

THE BOROUGH OF HANOVER
ZONING ORDINANCE

2014 PRINTING

THE BOROUGH OF HANOVER
ZONING ORDINANCE
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**HANOVER BOROUGH ZONING ORDINANCE OF 1961
(ORDINANCE NUMBER 1110)**

An ordinance regulating and restricting the height, number of stories, and size of buildings and other structures, their construction, alteration, extension, repair, maintenance and all facilities and services in or about such buildings and structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and lands for trade, industry, residence or other purposes; establishing and maintaining building lines and setback lines upon all streets, public roads, or highways; establishing districts and boundaries thereof for said purposes within the Borough of Hanover; providing for the appointment of a Zoning Hearing Board and setting forth the duties and functions of said Board; and providing for the administration and enforcement of this ordinance and penalties for the violation thereof.

Be it enacted and ordained by the Borough of Hanover and it is hereby enacted and ordained by the authority of the same, as follows:

**ARTICLE I
INTRODUCTION**

SECTION 140-1. SHORT TITLE. This ordinance shall be known and may be cited as the "Hanover Zoning Ordinance of 1961."

SECTION 140-2. PURPOSES. This ordinance is enacted for the following purposes: to promote the health, safety, morals, and general welfare of the inhabitants of the Borough of Hanover, by lessening congestion in the roads and streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; conserving the value of buildings; and encouraging the most appropriate use of land.

SECTION 140-3. SCOPE. From and after the effective date of this ordinance, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the Borough of Hanover, shall be in conformity with the provisions of this ordinance. Any existing building or structure and any existing use of building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming building or uses.

SECTION 140-4. INTERPRETATION. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, morals, and general welfare.

Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, or contain prohibitions in addition to those required by this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

SECTION 140-5. DEFINITIONS.

- A. For the purpose of this ordinance, certain terms and words are hereby defined and shall have the meanings set forth in the glossary at the end of this section, unless it shall be apparent from the context that different meanings are intended.
- B. Words used in the present tense include the future; words in the singular number include the plural; the words in the plural number include the word "structure," except as otherwise specified. The term "used" shall mean "used or intended to be used, or arranged or designed for use." The term "occupied" shall mean "occupied or intended to be occupied, or arranged or designed for occupancy." The word "including" shall mean "including but not limited to."
- C. GLOSSARY

ACCESSORY BUILDING - A subordinate building on the property which is used for purposes incidental to the uses of the principal 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 or buildings.

ADULT BOOKSTORE AND/OR THEATER - A commercial establishment having as a substantial or significant portion of its business and stock in trade books, magazines, photographs, motion picture film, video tapes, or other similar material which is sold or offered for viewing that is lewd, or an establishment with a segment or section of its business devoted to the sale, viewing, or display of lewd material. (Amended Ord. #1774 4/4/84)

ALLEY - A public thoroughfare which affords only a secondary means of access to abutting property, not intended for general traffic circulation, and twenty-five (25') feet or less in width.

ALTERATIONS - As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

ALTERATIONS, STRUCTURAL - A structural alteration is any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders.

APARTMENT HOUSE - A building arranged, intended or occupied by three (3) or more families living independently of each other.

APARTMENT - CONVERSION - A multi-family dwelling constructed by converting an existing dwelling into apartments for more than one (1) family without substantially altering the exterior of the building.

APARTMENT - EFFICIENCY - A one or two-room apartment consisting of one room for eating, living and a small kitchen (kitchenette) and the

second room used for a bedroom. This is in addition to a separate bathroom. (Amended Ord. # 2201 – 03/26/14)

AREA, BUILDING - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, steps, eaves, cornices, and gutters.

AUTOMOBILE CAMP - Land or premises used or occupied, for compensation, by campers traveling by automobile or otherwise.

AUTO COURT - A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "auto court" includes buildings designed as tourist courts, motor lodges, motels, and similar appellations.

AUTOMOBILE AND MOBILE HOME SALES AREA - An open, off-street area used for the display, sale, or rental of new or used automobiles or trailers and where no public or general repair work is done.

BAKING UNIT – A kitchen appliance designed to prepare food by cooking in a dry heat, typically at high temperatures. (Amended Ord # 2201 - 03/26/14)

BASEMENT - Any area of the building having its floor sub-grade (below ground level) on all sides. (Amended Ord. #1857 - 05/17/89).

BED AND BREAKFAST - Any dwelling in which more than three (3) persons either individually or as families, are housed or lodged for hire, with or without meals, for transient guests, for a period less than one (1) week. A rooming house or a furnished room house shall be deemed a Bed and Breakfast but not including a building in which ten (10) or more guest rooms are provided (see hotel). For each guest room one (1) off street parking space will be required for Bed and Breakfasts in addition to the parking required for dwelling unit. (Amended Ord. #1816 - 4/16/86)

BLOCK - The property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street, alleys excluded.

BOARDING HOUSE - Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals for a period of more than one (1) week. A rooming house shall be deemed a boarding house, but not including a building in which ten (10) or more guest rooms are provided (see hotel). Boarding houses shall provide five hundred (500) square feet in lot space above the zone minimum for each guest room. (Amended Ord. #1816 - 4/16/86)

BUILDING - A structure having a roof supported by columns or walls, for the shelter support, enclosure or protection of persons, animals, chattels, or property.

- (1) DETACHED - A building surrounded by open space on the same lot, which has no party walls.
- (2) SEMIDETACHED - A building which has only one (1) party wall in common with an adjacent building.
- (3) ATTACHED (ROW) - A building which has two (2) party walls in common with adjacent buildings.

BUILDING, MAIN - A building in which is conducted the principal use of lot on which it is situated.

BUILDING, FRONT LINE OF - The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING, HEIGHT OF - The vertical distance measured from the main street curb level to the highest point of the roof surface of a flat room, to the deck line of a mansard roof, and to one-half (1/2) the vertical distance between the eaves and ridge for a gable, hip or gambrel roof, provided, however, that where buildings are set back from the street line the height of the building may be measured from the average elevation of the finished yard grade along the front of the building.

BUSINESS - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise, or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CAMP - Any land and any building thereon used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit, and whether occupied by adults or children, either as individuals, families, or groups.

CARPORT - An accessory building open on three (3) or four (4) sides which is detached or semi-attached to the main building and primarily designed or used for parking automobiles.

CERTIFICATE OF OCCUPANCY - A statement, signed by the administrative officer, setting forth either that a building or structure complied with this ordinance, or that a building, structure, or parcel of land may lawfully be employed for specified uses, or both.

COMPLETELY DRY SPACE - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor. (Amended Ord. #2152A 9/9/2009)

CONDOMINIUM - A condominium is a Special Exception to the normal manner of subdividing and/or owning property. It is a structure that has individual ownership of single units and an undivided (common) ownership of the common elements and facilities serving the structure, such as roofs, hallways, stairways, elevators, central heating and cooling systems, basements, lobbies, open space, driveways, sewer laterals, water lines,

storm sewers, recreation areas, sidewalks, parking areas, curbs, public right-of-way, and so forth. (Amended Ord. #1715 - 6/18/80)

COOKING, UNIT – A kitchen appliance capable of heating food to necessary temperatures so as to make it safe for consumption, as in boiling, roasting, steaming, etc. (Amended Ord. # 2201 – 03/26/14)

COURT, INNER - A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER - A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley, or yard.

COVERAGE - That percentage of the plot or lot area covered by the building area.

CURB LEVEL - The officially established grade of the curb line in front of the midpoint of that lot.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land. (Amended Ord. #1732 - 12/16/81)

DISTRICT - A section of the Borough of Hanover for which uniform regulations governing the use, height, area, size and intensity of use or buildings and land, and open spaces about buildings, are herein established.

DOG KENNEL - Keeping of three (3) or more dogs that are more than six (6) months old.

DUMP - A lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste materials of any kind.

DWELLING - A building designed or used as the living quarters for one (1) or more families. The terms "dwelling," "one-family dwelling," "multiple dwelling," "two family dwelling," or "dwelling group," shall not be deemed to include automobile court, rooming house, tourist home, or hotel.

- (1) DWELLING UNIT - Two (2) or more rooms and kitchen designed for or used as the living quarters of one (1) family and in which no more than two (2) persons, other than members of the family, are lodged or boarded for compensation at any one (1) time.
- (2) ONE-FAMILY DETACHED DWELLING - A building designed for or used as the residence of one (1) family.

- (3) TWO-FAMILY DWELLING - A duplex building designed for or used as the residence of two (2) families living independently of each other wholly or partly over the other, or a semidetached building designed for or used as the residence of two (2) families living independently of each other.
- (4) DWELLING UNIT, MULTIPLE-FAMILY - A building or portion thereof designed for and used as the residence of three (3) or more families living independently of each other.
- (5) DWELLING UNIT, GROUP - Three (3) or more dwelling structures, not exceeding two and one-half (2 1/2) stories in height, arranged upon a court opening on a street or place approved by the Planning Commission.
- (6) DWELLING UNIT, ROW - A row of three (3) or more attached one-family dwellings not exceeding two and one-half (2 1/2) stories in height nor more than two (2) rooms deep, except end dwellings that may be more than two (2) rooms deep.

ESSENTIAL SERVICES - Means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions, of such underground or overhead gas, electrical, steam, or water transmission or distribution systems and structures, including towers, poles, wires, drains, sewers, pipes, conduits, cable, fire alarm boxes, police call boxes, street lights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for furnishing of adequate service by such public utilities or governmental departments or commissions, or as are required for protection of the public health, safety, or general welfare. For the purpose of this definition, the word "building" does not include "structures" for essential services.

ESSENTIALLY DRY SPACE – a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water. (Amended Ord. #2152A 9/9/2009)

FAMILY - One (1) or more persons, with their domestic servants, occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boarding house, club, dormitory, fraternity or sorority house.

FAMILY DAY CARE HOME: Shall be considered a home occupation wherein no more than six (6) non-family children or four (4) non-family tots, up to four (4) years of age, are supervised by one (1) caregiver. (Amended Ord. #1848 – 10/19/88).

FARM - Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, and daily products. It includes necessary farm structures within the prescribed limits, and the storage of

equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.

FILLING STATION - Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles, and which may include facilities used or designed to be used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

FLOOD - A temporary inundation of normally dry land areas. (Amended Ord.# 1732 - 12/16/81).

FLOOD PLAIN - (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source. (Amended Ord. #1732 -12/16/81).

FLOOD-FRINGE AREA - (FF): Shall be that area of the one hundred (100) year flood plain not included in the floodway. The basis for the outer-most boundary of this area shall be the one hundred (100) year flood elevations contained in the flood profiles provided in the FIS. (Amended Ord. #1857 - 05/17/89).

FLOOD PLAIN DISTRICT - Those flood plain districts specifically designated in the Hanover Borough Zoning Ordinance as being unundated primarily by the one hundred (100) year flood. Included would be areas identified as Floodway District (FW), Flood Fringe District (FF) and General Flood Plain District (FA). (Added Ord. #1732 12/16/81).

FLOODWAY AREA (FW): - Is delineated for purposes of this Ordinance using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood more than one (1) foot at any point. The areas included in this area are defined in the Floodway Data Table contained in the Flood Insurance Study as prepared by the FEMA and shown on the accompanying FIRM. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study. (Amended Ord. #1857 - 05/17/89).

