or instruction shall be limited to a maximum of two students at a time.
- [10] A barbershop or beauty shop shall not include any nonresident employees.
- [11] The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
- [12] A general home occupation may include one two-square-foot nonilluminated sign as permitted by Article VII. A light home occupation shall not include any sign.
- [13] The Zoning Hearing Board shall deny a general home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board

shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling and setbacks from other dwellings.

- [a] The Zoning Hearing Board may also permit up to three nonresident employees as a special exception if the Board, after considering the above criteria, determines that the property is especially well-suited to a more intense use.
- [14] The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
- [15] The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a general home occupation and if specifically approved as part of a special exception approval. Such retail sales shall be limited to sales that are clearly accessory to an approved barbershop or similar on-site service.
- [16] If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this chapter.
- [17] A zoning permit shall be required for any home occupation.
- (b) In addition to the requirements listed in Subsection D(7)(a) above, the following additional requirements shall apply to a light home occupation:
- [1] The use shall not involve routine visits to the home occupation by customers or more than one nonresident employee at a time.
  - [2] The use shall not involve any signs visible from the exterior of the lot.
  - [3] The use shall only involve the following activities:
    - [a] Work routinely conducted within an office.
    - [b] Custom sewing and fabric and basket crafts.
    - [c] Cooking and baking for off-site sales and use.
    - [d] Creation of visual arts (such as painting or wood carving).
    - [e] Repairs to and assembly of computers and computer peripherals.
    - [f] A construction tradesperson, provided that a maximum of one nonresident shall routinely operate from the lot.
  - [4] On-site retail sales shall be prohibited.
  - [5] Light home occupations shall include everything meeting the definition of no-impact home-based businesses in the MPC.

- (8) Outdoor storage and display (commercial or industrial) as a principal use or accessory use.
- (a) Location. Outdoor storage or displays shall not occupy any part of any of the following:
    - [1] The existing or future street right-of-way.
    - [2] The sidewalk or other area intended or designed for pedestrian use or a required parking area.
    - [3] Notwithstanding paragraphs [1] and [2] above, sidewalk sales shall be permitted as an accessory use to a retail establishment subject to the following:
      - [a] Sidewalk sales shall be conducted in front of or adjacent to a retail business by the business owner or proprietor.
      - [b] Sidewalk sales shall be limited to four (4) events per calendar year. Each event shall not exceed five (5) consecutive days.
      - [c] All displays shall be removed during hours when the retail business is closed.
      - [d] Nothing shall be placed on the public sidewalk which will restrict the clear sidewalk width below the width required under the Americans with Disabilities Act or regulated adopted thereunder.
  - (b) No such storage or display shall occur on areas with a slope in excess of 25% or within the one-hundred-year floodway.
  - (c) Screening. See § 270-113.
  - (d) Any storage of more than 150 used tires shall only be permitted as part of a Borough-approved junkyard. Any storage of used tires shall involve stacks with a maximum height of 15 feet and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet.
- (9) Keeping of pets.
- (a) This is a permitted by right accessory use in all districts.
  - (b) No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
  - (c) A maximum combined total of four dogs and cats shall be permitted to be kept by residents of each dwelling unit.
    - [1] Such limits shall only apply to dogs or cats over four months in age.

- [2] Any greater number of dogs and/or cats shall need approval as a kennel.
- (d) The keeping of one or two total pigeons (except as may be preempted by the State Carrier Pigeon Law), chickens, ducks, geese and/or similar fowl shall be permitted on a lot with a minimum lot area of 10,000 square feet.
  - (e) Animals shall be permitted, provided they do not create unsanitary conditions or noxious odors for neighbors.
  - (f) A minimum lot area of two acres shall be required for the keeping of horses.
  - (g) Only those pets that are domesticated and are compatible with a residential character shall be permitted as "keeping of pets." Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards, but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, hogs or sheep.
  - (h) It shall be unlawful on a residential property to maintain any exotic wildlife, as defined by the Pennsylvania Game and Wildlife Code, whether or not an exotic wildlife possession permit has been issued.
- (10) Residential accessory structure or use. (See definition in Article II.)
- (a) Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in § 270-47.A, unless specifically exempted by this chapter. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot.
  - (b) Accessory buildings in a residential district shall meet the following requirements:
    - [1] Maximum total floor area of all accessory buildings: 1,000 square feet.
    - [2] Maximum of two accessory buildings per lot.
  - (c) Height. See § 270-47.B.
  - (d) Parking of commercial trucks. The overnight outdoor parking of commercial trucks on a primarily residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
    - [1] The parking of a maximum of two vehicles, each of up to 12,000 pounds aggregate gross vehicle weight.
    - [2] The parking of one vehicle with an aggregate gross vehicle weight of over 12,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 30 feet from any dwelling on another lot.
  - (e) Repairs. No maintenance or repair of either of the following shall occur on a principally residential lot:

- [1] Trucks with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight.
  - [2] Vehicles not owned or leased by a resident of the lot or his/her relative.
- (f) See setback exceptions in § 270-113.C.
- (11) Swimming pool, household (referred to hereafter as “pool”).
- (a) Enclosure around in-ground pools. A new or existing in-ground pool shall be completely surrounded by a secure fence, wall, building or other suitable enclosure not less than four feet in height. This enclosure shall be constructed to make it very difficult for small children to climb up or slip through it. All gates or door openings through such enclosure (other than a door to a building) shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed during times it is not in use.
  - (b) Enclosure around aboveground pool. Any existing or new aboveground pool shall include a secure fence, wall, building or other suitable enclosure a minimum of four feet high above the surrounding average ground level. This enclosure may include the walls of the pool itself. Any access ladder shall be able to be raised and locked so that it is a minimum of four feet above the surrounding ground level or otherwise inaccessible to small children when the pool is unattended.
  - (c) Location. Any pool deck or shelter that is elevated above the average surrounding ground level and the water surface of any pool shall be set back a minimum of 10 feet from any lot line. Patios around pools that are level with the average surrounding ground level are not required to be set back from lot lines. A pool is not permitted within a required front yard. A pool shall meet requirements of any water or sewer easement.
  - (d) Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property. Such method may be subject to approval of the Zoning Officer.
  - (e) The Borough does not assume responsibility for guaranteeing to the public that all new and existing pools fully comply with these provisions.
  - (f) Residential accessory swimming pools under 24 inches do not need a zoning permit, but must follow the regulations established for “ponds” in this part.
- (12) Telephones or vending machines.
- (a) No outdoor pay telephone and no outdoor coin-operated or credit-card-operated vending machine shall be placed on a public sidewalk in the public right-of-way, except for newspaper/periodical vending machines. A newspaper/periodical vending machine shall only be permitted on a sidewalk if a four-foot-wide pedestrian path is unobstructed.

- (b) No pay telephone and no coin-operated or credit-card-operated vending machine shall be permitted outdoors as accessory to a dwelling or a vacant lot.
- (13) Unit for care of relative.
- (a) The use shall meet the definition in § 270-32.
- (b) The accessory unit shall be occupied by a maximum of two persons, who shall be close relatives of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
- (c) The applicant shall prove to the Zoning Hearing Board that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a unit for care of relative and then be reconverted to a garage or permitted home occupation area.
- (d) The applicant shall establish a legally binding mechanism that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
- (e) The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
- (f) Such accessory unit shall not decrease the one-family residential appearance of a one-family dwelling, as viewed from exterior property lines.
- (g) Additional parking for the accessory unit may be waived by the Zoning Hearing Board as part of the special exception approval if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.
- (14) Alternative Energy Systems.
- (a) Purpose. The purpose of this section is to encourage alternative energy systems that have a positive impact on energy production and conservation while not having an adverse impact on the community, in order to:
- [1] Promote rather than restrict the use of alternative energy systems by creating a clear regulatory path for approving alternative energy systems;
  - [2] Create livable communities where development incorporates sustainable design elements such as resource and energy conservation and the use of renewable energy; and
  - [3] Encourage alternative energy development in locations where the technology can be environmentally, economically and socially compatible.

(b) Accessory Solar Energy Systems.

- [1] Zoning Districts Allowed. Accessory solar energy systems are allowed in all zoning district as an accessory use to a principal use of the lot.
- [2] General Requirements.
  - [a] An accessory solar energy system shall provide power for only the principal use and customary, accessory uses of the lot on which located. The system shall be solely for the generation of power for use on-site. Excess electric power generated incidentally may be sold to a power utility provider.
  - [b] A single assemblage of solar panels, regardless of the number, and supporting equipment constitutes an accessory solar energy system. Conduit and other utility connections are not considered to be a part of the system. More than one system may be installed on a lot.
  - [c] An accessory solar energy system shall not display advertising, The manufacturer's or installer's identification and appropriate warning or cautionary notices may be displayed, provided they comply with current sign regulations.
- [3] Development standards.
  - [a] Accessory solar energy systems shall only be roof-mounted and located on either a principal or accessory building. Such systems shall not be allowed on a structure constructed or adapted for the purpose of accommodating an accessory solar system.
  - [b] Roof-mounted solar panels and shingles shall not exceed the highest peak of a pitched roof building. The tops of panels may not exceed the height of the parapet of four (4) feet, whichever is less, on a flat-roofed building.
  - [c] The accessory solar energy system shall be setback a minimum of three (3) feet from the bottom edge of the building roof.
  - [d] All utility connections to the accessory solar system shall be trenched and undergrounded to the point of intersection with the support building, unless the applicant demonstrates to the satisfaction of the Zoning Officer that is not feasible to trench and underground a utility connection.
  - [e] Glare from accessory solar energy systems should be minimized through the use of non-reflective, such as anodized finishes.
- [4] Construction and Permits.
  - [a] Accessory solar energy systems require the approval and issuance of a permit by the Zoning Officer prior to the start of construction.
  - [b] The design and installation of accessory solar energy systems shall conform to applicable industry standards and the UCC. At the time of application for a building permit, the applicant shall submit manufacturer certificates of

design compliance obtained by the accessory solar energy system manufacturer from a reputable certifying organization.

- [c] The applicant for an accessory solar energy system that is to be connected to the power utility grid shall provide written authorization from the power utility provider. Interconnection and net metering shall be in accordance with the policies of the power utility provider.

[5] Decommissioning.

- [a] If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at his/her expense after a demolition permit has been obtained. Removal include the entire structure, including transmission equipment.

(c) Accessory Wind Energy Systems.

- [1] Zoning Districts Allowed. Accessory wind energy systems are allowed in all zoning districts as an accessory use to a principal use of the lot.

[2] General Requirements.

- [a] Allowable accessory wind energy systems shall only be the vertical-axis type of wind turbine.
- [b] An accessory wind energy system shall provide power for only the principal use and customary, accessory uses of the lot on which located. The system shall be used solely for the generation of power for use on-site. Excess electric power generated incidentally may be sold to a power utility provider.
- [c] No more than one accessory wind energy system is allowed per lot. A single assemblage of a rotor, gearbox and generator constitutes an accessory wind energy system. Conduit and other utility connections are not considered to be part of the system.
- [d] An accessory wind system shall not exceed fifty-five (55) decibels under normal operating conditions, as measured at the property line. Sound levels, however, may be exceeded during short-term events out of anyone's control, such as utility outages or severe wind storms.
- [e] An accessory wind energy system shall not display advertising. The manufacturer's or installer's identification and appropriate warning or cautionary notices may be displayed, provided they comply with current sign regulations.

[3] Development Standards.

- [a] Accessory wind energy systems shall only be ground-mounted.

- [b] The maximum height of an accessory wind energy system shall not exceed the maximum allowable height of the zoning district for a principal use.
  - [c] Accessory wind energy systems shall be set back from property lines in accordance with the setback requirements of the zoning district for accessory structures or a ratio of 1.3:1 to the maximum height of the accessory wind energy system (i.e., a distance of 1.3 feet for every foot of height of the system), whichever is greater.
- [4] Construction and Permits.
- [a] Accessory wind energy systems require the approval and issuance of a permit by the Zoning Officer prior to the start of construction.
  - [b] The design and installation of accessory wind energy systems shall conform to applicable industry standards and the UCC. At the time of application for a building permit, the applicant shall submit manufacturer certificates of design compliance obtained by the accessory wind energy system manufacturer from a reputable certifying organization. The submittal shall include the manufacturer's specifications for sound levels under normal operating conditions.
  - [c] The applicant for an accessory wind energy system that is to be connected to the power utility grid shall provide written authorization from the power utility provider. Interconnection and net metering shall be in accordance with the policies of the power utility provider.
- [5] Decommissioning.
- [a] If the wind energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at his/her expense after a demolition permit has been obtained. Removal includes the entire structure, including transmission equipment.
- (d) Geothermal Energy Systems.
- [1] Zoning Districts Allowed. Closed-loop geothermal energy systems are allowed in all zoning districts as an accessory use to a principal use of the site. Open-loop geothermal energy systems are prohibited within the Borough.
  - [2] General Requirements.
    - [a] Geothermal energy systems shall use only nontoxic, biodegradable circulating fluids such as food-grade propylene glycol.
    - [b] Geothermal energy systems shall not encroach on existing public, drainage, utility roadway, trail or other recorded easements.
  - [3] Development Standards.

- [a] A closed horizontal loop system shall be installed a maximum of 20 feet below the average finished grade of the area in which located.
  - [b] A closed vertical loop geothermal energy system shall have proper grout sealing with the following properties:
    - (i) High thermal conductivity to allow heat transfer;
    - (ii) Low viscosity to allow the grout to wrap around the pipe;
    - (iii) Low shrinkage volume to ensure that the grout will not pull away from the pipe; and
    - (iv) Low permeability to prevent the migration of antifreeze solution in the event of a line breakage.
  - [c] Geothermal energy systems shall be located a minimum of 25 feet from all property lines, except as otherwise specified.
  - [d] Geothermal energy systems shall be located a minimum of 100 feet from existing potable water wells and a minimum of 25 feet from any existing septic system.
  - [e] Above-ground equipment associated with geothermal pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all minimum accessory structure setbacks required for the zoning district.
  - [f] All closed horizontal loop geothermal energy systems shall be properly backfilled, including removal of sharp-edged rocks before backfilling in order to prevent such rocks from coming into contact with the system pipe.
- [4] Construction and Permit. The design and installation of geothermal energy systems shall conform to applicable industry standards and the UCC. At the time of application for a permit, the applicant shall submit manufacturer certificates of design and circulating fluid compliance obtained by the geothermal energy system manufacturer from a reputable certifying organization.
- [5] Decommissioning.
- [a] If the geothermal energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at his/her expense after a demolition permit has been obtained in accordance with the following:
    - (i) The heat pump and any external mechanical equipment shall be removed; and
    - (ii) Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured

and disposed of in accordance with the applicable regulations. The top of the pipe, coil, or boring shall be uncovered and grouted.

(e) Outdoor Hydronic Heater.

[1] Zoning Districts Allowed. Outdoor hydronic systems are permitted as accessory uses only in the Conservation District and Low-Density Residential District.

[2] General Requirements.

[a] Only new Phase 2 outdoor wood-fired hydronic heater systems shall be permitted.

[b] Outdoor hydronic heating systems shall not be operated between May 1 and September 30.

[c] An outdoor hydronic heater system permitted on or after August 6, 2012, shall have a permanent attached stack with a minimum stack height of 10 feet above the ground that also extends at least two feet above the highest peak of any residence located less than 250 feet from the hydronic heater.

[d] The use of an outdoor hydronic heater system installed prior to August 6, 2012, shall be discontinued immediately unless it has a permanent attached stack with a minimum stack height of 10 feet above the ground that also extends at least two feet above the highest peak of any residence located less than 500 feet from the outdoor hydronic heater. The use of an existing outdoor hydronic heater system may be continued provided that it is a Phase 2 outdoor wood-fired hydronic heater that conforms to the stack requirements of § 270-63.D(14)(e)[2][c].

[e] Allowable Fuels. New or existing outdoor hydronic heater systems shall only use the following fuel types:

(i) Clean wood.

(ii) Wood pellets made from clean wood.

(iii) Home heating oil, natural gas, propane or other fuel that complies with all applicable sulfur limits and is used as a starter of supplemental fuel for dual-fired outdoor hydronic heaters.

[f] Prohibited Fuels: The following items are prohibited as fuel types for outdoor hydronic heater systems:

(i) Treated or painted wood.

(ii) Furniture.

(iii) Garbage.

(iv) Tires.

(v) Lawn clippings or other yard waste.

- (vi) Material containing plastic or rubber.
- (vii) Waste petroleum products, including paints, paint thinners or asphalt products.
- (viii) Chemicals.
- (ix) Any hazardous waste.
- (x) Coal.
- (xi) Glossy colored paper.
- (xii) Construction and demolition debris, including plywood or particleboard.
- (xiii) Salt water driftwood.
- (xiv) Manure or animal carcasses.
- (xv) Any other material that may result in harmful or noxious emissions or residue.
- (xvi) Any other material that is recyclable under the Borough regulations.

[3] Development Standards.