FLOOR AREA OF A BUILDING - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE - The aggregate habitable floor area shall be the sum of the horizontal areas of all rooms used for habitation, such as living rooms, dining rooms, kitchens and bedrooms, but not including bathrooms, water closets, hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. (Amended Ord. # 2201 - 03/26/14)

GENERAL FLOOD PLAIN AREA - (FA): Shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by the FEMA. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. (Amended Ord. #1857 - 05/17/89).

GARAGE, PRIVATE - An accessory building with capacity for not more than three (3) motor vehicles for storage only, not more than one (1) of which may be a commercial vehicle licensed for a gross weight not to exceed 8,000 pounds.

GARAGE, PUBLIC - A building or portion of a building, except that herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire, in which any sale of gasoline, oil, and accessories is only incidental to the principal uses.

GARAGE, REPAIR - A building or space where the principal business is the repairing or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments, or junkyards.

GARAGE, TRUCK - A building or portion of a building, except that herein defined as private, public, or repair garages, used for the storage of commercial vehicles whose principal use is transporting materials and rendering delivery service, in which any sale of gasoline, oil, and accessories is only used by the vehicles stored on the premises.

GRADE, ESTABLISHED - The elevation of the center line of the streets as officially established by the municipal authorities.

GRADE, FINISHED - The completed surface of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GROUP DAY CARE CENTERS - Are a business for the supervision of children outside the home and residential setting wherein seven (7) or more children are supervised, where the ratio of care givers to children is as follows - one (1) care giver to four (4) infants one (1) to two (2) years of age; one (1) care giver to five (5) tots, three (3) to four (4) years of age; one (1) care giver to ten (10) preschoolers, five (5) years of age; one (1) care giver to twelve (12) school age youths, six (6) years and older. (Amended Ord. #1848, 10/19/88).

GROUP DAY CARE HOME - Is a facility serving seven (7) to eleven (11) children in a residential zone where professional businesses are allowed. The facility used must have a minimum of forty (40) square feet of floor space per child exclusive of halls, bathrooms, office, kitchen, and lockers as well as outdoor open space suitable for play, or sixty-four (64) square feet per child within one-half (½) mile of the facility. Each facility shall have two (2) child givers. If over six (6) non-household children are present,

family children shall be counted toward the facility maximum of eleven (11). (Amended Ord. # 1848, 10/19/88).

HISTORIC STRUCTURE – any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior;Or
 - (b) Directly by the Secretary of the Interior in states without approved programs. (Amended Ord. #2152A 9/9/2009)

HOME OCCUPATION – Any use customarily conducted for gain or support in a dwelling by a member or members of a family, and which is clearly incidental and secondary to the residential use of the premises and does not change the character thereof. (See Section 140-28) (Amended Ord. #1715, 6/18/80).

HOTEL - A building or portion thereof in which ten (10) or more guest rooms are provided for occupancy, for compensation, by transient or semi-permanent guests, or both.

HOTEL, RESIDENTIAL - A building or portion thereof containing ten (10) or more guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to semi-permanent or permanent guests, or both, and where no provisions are made for cooking in any individual case.

JUNKYARD - A lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of wastepaper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of

machinery or vehicles not in running condition, and for the sale of parts thereof.

LEWD - Any material which the average person, applying contemporary standards, would find, when considered as a whole, appeals to the prurient interest and which depicts or describes patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; or masturbation, excretory functions, or exhibitions of genitals or genital area. Nothing herein contained is intended to include or prescribe any matter which, when considered as a whole and in the context in which it is used, possesses serious literary, artistic, political, or scientific value. (Amended Ord. #1774 - 4/4/84).

LOT - Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for building on such land.

LOT, CORNER - A parcel of land at the junction of and abutting on two (2) or more intersecting streets, where the interior angle of the interception or intersection does not exceed one hundred thirty-five (135°) degrees.

LOT, INTERIOR - A lot other than a corner lot.

LOT, LINES - The lines bounding a lot, as defined herein.

LOT, THROUGH - A lot having its front and rear lines on different streets.

LOWEST FLOOR - Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistance enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the National Flood Insurance Program. (Amended Ord. #1857 - 05/17/89).

MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (Amended Ord. #1834 - 9/2/87).

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale. (Amended Ord. #1834 - 9/2/87).

MIXED OCCUPANCY - Occupancy of a building or of land for more than one (1) use.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after January 6, 1982, and includes any subsequent improvements thereto. (Amended Ord. #2152A 9/9/2009)

NONCONFORMING USE – Use of a building or of land which existed previously that does not conform to the regulations of the district in which it is located.

NONCONFORMING BUILDING - A building or structure which does not conform to all the height, area, and yard regulations of the district in which it is located.

NURSING OR CONVALESCENT HOME - Any home, place, or institution which operates or maintains facilities providing invalid or chronic care, or both, for a period in excess of twenty-four (24) consecutive hours, for four (4) or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable to properly care for themselves. Nothing in this definition shall be construed to include general hospitals or places which provide care and treatment for the acutely ill and maintain and operate facilities. (See Section 140-37 and Section 140-57.)

ONE-HUNDRED YEAR FLOOD - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year). (Amended Ord. #1732 - 12/16/81).

OPEN SPACE - An unoccupied space open to the sky, on the same lot with the building.

PARKING SPACE - The space within a building, or on a lot or parking lot, for the parking or storage of one automobile.

PARKING LOTS - An open, off-street area used for the temporary parking of more than four (4) automobiles and available for public use, with or without charge, or as an accommodation for clients or customers.

PLOT - A map, plan, or layout of a subdivision indicating the location and boundaries of individual properties.

PREMISES - Any lot, parcel, or tract of land and any building constructed thereon.

PROFESSIONAL OCCUPATION AND OFFICES – The office of a professional person, including a prescription-type pharmacy, without a display of merchandise (see Section 140-28). (Amended Ord. #1277 7/7/65).

PUBLIC UTILITY - Any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing, under public regulation, to the public, electricity, gas, heat, steam power, telephone, telegraph, transportation, or water.

RECREATIONAL VEHICLE - a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Amended Ord. #2152A 9/9/2009)

SCREEN PLANTING - A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining Residential Districts the structures and any uses on the premises on which the screen planting is located.

SIGN - Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

SIGNBOARD - Any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes.

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

STORY, HALF - A story under a gable, hip or gambrel roof, the wall plates of which on at last two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET - A public way which affords principal means of access to abutting properties.

STREET GRADE - The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of other street upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land. (Amended Ord. #2152A 9/9/2009)

SUBDIVISION - An area of land divided by the owners or agent, either by lots or by metes and bounds, into lots or parcels two (2) or more in number, for the purpose of conveyance, transfer, improvement, or sale. The appurtenant roads, streets, lanes, alleys, and ways dedicated or intended to be dedicated to public uses or the use of purchasers or owners of lots fronting thereon, are included. The word "subdivision" includes the words re-subdivision, plot, re-plot, plan, or re-plan.

SUBSTANTIAL DAMAGE – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred. (Amended Ord. #2152A 9/9/2009)

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however include either:

- (1) 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, or:
- (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”. (Amended Ord. #2152A 9/9/2009)

THEATER - A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

THEATER, OUTDOOR DRIVE-IN - An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid-admission basis, to patrons seated in automobiles or on outdoor seats.

TOURIST HOME - A dwelling in which less than ten (10) guest rooms are provided for occupancy for compensation by transient guests.

USE - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

WINDOW - An opening to the outside, other than a door, which provides all or part of the required natural light, natural ventilation, or both, to all interior space. The glassed portion of a door in an exterior wall may be construed to be a window.

YARD, FRONT - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line.

Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, REAR - An open space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley, if there be an alley, and the rear line of the main building.

YARD, SIDE - The required open unoccupied space, the full depth of the lot, extending from the side line of the lot to the nearest main or accessory building on the lot, exclusive of overhanging eaves, gutters, or cornices.

ZONE - Same as DISTRICT.

ZONING HEARING BOARD - See Section 140-128.

ARTICLE II DISTRICTS

SECTION 140-6. CLASSES OF DISTRICTS. For the purpose of this ordinance, thirteen (13) classes of districts are established within the Borough of Hanover.

A	Districts:	Agriculture Districts (farms)
R-6	Districts:	One-family Dwelling Districts <i>(formerly R-1, Amend. Ord. 2091, 12-22-04)</i>
R-5	Districts:	One- and Two-family Dwelling Districts <i>(formerly R-2, Amend. Ord. 2091, 12-22-04)</i>
R-3	Districts:	One and Four-family Dwelling Districts
O-A	Districts:	Office - Apartment Districts <i>(formerly LMD Ltd Mult. Dwelling, Amend. Ord. 2091, 12-22-04)</i>
LB	Districts:	Local Business Districts (Neighborhood Stores)
GB	Districts:	General Business Districts (Downtown Stores)
HB	Districts:	Highway Oriented Business Districts
SC	Districts:	Shopping Center Districts
LM	Districts:	Limited Manufacturing Districts
M	Districts:	Manufacturing Districts
HI	Districts:	Heavy Industrial Districts
OS	Districts:	Open Space Districts (Amend. Ord. #1678 2/16/77)

SECTION 140-7. ZONING MAP. The boundaries of said districts shall be shown upon the Zoning Map. The map herein referred to is identified by the title "Zoning Map of Hanover Borough," and by the signature of the duly authorized officers of the Borough Council and the Planning Commission affixed thereto, said map bearing drawing No. D1072-RF42 under original date of December 1, 1961, with latest revised date being December 22, 2004 (Ord. #2091), shall be known as the "Zoning Map", and such map, together with all notations, references, and other data shown thereon, is hereby incorporated by reference to this ordinance as if more fully described herein. Said Zoning Map shall be kept on file and available for examination by persons interested therein at the office of the Borough of Hanover; said Zoning Map may be removed from the office of the Borough of Hanover for any reasonable purpose upon the order of the President of the Borough Council or Chairman of the Planning Commission. Copies of said Zoning Map shall be available, for a fee, for those wishing to obtain them. (Amend. Ord. #1779 5/2/84).

- A. The boundaries of the Borough of Hanover Flood Boundary and Floodway Map are an addendum to the Zoning Map of The Borough of Hanover. The Floodway Map herein referred to is identified by the Community Panel Number 422212-0001-A affixed thereto. Said map drawing No. FR42 under the original date of January 6, 1982, shall be known as the Floodway Map, and such map together with all notations, references, and data shown thereon is hereby incorporated by reference to this ordinance as if more fully described herein. Said map shall be filed and available commensurate with conditions of the Zoning Map as described in Section 140-7. (Amended Ord. #1732 - 12/16/81)
- B. The identified floodplain area shall be any areas of Hanover Borough subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated September 25, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency. Including all digital data developed as part of the Flood Insurance Study. (Amended Ord. #2152A 9/9/2009)

SECTION 140-8. DISTRICT BOUNDARIES. For determination of the boundaries of the districts shown on the district map, the following rules shall apply.

- A. Where such zoning boundaries are indicated as following or approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries. (Amended Ord. #1732 - 12/16/81)
- B. Where such zoning boundaries are indicated as following or approximately following lot lines or property lines, such lot lines or property lines, shall be construed to be such boundaries. (Amended Ord. #1732 - 12/16/81)
- C. In un-subdivided property or where a zoning district boundary divides a lot or parcel of property, the location of any such boundary, unless the same is indicated by dimensions shown on the district map, shall be determined by the use of the scale appearing on such map. (Amended Ord. #1732 - 12/16/81)
- D. Whenever a zoning district boundary line in a Residential District passes through a lot on record which existed prior to the passing of this ordinance and such parcel of property is of an area equal to the minimum requirements of either zone, the lot may be used in accordance with the provisions of the least restrictive of the two (2) zones in question. Any lots or parcels zoned as commercial or industrial shall not extend beyond the line or lines of any established or approved plan of lots zoned for residential purposes. (Amended Ord. #1732 - 12/16/81)
- E. The commercial and industrial areas shall be considered only for the frontage in the districts so zoned, and where the same extends into or onto another street in the rear thereof it shall not be considered as having established a commercial or industrial zone unless all of the area in the rear and opposite is zoned the same as the property in question. If the property is not zoned for commercial or industrial use, the street at the rear of the commercial or industrial property shall not be used as access to

the commercial or industrial property for loading or unloading purposes or as access to a parking area. (Amended Ord. #1732 - 12/16/81)

- F. The Zoning Hearing Board established hereby shall, upon application or upon its own motion, determine the location of zoning and flood way boundaries in cases where uncertainty exists.

The person questioning or contesting the location of Floodway District boundaries shall be given a reasonable opportunity to present his case to the Zoning Hearing Board and to submit his own technical evidence. (Amended Ord. #1732 - 12/16/81)

- G. The Flood Plain District shall be overlays to the existing Zoning Districts shown on the Official Zoning Ordinance Map. Where there is a conflict between flood and zoning district requirements, the more restrictive provisions shall apply. The delineation of any flood plain district may be revised by Borough Council where natural or man-made changes have occurred and more detailed engineering studies document the need for specific changes. Prior to changes, the Federal Insurance Administration or its successors must be notified and approval obtained where federally mandated conditions are affected. (Amended Ord. #1732 - 12/16/81)

ARTICLE III GENERAL REGULATIONS

SECTION 140-9. APPLICATION. The following regulations shall qualify or supplement the district regulations appearing elsewhere in this ordinance.

SECTION 140-10. GENERAL USE REGULATIONS. Except as hereinafter provided:

- A. Any building, structure, premises, or land shall be used or occupied for only the uses permitted in the district in which such building, structure, premises, land or part thereof is located, and then only after applying for and securing all permits and licenses required by law and Borough Ordinance.
- B. Any building, structure, premises or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered only for the purpose of accommodating the uses permitted in the district in which such building, structure, or premises is located, and then only after applying for and securing all permits and licenses required by law and Borough Ordinance.
- C. Any building or structure hereafter built, enlarged, or moved on a lot shall conform to the area regulations of the district in which such building or structure is located.
1. No lot area now existing or hereafter established shall be so reduced or diminished that the yards, open spaces, or total lot area be made smaller than required by this ordinance, nor shall the lot area per family be decreased in any manner except in conformity with the regulations of this ordinance.

2. No yard or other open space now provided for any building or structure or hereafter provided in compliance with the regulations of this ordinance shall be considered as any part of a yard or open space for any other building or structure, nor shall any yard or open space of abutting property be considered as providing a yard or open space for a building or structure on a lot.
3. No permit for the construction, alteration, enlarging, or moving of any building or structure shall be granted where it shall appear from the Borough records that the plot contains any lot or tract of land, or part of any lot or tract of land previously designated as the lot, or part of the plot, for any building or structure, for the construction, alteration, enlarging, or moving of which a permit has been granted, if the original plot will thereby be reduced to an area which will not comply with the lot area and yard requirements of this ordinance.
 - (A) No yard shall include any premises dedicated, reserved, or set aside for street purposes except as provided in this chapter.
 - (B) No yard shall include any land condemned for or upon which notice of condemnation has been given for public purposes.

SECTION 140-11. MUNICIPAL, PUBLIC, AND SCHOOL BUILDINGS AND USES.

- A. This ordinance shall not apply to any building owned or occupied by the Borough if the Borough shall, after a public hearing, decide that such building or extension thereof or such use of any premises is reasonably necessary for the convenience or welfare of the public. Any municipal recreational building or use may be established by the Borough at any location in the Borough without holding such public hearing.
- B. When such Municipal, Public and/or School Building property is sold, transferred or leased to a person, firm, or corporation other than the public owner, the use of Municipal, Public, and School structures and grounds for other use than that permitted in the district in which they are located may be permitted as a Special Exception when authorized by the Zoning Hearing Board after a public hearing in accordance with Section 140-135B - Standards for Special Exception. (Amended Ord. #1707 - 8/1/79)

SECTION 140-12. PUBLIC-UTILITY BUILDINGS AND USES. This ordinance shall not apply to any existing or proposed building or extension thereof, used or to be used by the public-utility corporation, if upon petition of such corporation the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

SECTION 140-13. ACCESSORY BUILDINGS AND ACCESSORY USES. Accessory buildings and accessory uses and uses customarily incidental to uses specifically permitted therein, including public and private ways and easements, essential services, dwelling units for servants employed on the premises or for private guests, private garages, such permission being subject to the following provisions, however:

- A. No accessory use shall be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, or shall impair the uses, enjoyment, or value of any property.
- B. No accessory dwelling unit shall be let to guests for living purposes for compensation.

SECTION 140-14. SWIMMING POOLS. All swimming pools in Residential Districts which are over 1,000 gallons capacity shall require an approved filtering and treatment system which will produce a safe purity level and shall conform to the following requirements:

- A. Any part of the pool, including the aprons and external structure, must be located fifteen (15') feet back from the front building line, ten (10') feet from the rear property line and minimum dimensions of the side yard, for the application district must be maintained.
- B. Entrance to the pool must be protected by a barrier height of four (4') feet. In the case of sunken or submerged pools, they must be surrounded by a permanent continuous fence as a safeguard which is at least four (4') feet high and has a lockable gate. In the case of pools constructed above the ground level, their construction and safeguards must be such that there is a four (4') foot barrier around the pool with lockable access into the pool.
- C. Covered pools must be in keeping with the general character of the neighborhood. Due to their construction they become accessory buildings. The application for the construction of a covered pool shall be submitted to the Zoning Hearing Board for architectural review.
- D. Safeguards for abandoned or empty swimming pools must be maintained the same as that for pools actively used.

SECTION 140-15. CONVERSION APARTMENT. The Zoning Hearing Board may authorize the conversion of any dwelling in residential and commercial districts into a dwelling for more than one (1) family. The conversion apartments shall be in such dwelling in the ratio of one (1) for each three hundred (300) square feet in total floor area (not inclusive of basement floor area) in such dwelling before conversion; provided further that the total dwelling units in each building shall not exceed four (4) in number. One (1) off-street parking space shall be provided for each conversion apartment or dwelling unit added. (Amended Ord. #1643 - 8/20/75)

SECTION 140-16. LOT AREA.

- A. Residential lots, where not served by public water and sanitary sewers, shall be not less than one hundred (100') feet wide at the building line nor less than twenty thousand (20,000) square feet in area per family.
- B. Residential lots, where served by public water and not by sanitary sewers, shall be not less than seventy-five (75') feet wide at the building line nor less than nine thousand (9,000) square feet in area per family.

- C. No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.
- D. In the case of a single lot held in single and separate ownership in a residential district at the effective date of this ordinance, which lot has the required lot area but because of unusual conditions of depth or width has difficulty in providing the required front yard, side yards, or rear yard of the district in which it is located, the required open spaces may be decreased for a one-family dwelling if the plan for front, side, and rear yards is approved by the Planning Commission and Borough Council.

SECTION 140-17. RAILROADS. Existing railway tracks and rights-of-way shall not be considered as Nonconforming Uses.

SECTION 140-18. COURTS. Where a court is provided for the purpose of furnishing adequate light and air, or where a court is otherwise provided, such court shall conform to the following requirements:

- A. An open space in the form of an inner court or outer court shall be provided in connection with any building in any residence or business district, wherever any room therein in which a person or persons live, work, sleep, or congregate cannot be adequately lighted or ventilated from the street or yard. Such court shall be adjacent to such room, the windows of which shall open in such court.
- B. Outer Court
 - (1) The width of any outer court upon which windows from a living room, bedroom, or dining room open shall be not less than the height of any opposing wall forming said court. The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one-half (1 1/2) times the width.
 - (2) The width of any outer court shall be not less than two-thirds (2/3) the height of any opposing wall forming said court, and the depth shall not be greater than one and one-half (1 1/2) times the width.
- C. Inner Court
 - (1) The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50') ft.
 - (2) An open and unobstructed passageway shall be provided at the grade level of each inner court. Such passageway shall have a cross-section area and sufficient headroom to permit the passage of fire-fighting equipment, and shall be continuous from the inner court to a yard or an unobstructed open area between buildings.

SECTION 140-19. HABITABLE FLOOR AREA.

- A. The minimum habitable floor area for R-6, R-5, R-3, and O-A Districts shall be 720 Sq. Ft. of floor area with 7 1/2 foot ceilings for a single-family

dwelling unit, semidetached or a duplex dwelling unit, permanent or temporary, moved or erected upon a lot hereafter. The total window area in any room shall be five (5%) percent or more of the habitable floor area of such room.

- B. Habitable floor area shall include areas assigned for habitation, such as living rooms, dining rooms, kitchens, and bedrooms. Bathrooms, water closets, hallways, stairways, cellars, attics, service rooms or utility rooms, closets, and unheated areas such as enclosed porches, shall not be considered as part of the habitable floor area of any dwelling unit. A habitable dwelling area must have a minimum clear ceiling height of five (5) feet at the walls. If the clear ceiling height at the wall is less than seven (7) feet six (6) inches ceiling must slope up at a rate of not less than thirty-five (35°) degrees to a minimum prescribed ceiling height of seven (7) feet six (6) inches. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. When more than four (4) feet of the clear ceiling height of the basement is located below the ground on all sides, a basement shall not be used for dwelling purposes. (Amended Ord. # 2201 - 03/26/14)
- C. A habitable floor area used as a dwelling unit shall contain an enclosed toilet that has at least a lavatory and a water closet, both of which must be connected to a pressure water supply and must also be connected to the borough sewer system or a septic tank system approved by the Board of Health.
- D. A habitable floor area used as an efficiency apartment shall be limited to a maximum of two (2) occupants, and of two (2) rooms, which shall have a minimum Habitable Floor Area of not less than three hundred (300) square feet. The total floor area, including the bathroom and non-habitable areas, shall not be more than seven hundred nineteen (719) square feet. The apartment must also include an enclosed area for a water closet, lavatory, and a bathtub or shower; this enclosed bathroom shall be included in the computation of the total floor area, but is not to be considered a part of the minimum habitable floor area. Also, the apartment must provide a cooking unit, baking unit, sink, refrigerator, storage cupboards with shelving for utensils, and closets for food and clothing. (Amended Ord. # 2201 - 03/26/14)

SECTION 140-20. HEIGHTS OF BUILDINGS. The building height limits established herein for districts shall not apply to steeples, domes, towers, belfries, statuary or other ornamentations covered with fire-proof materials and intended and used for strictly ornamental purposes, and shall not apply to poles, towers, and similar structures for essential services. These provisions shall, further more, not apply to flagstuffs, chimneys, pipes, cupolas, or roof houses not exceeding fifteen (15') feet in length or width, nor twelve (12') feet in height, providing such cupolas or roof houses be covered with fire-proof materials. Above provisions shall not apply to water tanks, bulkheads, elevator structures, cooling towers, and similar mechanical appurtenances extending above the roof of any building and not occupying more than twenty-five (25%) percent of the area of such roof.