- [a] Outdoor hydronic heater systems shall be set back a minimum of 150 feet from all property lines.
- [b] Enclosures for outdoor hydronic heater systems shall comply with all standards as applicable to accessory buildings within the underlying zone.

[4] Required Permits.

- [a] Outdoor hydronic heating systems required the approval and issuance of a zoning permit by the Zoning Officer prior to the start of construction.
- [b] New and existing outdoor hydronic heater systems shall comply with all applicable federal, state and local clean-air regulations.
- [c] The design and installation of outdoor hydronic heating systems shall conform to applicable industry standards and municipal construction and electric codes. At the time of application for a building permit, the applicant shall submit manufacturer certificates of design compliance obtained by the outdoor hydronic heating system manufacturer from a reputable certifying organization. The submit all shall include the manufacturer's specifications for allowable fuels and maximum levels of emissions.

- (15) Ponds. Decorative ponds or pools with a water depth of less than 24 inches are considered an accessory structure and must be located in the side or rear yard only and must be set back from any property line a minimum of 5 feet. A pond with a water depth of 24 inches or more shall follow the regulations established for swimming pools contained in this Chapter.

§ 270-64. (Reserved)

§ 270-65. (Reserved)

§ 270-66. (Reserved)

§ 270-67. (Reserved)

§ 270-68. (Reserved)

§ 270-69. (Reserved)

§ 270-70. (Reserved)

## **Article V. Environmental Protection**

### **§ 270-71. Erosion control.**

The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

- A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- B. Any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate erosion and sedimentation control plan to the Conservation District.
- C. See state erosion control regulations.

### **§ 270-72. Nuisances; hazards to public safety.**

- A. No landowner, tenant, nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
  - (1) Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
  - (2) A physical hazard to the public or a physical hazard that could be an attractive nuisance that would be accessible by children.
  - (3) Pollution to groundwater or surface waters, other than as authorized by a state or federal permit.
  - (4) Risks to public health and safety, such as, but not limited to, explosion, fire or biological hazards.
  - (5) Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.
- B. Additional information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this article, then the Zoning Officer

may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

**§ 270-73. Wetlands.**

The Zoning Officer may require an applicant to prove that a suspect area proposed for alteration does or does not meet the state or federal definition of a "wetland."

**§ 270-74. Flood-prone areas (floodplains).**

**A. Purpose and authorization.**

- (1) This section serves the following major purposes:
  - (a) Promote the general health, welfare, and safety of the Borough.
  - (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 Borough and its residents, by preventing excessive development in areas subject to flooding.
  - (e) Comply with federal and state floodplain management requirements.
- (2) 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. The Borough has enacted this Section in accordance with the Flood Plain Management Act, Borough Code, and the MPC.

**B. Floodplain applicability and administration.**

- (1) The regulations of this section shall apply throughout the entire Borough as overlay zoning regulations that supplement the zoning district regulations. Where the regulations of this section differ from the regulations of any other section of this chapter, the provision that is more restrictive on development shall apply.
- (2) In addition to § 270-17, Liability, the following applies to all actions of the Borough and its officers and employees under this Section. The degree of flood protection sought by the provisions of this chapter 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 chapter 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 chapter shall not create liability on the part of Mount Joy Borough or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

- (3) This Section 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 chapter, the more restrictive shall apply.
- (4) The Zoning Officer is hereby appointed to administer and enforce this section and for all purposes shall be considered and may sometimes be referred to as the Floodplain Administrator. The Floodplain Administrator may: fulfill the duties and responsibilities set forth in these regulations, delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or 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 Borough 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 addition to the powers and duties generally set forth in the Chapter, when serving as Floodplain Administrator, the Zoning Officer shall have the following powers and duties:
- (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. In the case of existing structures, prior to the issuance of any permit the Floodplain Administrator shall also review the history of repairs to the subject building so that any repetitive loss concerns can be addressed before the permit is issued.
  - (c) 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 Borough ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
  - (d) 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 section.

- (e) 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 Borough Council for whatever action it considers necessary.
  - (f) The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this section including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
  - (g) The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
  - (h) The responsibility, authority and means to implement the commitments of the Floodplain Administrator. The ultimate responsibility lies with the Zoning Officer.
  - (i) The Floodplain Administrator shall consider the requirements of the UCC.
- C. Floodplain compliance.
- (1) No structure shall be used or located, relocated, constructed, reconstructed, enlarged or structurally altered or land used except in full compliance with these floodplain regulations and other provisions of applicable Borough ordinances. A Borough zoning permit is required for any development within the one-hundred-year floodplain.
  - (2) Any alteration to a waterway, drainage channel or the one-hundred-year floodplain, including development, redirecting drainage ways, changes in grade or filling in, shall only occur after a determination by the Zoning Officer that all Borough ordinances have been complied with and after any needed state or federal permits are received.
  - (3) Any municipality that will be affected by a change in an alteration or relocation of a waterway shall be given prior notice of such proposal, with copies of such notice provided to DCED and FEMA.
- D. Permits for uses, structures and grading within an identified floodplain. Applications for such a Permit shall be made, in writing to the Zoning Officer .
- (1) Any such application shall include the following:
    - (a) The name and address of the applicant.
    - (b) The name and address of the owner of land on which proposed construction is to occur.
    - (c) The name and address of the contractor.
    - (d) The site location.
    - (e) A brief description of the proposed work and estimated costs.

- (f) A site plan showing the exact size and location of the proposed construction, as well as any existing buildings or structures, and also showing the one-hundred-year flood line.
  - (g) Brief description of proposed work and estimate cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
- (2) 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 Zoning Officer to determine that:
- (a) 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;
  - (b) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
  - (c) adequate drainage is provided so as to reduce exposure to flood hazards;
  - (d) structures will be anchored to prevent flotation, collapse, or lateral movement.;
  - (e) building materials are flood-resistant;
  - (f) appropriate practices that minimize flood damage have been used; and,
  - (g) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- (3) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:
- (a) A completed Permit Application Form.
  - (b) A plan of the entire site, clearly and legibly drawn in 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] Topographic contour lines, if applicable;
    - [3] The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
    - [4] The location of all existing streets, driveways and other access ways; and,
    - [5] 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.

- (c) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - [1] The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
    - [2] The elevation of the base flood;
    - [3] Supplemental information as may be necessary under the UCC.
  - (d) The following data and documentation:
    - [1] If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and,
    - [2] Detailed information concerning any proposed floodproofing measures and corresponding elevations.
    - [3] Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any identified Floodplain Area, when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation.
    - [4] 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 elevation. 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.
  - (e) Detailed information needed to determine compliance with § 270-74.R(6), Storage, and § 270-74.S, Development Which May Endanger Human Life, including:
    - [1] The amount, location and purpose of any materials or substances referred to in § 270-74.R(6) and § 270-74.S, which are intended to be used, produced, stored or otherwise maintained on site.
    - [2] 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 § 270-74.S during a base flood.
  - (f) The appropriate component of the DEP "Planning Module for Land Development."
  - (g) Where any excavation or grading is proposed, a plan meeting the requirements of DEP, to implement and maintain erosion and sedimentation control.
- E. Review by Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

- F. 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 Zoning Officer to any other appropriate agencies and/or individuals (e.g Planning Commission, Bunicipal Engineer, etc.) for review and comment.
- G. Changes. After the issuance of a 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 consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.
- H. Placards. In addition to the Permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the dated of its issuance, and be signed by the Zoning Officer.
- I. Start of Construction.
- (1) Work on the proposed construction and/or development shall begin within 180 days after the date of issuance and shall 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 Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under the proposed subsurface footings, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.
  - (2) Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.
- J. Identification of floodplain areas.
- (1) Identified floodplain areas are all those areas of Mount Joy Borough, Lancaster County, Pennsylvania, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps dated April 5, 2016 and issued by FEMA or the most recent version thereof, including all digital data developed as part of the Flood Insurance Study. The floodplain shall consist of three sub-districts as follows:
  - (2) The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Mount Joy Borough, and declared to be a part of this section.
- K. Description and Special Requirements of Identified Floodplain Areas.
- (1) Floodway Area.
    - (a) Description - the area identified as Floodway in the FIS and FIRM which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively 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.

(b) Special Requirements:

- [1] Any encroachment that would cause any increase in flood heights shall be prohibited.
- [2] No new construction or development shall be allowed, unless a permit is obtained from the DEP Regional Office.

(2) Special Floodplain Area.

- (a) Description – the areas identified as Zones AE and A1-30 in the FIS and FIRM which are subject to inundation by the 1-percent-annual chance flood event determined by detailed methods and have base flood elevations (BFE's) shown.

(b) Special Requirements:

- [1] 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 a permit is obtained from the Department of Environmental Protection Regional Office.
- [2] In Special Floodplain Areas without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.

L. Approximate Floodplain Area.

- (1) Description – the areas identified as Zone A in the FIS and FIRM which are subject to inundation by the 1-percent-annual-chance flood event determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown.

(2) Special Requirements:

- (a) 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 a permit is obtained from the DEP Regional Office.
- (b) When available, information from other Federal, State, and other acceptable sources shall be used to determine the BFE, as well as a floodway area, if possible. When no other information is available, the BFE shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
- (c) In lieu of the above, the Borough 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 Borough of Mount Joy.
- M. Changes in Identification of Area. The identified floodplain area may be revised or modified by Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, the Borough shall notify FEMA of the changes by submitting technical or scientific data.
- N. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.
- O. Technical Provisions.
- (1) Alteration or Relocation of Watercourse.
    - (a) 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 been first obtained from the DEP Regional Office.
    - (b) 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.
    - (c) In addition, the FEMA and DCED shall be notified prior to any alteration or relocation of any watercourse.
  - (2) Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE.
  - (3) 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 section and any other applicable codes, ordinances and regulations.
- P. Elevation and Floodproofing Requirements.
- (1) Residential Structures.
    - (a) 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.
    - (b) In A Zones, where there is 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 in accordance with § 270-74.L(2)(b) and § 270-74.L(2)(c).
- (c) The design and construction standards and specifications contained in the UCC and ASCE 24 shall be utilized.
- (2) Non-Residential Structures.
- (a) 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:
- [1] is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
- [2] has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (b) 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 in accordance with § 270-74.L(2)(b) and § 270-74.L(2)(c).
- (c) Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI 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 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.
- (d) The design and construction standards and specifications contained in the UCC and ASCE 24 shall be utilized.
- (3) Space below the lowest floor.
- (a) 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.
- (b) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
- [1] 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.

- [2] The bottom of all openings shall be no higher than one (1) foot above grade.
  - [3] Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- Q. 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 150 square feet.
  - (3) The structure will have a low damage potential.
  - (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 or 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.
- R. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area.
- (1) Fill. 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 Zoning Officer; and,
  - (e) Be used to the extent to which it does not adversely affect adjacent properties.
- (2) 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 insure 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.
- (3) Water and Sanitary Sewer Facilities and Systems.
- (a) 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.
  - (b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - (c) No part of any on-site sewage 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.
  - (d) The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damage and The International Private Sewage Disposal Code shall be utilized.
- (4) 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.
- (5) Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- (6) 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 § 270-74.S, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood-proofed to the maximum extent possible.
- (7) 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.
- (8) Anchoring.
- (a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

- (b) All air ducts, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- (9) Floors, Walls and Ceilings.
- (a) 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.
  - (b) Plywood used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” variety.
  - (c) 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.
  - (d) Windows, doors, and other components at or below the regulatory flood elevations shall be made of metal or other “water-resistant” material.
- (10) Paints and Adhesives.
- (a) Paints and other finishes used at or below the regulatory flood elevation shall be of “marine” or “water-resistant” quality.
  - (b) Adhesives used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” variety.
  - (c) All wooden components (doors, trims, cabinets, etc.) shall be finished with a “marine” or “water-resistant” paint or other finishing material.
- (11) Electrical Components.
- (a) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
  - (b) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (12) Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- (13) 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.
- (14) Uniform Construction Code Coordination. The Standards and Specifications of the UCC shall apply to the above and other sections and sub-sections of this Section, to the extent that they are more restrictive and/or supplement the requirements of this Section.
- S. Development Which May Endanger Human Life.

(1) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by DCED as required by the Act, any new or substantially improved structure which:

- (a) Will be used for the production or storage of any of the following dangerous materials or substances; or,
- (b) 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,
- (c) 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.

(2) Within any Floodway Area, any structure of the kind described in Section (1), above, shall be prohibited.

- (3) Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection (1), above, shall be:
    - (a) Elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation,
    - (b) Designed to prevent pollution from the structure or activity during the course of a base flood elevation. 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) Within any floodplain area, any new or substantially improved structure of the kind described in Subsection (1) above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- T. Special Requirements for Subdivisions. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard 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 or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- U. Special Requirements for Manufactured Homes and Recreational Vehicles.
- (1) Within any FW (Floodway Area), manufactured homes and recreational vehicles shall be prohibited.
  - (2) Within Approximate Floodplain or Special Floodplain Area, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any new watercourse.
  - (3) Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:
    - (a) Placed on a permanent foundation.
    - (b) Elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation.
    - (c) Anchored to resist flotation, collapse, or lateral movement.
  - (4) 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 Appendix E of the International Residential Building Code adopted as part of the UCC or the U.S.

Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply.

- (5) Consideration shall be given to the installation requirements of the UCC where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation.
- (6) Within Approximate Floodplain or Special Floodplain Area, recreational vehicles in must either
  - (a) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or
  - (b) meet all of the requirements for manufactured homes in § 270-74.U(2), (3), (4), and (5).

V. General.

In accordance with the administrative regulations promulgated by DCED to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area.

- (1) The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
    - (a) Hospitals,
    - (b) Nursing homes, or
    - (c) Jails or prison.
  - (2) 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.
- W. Existing Structures. The provisions of this section 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 § 270-74.X shall apply. Historic structures as defined in this section and ordinance, undergoing repair or rehabilitation that would constitute a substantial improvement as also defined in this section, 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 must be obtained from the Secretary of the Interior. An exemption from ordinance requirements will be the minimum necessary to preserve historic character and design of the structure.
- X. Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- (1) No expansion or enlargement of an existing structure shall be allowed within any floodway are that would cause any increase in the elevation of the base flood elevation.
- (2) No expansion or enlargement of an existing structure shall be allowed within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- (3) 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 Section.
- (4) The above activity shall also address the requirements of the UCC.
- (5) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- (6) Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this section.

Y. Variances.

- (1) General. If compliance with any of the requirements of this section would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
- (2) Variance Procedures and Conditions. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in § 270-11 and the following:
  - (a) No variance shall be granted for any construction, development, use or activity within any floodway that would cause any increase in the BFE.
  - (b) No variance shall be granted for any construction, development, use, or activity within any Special Floodplain Area that would, together with all other existing and anticipated development, increase the BFE than one (1) foot at any point.
  - (c) 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 which may endanger human life.
  - (d) If granted, a variance shall involve only the least modification necessary to provide relief.
  - (e) Whenever a variance is granted, the 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 Section.

- (f) Whenever a variance is granted, the 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 variance may increase the risks to life and property.
- (g) In reviewing any request for a variance, the 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.
- (h) A complete record of all variance requests and related actions shall be maintained by the Borough of Mount Joy. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.
- (i) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 1% annual chance flood.
- Z. Definitions. Unless specifically defined below, words and phrases use in this Section shall be interpreted so as to give this section its most reasonable application.
- (1) **ACCESSORY STRUCTURE OR USE** — 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”).
  - (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 forming a permanent structure and which has walls and a roof. This term shall include manufactured homes and trailers used for human habitation.
- (7) **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.
- (8) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** – a manufactured home park or subdivision for which the construction or 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.
- (9) **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 manufacturing 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.)
- (10) **FLOOD** — A temporary inundation of normally dry land areas.
- (11) **FLOOD INSURANCE RATE MAP (FIRM)** – the official map on which FEMA or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (12) **FLOOD INSURANCE STUDY (FIS)** – the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- (13) **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.
- (14) **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.
- (15) **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.

- (16) **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (17) **HISTORIC STRUCTURE**— Any building, structure, site, object or district that is included on any of the following lists:
- (a) The National Register of Historic Places, individually or as a contributing resource in a National Register Historic District.
  - (b) The Mount Joy Borough Registry of Historic Buildings included in Appendix 1.
- (18) **LOWEST FLOOR** – The lowest floor of the lowest fully enclosed area, including any basement. An unfinished flood-resistant partially enclosed area used solely for the 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 section.
- (19) **MANUFACTURED HOME** – A type of single-family detached dwelling that meets all of the following requirements:
- (a) It is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing;
  - (b) It is designed for permanent occupancy;
  - (c) It arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations;
  - (d) May be constructed so that it may be used without a permanent foundation.
  - (e) It is not a recreation vehicle.
- (20) **MANUFACTURED HOME PARK or SUBDIVISION** – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile/manufactured home lots for the placement thereon of mobile/manufactured homes.
- (21) **NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of these floodplain regulations that were adopted by the Borough, and includes any subsequent improvements thereto. Any construction started after October 15, 1981, and before the effective date of these floodplain regulations is subject to the regulations in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- (22) **OBSTRUCTION** – Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, culvert, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or is placed where the flow of the water may carry the matter downstream to threaten life and property.