SECTION 140-21. FRONT YARDS.

- A. Where a line designating future width of any street or highway is shown on the Official Map or is otherwise established, the front yard depth shall be measured from such line instead of from the front line of the lot. In a block where the average of the front yard depths of existing buildings within a distance of one hundred (100') feet on both sides of a building to be erected is not more than six (6') feet greater or not more than six (6') feet less than the front yard depth required for the district in which such block is located, the front yard depth for such building shall be not less than such average depth. Where such average depth is more than six (6') feet greater or more than six (6') feet less than the front yard depth required for such district, said requirement may be waived by the Zoning Hearing Board and a different requirement established by said Board.
- B. When a block, as herein defined, is partly in two (2) districts, the front yard depth required for the district with the most restrictive requirements shall apply along its entire length.
- C. The front yard depth for lands fronting on an Arterial Street shall be fifty (50') feet. The owner or owners of land so affected may submit plans to the Borough Planning Commission for modification of this requirement. After a public hearing on the alternate plans, the Borough Planning Commission shall submit their recommendations to Borough Council for their approval or disapproval. In no case shall the required front yard be less than the minimum established for the district. (Amended Ord. #1715 - 6/18/80)

SECTION 140-22. SIDE YARDS. Where required on interior lots, there shall be a side yard on each side of the main building, and each side yard shall have a width of not less than the minimum for the district. On corner lots, the side yard regulations shall be the same as for interior lots, except where the rear lot line of a corner lot abuts the side lot line of the lot in the rear. In this case there shall be a side yard on the street side of such corner lot equal to the front yard of the lot abutting the corner lot in the rear. In no case, however, shall the side yard on the street side of a corner lot be less than the minimum for the district. No accessory building on such corner lot shall project beyond the required front yard line of the lot in the rear, nor be located less than the minimum side yard for the district from the side lot line of the lot in the rear. The interior side yard shall be the same as required for interior lots.

SECTION 140-23. THROUGH LOTS. Through lots having a frontage on two (2) streets shall provide the required front yard on each street.

SECTION 140-24. DWELLING UNITS ABOVE STORES. Front and side yards for dwellings above stores of businesses shall be waived when front and side yards are not required for such commercial use.

SECTION 140-25. PROJECTIONS INTO YARDS. Every part of a required yard shall be open from the ground to the sky unobstructed, except for the following:

- A. Accessory building in the rear yard.

- B. Ordinary building projections such as cornices, eaves, belt courses, sills, or similar architectural features may project into any yard not more than thirty (30") inches.
- C. Chimneys may project into any yard not more than eighteen (18") inches.
- D. Uncovered balconies, or fire escapes may project into the minimum required front, or rear yard four (4') feet.
- E. Uncovered terraces or platforms which do not extend above the level of the first floor of the building may project or extend into the minimum required front, or rear yard.
- F. No part of any building shall project across any lot line.

SECTION 140-26. FENCES, WALLS, AND SCREEN PLANTINGS. Fences and walls may be erected, altered, and maintained within the side and rear yards of residential districts, provided that any fence or wall exceeding six (6') feet in height shall contain openings therein equal to fifty (50%) percent of the area of that portion of the wall or fence exceeding six (6') feet in height, and must be set back from the property line a distance equal to the amount they exceed six (6') feet in height. Soil retaining walls are excluded from this provision and may extend into the front yard. Screen plantings shall be so located that the normal growth, when properly trimmed, will not extend over the property line. Fences may not extend into front yards except under the following provisions: (Amended Ord. #1938 - 6/16/93)

- A. Fences shall not be a material or design which would cause a physical hazard (i.e., spiked crown) to pedestrians and/or obstruct proper vision of vehicular traffic at intersections and crosswalks or violate Section 140-32A (Vision Obstruction) of this Zoning Code.
- B. Fences shall not exceed an overall height of forty-eight (48") inches in front yards. Corner properties which parallel public streets shall be limited to the restrictions of front yards mentioned above.
- C. Fences shall be of open construction so that each lineal foot of fence has at least fifty (50%) percent opening for free movement of air and the transmission of sunlight.
- D. Fences which encroach upon the public right-of-way or are not properly maintained, causing a detriment to the neighborhood, may be ordered to be removed within thirty (30) days by the Zoning Officer of the Borough.
- E. No fence shall be constructed closer than one (1') foot to the inside edge of the public sidewalk or street right-of-way line, whichever is closer.

SECTION 140-27. OPEN STORAGE OF VEHICLES AND EQUIPMENT.

- A. In Residential Districts, not more than two (2) currently unregistered or uninspected motor vehicles shall be parked in the open on any property. These vehicles must be parked behind the building line. Said vehicles shall not at any time be in a state of major disassembly or disrepair nor shall they be in the process of being stripped or dismantled. No vehicle of

any type shall undergo major overhaul, including bodywork, except in an enclosed area in a residential district. (Amended Ord. #1828 - 5/6/87)

- B. Commercial Vehicles and Equipment - The open storage of trucks heavier than 8,000 lbs. gross weight, office trailers, tool trailers, commercial transport trailers, construction equipment, etc., is prohibited in residential districts.
- C. The unsightly storing of machinery, building materials, landscaping, materials is prohibited if its appearance is detrimental to the neighborhood or proves to be an attractive nuisance detrimental to children. This also includes any abandoned walls, shafts, basements, or excavations; any structurally unsound fences or structures, or any lumber, fences, debris, or vegetation which may prove detrimental to the general appearance of the neighborhood or a hazard for inquisitive minors. Any open excavation, any material or machinery stored more than ninety (90) days prior to its use on the site, or any excavation made in connection with construction work and left open more than ninety (90) days is prohibited.

SECTION 140-28. PROFESSIONAL AND HOME OCCUPATIONS IN RESIDENTIAL DISTRICTS.

- A. The use of a dwelling occupied by the applicant for a profession or service, not in an accessory building, may be granted by the Zoning Hearing Board provided no wholesale sales or distribution are involved. Retail sales must be incidental to the profession or service rendered. Not more than two assistants may be employed; not more than one-half (1/2) of the habitable floor area of the dwelling may be devoted to such profession or service. No display pertaining to the profession or service shall be visible from the street. Only one sign or device, not exceeding two (2) square feet in area containing only the name and profession or service shall be permitted, which sign or device shall not be illuminated. Adequate off-street parking shall be provided for the assistants, customers, patients, clients, etc. Being served by the home occupation. (Amended Ord. #1715 - 6/18/80)
- B. Application to the Zoning Hearing Board. No Home Occupation or Professional Use may be granted except upon application to the Zoning Hearing Board, which shall determine in each case whether or not such home occupation is likely to adversely affect any neighborhood, and may impose any reasonable conditions in granting same or may in its discretion deny the application.
- C. Because of the close proximity to the Hanover General Hospital within the following defined area, any of the following uses shall be allowed in this area:

Beginning at the intersection of Stock Street and George Street, thence westwardly along Stock Street to its intersection with McCosh Street; thence northwardly along McCosh Street to its intersection with Allegheny Avenue; thence eastwardly along Allegheny Avenue to its intersection with George Street; thence southwardly along George Street to its intersection with Stock Street, said point being the place of beginning.

- (1) Any use normally allowed within the normal zoning district as may heretofore or hereafter be established by the Hanover Borough Council under Article II, Section 140-6 of the Hanover Borough Zoning Ordinance, and as referred thereto on the Hanover Borough Zoning Map as required under Article II, Section 140-7.
 - (2) Professional offices, where such professions are normally incident to or related to those services performed within a hospital.
 - (3) Combination professional offices as allowed in Section 140-28C (2) above, and residential apartment units.
- D. The following restrictions shall apply where allowed as specified in Section 140-28C (2) and (3) above. Any use normally allowed in the normal zoning district classification shall be subject to the zoning restrictions relating to the normal zoning district.
- (1) Lot area: the total area of any individual lot so used shall not be less than the lot area allowed by the normal zoning district.
 - (2) Width regulations: same as a normal zoning district.
 - (3) Coverage regulations: the coverage, forty (40%) percent or less.
 - (4) Yard regulations (setback): same as normal zoning district.
 - (5) Height regulations: same as normal zoning district.
 - (6) Minimum floor area per apartment unit: three hundred (300) square feet.
 - (7) Minimum open space per apartment unit: two thousand (2,000) square feet.
 - (8) Parking and loading space regulations as provided by ordinance.
 - (9) Alterations to existing structures or new structures shall not change the character or general appearance of the neighborhood. (Amended Ord. #1643 - 8/20/75)

SECTION 140-29. ADULT BOOKSTORE AND/OR THEATER

- A. An Adult Bookstore and/or Theater shall be permitted in GB, HB, and SC Districts.
- B. Lewd materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall not be advertised, exhibited, or displayed outside the Adult Bookstore and/or Theater. The name of the establishment shall not convey or imply that it is a store selling lewd materials.

- C. Any building or structure used or occupied as an Adult Bookstore and/or Theater shall conform in architectural and all other external aspects to other businesses in the area.
- D. The entrance to an Adult Bookstore and/or Theater shall be located not less than two hundred fifty (250') feet from the entrance to any other Adult Bookstore and/or Theater.
- E. An Adult Bookstore and/or Theater shall be located from the street entrance of any school, church, library, park, playground, day car center, or Residential District as follows:
 - 1. The minimum distance shall be two hundred fifty (250') feet and the maximum distance, when approved by the Zoning Hearing Board, may be as much as three hundred twenty-five (325') feet measuring from the center line of streets and alleys or street entrances on an official map. Logical boundaries shall be used but not limited to center lines of streets and alleys. Individually owned properties shall not be split by boundary lines.
 - 2. The Hanover Borough Zoning Hearing Board shall use its discretion in interpreting all parts of Section 140-29 and establishing the restricted areas within the districts where Adult Book-stores and/or Theaters are a permitted use.
- F. Each entrance to the premises of an Adult Bookstore and/or Theater shall be posted with a notice which has lettering one and one-half (1 1/2") inches to two (2") inches in height, between fifty (50") inches and sixty (60") inches above grade, specifying that persons under the age of eighteen (18) years are not permitted to enter therein.
- G. The Zoning Officer, when determining what is an Adult Bookstore and/or Theater and what is lewd material, at his discretion refers the problem to the Hanover Borough Zoning Hearing Board for a final ruling.

SECTION 140-30. FOUNDATIONS AND APPURTENANCES. Dwellings in residential districts (R-6, R-5, R-3 and O-A) shall have a permanent foundation with a footer below frost line. The foundation wall shall be a minimum of eight (8") inches thick with the top of the footer thirty (30") inches below the normal surface of the lot. The footer shall have a minimum width of sixteen (16") inches and a minimum thickness of four (4") inches. Tie downs shall be provided on each corner for Mobile Homes. The area beneath all dwellings shall be enclosed by a barrier or wall and shall be continuous and rodent proof.