- (30) **STRUCTURE** — a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- (31) **SUBDIVISION** — The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- (32) **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 50% or more of the market value of the structure before the damage occurred.
- (33) **SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” or “repetitive loss”, regardless of the actual repair work performed. The term does not, however, include either 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.
- (34) **UNIFORM CONSTRUCTION CODE (UCC)** — The statewide building code adopted by the Pennsylvania General Assembly in 1999 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 UCC 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 IBC.
- (35) **VIOLATION** – means the failure of a structure or other development to be fully compliant with the Borough’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), (e)(5) is presumed to be in violation until such time as that documentation is provided.

**§ 270-75. Odors and dust.**

No use shall generate odors or dust that is offensive to persons of average sensitivities beyond the boundaries of the subject lot.

**§ 270-76. Outdoor Lighting.**

Lighting of properties and uses shall comply with the following provisions:

- A. Definitions. Unless specifically defined below, words and phrases use in this Section shall be interpreted so as to give this section its most reasonable application.
- (1) **CANDLEPOWER** — The amount of light that will illuminate a surface one-foot distant from a light source to an intensity of one footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.
  - (2) **CUTOFF** — The point at which all light rays emitted by a lamp or luminaire are eliminated (cutoff) at a specific angle above ground.
  - (3) **CUTOFF ANGLE** — The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.
  - (4) **CUTOFF-TYPE LUMINAIRE** — A luminaire with elements such as shields, reflectors, or refractors, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90°.
  - (5) **DIRECT LIGHT** — Light actually seen coming straight from the lamp, reflector, or reflector diffuser in the luminaire.
  - (6) **FLOOD OR SPOT LIGHT** — Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
  - (7) **FOOTCANDLE** — A unit of light concentration produced on a horizontal plane stated in lumens per square foot and measured with a light meter.
  - (8) **FULL CUTOFF** — An attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the light fixture.
  - (9) **FULLY SHIELDED** — An attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors, and lenses from causing glare at normal viewing angles.
  - (10) **GLARE** — Excessive brightness in the field of view that causes loss of visual performance or annoyance, jeopardizing health, safety, or welfare.
  - (11) **HEIGHT OF THE LUMINAIRE** — The vertical distance from the ground directly below the center line of the luminaire to the direct light-emitting part of the luminaire.
  - (12) **INDIRECT LIGHT** — Direct light that is reflected from or has scattered off of other surfaces.
  - (13) **LAMP** — A light bulb.

- (14) **LIGHT FIXTURE** — The assembly that houses a lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and or a refractor lens.
  - (15) **LIGHT TRESPASS** — Light emitted by a lighting fixture which is cast beyond the boundaries of the property on which the lighting fixture is situated.
  - (16) **LUMEN** — The unit representing the quantity of light being produced by a lamp or emitted from a luminaire. In the International System, the lumen is the unit of luminous flux, equal to the amount of light given out through a solid angle by a source of one candela intensity radiating equally in all directions.
  - (17) **LUMINAIRE** — A complete light fixture, consisting of a light source, optical reflector and housing, and electrical components for safely starting and operating the source.
  - (18) **MAXIMUM PERMITTED ILLUMINATION** — The maximum illumination measured in footcandles at a property line.
  - (19) **MOTION SENSOR DEVICE** — A device sensing motion electronically and switching on security lighting for a timed duration.
  - (20) **RECEIVING PROPERTY** — A lot(s) that is approved to permit a higher density than would otherwise be permitted as a condition of the restriction of development on sending property.
  - (21) **STREETLIGHT** — A luminaire placed in or adjacent to a street right-of-way for the purpose of illuminating a road, sidewalk, and/or intersection.
- B. Legislative intent. It is the intent of the Council in adopting these regulations to:
- (1) Provide for and control lighting in outdoor public places to protect the health, safety and welfare of the public.
  - (2) Protect drivers and pedestrians from the glare of non-vehicular light sources.
  - (3) Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources.
  - (4) Promote energy efficient lighting design and operation.
- C. Illumination requirements.
- (1) Under-canopy lighting, for such applications as gas/service stations, hotel/theater marques, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens, full cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles.
  - (2) Wall-mounted luminaires intended for parking lot illumination on commercial, industrial, nonresidential, and multifamily residential buildings and structures shall

have fixtures that cut off direct light from view. All parking lot and site perimeter lighting shall be located on poles or at ground level and must be directed towards the property interior. All luminaires designed for entryways and decorative purposes on nonresidential and multifamily residential buildings and structures which exceed 2,000 lumens (150-watts incandescent) shall have fixtures that cut off direct light from view.

- (3) All nonresidential site light sources, and residential light sources higher than 12 feet, shall be directed away from public streets and private properties. The lamps shall be shielded in a manner so that they are not visible from the adjoining property. Sensor-controlled lamps exceeding 2,000 lumens (150-watts incandescent) shall have cutoff-type luminaires.
- (4) Parking lot lighting designs may include luminaires of a particular "period" or architectural style as an alternative or supplement to the cutoff luminaires, provided that:
  - (a) If the fixtures are not cutoff luminaires, the maximum output shall not be more than 2,000 lumens (150-watts incandescent).
  - (b) Maximum luminaire mounting height shall not exceed 15 feet.
- (5) In parking lots, luminaires shall be located on mast arms, where necessary, such that trees do not interfere with the required lighting.
- (6) Parking facility, vehicular and pedestrianway lighting (except for safety, security applications and all-night business operations) for commercial, industrial, and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operations. When safety and security lighting is proposed for after-hours illumination, it shall not be in excess of 33% of the number of fixtures required or permitted for illumination during regular business hours.
- (7) Recreational lighting for playing fields shall be permitted to have fixtures with a maximum height of 35 feet above finished grade, and the luminaires must be fully shielded and have a cutoff angle of light less than 90°.
- (8) When required, streetlights shall be constructed in accordance with the regulations of Chapter 240, Subdivision and Land Development, except to the extent in which streetlights are required for a specific use as indicated in this chapter.
- (9) Temporary holiday and special event lighting is permitted and shall be placed to prevent glare.
- (10) Flood and/or spot lights shall be so shielded, installed, and aimed so that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway or pedestrianway.
- (11) Barn light (a.k.a. "dusk-to-dawn lights"), where visible from other properties, shall not be permitted unless fully shielded.

- (12) Luminaries shall not be permitted which shine into the night sky. Flood and/or spot lights utilized for the uplighting of building facades and landscaping shall have luminaires with a maximum output of no more than 1,800 lumens (100 watts incandescent) and shall be completely shielded to prevent glare into the night sky.
- (13) All flags and flagpoles may be illuminated from dusk till dawn. Flag lighting sources shall not exceed 10,000 lumens (750 watts incandescent) per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.
- (14) Externally illuminated billboards and signs shall be lighted by fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted, and aimed to place the light output onto and not beyond the sign or billboard.
- (15) Interior illuminated signs shall consist of colored or opaque backgrounds utilizing lighter-colored text.
- (16) Light Trespass Requirements.
  - (a) The maximum permitted illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving residential property.
  - (b) The maximum permitted illumination projected away from any property to a nonresidential use shall at no time exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.
- (17) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.
- (18) Nonconforming lighting. Any lighting fixture or lighting installation existing on the effective date of this section that does not conform with the requirements of this chapter shall be considered as a lawful nonconformance. A nonconforming lighting fixture or lighting installation shall be made to conform with the requirements of this chapter when:
  - (a) Minor corrective action, such as re-aiming or shielding can achieve conformity with applicable requirements of this chapter.
  - (b) It is deemed by the Borough to create a safety hazard.
  - (c) It is replaced by another fixture or fixtures, abandoned, or relocated.
  - (d) There is a change in use.
- (19) Emergency lighting, as may be required by any public agency while engaged in the performance of its duties is exempt from the provisions contained within this chapter.
- (20) Federal- and state- required security lighting shall be exempt from the provisions contained within this chapter.

D. Exterior lighting plan.

- (1) Any applicant for any approval shall submit an exterior lighting plan with the initial application. If the proposed use is authorized by special exception, the applicant shall present the exterior lighting plan as part of the application for a special exception. If the proposed use is as of right and requires subdivision or land development approval, the applicant shall submit an exterior lighting plan with the sketch plan if a sketch plan is mandatory or, if a sketch plan is not mandatory, with the preliminary subdivision or land development plan. Applicants desiring to install exterior lighting who do not require approval of a special exception or a subdivision or land development plan shall submit an exterior lighting plan with the application for a zoning permit.
- (2) An exterior lighting plan shall include, but not be limited to, a detailed grid of illumination levels, a calculation as to the average illumination levels, the number of lighting fixtures, the height and location of the mounting fixtures, including the underside of any canopies, details as to how lighting will be recessed, and required details of how lighting will be shielded and the angle of the shielding when required, and details of any building- or canopy-mounted lighting to show that the outline and roofline provisions have been met.

**§ 270-77. Steep slopes.**

Within the C Conservation District, see § 270-47.A.

**§ 270-78. Setbacks from rivers and creeks.**

See the Conservation District regulations in § 270-47.A.

**§ 270-79. (Reserved)**

**§ 270-80. (Reserved)**

## **Article VI. Off-Street Parking and Loading**

**§ 270-81. Required number of parking spaces.**

A. Overall requirements.

- (1) Number of spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with the Table of Off-Street Parking Requirements at the end of this Chapter and the regulations of this article.
- (2) Uses not listed. Uses not specifically listed in the Table of Off-Street Parking Requirements shall comply with the requirements for the most similar use listed in the Table of Off-Street Parking Requirements, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.

- (3) Multiple uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
  - (4) Parking landscaping. See § 270-113 and § 270-114 of this chapter.
- B. Parking reduction in CBD Downtown Commercial District.
- (1) Purposes: to recognize the availability of on-street parking in the CBD District and the limited ability to provide parking to serve existing buildings and the potential of customers walking to businesses in the CBD District.
  - (2) The parking requirements in the Table of Off-Street Parking Requirements Editor's Note: The Table of Off-Street Parking Requirements is included at the end of this chapter. shall be modified within the CBD District as follows:
    - (a) No off-street parking shall be required for lawful nonresidential uses within the CBD District within buildings that existed prior to the adoption of this chapter.
    - (b) Off-street parking shall be required for any additional dwelling units or any new construction of any building or any expansion of a building beyond the ten-percent waiver provided in § 270-82.C(2).
    - (c) Optional fee in lieu of parking.
      - [1] As a special exception, the Zoning Hearing Board may permit the reduction of off-street parking requirements in the CBD District if the applicant commits to pay a fee in lieu of providing a certain number of required off-street parking spaces.
      - [2] For each required off-street parking that is waived, a fee shall be required of \$2,000, unless such amount is modified by resolution of Borough Council.
      - [3] All such fees shall be paid to the Borough or an authority authorized by the Borough to receive such fees. All such fees shall be accounted for separately. All such fees shall only be used for the creation of additional on-street or off-street public parking to serve the downtown. Such fees may also be used for the payment of debt for improvements to increase the amount of public parking or for the acquisition of land for public parking.
      - [4] The fee shall be a one-time payment. The reduction of the required number of parking spaces shall continue with the land over time, regardless of ownership or use of the property.
      - [5] The application shall be offered to the Borough Planning Commission and Borough Council for any review they care to make prior to an approval by the Zoning Hearing Board.
    - (d) See also the provisions in § 270-82 below regarding off-site parking and flexibility in parking requirements.

**§ 270-82. General regulations for off-street parking.**

- A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.
- B. Existing parking. Any parking spaces serving such preexisting structures or uses at the time of adoption of this chapter shall not in the future be reduced in number below the number required by this chapter.
- C. Change in use or expansion.
  - (1) A structure or use in existence at the effective date of this chapter that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:
    - (a) If an existing lawful use includes less parking than would be required, then that deficit of parking shall be grandfathered for new uses. For example, if an existing store included three parking spaces and was required to provide seven spaces, there is a deficit of four spaces. Therefore, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of six spaces, 10 minus the preexisting deficit of four.
  - (2) If a use expands by an aggregate total maximum of 10% in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this chapter, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 300 square feet was proposed, then additional parking would not be required.
- D. Continuing obligation of parking and loading spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this chapter. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.
- E. Location of parking.
  - (1) Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet of walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a nonresidential use. A written and signed lease shall be provided.

- (a) The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking and that a renewal of the permit shall only be approved if the parking lease is renewed.
- (2) CBD District. In the CBD District, special exception approval shall be required for three or more new off-street parking space(s) proposed between the street curb of Main Street and an existing or proposed principal building if such spaces would be at least partially within 50 feet of the curb. The Zoning Hearing Board shall only approve such parking if the applicant proves that:
  - (a) There is no feasible alternative to placing the parking in that location, as opposed to placing parking to the rear or side of the building.
  - (b) The parking and any related driveway will be designed to minimize interference with pedestrian movements along Main Street.
- F. Flexibility in parking. As a special exception, an applicant may prove to the satisfaction of the Zoning Hearing Board that the minimum amount of off-street parking should be modified for a specific application because of one or more of the following characteristics:
  - (1) The applicant proves that parking will be shared with another use that will reduce the total amount of parking needed because the uses have different peak times of parking need and that there is a legally guaranteed method to make sure that the parking will continue to be available during all of the years that the use is in operation; or
  - (2) The applicant proves that the parking demand for a particular use is unusually low because of some unusual and peculiar characteristic of the use.
- G. Within the Commercial Business District, see also § 270-81.B above.

**§ 270-83. Design standards for off-street parking.**

**A. General requirements.**

- (1) Backing onto a street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single-family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.
- (2) Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces serving a single-family dwelling, semi-detached dwelling or townhouse dwelling.
- (3) Parking areas shall not be within a required buffer yard or street right-of-way.
- (4) Separation from street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.

- (5) Stacking and obstructions. Each lot shall provide adequate area upon the lot to prevent backup of vehicles on a public street while waiting entry to the lot or while waiting for service at a drive-through facility.

B. Size and marking of parking spaces.

- (1) Each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 18 feet, except the minimum length shall be 22 feet for parallel parking.
- (2) If a parking area includes 15 or more spaces, then a maximum of 20% of the spaces may include a rectangle with a minimum width of nine feet and a minimum length of 16 feet. Such spaces shall be clearly marked "For Compact Cars Only" and shall not include the most desirable spaces within the parking area.
- (3) For handicapped spaces, see Subsection G below.
- (4) All spaces shall be marked to indicate their location, except those of a one- or two-family dwelling.

C. Aisles. The following parking aisle widths shall supersede the aisle widths stated in Chapter 240, Subdivision and Land Development:

- (1) Each aisle providing for one-way traffic to access parking stalls shall have the following minimum width:

Angle of Parking	Minimum Aisle Width (feet)
Parallel or 30°	12
45°	14
60°	18
90°	24

- (2) Each aisle providing access to stalls for two-way traffic shall be a minimum of 24 feet in width, except a width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45° or less.

D. Access drives and driveways.

- (1) Width of driveways/accessways at entrance onto a public street, at the edge of the cartway:\*

	One-Way Use (feet)	Two-Way Use (feet)
Minimum	12	25
Maximum	20	30

\* Unless a different standard is required by PennDOT for an entrance to a state road, or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.

- (2) Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Borough may require an applicant to install an appropriate type and size of pipe at a driveway crossing.
- E. Paving, grading and drainage.
- (1) Parking and loading facilities, including driveways, shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
- (2) Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt or concrete or paving block.
- F. Lighting, buffering and landscaping of parking areas. See § 270-76, Control of light and glare, in Article V, § 270-113.D, Buffer yards, and § 270-114.D, Parking lot landscaping.
- G. Handicapped parking. Handicap parking spaces shall be provided in accordance with the Americans with Disabilities Act (ADA), and any state or federal regulations adopted in accordance with the ADA.

**§ 270-84. Off-street loading.**

- A. Each use shall provide off-street loading facilities which meet the requirements of this section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed for occasional loading and unloading along an alley.
- B. At the time of review under this chapter, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Borough Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this section, the words "loading" and "unloading" are used interchangeably.
- C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.
- D. Fire lanes. Fire lanes shall be provided where required by state or federal regulations or other local ordinances. The specific locations of these lanes are subject to review by Borough Fire Officials.

§ 270-85. (Reserved)

§ 270-86. (Reserved)

§ 270-87. (Reserved)

§ 270-88. (Reserved)

§ 270-89. (Reserved)

§ 270-90. (Reserved)

## **Article VII. Signs**

**§ 270-91. Purpose; permit requirements; changes on signs.**

A. Purposes. The purposes of this article are to:

- (1) promote and maintain overall community aesthetic quality;
- (2) establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content;
- (3) promote pedestrian and traffic safety by avoiding distractions and sight distance obstructions; and
- (4) protect property values and ensure compatibility with the character of neighboring uses.

B. Permit required.

- (1) A zoning permit shall be required for all signs except for:
  - (a) Signs meeting the requirements of § 270-93.
  - (b) Nonilluminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature.
- (2) Only types, sizes and heights of signs that are specifically permitted by this chapter within the applicable district shall be allowed.