All entrances to dwellings shall open on a landing or porch of not less than nine (9) square feet. Where the door opens out, the outside grade shall not be more than two (2") inches lower than the inside floor; and where the door opens in, the landing or porch shall not be lower than nine (9") inches. All porches, landings, and steps must be reasonably sturdy and safe. (Amended Ord. #1804 9/4/85)

SECTION 140-31. ANIMALS, POULTRY, AND FARMING. The commercial use of buildings and land for riding academies, livery or boarding stables, dog kennels, stock

raising, dairying, and poultry shall be permitted in only A districts, subject to the following restrictions:

- A. No building in which animals or poultry are to be kept for commercial use shall be hereafter erected, altered, or used within one hundred (100') feet of any residential district's lot line.
- B. No storage of odor, dust, or dust producing substance shall be permitted within one hundred (100') feet of any residential district's lot line.
- C. The tilling of the soil, raising of crops, and gardening shall be permitted in any district.

SECTION 140-32. VISION OBSTRUCTION.

- A. No walk, fence, sign, or other structure shall be erected or altered, and no hedge, tree, shrub, or other growth shall be maintained or permitted which may cause danger to traffic on a street or public road by obscuring the view.
- B. In residential areas, a clear-sight prism from three (3') feet to ten (10') feet above the cartway shall be provided in which no permanent structures, fences, walls, hedges, plantings, or other obstructions shall be placed or maintained, except for utility poles, light standards, street signs, and fire hydrants. Each leg of the clear-sight triangle shall equal the sum of the two (2) distances that the main building is set back from the property line. However, each leg of the triangle need not exceed thirty (30') feet.

SECTION 140-33. ACCESS TO LOTS. No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. Such open space shall be at least fifteen (15') feet wide and shall extend from the dwelling to a public street or highway, or to a private street or high-way not less than forty (40') feet in width and having a cartway so constructed and maintained that vehicles of all kinds may readily pass over it at all seasons of the year. For the purpose of this section, an alley shall not constitute a public street or highway.

SECTION 140-34. USED OR DISCARDED PARTS AND CONTAINERS. In residential and commercial districts, used and/or discarded parts and/or containers shall not be allowed to accumulate in open air spaces. All such used and/or discarded material must be stored within an enclosed building to remain on the premises.

SECTION 140-35. NEWLY ANNEXED TERRITORY. All territory which may hereafter be annexed to the Borough of Hanover shall automatically become an A Agricultural District until the Borough Planning Commission shall make a thorough study of the newly annexed area and reports its recommendations for final classification of the newly annexed area to the Borough Council. The final classification of the district shall be in accordance with the Article on amendments.

SECTION 140-36. PROHIBITED USES.

- A. The following uses are prohibited in all districts throughout the municipality:

- (1) The incineration, reduction, or storage of garbage, offal, animals, fish, or refuse unless by the authority of or under the supervision of the municipality.
- (2) Dumps and dumping of any kind unless by the authority of or under the supervision of the municipality.
- (3) The stripping of top soil exclusive of the process of grading a right-of-way or a lot preparatory to the construction of a building for which application for a building permit has been made.

B. As provided herein, no land shall be used, no industrial processes shall be permitted, and no building shall be erected, altered, or used for any purpose that creates a hazard to the public health, safety, or welfare of the community or is in conflict with the intent of this ordinance.

SECTION 140-37. NURSING OR CONVALESCENT HOMES. The Zoning Hearing Board may authorize the conversion of any large dwelling in any district except R-6, R-5, and R-3 into a nursing or convalescent home. Off-street parking as called for in Section 140-100-I shall be provided. (Amended Ord. #1643 - 8/20/75)

SECTION 140-38. DRIVE-IN TRAFFIC. Vehicular traffic on arterial streets is not to be impeded or made hazardous for vehicles and pedestrians by grouping the entrances and/or exits of drive-in businesses and services such as: automobile service stations and repair shops, drive-in facilities serving prepared foods and beverages, shopping marts, motels, shopping centers, drive-in banks, etc. The normal distance between such entrances and exits shall be not less than seventy-five (75') feet. The Zoning Hearing Board shall review the traffic flow at the proposed entrances and exits and may increase or decrease the proposed distance between entrances and exits. The Zoning Hearing Board may establish such reasonable conditions and safeguards as it deems necessary to implement the purposes of this act and the zoning ordinance.

SECTION 140-38A. PRIVATE SALES IN PRIVATE RESIDENCES. The display for sale, barter, or exchange of an assortment of any new or used furniture, sporting goods, fixtures, vehicles, tools, equipment, food, clothing, metal, glass, paper, rubber, synthetics, household goods, or rummage conducted in any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, garage, basement, steps, or vestibule belonging or appurtenant to such dwelling, house, or other structure shall be in accordance with the Hanover Borough Yard Sale Ordinance of 1976 and its amendments. (Amended Ord. #1678 - 2/16/77).

ARTICLE IV AGRICULTURAL DISTRICTS

SECTION 140-39. APPLICATION. In Agricultural Districts, the following regulations shall apply.

SECTION 140-40. USE REGULATIONS. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. One-family detached dwelling.

- B. Accessory buildings and uses customarily incidental to the aforementioned uses, but shall not include a business.
- C. The following uses may be permitted as a Special Exception when authorized by the Zoning Hearing Board after a public hearing held in accordance with Section 140-135-B - Standards for Special Exception.
 - (1) Churches or similar places of worship, parish houses and convents.
 - (2) Public and private schools having a curriculum for educational purposes comparable to those in public elementary and secondary schools.
 - (3) Public and private parks and recreation grounds and facilities operated by nonprofit organizations.
 - (4) Museums, libraries, community centers, and municipal buildings.
 - (5) Hospitals and sanitariums.
 - (6) Colleges and universities.
 - (7) Mobile home communities (Amended Ord. #1643 - 8/20/75)

SECTION 140-41. AREA REGULATIONS.

- A. Lot area. The lot area and lot area per dwelling unit shall be not less than three-fourths (3/4) acre for every dwelling hereafter erected.
- B. Width regulations. The lot width at the building line shall be not less than one hundred twenty-five (125') feet.
- C. Coverage regulations. The average shall be no more than twenty-five (25%) percent.
- D. Yard regulations. Each lot shall have front, side, and rear yards of not less than the depth or width indicated below. Also see Section 140-21, 140-22, and 140-23.
 - (1) Front yard: depth, thirty-five (35') feet.
 - (2) Side yards, two (2): width, twenty-five (25') feet each.
 - (3) Rear yard: depth, twenty-five (25') feet.

SECTION 140-42. HEIGHT REGULATIONS. The height of a building shall be not greater than thirty-five (35') feet. The minimum height of a building used for residential purposes shall be not less than eight (8') feet.

SECTION 140-43. OFF-STREET PARKING. See Sec. 140-100 for off-street parking regulations.

ARTICLE V

R-6 RESIDENTIAL DISTRICTS (Amend. Ord. #2091 12/22/04, formerly R-1)

SECTION 140-44. APPLICATION. In R-6 Residential Districts, the following regulations shall apply.

SECTION 140-45. USE REGULATIONS. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. One-family detached dwelling.
- B. Accessory buildings and uses customarily incidental to the aforementioned uses, but shall not include a business.
- C. The following uses may be permitted as a Special Exception when authorized by the Zoning Hearing Board after a public hearing held in accordance with Section 140-135B - Standards for Special Exception:
 - (1) Churches or similar places of worship, parish houses and convents.
 - (2) Public and private schools having a curriculum for educational purposes comparable to those in public elementary and secondary schools.
 - (3) Public and private parks and recreation grounds and facilities operated by nonprofit organizations.
 - (4) Museums, libraries, community centers, and municipal buildings.
 - (5) Hospitals and sanitariums.
 - (6) Mobile home communities.
 - (7) Permitted uses in an R-5 District. (Amended Ord. #1843 -5/18/88)

SECTION 140-46. AREA REGULATIONS.

- A. Lot area. The lot area and lot area per dwelling unit shall be not less than six thousand (6,000) square feet for every dwelling hereafter erected.
- B. Width regulations. The lot width at the building line shall be not less than sixty (60') feet per single-family dwelling.
- C. Coverage regulations. The lot coverage shall be no more than thirty-five (35%) percent.
- D. Yard regulations. Each lot shall have front, side, and rear yards of not less than the depth or width indicated below. Also see Section 140-23.

- (1) Front yard: depth, twenty-five (25') feet. See Section 140-21.
- (2) Side yards, two (2): width, eight (8') feet. See Section 140-22.
- (3) Rear yard: depth, fifteen (15') feet.

SECTION 140-47. HEIGHT REGULATIONS: The height of a building shall be no greater than thirty-five (35') feet.

SECTION 140-48. AUTOMOBILE PARKING SPACE REGULATIONS. See Section 140-100 for automobile parking space regulations.

SECTION 140-49. ACCESSORY BUILDINGS. Accessory buildings shall not occupy more than fifty (50%) percent of the required rear yard. New accessory buildings shall have two (2) side yards of three (3') feet each and a rear yard of three (3') feet from the rear property line, or thirteen (13') feet from the center line of the alley. Whichever is the greater distance from the rear property line shall apply. Existing accessory buildings may be extended along natural lines as long as the extension does not reduce the existing conforming side or rear yard to less than the required minimum. (Amended Ord. #1168 - 1/16/63)

ARTICLE VI

R-5 RESIDENTIAL DISTRICTS (Amend. Ord. #2091 12/22/04, formerly R-2)

SECTION 140-50. APPLICATION. In R-5 Residential Districts, the following regulations shall apply.

SECTION 140-51. USE REGULATIONS. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. All permitted uses in R-6 Residential Districts.
- B. Two-family dwellings, with additional lot area as required herein.
- C. The following uses may be permitted as a Special Exception when authorized by the Zoning Hearing Board after a public hearing held in accordance with Section 140-135B - Standards for Special Exception.
 - (1) Permitted uses in an R-3 District. (140-57A, B, C & D)
 - (2) Uses permitted as a Special Exception in an R-6 District. (Amended Ord. #1643 - 8/20/75)

SECTION 140-52. AREA REGULATIONS.

- A. Lot area. The lot area shall be no less than five thousand (5,000) square feet for one-family dwelling lots and not less than three thousand five hundred (3,500) square feet per family for a two-family dwelling lot.
- B. Width regulations. The lot width at the building line shall be no less than fifty (50') feet per single-family detached dwelling and no less than forty (40') feet per family for semidetached or duplex dwellings.

- C. Coverage regulations. The lot coverage shall be no more than forty (40%) percent.
- D. Yard regulations. Each lot shall have front, side, and rear yards of no less than the depth or width indicated below. Also see Section 140-23.
 - (1) Front yards: depth, twenty-five (25') feet. See Section 140-21.
 - (2) Side yards, two (2): width, seven (7') feet. See Section 140-22.
 - (3) Rear yard: depth, twelve (12') feet.

SECTION 140-53. HEIGHT REGULATIONS. The height of a building shall be no greater than thirty-five (35') feet.

SECTION 140-54. AUTOMOBILE PARKING SPACE REGULATIONS. See Section 140-100 for automobile parking space regulations.

SECTION 140-55. ACCESSORY BUILDINGS. Accessory buildings shall not occupy more than fifty (50%) percent of the required rear yard. New accessory buildings shall have two (2) side yards of two (2') feet each and rear yard of three (3') feet from the rear property line or thirteen (13') feet from the center line of the alley. Whichever is the greater distance from the rear property line shall apply. Existing accessory buildings may be extended along natural lines as long as the extension does not reduce the existing conforming side or rear yard to less than the required minimum. (Amended Ord. #1168 - 1/16/63)

ARTICLE VII R-3 RESIDENTIAL DISTRICTS

SECTION 140-56. APPLICATION. In R-3 Districts, the following regulations shall apply.