C. Changes on signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this chapter, provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased nonconformity with this chapter.

**§ 270-92. Nonconforming signs.**

A. Signs legally existing at the time of enactment of this chapter and which do not conform to the requirements of this chapter shall be considered nonconforming signs.

- B. An existing nonconforming sign may only be replaced with a conforming sign, except a lawful nonconforming sign serving a lawful nonconforming principal use on the same lot may be replaced with a new sign advertising the nonconforming use if the new sign is not more nonconforming in any manner than the previous sign.

**§ 270-93. Miscellaneous signs not requiring permits.**

- A. The following signs shall be permitted by right within all zoning districts within the following regulations and shall not be required to have a permit under this chapter. Editor's Note: See "Miscellaneous Signs Not Requiring Permits," included at the end of this chapter.
- B. In addition, the following types of signs are not regulated by this chapter:
- (1) Historic signs: memorializes an important historic place, event or person and is specifically authorized by the Borough or a county, state or federal agency.
  - (2) Holiday decorations: commemorates a holiday recognized by the Borough, county, state or federal government and does not include advertising.
  - (3) Not readable sign: not readable from any public street or any exterior lot line.
  - (4) Official sign: erected by the state, county, Borough or other legally constituted governmental body, or specifically authorized by Borough ordinance or resolution, and which exists for public purposes.
  - (5) Required sign: only includes information required to be posted outdoors by a government agency or the Borough.
  - (6) Right-of-way sign: posted within the existing right-of-way of a public street and officially authorized by the Borough or PennDOT.

**§ 270-94. Freestanding, wall and window signs; portable and sidewalk signs.**

- A. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to exempt signs and temporary signs permitted in all districts by other provisions of this article. See definitions of the types of signs in § 270-101.

Zoning District or Type of Use	Maximum Total Height of Freestanding Signs	Maximum Area of Wall Signs	Maximum Area of Window Signs	Maximum Area and Number of Freestanding Signs
CBD or NC Districts (No new freestanding sign in the CBD District shall be internally illuminated.) <sup>3</sup>	8 feet	10% of the total area of the building side on which the signs are attached <sup>1</sup>	Temporary nonilluminated window signs are not regulated; other window signs are regulated under "wall signs"	1 sign per street that the lot abuts, each with a maximum area of 32 square feet <sup>2</sup>
All districts not listed above	20 feet in GC District; 12 feet in other districts	15% of the area of the building side on which the signs are attached	Temporary nonilluminated window signs are not regulated; other window signs are regulated under "wall signs"	1 sign per street that the lot abuts, each with a maximum area of 40 square feet <sup>2,3</sup>

NOTES:

- <sup>1</sup>= In the CBD and NC Districts, see Subsection E below for projecting signs.
- <sup>2</sup>= If the permitted freestanding sign area is not used, such sign area may be added to the permitted wall sign area.
- <sup>3</sup>= If a lot includes five or more principal uses or more than 300 feet of frontage along one street, then along one street, one or two freestanding signs shall be permitted with a maximum total freestanding sign area of 80 square feet. A sign at an entrance to an industrial subdivision that lists the name of the subdivision and the uses within the subdivision may have a maximum total freestanding sign area of 80 square feet, in addition to a freestanding sign for each lot.

B. A freestanding sign shall be set back a minimum of 10 feet from the street right-of-way line.

C. Portable and sidewalk signs (including signs on mobile stands) and other temporary signs.

- (1) Purpose. These standards recognize portable signs and sidewalk signs as particular types of signs that have the characteristics of a temporary sign but that have been inappropriately used as a permanent sign.
- (2) Definitions. As used in this section, the following terms shall have the meanings indicated:

**PORTABLE SIGN** – A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.

**SIDEWALK SIGN** – A freestanding sign which is attached to a chassis or legs that allows it to be towed or carried from one location to another and is located between the front wall of a building and the street cartway. The term shall also include umbrellas which carry advertising messages.

- (3) Portable signs are prohibited in all districts, except as a temporary charitable event or temporary special sale sign as permitted by § 270-93.
- (4) Sidewalk signs are permitted in the CBD and NC Districts subject to the following requirements:

- (a) Sidewalk signs shall be removed at the end of each business day.
  - (b) Sidewalk signs shall be used for restaurant specials, business sales or other similar functions which are of a limited duration.
  - (c) Sidewalk signs may consist of changeable message panels, flags, balloons or other objects used for advertising.
  - (d) Sidewalk signs may not obstruct the minimum accessible route required for compliance with the Americans with Disabilities Act.
- D. Wall signs.
- (1) No wall sign shall extend above the top of the wall upon which it is placed.
  - (2) If external lighting is used, reflectors must be at least ten (10) feet above the surface of the ground level, equipped with wire mesh guards and no part of the lighting device may project more than two (2) feet from the wall of the building.
  - (3) No wall sign shall extend beyond the left and right extremities of the wall to which it is attached.
  - (4) There shall be no more than two signs per wall on any building or structure.
  - (5) A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of six feet and a maximum length of 12 feet without being regulated by the wall setback regulations of this chapter and with the wall itself not counting towards the maximum sign area.
- E. Projecting signs. In the CBD and NC Districts, projecting signs are permitted subject to the following requirements:
- (1) No projecting sign shall project more than five (5) feet beyond the building line in the direction of the street, nor shall any portion of any projecting sign be closer than five (5) feet to the face of the street curb or curb line, or the edge of an alley.
  - (2) No portion of any projecting sign shall be located less than eight (8) feet above the normal grade of the ground or sidewalk.
  - (3) No single face or a projecting sign shall exceed 15 square feet in sign area.
  - (4) No projecting sign shall have a vertical dimension greater than six (6) feet.
  - (5) There shall be no more than one projecting sign for any business unless the business has public entrances on two or more public ways, in which case one projecting sign may be erected for and toward each public way.
  - (6) Projecting signs shall be constructed entirely from wood or materials with an appearance closely similar to wood, in addition to any metal fasteners, and shall be securely attached to the building.

- F. **INDIVIDUAL BUSINESS AWNING SIGN** – A sign painted on or attached to the cover of a metal, wooden, or canvas frame of a structural overhang, whether movable, hinged, rolling, folding, stationary or permanent.
- (1) **Number.** There shall not be more than one awning, canopy or marquee sign exceeding an aggregated gross surface area 24 square feet for each principal building. Awning, canopy, and marquee signs which are four square feet or less are exempt from the provisions of this section.
  - (2) **Location.** Signs may be painted or attached flat against the surface of an awning, canopy, marquee and cannot extend beyond the ends of the awning, canopy or marquee or be attached to its underside. The height of the sign shall be no higher than the height of the awning.
  - (3) Awning signs shall be at least 7 feet above the curb or sidewalk.
  - (4) Awning signs may include the name, number and/or logo of the business only. Advertising material of any kind is strictly prohibited on signs affixed to awnings, canopies and marquees.

**§ 270-95. Abandoned or outdated signs.**

Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

**§ 270-96. Location of signs.**

The following shall regulate the location of signs:

- A. **Setbacks.**
- (1) A sign shall not project over any existing street right-of-way, except for permitted projecting signs within the CBD and NC Districts.
  - (2) A freestanding illuminated sign for a commercial or industrial business (except in the CBD or NC District) shall not be located within 10 feet of an abutting lot line of a lot that only includes one dwelling unit.
  - (3) These setbacks shall not apply to official signs, nameplate signs, public service signs and directional signs.
- B. **Sight clearance.** No sign shall be so located that it interferes with the sight clearance requirements of § 270-113.
- C. **Off-premises.** No sign except permitted off-premises, official, political or public service signs shall be erected on a property to which it does not relate or in the public right-of-way unless specifically authorized by this chapter.
- D. **Permission of owner.** No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

- E. Utility poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.

**§ 270-97. Illumination of signs.**

See § 270-76, Control of light and glare, in Article V.

**§ 270-98. Vehicles functioning as signs.**

A sign affixed to any vehicle or structure in such a manner that it is the primary purpose of the vehicle or structure shall be considered a freestanding sign and shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

**§ 270-99. Prohibited signs.**

The following signs are prohibited in all zoning districts:

- A. Any moving object used to attract attention to a commercial use; flags and banners, except as is permitted by § 270-93 and except for flags or banners meeting the requirements for a particular type of sign.
- B. Flashing, blinking, twinkling, animated or moving signs of any type, except time and temperature signs may flash. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays within § 270-93.
- C. Signs which emit smoke, visible vapors or particles, sound or odor.
- D. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this chapter.
- E. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "danger," "stop," "look," "one-way," and "yield").
- F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic.
- G. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes.
- H. Floodlights and outdoor lasers for advertising purposes.
- I. Any sign or sign structure which constitutes a hazard to public safety or health.

**§ 270-100. Construction of signs.**

Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall, by written notice, require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified

period of time. If such order is not complied with, the Borough may repair or remove such sign at the expense of such owner or lessee.

**§ 270-101. Definitions; measurement and type requirements.**

A. Sign definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this article:

**BUILDING FACE** — The vertical area of a particular side of a building, but not including the area of any slanted roof.

**FREESTANDING SIGN** — A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

**HEIGHT OF SIGN** — The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this article when attached to a tower or spire of a place of worship.

**ILLUMINATED SIGN, INTERNALLY** — A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be externally illuminated.

**OFF-PREMISES SIGN** — See Article II.

**SIGN** — See Article II.

**WALL SIGN** — A sign primarily supported by or painted on a wall of a building and which does not project more than 12 inches from such wall.

**WINDOW SIGN** — A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door. Window signs include messages painted on the glass or mounted or hung inside the building in a manner which is readily visible from the exterior.

B. Measurement of sign area.

- (1) Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One freestanding sign may include several signs that are all attached to one structure, with the total sign area being the area of a common geometric form that could encompass all signs.
- (2) The sign area shall not include any structurally supporting framework, bracing, or clearly defined wooden framing if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself.
- (3) Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle or other regular geometric shape that includes all of the letters and symbols.

- (4) The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
- (5) Unless otherwise specified, all square footages in regards to signs are maximum sizes.

**§ 270-102. Off-premises signs; billboards.**

A. Purposes. Off-premises signs are controlled by this article for the following purposes:

- (1) To ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks.
- (2) To prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within close proximity to existing residences.
- (3) To prevent glare on adjacent property and streets.
- (4) To avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards.
- (5) To recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premises signs, on-premises signs and temporary signs and printed and electronic media; to carry out the purposes listed in § 270-91.

B. Nonconforming off-premises signs. This section is not intended to require the removal of an existing lawfully placed off-premises sign that is in structurally sound condition.

C. Permitted off-premises signs. An off-premises sign is only permitted if it meet the following requirements:

- (1) District. An off-premises sign is only permitted in the GI District.
- (2) Location. An off-premises sign shall be set back a minimum of 25 feet from all lot lines and street rights-of-way.
- (3) Maximum sign area: 300 square feet.
- (4) Spacing. Any off-premises sign shall be separated by a minimum of 1,000 feet from any other off-premises sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premises sign.
- (5) Maximum height: 25 feet above the elevation of the adjacent street, measured at the street center line.
- (6) Attached. No off-premises sign or sign face shall be attached in any way to any other off-premises sign, except that a sign may have two sign faces of 300 square feet each if they are placed approximately back-to-back.
- (7) Control of lighting and glare. See standards in § 270-76.
- (8) Residences. No off-premises sign greater than 10 square feet in sign area shall be located within 200 feet of an existing dwelling.

- (9) Condition. The sign shall be maintained in a good and safe condition. The area around the sign shall be kept free of debris.

§ 270-103. (Reserved)

§ 270-104. (Reserved)

§ 270-105. (Reserved)

§ 270-106. (Reserved)

§ 270-107. (Reserved)

§ 270-108. (Reserved)

§ 270-109. (Reserved)

§ 270-110. (Reserved)

### **Article VIII. General Regulations**

#### **§ 270-111. Street frontage; number of uses or buildings; minimum size of dwellings.**

- A. Frontage required onto improved street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Borough by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of Chapter 240, Subdivision and Land Development. In the case of townhouses, manufactured/mobile home parks or apartments, each unit may have access onto a parking court, which then has access onto a public or private street meeting Borough standards.
- B. Number of principal uses and principal buildings per lot.
- (1) A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
- (a) For example, if Use No. 1 requires a one-acre lot area and Use No. 2 on the same lot requires a two-acre lot area, then the lot shall have a minimum lot area of two acres.
- (b) The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this chapter.
- (c) The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property owners' association, may be established if the applicant proves, to the satisfaction of the

Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place.

- (2) A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this chapter.
  - (a) A manufactured/mobile home park, condominium residential development, apartment development, or retirement community may include more than one principal building per lot, provided all other requirements of this chapter are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners' association, may be established if the applicant proves, to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.
  - (b) A retirement community may include more than one principal use per lot, provided all other requirements of this chapter are met.
- C. Minimum size of dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed, habitable, indoor, heated floor area, which shall be primarily above the ground level.

#### **§ 270-112. Height exceptions.**

The maximum structure height specified for each district shall not apply to antennas that meet the requirements of this chapter, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "height" in § 270-32.

#### **§ 270-113. Special lot and yard requirements; sight clearance; buffer yards.**

##### A. In general.

- (1) No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this chapter. This includes, but is not limited to, setback areas, nonimpervious areas and off-street parking areas.
- (2) Emergency access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders.

##### B. Exceptions to minimum lot areas, lot widths and yards.

- (1) Corner lots. For a corner lot, the minimum side yard depth abutting a public street shall be equal to the minimum depth of the front yard.
- (2) Projections into required yards.

- (a) Cornices, eaves, awnings, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, Bilko-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than three feet, except as may be required within a drainage or utility easement.
- (b) Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
- (3) Front yard setback exception. In any district within a block containing a lot proposed for a construction or expansion of a building, where 50% or more of the improved lots on such block frontage currently have front yards of less depth than is currently required for that district, and where the clear majority of such lots are already developed, the average of such existing front setbacks shall establish the minimum front yard depth for the remainder of the frontage.
- C. Sight clearance at intersections. See the applicable provisions of Chapter 240, Subdivision and Land Development.
- D. Buffer yards. Buffer yards and screening complying with the following standards shall be required under the following situations. In cases where the buffer yard standards in this chapter differ from the buffer planting requirements of Chapter 240, Subdivision and Land Development, the more stringent requirement shall apply.
  - (1) Buffer yard width. Buffer yards shall have a minimum width of five feet, unless a larger width is required by another provision of this chapter.
  - (2) When required. Buffer yards shall be required in the following situations and where otherwise required by this chapter:

<b>Buffer yard to be provided by the following:</b>	<b>When the use providing the screening and buffer is:</b>
<ul style="list-style-type: none"> <li>a. Along side and rear lot lines of any newly developed or expanded:                             <ul style="list-style-type: none"> <li>(1) Principal commercial or industrial use.</li> <li>(2) Area of four or more new off-street parking spaces.</li> <li>(3) Outdoor industrial storage or loading area; or</li> <li>(4) Area routinely used for the overnight parking of two or more tractor-trailer trucks.</li> </ul> </li> </ul>	<p>Abutting or across an alley from an existing dwelling within a residential district and visible from such dwelling, or abutting an occupied existing primarily residential use, regardless of whether the dwelling is within a residential district.</p>
<ul style="list-style-type: none"> <li>b. Along front lot lines of any newly developed or expanded:                             <ul style="list-style-type: none"> <li>(1) Outdoor industrial storage or</li> </ul> </li> </ul>	<p>Abutting and visible from a public street.</p>

- 
- loading area;
- (2) Area routinely used for the overnight parking of two or more tractor trailer trucks; or
  - (3) Area of four or more new off-street parking spaces.
- 
- (3) Location of buffer yards.
    - (a) The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable.
    - (b) Plants needed for the visual screen shall not be placed within an existing street right-of-way. However, deciduous trees may be permitted by the Borough to be placed within a street right-of-way.
    - (c) The buffer yard may include areas within a required front yard, side yard or rear yard or a paved area setback area, provided the larger yard requirement shall apply in case of overlap.
  - (4) Characteristics of buffer yards.
    - (a) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
    - (b) As a special exception use, the applicant may prove to the satisfaction of the Zoning Hearing Board that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the Board may approve a decorative brick wall to be placed between a loading area and an abutting street.
    - (c) Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening.
  - (5) Plant screen.
    - (a) Each buffer yard shall include a planting screen of trees or shrubs extending the length of the lot line.
    - (b) Each planting screen shall meet the following requirements:
      - [1] Plant materials needed to form the visual screen shall have a minimum height when planted of three feet. An initial height of two feet may be used where a parking area is intended to be visible from a street for security purposes. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of two inches measured six inches above the ground level, shall be placed for each 40 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.

- [2] The plant screen shall be placed so that, at maturity, the plants will not obstruct a street or sidewalk.
  - [3] The plant visual screen shall be interrupted only at:
    - [a] Approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot.
    - [b] Locations necessary to comply with safe sight distance requirements.
    - [c] Locations needed to meet other specific state, Borough and utility requirements.
  - [4] American arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.
  - [5] Evergreen trees should be planted at diagonal offsets so that there is room for future growth of the trees.
- (c) Buffer yards shall primarily include evergreen plant screening.
- (6) Buffer yard plans.
- (a) Prior to the issuance of a permit under this chapter where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
    - [1] The location and arrangement of each buffer yard.
    - [2] The placement, general selection of species and initial size of all plant materials.
    - [3] The placement, size, materials and type of all fences to be placed in such buffer yard.
  - (b) If more than 20 evergreen plants are proposed, no more than 50% shall be of one species.
  - (c) See § 270-114.F concerning Planning Commission review and Zoning Officer approval.

**§ 270-114. Landscaping.**

- A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative ground cover and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.
- B. See also the buffer yard provisions in § 270-113.
- C. Street trees. As part of the creation of a new lot or the construction of a new principal nonresidential building or development or parking area for six or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s).

- (1) Number. A minimum average of one such tree shall be planted for each 40 feet of length of street right-of-way around the lot.
  - (2) Location. Where permitted by the Borough and/or PennDOT, such trees shall be placed within the street right-of-way. If planting within the street right-of-way is not approved, then such trees shall be planted with the trunk on private property immediately outside of the street right-of-way.
  - (3) Standards. Such street trees shall meet any applicable Borough street tree or shade tree standards and shall be planted in a manner approved by the Borough Engineer to avoid conflicts with sidewalks and utilities.
  - (4) Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.
  - (5) Existing trees. Along street segments where existing healthy street trees will be preserved and protected during construction, new street trees shall not be required.
- D. Parking lot landscaping.
- (1) One deciduous tree shall be required for every 10 new off-street parking spaces.
  - (2) If a lot will include 20 or more new parking spaces, landscaped areas shall be provided within the parking area. Otherwise, the trees may be planted around the parking area.
  - (3) Trees required by this section shall meet the following standards:
    - (a) Type of trees permitted. Required trees shall be chosen from the Borough's official list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer, that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.
    - (b) Quality of trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
    - (c) Minimum size. The trunk diameter (measured at a height of six inches above the finished grade level) shall be a minimum of two inches or greater.
    - (d) Planting and maintenance. Required trees shall be:
      - [1] Planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air.
      - [2] Properly protected by curbs, curb stops, distance or other devices from damage from vehicles.
- E. Landscaping maintenance. All shade tree, buffer yard and other landscaping required by this chapter shall be perpetually maintained by the property owner. Any landscaping needed to meet a chapter requirement that dies, is removed or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of 150 days.

- F. Review and approval. Where landscaping is required by this chapter, the applicant shall submit a site plan showing proposed initial sizes, locations and species of plantings. Such landscaping plan shall be provided to the Borough Planning Commission for review. Within 45 days of such submittal, the Planning Commission should advise the Zoning Officer regarding whether the landscaping plan meets the requirements of this chapter. The Zoning Officer shall then determine compliance with the landscaping provisions of this chapter. The Planning Commission may also provide advisory recommendations to the applicant concerning landscaping.

**§ 270-115. Nonconformities.**

- A. Proof and registration of nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
- B. Continuation. A lawful nonconforming use, structure or lot as defined by this chapter may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
- C. Expansion of or construction upon nonconformities.
- (1) Nonconforming structure.
- (a) The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:
- [1] Such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity.
- [2] Any expanded area will comply with the applicable setbacks in that district and other requirements of this chapter.
- (b) In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this section regarding nonconforming uses.
- (c) Extension along a nonconforming setback. If an existing building has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the nonconforming side or rear setback line, provided that:
- [1] The structure shall not be extended beyond the existing nonconforming setback line.
- [2] No additional nonconformity shall be created.
- [3] The new nonconforming extension shall not be greater than 25% of the existing floor area.

- [4] All other requirements of this chapter shall be met.
- [5] Such addition shall not be permitted for a nonresidential building that abuts an existing primarily residential use.
- (2) Nonconforming lots.
- (a) Permitted construction on a nonconforming lot. New permitted structures for a single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record held in single and separate ownership as a permitted by right use if minimum setback requirements are met.
- (b) Lot width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this chapter shall not by itself cause such lot to be considered to be a nonconforming lot.
- (3) Expansion of a nonconforming nonresidential use. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
- (a) An expansion of more than 25% in total building floor area shall require special exception approval from the Zoning Hearing Board under Article I.
- (b) Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
- (c) The total building floor area used by a nonconforming use or the total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50% beyond what existed in the nonconforming use at the time the use first became nonconforming.
- [1] The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
- (d) Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this chapter, unless the Zoning Hearing Board grants a variance.
- (4) Expansion of a nonconforming residential use. An existing nonconforming residential use may be expanded as a permitted by right use, provided that:
- (a) The number of dwelling units or rooming house units are not increased.
- (b) The expansion meets all applicable setbacks.
- (c) No new types of nonconformities are created.
- (d) A nonconformity is not made more severe. Changes in dwellings within a mobile/manufactured home park shall be regulated by § 270-62.

- (5) Nonconforming sign. The provisions of this chapter shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this chapter.
- D. Damaged or destroyed nonconformities.
- (1) A nonconforming structure that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if:
- (a) The application for a building permit is submitted within 18 months after the date of damage or destruction;
  - (b) Work begins in earnest within 12 months afterwards and continues; and
  - (c) No nonconformity may be created or increased by any reconstruction.
- (2) The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- E. Abandonment of a nonconformity.
- (1) If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
- (a) As provided for in Subsection D, Damaged or destroyed nonconformities, of this section.
  - (b) The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
  - (c) An existing lawful separate dwelling unit may be unrented for any period of time without being considered abandoned under this chapter.
- F. Changes from one nonconforming use to another.
- (1) Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
- (2) A nonconforming use may be changed to a different nonconforming use only if permitted as a special exception by the Zoning Hearing Board. However, special exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use, provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
- (3) Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the preexisting nonconforming use with regard to:
- (a) Traffic safety and generation (especially truck traffic).

- (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances and explosive hazards.
  - (c) Amount and character of outdoor storage.
  - (d) Hours of operation if the use would be close to dwellings.
  - (e) Compatibility with the character of the surrounding area.
- (4) A nonconforming use shall not be changed to a nonconforming adult use.
- G. District changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this section on nonconformities.

**§ 270-116. Screening of waste containers.**

- A. Any newly placed solid waste dumpster shall be screened on at least three of four sides as necessary to screen views from public streets and dwellings.
- B. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.
- C. Setback from dwellings. To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.
- D. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this section.
- E. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises. Outdoor bulk containers of over 15 cubic feet of capacity for the storage of cardboard or paper for recycling shall still be screened, but shall not be required to meet the setback requirements of Subsection C.

**§ 270-117. Historic buildings and historic preservation provisions.**

- A. Additional uses within rehabilitated historic buildings. § 270-46 permits certain additional uses within the LI and CI Districts within rehabilitated historic resources by special exception. To be eligible for these uses, the applicant shall prove the following to the satisfaction of the Zoning Hearing Board that:
  - (1) the affected building is a historic resource; and
  - (2) a registered architect with substantial experience in the rehabilitation of historic buildings provides a written certification that the exterior of the building as visible from public streets will be historically rehabilitated in conformance with the Secretary of the Interior's Standards for Historic Rehabilitation and accompanying guidelines published by the National Park Service, and that any exterior repairs, alterations and additions visible from a public street will be in conformance with such standards and guidelines.
- B. Historic preservation requirements.
  - (1) Purpose. The purpose of this section is to:

- (a) provide a mechanism to discourage thoughtless and unnecessary destruction of valuable historic resources;
  - (b) provide a mechanism that allows interested parties an opportunity to encourage a property owner to consider alternatives to demolition, such as sale to another person, movement of the building or rehabilitation;
  - (c) provide opportunities for historic resources to be documented before they may be demolished; and
  - (d) seek that historic features be salvaged before demolition.
- (2) Applicability.
- (a) All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this section. In the event of a conflict between the provisions of this section and the underlying zoning district, the provisions of this section shall apply.
  - (b) Covenants and easements. It is not the intent of this section to repeal, abrogate, or impair any existing easements, covenants or deed restrictions.
- (3) Demolition, removal, or relocation of historic resources.
- (a) Demolition, removal or relocation of a historic resource shall be regulated in accordance with this section. No historic resource shall be partially or entirely demolished, removed or otherwise relocated without receiving a conditional use approval from the Borough Council and a zoning permit issued by the Zoning Officer under the provisions of this section, except for emergency demolitions. Emergency demolitions to protect the health, safety and welfare of the citizens of Mount Joy Borough are regulated under the Property Maintenance Code, codified as Chapter 195 of the Mount Joy Borough Code, and the UCC, and the provisions of these codes shall take precedence over the provisions contained in this section.
  - (b) Conditional use application.
    - [1] Applications for a conditional use for demolition, removal or relocation of a historic resource shall be made in accordance with Article I.
    - [2] Criteria for review. Applicants for a permit to demolish, remove, or relocate a historic resource in whole or in part must provide, as part of their application, a written statement as to whether the following statements are correct and provide detailed substantiation for each statement which is believed to be correct. In each instance, the burden of proof is on the property owner to demonstrate that the property owned has been deprived any profitable use of the relevant lot as a whole. The decision of the Borough Council shall be based upon a review of the information submitted by the applicant against all criteria and not any one criterion. The goals and development objectives of the Borough shall also be considered. The criteria for review shall be as follows:

- [a] It is not feasible to continue the current use of the building.
  - [b] Other uses permitted within the underlying zoning district, either as permitted by right uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
  - [c] Adaptive use opportunities do not exist due to constraints related to the building, structure, or property.
  - [d] The building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.
  - [e] The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
  - [f] The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.
  - [g] A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.
  - [h] The building is structurally unsound.
  - [i] The denial of the demolition would result in unreasonable economic hardship to the owner. Forms for the determination of economic hardship are available at the municipal office.
  - [j] Sale of the building or structure is impossible or impractical.
  - [k] Denial of demolition will deprive the property as a whole of all beneficial use.
- (c) Associated land development plans. If application for a permit for demolition, removal or relocation of a historic resource is being requested to facilitate future development of the land, then said permit shall not be issued until the following additional requirements have been satisfied:
- [1] Approval of the land development plan by the Mount Joy Borough Council;
  - [2] Issuance of any necessary zoning approvals; and
  - [3] The recording of the approved subdivision or land development plan for the parcel where the demolition, removal, or relocation is proposed.
- (d) Pre-demolition requirements. In those instances where an application for demolition is approved, the building(s) to be demolished shall be historically and photographically documented in a manner set forth as part of the conditional use decision. The extent of documentation will be determined by the significance of the

building(s). If no requirements are set forth in the conditional use decision, the documentation shall be conducted in accordance with guidance from the Pennsylvania Historical & Museum Commission. When documentation is complete the building shall be dismantled and any dismantled materials should be salvaged for reuse to the greatest extent possible.

- (e) Denial of demolition. If an application for demolition, removal or relocation has been denied, the applicant may appeal the decision of Borough Council to the Court of Common Pleas in accordance with the MPC.
  - (f) Enforcement. Violations of this section shall be enforced in accordance with § 270-6 of this chapter.
- (4) Demolition of historic resources by neglect.
- (a) General requirements. Demolition by neglect is defined as the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or structure meets the criteria for condemnation under the Borough Property Maintenance Code.
    - [1] Codes violations. If the Zoning or Codes Enforcement Officer has cited a property owner of a historic resource for conditions that has or could lead to structural weakness, decay or deterioration in a building or structure and the property owner fails to correct the condition(s) in the time specified, the property owner may be cited for demolition by neglect under these provisions and be subject to the penalties contained herein. Enforcement notices shall be issued in accordance with § 270-6.
    - [2] The owner of unoccupied principal or accessory buildings or structure that has been cited for violations shall develop a written maintenance program for the protection of any and all unoccupied historic resources. Said maintenance program shall be established in accordance with the Mount Joy Borough Property Maintenance Code. A copy of the maintenance program shall be filed with the Zoning and Codes Enforcement Officer(s) and implementation begun in accordance with an established time-table.
      - [a] The maintenance program shall address measures to assure that structural components are protected and reinforced to stabilize and maintain the essential form of the building and structure. Structural features requiring stabilization include, but may not be limited to: roof, chimney(s), cornice, soffit, fascia, spouting, columns, beams, posts, as well as window and door sills, lintels and jambs.
      - [b] The exterior and interior of the building or structure may be inspected annually by the Zoning or Codes Enforcement Officer with the owner or the owner's agent to determine code compliance with the established maintenance program.

- [3] Enforcement. Violations of this section shall be enforced in accordance with § 270-6 of this chapter.
- (5) Demolition, removal or relocation of potentially historic structures.
- (a) Legislative intent. A waiting period is established to allow potentially historic structures to be historically and photographically documented prior to demolition.
- (b) Permit procedure.
- [1] An applicant must make application for a zoning permit for the demolition of a potentially historic structure in accordance with Article I.
- [2] The Zoning Officer shall wait a minimum a 45 days after receiving a complete valid application for the demolition before issuing a permit for the demolition.
- [3] Within ten days after receiving a complete valid application for demolition of a potentially historic structure, the zoning officer shall post notice at the property indicating the pending application and the date of expiration of the waiting period. The Zoning Officer may provide notification to other interested parties, by posting on the Borough's publicly-accessible website and/or announcement at a public meeting of Borough Council.
- [4] Emergency demolitions to protect the health, safety and welfare of the citizens of Mount Joy Borough are regulated under the Property Maintenance Code, codified as Chapter 195 of the Mount Joy Borough Code, and the UCC, and the provisions of these codes shall take precedence over the provisions contained in this section.
- (c) Documentation. Prior to issuance of the permit, the applicant shall grant reasonable access to the property for historic and photographic documentation of the potentially historic structure by a non-profit organization established for preservation of historic records.

**§ 270-118. Access management.**

Curb cuts and new driveways and access drives shall be limited on both sides of Main Street. In order to reduce the number of new curb cuts, driveways and access drives, applicants shall implement one of the following requirements:

- A. Provide vehicular access to parking areas from streets or alleys other than Main Street, such as from the rear of the property or the side street for a corner lot.
- B. Provide shared vehicular access between two or more adjoining land uses that make use of only one shared access drive onto Main Street. A shared access drive shall be located no less than 200 feet from the nearest access drive or street intersection, measured from centerline to centerline.

Mount Joy Borough Zoning Ordinance - Attachments

---

**Table of Permitted Uses: Primarily Residential Districts**

**Key:**

- P = Permitted by right (zoning decision by Zoning Officer)
- CU = Conditional use (zoning decision by Borough Council)
- SE = Special exception use (decision by Zoning Hearing Board)
- N = Not permitted
- § 270-62 = See additional requirements in § 270-62
- § 270-63 = See additional requirements in § 270-63

Types of Uses (See definitions in Article II)	Zoning Districts			
	C	LDR	MDR	MHDR
<b>A. Residential uses:</b>				
Single family detached dwelling (Manufactured homes shall meet the additional requirements of § 270-62)	SE	P	P	P
Semi-detached dwelling, with each new dwelling unit on its own fee-simple or condominium lot	N	N	P	P
Townhouse/row house (§ 270-62), with each new dwelling on its own fee-simple or condominium lot	N	N	P	P
Apartments (§ 270-62), in newly constructed buildings	N	N	N	P
Manufactured/mobile home park (§ 270-62)	N	N	N	SE
Retirement community (§ 270-62)	N	N	SE	SE
Boardinghouse (includes rooming house)	N	N	N	N
Cluster development (§ 270-62)	N	N	C	C
Group home within a lawful existing dwelling unit (§ 270-62), not including a treatment center	P	P	P	P
Apartments, conversion of an existing building to result in an increased number of dwelling units (See also "Unit for care of relative" under "Accessory Uses")	N	N	N*	N*
<b>B. Commercial uses:</b>				
Bed-and-breakfast Inn (§ 270-62)	N	SE	SE	SE
Campgrounds (§ 270-62)	P	N	N	N
Commercial communications antennas/tower (§ 270-62)				
Meeting § 270-62.M(1) pertaining to accessory structures on non-residential lots	P	P	P	P
Other, such as a freestanding tower	N	N	N	N