SECTION 140-57. USE REGULATIONS. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Permitted uses in an R-5 Residential District.
- B. Three and four-family dwellings, provided that all units of a building are constructed at the same time and that all units have a front wall and rear wall opening to the respective yards. (Amended Ord. #1643 - 8/20/75)
- C. Professional offices: doctors, dentists, lawyers, engineers, architects, etc.
- D. Boarding houses and group day care homes. (Amended Ord. #1643 8/20/75 & #1848 - 10/19/88)
- E. The following uses may be permitted as a Special Exception when authorized by the Zoning Hearing Board after a public hearing held in accordance with Section 140-135B - Standards for Special Exception. (Amended Ord. #1643 -8/20/75)

- (1) Permitted uses in an O-A District. (140-63A, B, C, & D)
- (2) Uses permitted as a Special Exception in an R-6 District.

SECTION 140-58. AREA REGULATIONS.

- A. Lot area. A lot area shall not be less than four thousand (4,000) square feet for a one-family dwelling lot, not less than three thousand (3,000) square feet per family for a two family dwelling lot, and not less than two thousand (2,000) square feet per family for three and four family dwelling lots.
- B. Width regulations. The lot width at the building line shall not be less than forty (40') feet per single family detached dwelling, not less than thirty (30') feet per family for a two-family dwelling unit, and not less than twenty (20') feet per family for three and four family dwelling units.
- C. Coverage regulations. The coverage shall be no more than forty-five (45%) percent.
- D. Yard regulations. Each lot shall have front, side, and rear yards of not less than the depth or width indicated below. Also see Section 140-23.
 - (1) Front yard: depth, fifteen (15') feet. See Section 140-21.
 - (2) Side yards, two (2): width, five (5') feet. See Section 140-22.
 - (3) Rear yard: depth, twenty (20') feet from centerline of the alley. If there is no alley at the rear of the lot, ten (10') feet from rear property line.

SECTION 140-59. HEIGHT REGULATIONS. The height of a building shall not be greater than two (2) stories and shall not exceed thirty-five (35') feet.

SECTION 140-60. AUTOMOBILE PARKING SPACE REGULATIONS. See Section 140-100 for automobile parking space regulations.

SECTION 140-61. ACCESSORY BUILDINGS. Accessory buildings shall not occupy more than fifty (50%) percent of the required rear yard. New accessory buildings shall have two (2) side yards of two (2') feet each, and a rear yard of three (3') feet from the rear property line or thirteen (13') feet from the center line of the alley. Whichever is the greater distance from the rear property line shall apply. Existing accessory buildings may be extended along natural lines as long as the extension does not reduce the existing conforming side or rear yard to less than the required minimum. (Amended Ord. #1168 - 1/16/63)

ARTICLE VIII

O-A RESIDENTIAL DISTRICTS (Amended Ord. #2091 12/22/04, formerly LMD)

SECTION 140-62. APPLICATION. In O-A Residential Districts, the following shall apply.

SECTION 140-63. USE REGULATIONS IN PRINCIPAL BUILDINGS.

- A. Permitted uses in R-3 Districts.
- B. Row dwellings, multiple dwellings, dwelling groups, and bed and breakfasts. (Amended Ord. #1816 – 4/16/86)
- C. Mortuaries. (Amended Ord. #1643 - 8/20/75)
- D. Offices: insurance, real estate, building and loan, sales (no merchandise), etc.
- E. The following uses may be permitted as a Special Exception when authorized by the Zoning Hearing Board after a public hearing held in accordance with Section 140-135B - Standards for Special Exception.
 - (1) Uses permitted as a special exception in an R-6 District.
 - (2) Nursing and convalescent homes.

SECTION 140-64. USE REGULATIONS IN ACCESSORY BUILDINGS. The following uses may be permitted as a Special Exception when authorized by the Zoning Hearing Board after a public hearing. The Zoning Hearing Board shall determine that (1) the proposed change will not substantially injure or detract from the use of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded, and that (2) the proposed change will serve the best interests of the Borough, the convenience of the community (where applicable) and the public welfare. The Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.

- A. Shops and services for:
 - (1) Electricians.
 - (2) Painting and paperhanging.
 - (3) Locksmith.
 - (4) Shoemaker.
 - (5) Sign painter.
 - (6) Print shop.
 - (7) Jeweler.
 - (8) Auto parking.
 - (9) Floor covering, wall and ceiling tile.
 - (10) Medical and dental clinics and laboratories.
 - (11) Floor cleaning and waxing.

- (12) Florist.
 - (13) Office equipment.
 - (14) Taxidermist.
 - (15) Storage.
 - (16) Storage garage.
 - (17) Saw sharpening.
 - (18) Antiques, repairing and restoring.
- B. The Zoning Hearing Board may authorize uses similar to the above list as it deems appropriate in accordance with the provisions of Section 140-135, excluding:
- (1) Automobile and auto-body repair shops.
 - (2) Foundries.
 - (3) Cutting and distributing meat.

SECTION 140-65. AREA REGULATIONS.

- A. Lot area. The lot area shall not be less than three thousand five hundred (3,500) square feet for a one family dwelling lot, not less than two thousand five hundred (2,500) square feet per family for a two family dwelling lot, and not less than two thousand (2,000) square feet per family unit for dwellings with three (3) or more units.
- B. Width regulations. The lot width at the building line shall not be less than thirty-five (35') feet per single-family detached dwelling, not less than twenty-five (25') feet per family for a two family dwelling unit, and not less than twenty (20') feet per family for all other dwellings with three (3) or more dwelling units.
- C. Coverage regulations. The lot coverage shall be no more than fifty (50%) percent.
- D. Yard regulations. Each lot shall have front, side, and rear yards of no less than the depth and width indicated below. Also see Sections 140-21, 140-22, and 140-23.
 - (1) Front yard: depth, fifteen (15') feet.
 - (2) Side yards, two (2): width, four (4') feet for single-family and two-family dwellings, five (5') feet for three (3) or more family dwellings.
 - (3) Rear yard: depth, fifteen (15') feet, regardless of the number of dwelling units.

SECTION 140-66. HEIGHT REGULATIONS. The height of a building shall not be greater than thirty-five (35') feet.

SECTION 140-67. AUTOMOBILE PARKING SPACE REGULATIONS. See Section 140-100 for automobile parking regulations.

SECTION 140-68. ACCESSORY BUILDINGS. Accessory buildings shall not occupy more than fifty (50%) percent of the required rear yard. New accessory buildings shall have two (2) side yards of two (2') feet each and a rear yard of three (3') feet from the rear property line or thirteen (13') feet from the center line of the alley. Whichever is the greater distance from the rear property line shall apply. (Amended Ord. #1168 - 1/16/63)

Existing accessory buildings may be extended along natural lines as long as the extension does not reduce the existing conforming side or rear yard to less than the required minimum.

ARTICLE IX BUSINESS DISTRICTS

SECTION 140-69. LB - LOCAL BUSINESS DISTRICT.

SECTION 140-69A. APPLICATION. Regulations applicable in an LB Local Business District. In LB Districts the following regulations shall apply, except as otherwise provided herein.

SECTION 140-69B. USE REGULATIONS. The following uses only shall be permitted by right, provided that no objectionable emission of odor, dust, smoke, gas, vibration, or noise is produced or hazard to health or property is imposed:

- A. Apartment houses, multiple-family dwellings, and dwelling groups.
- B. Boarding and lodging houses, and bed and breakfasts. (Amended Ord. #1816 - 4/16/86)
- C. Nursing and convalescent homes.
- D. Retail sales of goods and services, prepared foods and beverages, excluding automobile drive-in type facilities and automobile display, sales and services. No more than ten (10%) percent of any business sales or display area shall be outdoors. (Amended Ord. 2123 - 4/25/07)
- E. Business offices, professional offices, and group day care centers. (Amended Ord. #1848 - 10/19/88)
- F. Churches, assembly halls, lodges, and indoor theaters having a seating capacity of less than six hundred (600) persons.

The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- (1) Automobile filling station.

- (2) Automobile indoor display and sales.
- (3) Drive-in service type facilities.

SECTION 140-69C. AREA REGULATIONS.

- A. Lot area. The lot area shall not be less than two thousand (2,000) square feet per family unit or other permitted use unit. Efficiency apartments for one and two people are exempt.
- B. Width regulations. The lot width at the building line shall not be less than twenty (20') feet.
- C. Coverage regulations. The ground surface covered by principal and accessory uses shall not be more than fifty (50%) percent of the lot area. The total lot coverage by building and paved surfaces shall not exceed eighty (80%) percent of the lot area. (Amended Ord. #1588 - 6/20/73)
- D. Yard regulations.
 - (1) Front yard: depth, fifteen (15') feet except that within a block where the entire street frontage is located in an LB District and more than fifty (50%) percent of the frontage is in existing business use, no front yard is required; and where the frontage within a block is partly in an LB District and partly in a Residential District, the front yard requirement of the Residential District shall apply.
 - (2) Side yard: Where the side of a lot in an LB District abuts the side of a lot in a Residential District, or whose lot line is separated by an alley from the side lot line of a Residential District, there shall be a side yard of not less than eight (8') feet in width. Where the rear lot line of a corner lot of an LB District abuts the side lot line of a lot in a Residential District, or where the rear lot line of a corner lot of an LB District is separated by an alley from the side lot line of a lot in a Residential District, a side yard on the street side of such corner lot shall not be less than one-half (1/2) of the front yard required on the lots in the rear of such corner lot, but such side yard need not exceed twelve (12') feet in width. In such case, however, the side yard on the street side of a corner lot shall not be less than (8') feet. No accessory building on such corner lot shall project beyond the required front yard line of the lot in the rear, nor be located less than eight (8') feet from the side lot line of the lot in the rear.

Where the side lot line of an LB District abuts the rear lot line of a Residential District, or where the side lot line of an LB District is separated by an alley from the rear lot line of lots in a Residential District, the side yard of the LB District adjacent to the Residential District shall be a minimum of eight (8') feet.

In other cases, a side yard for a non-residential building shall not be required.

The side yard requirements for buildings used entirely for residential purposes shall be five (5') feet minimum on each side.

- (3) Rear yard: depth, twenty (20') feet from the center line of an alley. If there is no alley at the rear of the lot, ten (10') feet from rear property line.

SECTION 140-69D. HEIGHT REGULATIONS. The height of a building may be three (3) stories, but not exceeding thirty-five (35') feet.

SECTION 140-69E. AUTOMOBILE PARKING AND LOADING SPACE REGULATIONS. See Section 140-100 for parking and loading space regulations.

SECTION 140-70. HB HIGHWAY ORIENTED BUSINESS DISTRICT.

SECTION 140-70A. APPLICATION. Regulations applicable in HB Highway Oriented Districts. In HB Districts the following regulations shall apply, except as otherwise provided herein.