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts			
	C	LDR	MDR	MHDR
Crafts or artisan's studio (see also as home occupation)	N	N	P	P
Neighborhood Business**	N	N	P	P
Picnic Grove, Private (§ 270-62)	P	N	N	N
Plant Nursery, with any on-site retail sales limited to plant materials primarily grown on the premises	P	N	N	N
Recreation, Outdoor (including boating, fishing and closely similar uses; other than uses listed separately)	SE	N	N	N
<b>C. Institutional uses:</b>				
Cemetery, which shall not include a crematorium	N	N	SE	P
Community center, youth recreation center or library	N	SE	P	P
Cultural center of museum	C	N	SE	SE
Day care center, adult (§ 270-62)	N	N	N	SE
Day care center, child (§ 270-62) (See also as an accessory use)	N	N	SE	SE
Membership club, other than an after hours club or tavern	N	N	N	SE
Nursing home or assisted living facility/personal care home (§ 270-62) (See also within a retirement community under residential uses in this table)	N	N	N	SE
Place of worship (§ 270-62)	N	SE	SE	SE
School, public or private, primary or secondary (§ 270-62)	N	SE	P	P
<b>D. Public/Semi-Public Uses</b>				
Borough-owned uses	P	P	P	P
Government facility, other than uses listed separately in this section	SE	N	SE	SE
Emergency services station, which may include a supporting social club facility				
Not including a supporting social club facility	N	N	P	P
Including a supporting social club facility	N	N	SE	SE
Publicly owned or publicly operated recreation or closely similar park open for public recreation use without charge	P	P	P	P
Public utility facility (See also § 270-14) (other than commercial communications antennas)	SE	N	SE	SE
Swimming pool, nonhousehold (§ 270-62)	P	SE	SE	SE
United States Postal Service facility (may include leased facility)	N	N	N	N

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts			
	C	LDR	MDR	MHDR
<b>E. Accessory uses:</b>				
See list of additional permitted uses in § 270-47.C, such as residential accessory structures or uses (See additional requirements in § 270-63 for specific accessory uses.)				
Day care center accessory to and on the same lot as an existing lawful place of worship, with a minimum lot area of 6,000 square feet	P	P	P	P
Day Care [§ 270-63.D(3)] as accessory to a dwelling:				
Day care of a maximum of 3 adults or youth, in addition to relatives of the caregiver	P	P	P	P
Group day-care home	SE	N	N	SE
Family day-care home	SE	N	SE	P
Home occupation, general (§ 270-63)	SE	SE	SE	SE
Home occupation, light (§ 270-63)	P	P	P	P
Unit for care of relative (§ 270-63)	N	SE	SE	SE
<b>F. Miscellaneous Uses</b>				
Nature preserve, wildlife sanctuary or environmental education center	P	N	N	N
Parking lot as the principal use of a lot	N	N	SE	SE
Pasture and grazing land	P	P	N	N
Raising of livestock (§ 270-62)	P	N	N	N
Erosion and sedimentation controls, water monitoring devices, flood hazard improvements, culverts and stormwater improvements	P	P	P	P
Forestry	P	P	P	P
Crop farming (which may include horticultural uses)	P	N	N	N
All uses that will be unable to comply with the performance standards of this chapter, especially including the environmental protection requirements of Article V	N	N	N	N

\* Except shall be permitted as a special exception use if limited to within a building that existed with a minimum indoor heated living floor area of 2,500 square feet at the time of adoption of this chapter. No building shall be expanded or newly constructed under this conversion, except for additions necessary for emergency or handicapped access. Each dwelling unit shall meet the minimum floor area requirements of § 270-111. In addition, in the MDR District, this use shall be limited to a lot with a lot area of one acre of greater.

\*\* Neighborhood businesses may only be located on corner lots.

Mount Joy Borough Zoning Ordinance - Attachments

---

**Table of Permitted Uses: Primarily Non-Residential Districts**

**Key:**

- P = Permitted by right (zoning decision by Zoning Officer)
- CU = Conditional use (zoning decision by Borough Council)
- SE = Special exception use (decision by Zoning Hearing Board)
- N = Not permitted
- § 270-62 = See additional requirements in § 270-62
- § 270-63 = See additional requirements in § 270-63

Types of Uses (See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
<b>A. Residential Uses</b>						
Single-family detached dwelling (including manufactured/mobile home [§ 270-62], except within a National Register or state-certified historic district)	SE	P	N	N	N	N
Semi-detached dwelling, with each dwelling unit on its own lot	N	P	N	N	N	N
Townhouse/row house (§ 270-62)	N	P	N	N	N	N
Apartments (§ 270-62)	P <sup>1</sup>	P <sup>1</sup>	N	N <sup>2</sup>	N <sup>2</sup>	N
Conversion of an entire building into a single dwelling unit	SE	N	N	N	N	N
Boardinghouse or rooming house (§ 270-62)	N	N	SE	N	N	N
Group Home within a lawful pre-existing dwelling unit (§ 270-62), not including a treatment center	P	P	P	N	N	N
<b>B. Commercial Uses</b>						
Adult use (§ 270-62)	N	N	N	N	N	SE
After-hours club (Note: This use is effectively prohibited by State Act 219 of 1990.)	N	N	N	N	N	N
Amusement arcade	N	SE	P	N	N	N
Auto repair garage or service station (§ 270-62)	N	SE	SE	N	N	N
Auto, boat or mobile/manufactured home sales (§ 270-62)	N	SE	P	N	N	N
Bakery, retail	P	P	P	N	N	N
Bed-and-breakfast inn (§ 270-62)	P	P	P	N <sup>2</sup>	N <sup>2</sup>	N

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
Beverage distributor, which may include retail and/or wholesale sales	N	SE	P	N	N	N
Car wash (§ 270-62)	N	SE	P	N	N	N
Catering, custom, for off-site consumption	P	P	P	P	P	P
Communications tower/Antennas, commercial (§ 270-62)						
Meeting section § 270-62.M(1) pertaining to accessory structures	P	P	P	P	P	P
Other, such as a freestanding tower	N	N	SE	N	SE	SE
Conference center	P	N	P	P	P	N
Construction company or tradeperson's headquarters (including but not limited to landscaping, janitorial or pest control contractor (See also as a home occupation). (Accessory outdoor storage shall be permitted provided it meets the plant screening requirements of § 270-113 and § 270-114.)	P	SE	P	P	P	P
Crafts or artisan's studio (see also as home occupation)	P	P	P	P	P	P
Custom printing, photocopying, faxing, mailing or courier service	P	P	P	P	P	P
Exercise club	P	P	P	P	P	P
Financial institution, including banks (§ 270-62), with any drive-through facilities meeting § 270-63	P <sup>4</sup>	P <sup>4</sup>	P	N <sup>2</sup>	N <sup>2</sup>	N
Flea market/auction house	P	N	P	N <sup>2</sup>	N <sup>2</sup>	N
Funeral home (§ 270-62)	P	P	P	N <sup>2</sup>	N <sup>2</sup>	N
Gas station (See "auto service station")						
Greenhouse or garden center	N	N	P	P	P	P
Kennel (§ 270-62)	N	N	N	N	N	SE
Laundromat	SE	P	P	N <sup>2</sup>	N <sup>2</sup>	N
Laundry, commercial or industrial	N	N	P	P	P	P

January 5, 2016

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
Lumber yard	N	N	P	N	P	P
Massage therapy, certified (See "personal services")						
Motel or hotel (§ 270-62)	P	N <sup>3</sup>	P	P	N <sup>2</sup>	N
Office	P	P	P	P	P	P
Pawn shop	SE	SE	SE	N	N	N
Personal services (includes tailoring, custom dressmaking, haircutting/styling, dry-cleaning, shoe repair, certified massage therapy, and closely similar uses) (See also as home occupation)	P	P	P	N <sup>2</sup>	N <sup>2</sup>	N
Picnic grove, Private (§ 270-62)	P	P	P	N	N	N
Plant nursery, which may include a greenhouse and/or on-site sales	P	P	P	N	P	P
Recreation, indoor (§ 270-62) (includes bowling alley, roller or ice skating, batting practice and closely similar uses; other than uses listed separately)	P	N	P	N <sup>2</sup>	N <sup>2</sup>	N
Recreation, outdoor (including miniature golf course, golf driving range, amusement park, boating, fishing, and closely similar uses; other than uses listed separately)	N	N	P	N	N	N
Repair service, household appliance	P	P	P	P	P	P
Restaurant (§ 270-62) with drive-through service (§ 270-63)	N	N	P	N	N	N
Restaurant (§ 270-62) without drive-through service	P <sup>6</sup>	P <sup>6</sup>	P	N <sup>7</sup>	N <sup>7</sup>	N
Retail store (not including uses listed individually in this table)	P <sup>5</sup>	P <sup>5</sup>	P	N <sup>7</sup>	N <sup>7</sup>	N
Self-Storage Development (see under "industrial uses")						
Shopping Center, involving 5 or more retail establishments within individual first-floor outside entrances and exits for each establishment	N	N	P	N	N	N
Target range, firearms						

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
Completely indoor and enclosed	N	N	P	N	P	P
Other than above (§ 270-62)	N	N	N	N	N	SE
Tattoo or body piercing establishment	N	N	SE	N	N	N
Tavern, which may include a State-licensed micro-brewery or nightclub (not including an After Hours Club)	P	SE	P	N <sup>7</sup>	N <sup>7</sup>	N
Theater, indoor, other than an adult use	P	P	P	N <sup>7</sup>	N <sup>7</sup>	N
Trade/hobby school	P	P	P	P	P	P
Veterinarian office (§ 270-62)	P	P	P	N	N	N
Wholesale sales (See under "industrial uses")						
<b>C. Industrial Uses</b>						
Anaerobic digester, principal § 270-48)	N	N	N	N	CU	N
Asphalt	N	N	N	N	N	SE
Assembly or finishing of products using materials produced elsewhere (such as products from plastics manufactured off-site)	N	N	N	SE	P	P
Building supplies and building materials, wholesale sales of	N	N	P	P	P	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	N	N	P <sup>8</sup>	P
Finishing of products (see "assembly")						
Industrial equipment sales, rental and service, other than vehicles primarily intended to be operated on public streets	N	N	P	P	P	P
Junk—outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N	N
Junkyard (§ 270-62)	N	N	N	N	N	SE

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
Liquid fuel storage, bulk, for off-site distribution, other than: auto service station, retail propane distributor, pre-packaged sales of fuel tanks for company vehicles	N	N	N	N	N	SE
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:						
Agricultural chemicals, fertilizers of pesticides	N	N	N	SE	SE	SE
Apparel, textiles, shoes and apparel accessories (see also "crafts studio")	N	N	P	P	P	P
Animal feed	N	N	N	P	P	P
Cement manufacture	N	N	N	N	N	P
Ceramics products (other than crafts studio)	N	N	N	P	P	P
Chemicals, bulk manufacture, bulk processing, mixing, recycling or bulk storage of highly hazardous or toxic chemicals	N	N	N	N	N	N
Chemical products that are not highly hazardous or toxic chemicals (not including pharmaceuticals or uses listed separately)	N	N	N	SE	SE	SE
Clay, brick, tile and refractory products	N	N	N	N	P	P
Computers and electronic and microelectronic products	N	N	P	P	P	P
Concrete and cement products, other than actual manufacture of cement	N	N	N	N	P	P
Electrical equipment, appliances and components	N	N	P	P	P	P
Explosives or ammunition	N	N	N	N	N	N
Fabricated metal products (except ammunition or explosives)	N	N	N	SE	P	P

January 5, 2016

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
Food (human) and beverage products, at an industrial scale as opposed to a clearly retail scale (not including uses listed individually in this table)	N	N	P	P	P	P
Food products for animals	N	N	N	SE	SE	SE
Gaskets	N	N	N	P	P	P
Glass and glass products (other than crafts studio)	N	N	N	P	P	P
Incineration, reduction, distillation, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals or offal (other than within an approved solid waste facility)	N	N	N	N	N	N
Jewelry and silverware	N	N	P	P	P	P
Leather and allied products (other than crafts studio or tannery)	N	N	N	P	P	P
Lime and gypsum Products	N	N	N	P	P	P
Machinery	N	N	N	P	P	P
Manufactured or modular Housing	N	N	N	N	P	P
Medical equipment and supplies	N	N	N	P	P	P
Metal products, primary	N	N	N	N	N	SE
Mineral products, non-metallic (other than mineral extraction)	N	N	N	P	P	P
Paper and paper products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	SE	P	P
Paper—raw pulp	N	N	N	N	N	SE
Paving materials, other than bulk manufacture of asphalt	N	N	N	N	SE	SE
Pharmaceuticals and medicines	N	N	N	P	P	P
Plastics, polymers, resins, vinyl, coatings, adhesives or sealants	N	N	N	SE	SE	P
Printing ink or photographic film	N	N	N	P	P	P

January 5, 2016

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
Products from previously manufactured materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	P	P	P	P
Roofing materials and asphalt saturated materials	N	N	N	SE	P	P
Rubber, natural or synthetic	N	N	N	SE	SE	P
Scientific, electronic or other precision instruments	N	N	P	P	P	P
Soaps and cleaning compounds	N	N	N	P	P	P
Sporting goods, toys, games, musical instruments or signs	N	N	P	P	P	P
Transportation equipment	N	N	N	P	P	P
Wood products and furniture (not including raw paper pulp)	N	N	P	P	P	P
See § 270-5 for uses that are not listed						
Mineral extraction (§ 270-62) and related processing, stockpiling and storage	N	N	N	N	N	SE
Packaging	N	N	P	P	P	P
Package delivery services distribution center	N	N	N	SE	P	P
Petroleum refining	N	N	N	N	N	N
Photo processing, bulk	P	N	P	P	P	P
Printing or bookbinding	P	N	P	P	P	P
Recycling collection center (§ 270-62), provided all operations of an industrial scale occur within an enclosed building (other than Borough-owned use)	N	N	SE	SE	P	P
Recycling center, bulk processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include paper processing, a solid waste disposal or transfer facility)	N	N	N	SE	SE	SE

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
Research and development, engineering or testing facility or laboratory	N	N	N	P	P	P
Sawmill/planing mill	N	N	N	SE	P	P
Self-storage development (§ 270-62)	P <sup>10</sup>	N	SE	P	P	P
Slaughterhouse, stockyard or tannery (§ 270-62)	N	N	N	N	N	SE
Solar energy system, principal (§ 270-62)	N	N	N	SE	P	P
Solid waste landfill (§ 270-62)	N	N	N	N	N	SE
Solid waste transfer facility or waste-to-energy facility (§ 270-62)	N	N	N	N	N	SE
Trucking company terminal (§ 270-62)	N	N	N	N	N	SE
Warehousing or storage as a principal use	P <sup>10</sup>	N	N	SE	P <sup>11</sup>	P
Warehousing or storage as an accessory use to a permitted principal use on the same lot or an adjacent lot or located in the same zoning district	P <sup>9</sup>	P <sup>9</sup>	P	P	P	P
Welding	N	N	N	SE	P	P
Wholesale sales (other than motor vehicles)	N	N	P	SE	P	P
Wind energy system, principal (§ 270-62)	N	N	N	SE	P	P
<b>D. Institutional uses:</b>						
Cemetery (See "crematorium," listed separately.)	N	N	N	N	N	P
College or university, educational and support buildings	P	N	P	P	P	P
Community center or library	P	P	P	P	P	P
Crematorium	N	N	N	N	N	SE
Cultural center or museum	P	P	P	N	N <sup>2</sup>	N
Day-care center, adult (§ 270-62)	P	P	P	P	P	N
Day-care center, child (§ 270-62) (See also as an accessory use)	P	P	P	P	P	N
Hospital (§ 270-62)	SE	N	P	SE	P	P

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
Membership club meeting and recreation facility, not including an after-hours club or tavern	SE	SE	P	N	N	N
Nursing home or personal care home/assisted living (§ 270-62)	N	P	P	N	N	N
Place of worship (§ 270-62)						
Approved after the adoption of this chapter	SE	P	P	P	P	P
Expansion of an existing place of worship	P	P	P	P	P	P
School, public or private, primary or secondary (§ 270-62)	SE	P	P	P	P	N
Treatment center (§ 270-62)	N	N	N	N	N	SE
<b>E. Public/semipublic uses:</b>						
Borough-owned uses	P	P	P	P	P	P
Government facility, other than uses listed separately in this section						
Emergency services station, which may include a supporting social club building or facility	SE	N	P	P	P	P
Publicly owned or publicly operated recreation, or closely similar park open for public recreation use without charge	P	P	P	P	P	P
Public utility facility (See also § 270-14) (not including commercial communications antennas)	SE	SE	SE	SE	SE	P
Swimming pool, nonhousehold (§ 270-62)	N	N	P	P	P	P
<b>F. Institutional/public uses:</b>						
United States Postal Service facility, which may include a leased facility	P	P	P	P	P	P
<b>G. Accessory uses:</b>						
See list of additional permitted uses in § 270-46.C, such as residential accessory structure or use; see additional requirements in § 270-63 for specific accessory uses						

Mount Joy Borough Zoning Ordinance - Attachments

Types of Uses (See definitions in Article II)	Zoning Districts					
	CBD	NC	GC	LI	CI	GI
Day-care center accessory to a lawful place of worship	P	P	P	P	P	N
Day care, child (See § 270-63)						
Group day-care home	P	P	P	P	P	N
Family day-care home	P	P	P	P	P	N
Heliport	N	N	N	N	SE	SE
Home occupation accessory to a lawful dwelling unit						
General home occupation (§ 270-63)	P	P	P	N	N	N
Light home occupation (§ 270-63)	P	P	P	N	N	N
Telephone (outdoor pay) or vending machines (See § 270-63)						
<b>H. Miscellaneous</b>						
Erosion and sedimentation controls, water monitoring devices, flood hazard improvements, culverts and stormwater improvements	P	P	P	P	P	P
Forestry	P	P	P	P	P	P
Nature preserve, wildlife sanctuary or environmental education center	P	P	P	P	P	P
Parking lots as the principal use of a lot	SE	SE	P	P	P	P
Pasture and grazing land	N	N	P	P	P	P
Raising of livestock (§ 270-62)	N	N	SE	N	SE	SE
Crop farming	N	N	P	N	P	P
All uses that will be unable to comply with the performance standards of this chapter, especially including the environmental protection requirements of Article V	N	N	N	N	N	N

**NOTES:**

- <sup>1</sup> = Provided that a permitted principal commercial use occupies the majority of the street-level fronting a public street. In addition, in the NC District, apartments shall be limited to within buildings that existing prior to the adoption of this chapter. In the NC District, there shall be a maximum of 2 dwelling units on each lot.
- <sup>2</sup> = Except permitted by special exception if approved within a restored historic building under § 270-117.

Mount Joy Borough Zoning Ordinance - Attachments

---

- <sup>3</sup> = Except permitted by right on a lot exceeding 2 acres.
- <sup>4</sup> = Provided any drive-through service shall need special exception approval. The applicant shall provide that the entrances and exits for the drive-through have been designed to minimize conflicts with pedestrian travel along Main Street. To the maximum extent feasible, drive-through service entrances and exits shall use alleys and side streets.
- <sup>5</sup> = Limited to indoor sales and display, except for clearly accessory and customary activities, such as sidewalk sales. Such use shall not include the sale of gasoline or propane. A retail store may include drive-through service with special exception approval. The applicant shall prove that the entrances and exits for drive-through service have been designed to minimize conflicts with pedestrian travel along Main Street. To the maximum extent feasible, drive-through service entrances and exits shall use alleys and side streets.
- <sup>6</sup> = Limited to a maximum floor area of 3,500 square feet, except a larger floor area may be approved as a special exception use.
- <sup>7</sup> = Except permitted by special exception in the LI or CI District if approved within a restored historic building under § 270-117.
- <sup>8</sup> = Within the CI District, see § 270-48.
- <sup>9</sup> = Shall not occupy street-level space adjacent to Main Street.
- <sup>10</sup> = Provided the use shall be located at a minimum of 200 feet from the right-of-way of Main Street.
- <sup>11</sup> = Within the CI District, see also § 270-48.

**Table of Lot and Setback Requirements**

Zoning District: Type of Use	Minimum Lot Area (square feet)	Min. Lot Width Measured at		Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (feet)**	Min. Side Yard Setback (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
		Min. Building Setback Line (feet)	Min. Building Setback Line (feet)					
<b>C District:</b>								
Allowed use.	43,560 (1 acre)	100		30 (10 feet of which may include an unenclosed front porch)	40	10	10%	15%
Within the C District, no new or expanded building and no new or expanded off-street parking area or commercial or industrial storage area shall be located:								
a) Within 75 feet from the centerline of the Little Chiques Creek								
b) on any area that has a natural slope of 15 percent or greater.								
Any street or driveway crossing of the Little Chiques Creek shall be approximately perpendicular to the waterway, to the maximum extent feasible.								
<b>LDR District:</b>								
a) Single family detached dwelling*	10,000	60		30 (10 feet of which may include an unenclosed front porch)	25	10	30%	35%
b) Other allowed use	30,000	90			35			
All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).								
<b>MDR District:</b>								
a) Single-family detached dwelling.*	5,000	40		10 (10 feet of which may include an enclosed front porch)	25	5, except 0 at the shared lot line of lawfully attached dwellings	50%	60%
b) Semi-detached dwelling unit.*	4,000 per dwelling unit	30						For a townhouse development, the maximum impervious coverage may be based on an average for the development
c) Townhouse.*	Minimum average (Note E) of 4,000 per dwelling unit	22 per dwelling unit				15		
d) Retirement communities: The regulations of § 270-62 shall apply instead of the regulations in this table.								
e) Cluster development: The regulations of § 270-62 shall apply instead of the regulations of this table.								
f) Other allowed use.	8,000	70						

Mount Joy Borough Zoning Ordinance - Attachments

Zoning District: Type of Use	Minimum Lot Area (square feet)	Min. Lot Width Measured at		Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (feet)**	Min. Side Yard Setback** (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
		Min. Building Setback Line (feet)	35					
<b>MHDR District:</b>								
a) Single-family detached dwelling.*	4,000	30 per dwelling unit	35	10 (10 feet of which may include an unenclosed porch)	25	5, except 0 at the shared lot line of lawfully attached dwellings	50%	70%
b) Semi-detached dwelling unit.*	3,000 per dwelling unit	22 per dwelling unit						For a townhouse development, the maximum impervious coverage may be based on an average for the development
c) Townhouse.*	2,500 per dwelling unit							
d) Apartments.	Minimum average (Note E) of 2,000 per dwelling unit (Note C)	60						
e) Retirement communities: The regulations of § 270-62 shall apply instead of the regulations in this table.								
f) Other allowed principal use.	5,000	40						
g) Manufactured home parks shall meet the requirements for such use as stated in § 270-62, instead of the requirements of this table.								
<b>CBD District:</b>								
Any allowed use.	1,200	22	0	0 (Note D), except 3 feet from any existing parallel door or window of a building on an abutting lot	0 (Note D)	0 (Note D)	90%	100%
Any lot that is created with a lot area exceeding one acre shall need conditional use approval.								

January 5, 2016

Mount Joy Borough Zoning Ordinance - Attachments

Zoning District: Type of Use	Minimum Lot Area (square feet)	Min. Lot Width Measured at Min. Building Setback Line (feet)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (feet)**	Min. Side Yard Setback (each) (feet)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
NC District: No commercial use shall be open to the public between the hours of 10:00 p.m. and 6:00 a.m. See § 270-51, which regulates any existing or proposed lot over two acres.	2,500	25	0	5 (Note D)	5 (Note D)	90%	100%
CI District: The regulations of § 270-48 shall apply.							
GC, LI or GI Districts: Within the GC District, see § 270-51, which regulates any existing or proposed lot of over two acres.	15,000	80	15 (Note A)	15 (Note A)	15 (Note A)	60%	90%

**NOTES:**

Corner lot setbacks: See § 270-113.B

\* = Each dwelling unit is required to be on its own fee simple or condominium lot.

\*\* = The following exceptions shall apply:

A five-foot-wide minimum side and rear yard setback shall apply for a permitted detached structure that is accessory to a dwelling, except:

In no case shall a vehicle garage be set back less than 8 feet from the cartway of an alley.

Structures shall not obstruct minimum sight clearance at intersections.

See § 270-113 pertaining to corner lots.

No setback is required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings in the side-by-side configuration).

A residential porch or wood deck that is open along sides not attached to the principal building may extend into a required setback. However, a raised wood deck shall be setback a minimum of 10 feet along the rear and five feet along the side. Space under an unenclosed porch may be used for household storage.

See § 270-63 for swimming pools.

See § 270-115 regarding extension of nonconforming setbacks.

See § 270-113 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

- (Note A) = Except a forty-foot-wide minimum setback for any new or expanded portion of an industrial building or truck loading dock form the lot line of a principal residential use.
- (Note C) = The lot area per dwelling unit may be reduced to 1,500 square feet if a lot includes six or more dwelling units and all the units are permanently restricted by deeds and leases to persons age 62 or older, the physically handicapped and their spouses.
- (Note D) = Except 10 feet for a principal nonresidential use from a directly abutting primarily residential lot in a residential district. The minimum setback shall be reduced to two feet from a side or rear lot line for a single one-story detached accessory storage shed or vehicle garage that has a floor area of less than 300 square feet and is used for routine storage and which does not obstruct safe sight distance along a street or alley.
- (Note E) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominiums or fee simple, and regardless of whether public streets, private streets or parking courts are used. The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.

**Design Standards for Cluster Developments**

	Minimum Lot Area (square feet)	Maximum Permitted Height (feet)	Minimum Lot Width at Building Setback (Frontage) (feet)	Maximum Lot Coverage	Minimum Required Yards <sup>3</sup>			
					Front <sup>2</sup> (feet)	One Side (feet)	Both Sides (feet)	Rear (feet)
Single Family Detached Dwelling	6,000	35	50 (36)	60%	20	5	20 ft.	20 ft.
Single Family Semi-Detached Dwelling	3,500	35	40 (36 per unit)	60%	20	10	N/A	20 ft.
Townhouses <sup>1</sup>	1,800 per unit	35	20 (20 per unit)	75%	20	15 (End Units)		20 ft.

NOTES:

- <sup>1</sup> = No townhouse building shall contain more than eight units. For each townhouse building containing more than four units, no more than 60% of such units shall have the same front yard setback; the minimum variation of setback shall be two feet. In addition, no more than two contiguous units shall have identical rooflines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of 15 feet from any interior access drives or parking facilities contained on commonly held lands. All townhouse buildings shall be set back at least 30 feet from any perimeter boundary of the development site. The proposed layout of townhouse lots shall require provisions for access to the rear yard area for the interior units via the use of pedestrian easements that connect such interior lots, possibly through other adjoining interior lots, with the end unit lots and an adjoining street right-of-way. In those instances where several townhouse buildings are located on the same lot, the following footnote "3" shall apply.
- <sup>2</sup> = If the property abuts an arterial road, the minimum front yard setback shall be 40 feet from the right-of-way line.
- <sup>3</sup> = In those instances where several townhouse buildings are located on the same lot, the following separation distances will be provided between each building:
  - a) Front to front, rear to rear, or front to rear, parallel buildings shall have at least 50 feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased as much as 10 feet at one end if increased by similar or greater distance at the other end.
  - b) A minimum yard space of 30 feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of 20 feet.
  - c) A minimum yard space of 30 feet is required between end walls and front and rear faces of buildings.
  - d) All townhouse buildings shall be set back a minimum of 15 feet from any interior access drives or parking facilities contained on commonly held lands.

Mount Joy Borough Zoning Ordinance - Attachments

**Table of Off-Street Parking Requirements**

(see also § 270-81.Bif within the CBD District)

Use	Number of Off-Street Parking Spaces Required	Plus 1 Off-Street Parking Space for Each:
<b>Residential uses:</b>		
Dwelling unit, other than types listed separately in this table	2 per dwelling unit,* except 1 per conversion apartment that only includes one bedroom or is an efficiency unit (*Note: If desired, one space may be in a garage and one space and in a driveway.)	
Townhouses and rowhouses	See § 270-62	
Home occupation	See § 270-62	
Housing permanently restricted to person 62 years and older and/or the physically handicapped (other than a retirement community)	1 per dwelling/rental unit, except 0.4 per dwelling/rental unit if evidence is presented that the nonphysically handicapped persons will clearly primarily be over 70 years old	Nonresident employee
Boardinghouse	1 per rental unit or bed for adult, whichever is greater	Nonresident employee
Group home	§ 270-62	
<b>Institutional uses:</b>		
Place of worship or church	1 per 5 seats in room of largest capacity	Employee
Hospital	1 per 3 beds	1.2 employees
Nursing home	1 per 5 beds	1.1 employees
Assisted living facility and/or retirement community	1 per 4 beds, plus 1.5 for each individual dwelling unit	1.1 employees
Day-care center	1 per 10 children, with spaces designed for safe and convenient dropoff and pickup	1.1 employees
School, primary or secondary	1 per 4 students aged 16 or older	Employee
Utility facility	1 per vehicle routinely needed to service facility	
College, university or trade school	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	Employee
Library, community center or cultural center or museum	1 per 5 seats (or 1 per 250 square feet of floor area accessible to patrons and/or users if seats are not typically provided)	Employee
Treatment center	1 per 2 residents aged 16 years or older, plus 1 per nonresident intended to be treated on site at peak times	Nonresident employee
Swimming pool, nonhousehold	1 per 50 square feet of water surface, other than wading pools	Employee
<b>Commercial uses:</b>		
	(All commercial uses, as applicable shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this chapter.)	
Auto service station or repair garage	5 per repair/service bay and ¼ per fuel nozzle, with such spaces separated from accessways to pumps	Employee, plus any parking needed for a convenience store under "retail uses"

## Mount Joy Borough Zoning Ordinance - Attachments

Use	Number of Off-Street Parking Spaces Required	Plus 1 Off-Street Parking Space for Each:
Auto, boat, recreational vehicle or manufactured home sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
Bed-and-breakfast use	1 per rental unit, plus the 2 per dwelling unit	Nonresident employee
Bowling alley	2 per lane, plus 2 per pool table	1.2 employees
Car wash	Adequate waiting and drying areas	1.2 employees
Financial institution (includes bank)	1 per 200 square feet of floor area accessible to customers, plus office parking for any administrative offices	1.2 employees
Funeral home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
Miniature golf	1 per hole	1.2 employees
Haircutting/hairstyling	1 per customer seat used for haircutting, hairstyling, hair washing, manicuring or similar work	1.2 employees
Hotel or motel	1 per rental unit, plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.2 employees
Laundromat	1 per 3 washing machines	On-site employee
Offices, other than above	1 per 300 square feet of total floor area	
Personal service use, other than haircutting/hairstyling (minimum of 2 per establishment)	1 per 200 square feet of floor area accessible to customers	1.2 employees
Indoor recreation (other than bowling alley), membership club or exercise club	1 per 4 persons of maximum capacity of all facilities	1.2 employees
Outdoor recreation (other than use specifically listed in this table)	1 per 4 persons of capacity (50 may be on grass overflow areas with major driveways in gravel)	1.2 employees
Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats	1.2 employees
Retail sales (other than types separately listed)	1 per 200 square feet of floor area of rooms accessible to customers	
Retail sales of only furniture, lumber, carpeting, bedding or floor covering	1 per 400 square feet of floor area of rooms accessible to customers	
Tavern	1 per 30 square feet of total floor area	1.2 employees
Theater or auditorium	1 per 4 seats, ½ of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.2 employees
Trade/hobby school	1 per 2 students on site during peak use	1.2 employees
Veterinarian office	4 per veterinarian	1.2 employees
<b>Industrial uses:</b>	(In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle requirements of this chapter.)	
All industrial uses (including warehousing, distribution and manufacturing)	1 per 1.2 employees, based upon the maximum number of employees on site at peak periods of time	1 visitor space for every 10 managers on the site

January 5, 2016

Mount Joy Borough Zoning Ordinance - Attachments

Use	Number of Off-Street Parking Spaces Required	Plus 1 Off-Street Parking Space for Each:
Self-storage development	1 per 20 storage units	1.2 employees

**Miscellaneous Signs Not Requiring Permits**

Type and Definition of Signs Not Requiring Permits	Max No. of Signs per Lot	Max. Sign Area per Sign* on Residential Lots (sq. ft.)	Max. Sign Area per Sign* on Non-Residential Lots (sq. ft.)	Other Requirements
<b>Christmas Tree Sign</b> Advertises the seasonal sale of Christmas trees.	2		30	Shall only be posted during seasons when such products are actively offered for sale. Not permitted on residential lots.
<b>Temporary Event or Sale Sign</b> Includes special events, garage sales, open houses, grand opening, going out of business sales, and all other temporary events or sales not otherwise specifically addressed herein	2	4	40	Shall be placed a maximum of 10 days prior to event or sale and removed a maximum of 7 days after event. Such signs shall be permitted only on the premises where the event or activity is to take place. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distance. Temporary event signs cannot be placed on a lot for more than 7 days in each calendar year.
<b>Contractor's Sign</b> Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business	2	8	40	Shall only be permitted while such work is actively and clearly underway and a maximum of 10 days afterward; such signs shall not be placed on the lot for more than one year, unless a one-year extension is granted by the Zoning Officer; shall not be illuminated
<b>Directional Sign</b> Advertises information indicating traffic direction, entry or exit, loading or service areas, directions to apartment numbers, parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on and that does not include advertising	No maximum	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional signs shall be located within the premises to which the directions apply. Off-premises directional signs are not permitted. Directional signs within a residential development shall not be illuminated.