SECTION 140-70B. USE REGULATIONS. The following uses only shall be permitted by right, provided that no objectionable emission of odor, dust, smoke, gas, vibration, or noise is produced or hazard to health or property is imposed:

- A. Motor vehicle, tire, motor homes, travel trailers, and boat, (indoor and outdoor) display, sales, storage and repair excluding body and/or tire recapping shops.
- B. Auto and trailer courts, boarding houses, tourist homes, and bed and breakfasts. (Amended Ord. #1816 - 4/16/86)
- C. Banks, businesses, professional offices, and group day care centers. (Amended Ord. #1848 - 10/19/88)
- D. Churches or similar places of worship.
- E. Indoor theaters, assembly halls and lodges.
- F. Indoor and outdoor retail sales of goods and services, prepared foods and beverages, including drive-in service type facilities.
- G. Accessory uses customarily incidental to permitted uses.

The following uses may be permitted as a Special Exception when authorized by the Zoning Hearing Board:

- (1) Automobile filling station.
- (2) Commercial recreation.
- (3) Wholesale business.
- (4) Transportation terminals.

- (5) Uses permitted in O-A Districts.

SECTION 140-70C. AREA REGULATIONS.

- A. Lot area. The lot area shall not be less than 5,000 square feet, except that for auto courts and automobile filling stations the lot area shall not be less than 20,000 square feet.
- B. Width regulations. The lot width at the building line shall not be less than fifty (50') feet, except that for 20,000 square feet minimum lots the lot width shall not be less than one hundred fifty (150') feet.
- C. Coverage regulations. The ground surface covered by principal and accessory uses shall not be more than fifty (50%) percent of the lot area. The total lot coverage by buildings and paved surfaces shall not exceed eighty (80%) percent of the lot area, and in all cases at least ten (10%) percent of the unpaved, unimproved, required area shall be in the front yard.
- D. Yard regulations.
- (1) Front yard: depth, fifteen (15') feet.
- (2) Side yard: Where the side of the lot in an HB District abuts the side of a lot in a Residential District, or whose lot line is separated by an alley from the side lot line of a Residential District, there shall be a side yard of not less than eight (8') feet in width. Where the rear lot line of a corner lot of an HB District abuts the side lot line of a lot in a Residential District, or where the rear lot line of a corner lot of an HB District is separated by an alley from the side lot in a Residential District, a side yard on the street side of such corner lot shall not be less than one-half (1/2) of the front yard required on the lots in the rear of such corner lot, but such side yard need not exceed twelve (12') feet in width. In such case, however, the side yard on the street side of a corner lot shall not be less than eight (8') feet. No accessory building on such corner lot shall project beyond the required front yard line of the lot in the rear, nor be located less than eight (8') feet from the side lot line of the lot in the rear. Where the side lot line of an HB District abuts the rear lot line of a Residential District, or where the side lot line of an HB District is separated by an alley from the rear lot line of lots in a Residential District, the side yard of an HB District adjacent to the Residential District shall be a minimum of eight (8') feet.

In other cases, a side yard for a business building shall not be required.

The side yard requirements for buildings used entirely for residential purposes shall be five (5') feet minimum on each side.

- (3) Rear yard: depth, twenty (20') feet from the centerline of an alley. If there is no alley at the rear of the lot, ten (10') feet from rear property line.

SECTION 140-70D. HEIGHT REGULATIONS. The height of a building shall not exceed thirty-five (35') feet.

SECTION 140-70E. AUTOMOBILE PARKING SPACE REGULATIONS. See Section 140-100, parking and loading space.

SECTION 140-71. GB - GENERAL BUSINESS DISTRICTS.

SECTION 140-71A. APPLICATION. In a GB General Business District, the following regulations shall apply, except as otherwise provided herein.

SECTION 140-71B. USE REGULATIONS.

- A. Uses permitted in O-A Districts and in LB Districts, excluding one and two family dwellings.
- B. Bus, taxi, and truck yards.
- C. Cleaning and dyeing offices.
- D. Commercial recreation uses.
- E. Garages for the storage and repair of motor vehicles, but not automobile body shops.
- F. Medical and dental clinics and laboratories.
- G. Florists or nurseries, provided that all incidental equipment and supplies, including fertilizers and empty cans, are kept within the building.
- H. Stores for the retailing of food, drugs, confectionery, hardware, bakery products, clothing, household appliances, flowers, or house plants.
- I. Personal service shops, including barbers, beauty parlors, tailors, shoe repair, and dry cleaning.
- J. Banks, business and professional offices.
- K. Electric and telephone public-utility transmission and distribution facilities, including substations, water pumping stations, and reservoirs.
- L. Municipal buildings or uses.
- M. Restaurants, tea rooms, cafes, and other places serving food or beverages.
- N. Private schools conducted for gain or profit.
- O. Advertising signs subject to the regulations and restrictions of this and other applicable ordinances.

- P. Tire repair shops, excluding recapping.
- Q. Transportation terminals, railway tracks, and rights-of-way.
- R. Warehouses are permitted as an accessory use to the principal use.
(Amended Ord. #1715 - 6/18/80)
- S. Wholesale and jobbing businesses.
- T. Other retail or wholesale sales or service uses which are similar in character to those enumerated above and which will not be dangerous or

otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment, or value of any property, but not including any of the following uses:

- (1) Any use excluded from M Districts.
- (2) Dumps; junkyards.
- (3) Livestock yards or slaughterhouses.
- (4) Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses.
- (5) Any use which is objectionable by reason of emission of odor, smoke, gas, vibration, or noise, or which may impose hazard to health or property.

SECTION 140-71C. AREA REGULATIONS.

- A. Lot area. None for commercial; same as O-A for dwellings.
- B. Width regulations. None for commercial; same as O-A for dwellings.
- C. Coverage regulations. None for commercial; same as O-A for dwellings.
- D. Yard regulations.
 - (1) Front yard: none.
 - (2) Side yard:
 - (a) Where the side of a lot in a GB District abuts the side of a lot in a Residential District or whose lot line is separated by an alley from the side lot line of a Residential District, there shall be a side yard of not less than eight (8') feet in width. Where the rear lot line of a corner lot of a GB District abuts the side lot line of a lot in a Residential District, or where the rear lot line of a corner lot of a GB District is separated by

an alley from the side lot line of a lot in a Residential District, a side yard on the street side of such corner lot shall not be less than one-half (1/2) of the front yard required on the lots in the rear of such corner lot, but such side yard need not exceed twelve (12') feet in width. In such case, however, the side yard on the street side of a corner lot should not be less than eight (8') feet. No accessory building on such corner lot shall project beyond the required front yard line of the lot in the rear, nor be located less than eight (8') feet from the side lot line of the lot in the rear.

- (b) Where the side lot line of a GB District abuts the rear lot line of a Residential District, or where the side lot line of a GB District is separated by an alley from the rear lot line of lots in a Residential District, the side yard of the GB District adjacent to the Residential District will be a minimum of eight (8') feet.
- (c) In other cases, a side yard for a commercial building shall not be required.
- (d) The side yard regulations for buildings hereafter built or used entirely for residential purposes shall be the same as required in the O-A District.

(3) Rear yard: none.

SECTION 140-71D. HEIGHT REGULATIONS. The height of a building may be six (6) stories, but not exceeding seventy-five (75') feet, provided that no building or portion of a building shall be erected to a height exceeding forty-five (45') feet on any portion of a lot less than twenty (20') feet distant from any portion of a lot in any Residential or LB District.

SECTION 140-71E. AUTOMOBILE PARKING SPACE REGULATIONS. See Section 140-100 for automobile parking space regulations for dwelling units.

ARTICLE X

SECTION 140-72 - 140-78. RESERVED.

ARTICLE XI INDUSTRIAL DISTRICTS

SECTION 140-79. LM LIMITED MANUFACTURING DISTRICT.

SECTION 140-79A. APPLICATION. Regulations applicable in LM Limited Manufacturing Districts. In LM Districts, the following regulations shall apply, except as otherwise provided herein.

SECTION 140-79B. USE REGULATIONS. The following uses only shall be permitted by right, provided that no objectionable emission of odor, dust, smoke, gas, vibration, or noise is produced that is perceptible at the lot boundaries or hazard to health or property is imposed:

- A. Business offices, research and administrative activities and group day care centers. (Amended Ord. #1848 - 10/19/88)
- B. Cleaning, distribution, processing, production, repair, storage, or testing of materials, goods and/or products, provided that all such activities are conducted within an enclosed structure; no open storage of raw and/or waste materials should be permitted; no reproduction of any material designed for use as an explosive shall be permitted; no untreated potentially dangerous effluent from plant operations shall be discharged.
- C. Accessory uses customarily incidental to permitted uses.
- D. The Zoning Hearing Board may authorize other industrial uses and commercial uses similar to those permitted in a shopping center that are compatible to the growth and development of the adjacent zoning districts. The Board may attach such reasonable requirements, conditions, and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance. (Amended Ord. #1643 - 8/20/75)

SECTION 140-79C. AREA REGULATIONS.

- A. Lot area. The lot area shall not be less than forty thousand (40,000) square feet.
- B. Width regulations. The lot width at the building line shall not be less than one hundred fifty (150') feet.
- C. Coverage regulations. The ground surface covered by principal and accessory uses shall not be more than fifty (50%) percent of the lot area. The total lot coverage by buildings and paved surfaces shall not exceed eighty (80%) percent of the lot area.
- D. Yard regulations.
 - (1) Front yard: depth, fifty (50') feet for buildings and loading spaces; fifteen (15') feet for parking spaces.
 - (2) Side yard: width, thirty (30') feet from buildings to lot, alley, or street right-of-way lines; fifteen (15') feet from parking and loading spaces to lot or street right-of-way lines.
 - (3) Rear yard: depth, thirty (30') feet from buildings to lot, alley, or street right-of-way lines; fifteen (15') feet from parking and loading spaces to lot or street right-of-way lines.

SECTION 140-79D. HEIGHT REGULATIONS. The height of a building shall not exceed thirty-five (35') feet.

SECTION 140-79E. PARKING SPACE REGULATIONS. See Section 140-100 for automobile parking space requirements. An appropriate landscape screen treatment surrounding parking areas shall be provided.

SECTION 140-79F. LOADING SPACE. See Section 140-101 for loading space requirements. An appropriate landscape screen treatment surrounding loading areas shall be provided.

SECTION 140-79G. SUBMISSION AND APPROVAL OF LIMITED MANUFACTURING DEVELOPMENT PLAN.

- A. All Limited Manufacturing development plans shall be subject to the review and approval of the Borough Planning Commission and Council as a prerequisite to the issuing of Building Permits and Certificates of Occupancy.
 - (1) Statement of proposed uses.
 - (2) Plans of the floor areas, loading docks, and parking areas, including plans of driveways, direction of traffic flow, and any necessary traffic control devices.
 - (3) Illustrations showing the architectural design of proposed development and the appropriate landscape treatment of the entire tract of land.
- B. After reviewing the plan at a regularly scheduled meeting, the Borough Planning Commission shall approve the plan or disapprove it with a statement citing the reasons for such disapproval. The Planning Commission shall then submit its recommendations to Borough Council.
- C. After reviewing the plan and Planning Commission recommendations at a regularly scheduled meeting, the Borough Council shall approve or disapprove the plan.

SECTION 140-80. M MANUFACTURING DISTRICTS.

SECTION 140-80A. APPLICATION. In M Manufacturing Districts the following regulations shall apply, except as otherwise provided herein.

SECTION 140-80B. USE REGULATIONS.