Mount Joy Borough Zoning Ordinance - Attachments

---

Type and Definition of Signs Not Requiring Permits	Max No. of Signs per Lot	Max. Sign Area per Sign* on Residential Lots (sq. ft.)	Max. Sign Area per Sign* on Non-Residential Lots (sq. ft.)	Other Requirements
<b>Flag</b> A banner or pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind and that includes some type of message.	2	50	50	Government flags and flags without messages are not regulated by this chapter
<b>Government Sign</b> Signs erected by a governmental body or under the direction of such a body and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, and signs identifying public schools and playgrounds.	No maximum	No maximum	No maximum	N/A
<b>Identification Sign</b> Identifies the name and/or occupation (including a home occupation) of the resident and/or name, street address and/or use of a lot, but does not include advertising. Identification signs may also include hours of operation and an open/closed indication relating to the current operational status of the use.	1	2	6	Maximum height of 8 feet Shall not be illuminated, shall be set back a minimum of 10 feet from the street right-of-way, unless printed on a mailbox; may be freestanding, attached flat on a building wall or within a window
<b>Political Sign</b> Advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body	No maximum	Maximum total of 30	Maximum total of 60	Shall be placed a maximum of 60 days prior to election, vote or referendum, and removed a maximum of 7 days after such election, vote or referendum; person posting political signs shall maintain a written list of such signs, unless posting signs on their own property; political signs shall not be placed on private property without the prior consent of the owner (If a political sign does not meet these requirements, then it shall be regulated as an off-premises sign.)
<b>Public Service Sign</b> Advertise the availability of restrooms, telephone or other similar public convenience	No maximum	2	2	

Mount Joy Borough Zoning Ordinance - Attachments

---

Type and Definition of Signs Not Requiring Permits	Max No. of Signs per Lot	Max. Sign Area per Sign* on Residential Lots (sq. ft.)	Max. Sign Area per Sign* on Non- Residential Lots (sq. ft.)	Other Requirements
<b>Real Estate Sign</b> Advertises the availability of property on which the sign is located for sale, rent or lease	1 per street the lot abuts	6	30	Shall only be placed on the property while it is actively for sale, lease or rent and shall be removed a max of 7 days after settlement or start of lease
<b>Time and Temperature Signs</b> With a sole purpose to announce the current time and temperature and any nonprofit public service message	1	Not permitted	30	
<b>Trespassing Sign</b> Indicating that a road is private, that trespassing is prohibited on a lot or controlling certain activities such as hunting and fishing on the lot	No maximum	2	4	

**NOTES:**

\* = Maximum sign areas are for each of two sides of each permitted sign, measured in square feet

Mount Joy Borough Zoning Ordinance - Attachments

**Appendix 1. Mount Joy Borough Registry of Historic Buildings**

The Mount Joy Borough Registry of Historic Buildings shall consist of the following:

Address	Parcel No.	Year Built	Integrity, style, architecture	Historical significance
205 N. Barbara St.	450-55763	1880	Original porch front portico pillars are still visible on the east side of the building facing the alley	The first boys private school on North Barbara Street at the Frank Street intersection.
114 Fairview St.	450-93532	1843	Brick, single-story, 3-bay schoolhouse.	Before the "all Mount Joy School" was built in 1873, even though the Borough was formed in 1851, children were housed in 5 one-room schoolhouses and one two-room school. This is the only one-room school left and is being restored by the Mount Joy Area Historical Society. When completed, the schoolhouse will be connected to the current Mount Joy Area Historical Society museum (former AME Church) at 120 Fairview Street.
120 S. Jacob St.	450-20045	1882	Brick building	Factory for the Mount Joy Woolen Manufacturing Company. In 1973, a plaque was placed on the building that said, "Milton Hershey made caramels in the factory from 1892 to 1898." (The Browns bought it back again in 1898)
4 E. Main St.	450-26905	1870	Moderate pitch roof; 6-lite transom, side-lites; Greek Revival style.	Originally Doctor office and residential.
13 E. Main St.	450-40521	1880	Well preserved early wood structure	Served as Darrenkamp's store which is an historic local retail establishment; Harry Darrenkamp sold oysters here as early as 1909
18-20 E. Main St. (5 Delta St.)	450-48795	1845	Classic Revival; gable roof with paired end chimney, parapets with at gable ends; brick cornice with modillions; entrance flanked by pilasters topped with molded entablature; Federal style.	Name of house is in honor of Henry Carpenter, who resided here for many years.
30 E. Main St.	450-63927	1874	First Gothic Revival Church; unusual features include the canted buttresses and the front entry porch with polygonal posts	Church of God
37 E. Main St.	450-76946	1897	Gothic Revival; brick structure; with steep pitch roof.	Clarence Schock home
47 E. Main St.	450-88520	1926	Well preserved early 20 <sup>th</sup> century Art Deco exterior	Originally built to house the Richmond Club
50-52 E. Main St.	450-93925	1820	Late Victorian; wood structure	Bowman-Booth Store

January 5, 2016

Mount Joy Borough Zoning Ordinance - Attachments

62 E. Main St.	450-10820	1892	Well preserved brick/limestone Federal style exterior	Site of early saddle and harness making shop, residence and offices of prominent local physicians, Dr. Harry Kendig and Dr. Newton Kendig.
63-65 E. Main St.	450-05390	1920	A Queene Anne building had an Art Modern tripartite added and that has now been altered, but original is still apparent.	Joy Theatre
79 E. Main St.	450-19868	1932	Intact example of early 20 <sup>th</sup> century commercial storefront architecture	Originally Lincoln Bowling Alley (Mount Joy's first and only bowling alley)
87 E. Main St.	450-29661	1830	Late Victorian, brick structure.	Jacob Rohrer founded his village of Rohrerstown (one of the original three villages to be incorporated into the Borough of Mount Joy); he started his own store here.
93 E. Main St.	450-37752	1923	Wider than it is tall, the building's broad facade is 2 stories high with 3 bays and has 3 groups of tripartite windows on the 2nd floor. The flat roof has a shaped parapet, with a date stone under the center point. The otherwise plain, flat facade is accented by a series of four decorative basketweave patterns in brick, with cast stone insets at the corners, set in between the second floor windows. There is a light-colored band with 5 decorative inset panels under the cornice. An inappropriate pent eave has been added to the facade, and portions of the original storefront opening have been boxed in.	Site of the Exchange Hotel which was destroyed by fire and rebuilt as the H. R. Newcomer building. It became Newcomer's hardware store which included a showroom displaying Ford and Lincoln cars. Anchor building for the downtown.
101 E. Main St.	450-52048	1910	Masonry Beaux Art Bank, design by Lancaster architect, C. Emlen Urban; heavy cornice with paneled parapets; two-story engaged columns with scrolled capitals flank central entrance on façade; console brackets flank doorway; cartouche design above doorway; later brick addition to rear.	The first bank in the Borough was the Mount Joy Savings Institution, incorporated in 1853 and located at 87 East Main Street. It became a state bank in 1860, called the Mount Joy Bank, and in 1865 was organized under the national banking law with the name Union National Bank Mount Joy Bank. The bank, now named Union Community Bank, has occupied its current building at 101 East Main Street since 1911. The Beaux Arts building has been attributed to the firm of Lancaster architect C. Emlen Urban.
123-125 E- Main St.	450-72544	1820	Paired central entrance with transom; original sash and shutters; later frame additions in rear;	Probably erected very soon after Jacob Rohrer laid out this part of Mount Joy in 1811.

January 5, 2016

Mount Joy Borough Zoning Ordinance - Attachments

127 E. Main St.	450-80245	1920		Former residence of Howard G. Longenecker who served as a director and vice president of the Union National Bank and was a member of the J.E. Longenecker Sons leaf tobacco firm, and was a member of the Lancaster Leaf and Tobacco Board of Trade.
134 E. Main St.	450-81778	1811	Four-bay log house covered in weatherboards; central entrance with paired doors flanked by pilasters; wooden cornice which continues across gable ends.	This house was built very shortly after the eastern part of the present Mount Joy was laid out by Jacob Rohrer in 1811.
201 E. Main St. (3 N. High St.)	450-91811	1835	Classic revival house; exterior has some fine and unusual woodwork details which include the crenellated lintels which span the window openings; the elaborate Classic Revival doorway with intricate carved moldings; Ionic Order columns set in antis and crenellated lintel with ornamental panels.	The exterior woodwork of this house is an excellent illustration of Classical Revival forms and ornament persisting, with some stylistic modifications, into the first third of the long Victorian (1837-1901) period.
202 E. Main St.	450-90176	1850	3-story Brick, Italianate, Greek revival. Low hipped roof with slight pediment on the eastern and western bays. Central entrance with paneled double doors. Two bay wing at east duplicates the main house in style and detail. 6/6, transom.	Doorway has crosssetted corners with a slight inward slope to the vertical members, possibly indicating some influence from the Egyptian Revival style.
210 E. Main St.	450-02086	1820	Brick Federal style house, now covered with shingle-like siding; retains original window sash; original shutters have been replaced with vinyl shutters;	Until the early 1970's this was one of the finest and most intact of all Federal period brick houses in Mount Joy.
220 E. Main St.	450-16981	1835	Classical Revival house; gable roof covered with slate; notable detailing includes the elongated console brackets of the cornice which extend into the area of the low attic story windows, and the front doorway with its leaf carved console bracket; very intact.	
228 E. Main St.	450-26777	1850	Three-story, 3-bay, Italianate house; cornice with elaborate curved and scrolled brackets; original window sash and shutters; wooden lintels with molding over windows; door set in paneled reveal; side porch with plain wooden columns; seven bay rear wind.	In the 1890's Thomas J. Brown of the noted local family of textile mill entrepreneurs resided here. The most elaborate and most sophisticated Victorian period house in all of Mount Joy.
229 E. Main St.	450-23125	1775	Two-and one-half story, three bay frame house; possibly has some log elements; plain wooden cornice; gable roof; simple molded window frames; doorway with fluted pilasters is a later addition.	Jacob Myers House. One of the very few, if not the only house in Mount Joy which probably predates the founding of the town early in the second decade of the nineteenth century.
301 E. Main St.	450-36620	1900	Three-story, six bay frame, Colonial revival style house;	George Brown House.

January 5, 2016

Mount Joy Borough Zoning Ordinance - Attachments

			(house/office); hipped roof with overhanging bracketed eaves; may indicate the stylistic influence of Tuscan architecture; it is possible that the design of this exterior was influenced by a mail-order plan.			
330 E. Main St.	450-80313	1920, 1885	Two-story, thirty-two bay brick factory (retail space); slight gable roof; cast concrete sills and lintels; in 1917 a large addition was built.			George Brown's Sons Cotton & Woolen Mill (Sassafras Apartments). Throughout the first third of the twentieth century, this was one of the most important textile companies of Lancaster County. National Register Determination.
1 W. Main St.	450-14577	1801	Well preserved Neo Classical Limestone exterior			Bank
8 W. Main St.	450-63680	1895	Three story, five bay brick Victorian commercial structure; hipped roof with central gable roofed ventilator; corbelled brick cornice; segmental brick arches on third floor windows; corner storefront with bracketed cornice; display windows and paneled base; south façade has paneled double doors; fanlight and segmental brick arches;			The Hall. Most intact store building of the late 1800's now surviving in Mount Joy.
13 W. Main St.	450-02602	1870	Late Victorian, Classical porch columns, masonry structure with wrapped-around porch			The Detwiler House. Detwiler has been referred to as the Real Estate Czar of Mount Joy, owning almost 50 properties at his death. Detwiler Avenue was named after him.
27-29 W. Main St.	450-79603	1910	Two and one-half story, six bay brick house (Commercial); gable roof covered with slate; brick cornice with modillions and saw-tooth motif; Paladian window in each gabled peak.			The First National Bank and Trust Co. of Mount Joy was established in 1857 as a private bank by Andrew Gerber. Located at 29 West Main Street, it also became a state bank in 1862, known as the Farmers' Bank of Mount Joy, and was chartered as a national institution in 1864, the First National Bank. The name was changed in 1929 to the First National Bank and Trust Company of Mount Joy. The bank moved to its present Neoclassical building at the corner of North Market and West Main Streets in 1912.
43-47 W. Main St.	450-45926	1896	Late Victorian; Built of blue limestone with Indiana limestone trimmings, this Second or Perpendicular Gothic style church is a rather early example of this style in a small town in Lancaster County.			The congregation of Trinity Lutheran Church in Mount Joy started as a mission of the older congregation of Christ Lutheran Church in Elizabethtown. The land on the corner of West Main Street and Manheim Streets, being the nucleus of the presents church property, was given

January 5, 2016

Mount Joy Borough Zoning Ordinance - Attachments

78 W. Main St.	450-22258	1850	The early 19th century Federal-style brick building is 5 bays wide, 7 bays deep, and 3-1/2 stories high with a gabled roof and parapet. It now houses a restaurant. Attached to the main building is a 1-story brick building with a flat, parapet roof that was built in 1930 as a tavern.	by Mr. Frank. The cornerstone for the oldest part (corner section) of the present church was laid on September 19, 1895. The structure was dedicated on September 27, 1896.
101 W. Main St. & 10 Manheim St.	450-22072	1870		This was the nucleus around which the town of Richland developed. The lot on which the Washington House was built was originally the site of a large bank barn belonging to the Cross Key Hotel and used for stabling. The Cross Keys Hotel remained in operation until it was destroyed by fire in 1869.
214 W. Main St.	450-63079	1835	Colonial Revival style; brick structure; with Classical porch support columns.	La Pierre House/Hotel. 10 Manheim Street is a house separate, and assumed to be part of the La Pierre House. It was the home of the owners of the very first hotel in Mount Joy on the northwest corner of West Main Street and Manheim Streets. It may also have originally served as the stables for the hotel.
905 W. Main St.	450-42613	1818		This building was original built as the Old Bethel Church. In 1934 it was converted into a single-family dwelling and store. In the 1950's-1960's converted into apartments.
975-977 W. Main St.	450-81427	1700-1755	Dutch Colonial, 2 1/2 stories; 4 bays; paneled door - a Victorian addition. This house shows external design attributes found locally in the context from the mid-1700's into the nineteenth century.	This building existed when Christian Hertzler laid out the village of "Springville." There is an existing preserved water trough on this property along W. Main Street. No other original troughs have been found in Lancaster County.
389 Manheim St.	450-97580	1815	2 1/2 story brick farm house	On this farm, the town of Springville (Florin) was laid out. This is now the extreme western part of Mount Joy. Locally, this house and the farm as well have been called the Stehman property in honor of the family which owned the premises in the second half of the nineteenth century.
7 Marietta Ave.	450-04689	1839		This house was part of the original farmstead that extended south along Barbara St.
209 Marietta Ave.	450-99385	1884	Wood structure; Italianate style; turned spindles porch	Oldest church in Mount Joy still being utilized as a church

January 5, 2016

Mount Joy Borough Zoning Ordinance - Attachments

139 N. Market Ave.	450-10502		support	Mount Joy Township, (which was the north side of Springville) owned all one-room schoolhouses except this two-room schoolhouse in Springville on N. Market Avenue and Church Street.
19 N. Market St.	450-73764	1857	Three-story; five bay stone mill; cut brown-stone quoins; Georgian. Flat brick arches over windows; hipped roof, six over six window sash in plain wooden frames.	Known as WR Mills, the stone part of the present large complex of buildings and silos was built as a mill for Gabriel Bear in 1857. In 1873, J.M. Brandt purchased the mill. The mill then installed the Hungarian roller. The name of the mill then became the Mount Joy Roller Process Flouring Mills. When installed, this was the first mill in PA to install the roller process. In fact, it was one of the first mills in the US to use the roller process for making flour. A new roller process was introduced in the mill in 1912. Today, this mill remains one of the busiest in Lancaster County.
102 N. Market St.	450-25907	1889	Three-story, five bay brick Italianate hotel/brewery; elaborate paneled and bracketed cornice made of pressed metal; central bay projects from main block of building, flanked by brick pillars	Bube's Brewery and Central Hotel. National Register Determination
202 S. Market St.	450-10484	1907	Classical porch columns, masonry structure	The first house built of John Kline's molded concrete block. Kline's "decorated stone" manufacturing plant was located in what is now the Florin Ward. He had many failures trying to make the fancy block-stones, and finally succeeded. House was built by the Brandt family, early owners of what is now WR Mills.
2 Old Market St.	450-60246		Brick, 2 -1/2 story, 3-bay with exposed stone foundation with grates on basement windows. Overhang roof on all sides of the building.	Former Frank Malt House Office. Although the famous malt house owned by Philip Frank burned to the ground in 1972, the office building still remains on Old Market Street beside the HVAC building which replaced the malt house built in 1856.
903 Square St.	450-18889	1912	Colonial Revival, brick structure	(Wilton Armature Offices) This building started out as a tobacco warehouse.
951 Wood St.	450-46143	1920	Brick, three-story casement	Nissley Chocolate Apartments; National Register Determination.

January 5, 2016



Section 2. Effective Date. This Ordinance shall become effective from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED THIS 4TH day of April, 2016, by the Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MOUNT JOY  
Lancaster County, Pennsylvania

Attest: [Signature]  
(Assistant) Secretary

By: Charles E Glesener  
(~~Vice~~) President,  
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 4TH day of April, 2016.

By: [Signature]  
Mayor



## CERTIFICATE

I, THE UNDERSIGNED, (Assistant) Secretary of the Borough of Mount Joy, Lancaster County, Pennsylvania ("Borough") certify that: The foregoing is a true and correct copy of an Ordinance of Borough Council of the Borough which duly was enacted by affirmative vote of a majority of the members of Borough Council of the Borough of Mount Joy at a meeting duly held on the 4<sup>TH</sup> day of April, 2016; and was examined and approved by the Mayor; such Ordinance has been duly recorded in the Ordinance Book of the Borough; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that Borough Council of the Borough of Mount Joy met the advance notice and public comment requirements of the Sunshine Act, 53 Pa C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Borough of Mount Joy or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough of Mount Joy, this 4<sup>TH</sup> day of April, 2016.

  
\_\_\_\_\_  
(Assistant) Secretary

[BOROUGH SEAL]