- A. Manufacturing of shoes, shoe bindings, and leather goods.
- B. Bottling works and bookbinding.
- C. Building materials storage, lumber yards, and lumber mills.
- D. Blacksmith and machine shops.
- E. Contractors equipment, sales, service, and storage.

- F. Mixing plant for concrete and concrete products.
- G. Cleaning, dyeing and steam laundry.
- H. Freight terminal and freight yards.
- I. Metal fabrication and forging.
- J. Gas (illuminating or heating) manufacturing and storage.
- K. Grain elevators and bulk storage of petroleum and similar products.
- L. Railroad yards and truck terminals.
- M. Laboratories and lithographing.
- N. Laundries, cleaning, dyeing, carpet and rug cleaning.
- O. Distribution plants, parcel delivery, and service industries.
- P. Manufacturing, compounding, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceutical and food products, except the following: fish products, sauerkraut, vinegar, yeast, and rendering or refining of fat and oils.
- Q. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, film, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wool yarns, and paint not employing a boiling process.
- R. The manufacturing of pottery and figurines or other similar ceramic products, using only clay, and kilns fired only by electricity or gas.
- S. Printing and newspaper publishing.
- T. Electrical, optical, and textile manufacturing.
- U. Wholesale business, welding shops, warehouses, and cold storage plants.
- V. The following uses may be permitted as a Special Exception when authorized by the Zoning Hearing Board after a public hearing held in accordance with Section 140-135B - Standards for Special Exception.
 - (1) Uses permitted in GB districts, excluding multiple and group dwellings, and private schools conducted for gain or profit. (Amend. Ord. #2093 4/27/05)
 - (2) Mobile home communities.
 - (3) Churches and similar places of worship. (Amended Ord. #1643 - 8/20/75)

SECTION 140-80C. AREA REGULATIONS.

- A. Lot area. None.
- B. Width regulations. None.
- C. Coverage regulations. None.
- D. Yard regulations.
 - (1) Front yard: the front yard shall have a depth of twenty-five (25') feet. Where the frontage is partly in the M District and partly in the Residential District, the front yard requirements of the Residential District shall apply in the M District.
 - (2) Side yard:
 - (a) Where the side of a lot in an M District abuts the side of a lot in a Residential District or whose lot line is separated by an alley from the side lot line of a Residential District, there shall be a side yard of not less than eight (8') feet in width.

Where the rear lot line of a corner lot of an M District abuts the side lot line of a lot in a Residential District or where the rear lot line of a corner lot of an M District is separated by an alley from the side lot line of a lot in a Residential District, a side yard on the street side of such corner lot shall not be less than one-half (1/2) of the front yard required on the lots in the rear of such corner lot, but such side yard need not exceed twelve (12') feet in width. In such case, however, the side yard on the street side of a corner lot should not be less than eight (8') feet. No accessory buildings on such corner lot shall project beyond the required front yard line of the lot in the rear, nor be located less than eight (8') feet from the side lot line of the lot in the rear.
 - (b) Where the side lot line of an M District abuts the rear lot line of a Residential District or where the side lot line of an M District is separated by an alley from the rear lot line of lots in a Residential District, the side yard of the M District adjacent to the Residential District will be a minimum of eight (8') ft.
 - (3) Rear yard: the rear yard shall have a depth of twenty (20') feet.

SECTION 140-80D. HEIGHT REGULATIONS. The maximum height of a building shall be fifty (50') feet.

SECTION 140-80E. AUTOMOBILE PARKING SPACE REGULATIONS. See Section 140-100 for automobile parking space regulations.

SECTION 140-80F. LOADING SPACE. See Section 140-101.

SECTION 140-81. HI HEAVY INDUSTRY DISTRICTS.

SECTION 140-81A. APPLICATION. In HI Heavy Industry Districts, the following regulations shall apply, except as otherwise provided herein.

SECTION 140-81B. USE REGULATIONS.

- A. Uses permitted in M Districts, excluding dwellings and dwelling units, except those for employees having duties requiring them to live on the premises. (Amended Ord. #1715 - 6/18/80)
- B. Foundries.
- C. Structural steel fabricating yards.
- D. Any other use not otherwise prohibited by law, provided, however, that none of the following uses shall be established or reconstructed, structurally altered, enlarged, or moved unless the Zoning Hearing Board approves the issue of a permit therefore:
 - (1) Acid manufacture.
 - (2) Cement, lime, gypsum, or plaster of paris manufacture.
 - (3) Distillation of bones, coal, tar, petroleum, refuse, grain, or wood.
 - (4) Open dump.
 - (5) Drilling for or removal of oil, gas, or other hydrocarbon substance.
 - (6) Explosive manufacture or storage.
 - (7) Fat rendering.
 - (8) Fertilizer manufacture.
 - (9) Garbage, offal, or dead animal or fish reduction or dumping.
 - (10) Glue manufacture.
 - (11) Hog farm.
 - (12) Petroleum or petroleum refining.
 - (13) Smelting of ores.
 - (14) Stockyard or slaughter of animals, except poultry or rabbits.
 - (15) Tannery.
 - (16) Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration, or noise, or which may impose hazard to health or property.

SECTION 140-81C. AREA REGULATIONS.

- A. Lot area. None.
- B. Width regulations. None.
- C. Coverage regulations. None.
- D. Yard regulations.
 - (1) Front yard: The front yard shall have a depth of twenty-five (25') feet. Where the frontage is partly in the HI District and partly in the Residential District, the front yard requirements of the Residential District shall apply in the HI District.
 - (2) Side yard.
 - (a) Where the side of a lot in a HI District abuts the side of a lot in a Residential District or whose lot line is separated by an alley from the side lot line of a Residential District, there shall be a side yard of not less than eight (8') feet in width. Where the rear lot line of a corner lot of an HI District abuts the side lot line of a lot in a Residential District or where the rear lot line of a corner lot of an HI District is separated by an alley from the side lot line of a lot in a Residential District, a side yard on the street side of such corner lot shall not be less than one-half (1/2) of the front yard required on the lots in the rear of such corner lot, but such side yard need not exceed twelve (12') feet in width. In such case, however, the side yard on the street side corner lot should not be less than eight (8') feet. No accessory building on such corner lot shall project beyond the required front yard line of the lot in rear, nor be located less than eight (8') feet from the side lot line of the lot in the rear.
 - (b) Where the side lot line of an HI District abuts the rear lot line of a Residential District or where the side lot line of an HI District is separated by an alley from the rear lot line of lots in a Residential District, the side yard of the HI District adjacent to the Residential District will be a minimum of eight (8') feet.
 - (3) Rear yard. The rear yard shall have a depth of twenty (20') feet.

SECTION 140-81D. HEIGHT REGULATIONS. The maximum height of a building shall be fifty (50') feet. (Amended Ord. #1732 - 12/16/81).

SECTION 140-81E. AUTOMOBILE PARKING SPACE REGULATIONS. See Section 140-100 for automobile parking space regulations.

SECTION 140-81F. LOADING SPACE. See Section 140-101.

**ARTICLE XII
OPEN SPACE DISTRICTS**

SECTION 140-82. APPLICATION. In OS Open Space Districts, the following regulations shall apply except as otherwise provided herein.

SECTION 140-83. USE REGULATIONS. Land may be used or occupied for any of the following purposes and no other:

- A. Historic sites.
- B. Drainage ways or channels, watersheds, and general conservation of natural resource uses.
- C. Parks, playgrounds, playfields and public markets (Amend. Ord. #2035, 1/26/00), (Amend. Ord. #2044 4/11/01), (Amend Ord. #2133 12/26/07).
- D. Accessory uses on the same lot with and customarily incidental to any of the above uses. (Amend. Ord. #1678 2/16/77)

**ARTICLE XII-A
FLOOD PLAIN DISTRICT PROVISIONS**

SECTION 140-84. APPLICATION/FLOODPLAIN DISTRICT PROVISIONS. The following regulations shall apply except as otherwise provided herein.

- A. All uses, activities, and development occurring within any Flood-plain District shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes, regulations, and ordinances of the Borough of Hanover, including but not limited to the Land Subdivision Ordinance, the Plumbing Code, and the Building Permit Regulations. (Amended Ord. #1732 - 12/16/81).
- B. All uses, activities, and development shall be undertaken only in compliance with applicable Federal and State laws, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Under no circumstances shall any use, activity, or development adversely affect the capacity of the channels of flood-ways of any watercourse, drainage ditch, or any other drainage facility or system. (Amended Ord. #1732 - 12/16/81).

The Borough Manager shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, meet standards in Section 140-86, A-H. (Amended Ord. #1834 -9/02/87).

- C. Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the municipality, a permit shall be obtained from the Department of Environmental Resources, Dams and Encroachment Division. Further, notification of the proposal shall be given to all affected

adjacent municipalities. Copies of such notification shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs. (Amended Ord. #1732 - 12/16/81).

Description of Floodplain Areas

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

FW (Floodway Area) – the areas identified as “Floodway” in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

FF (Flood-Fringe Area) – the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

FA (General Floodplain Area) – the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in questions.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough. (Amended Ord. #2152A 9/9/2009)

SECTION 140-85. PERMITTED USES. In the Floodway District (FW) the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, and provided that they do not require structures, fill, or storage of materials and equipment.

- A. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- B. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game

farms, fish hatcheries, trap and set game ranges, and hunting and fishing areas.

- C. Accessory residential uses, such as yard areas, gardens, play areas, and pervious parking areas.
- D. Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips, provided that there will be no new or substantially improved structure which (Amended Ord. #1857 5/17/89:
 - (1) Will be used for the production or storage of any of the following dangerous materials or substances; or,
 - (2) Will be used for any activity requiring the maintenance of a supply of more than 500 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
 - (3) Will involve the production, storage, or use of any amount of radioactive substances;
 - (4) The following list of materials and substances are considered dangerous to human life:
 - (a) Acetone.
 - (b) Ammonia.
 - (c) Benzene
 - (d) Calcium carbide.
 - (e) Carbon disulfide.
 - (f) Celluloid.
 - (g) Chlorine.
 - (h) Hydrochloric acid.
 - (i) Hydrocyanic acid.
 - (j) Magnesium.
 - (k) Nitric acid and oxides of nitrogen.
 - (l) Petroleum products (gasoline, fuel oil, etc.).
 - (m) Phosphorus.
 - (n) Potassium.
 - (o) Sodium.

- (p) Sulphur and sulphur products.
- (q) Pesticides (including insecticides, fungicides, and rodenticides).
- (r) Radioactive substances, insofar as such substances are not otherwise regulated. (Amended Ord. #1732 12/16/81; Ord. #1857 5/17/89).

E. Space Below the Lowest Floor

1. Fully enclosed space below the lowest floor (including basement) is prohibited.
2. Partially enclosed space below the lowest floor (including basement) 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 "partially enclosed space" also includes crawl spaces.

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 (2) 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 floodwaters. (Amended Ord. #2152A 9/9/2009)

- E(2). The Standards and Specifications contained 34PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2003 or the latest edition thereof:
 Sec. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof; Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J. (Amended Ord. #2152A 9/9/2009)

SECTION 140-86. USES PERMITTED BY SPECIAL EXCEPTION. The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:

- A. Structures, except for manufactured homes accessory to the uses and activities in Section 140-85.
- B. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
- C. Water related uses and activities, such as marinas, docks, wharves, piers, etc.
- D. Extraction of sand, gravel, and other materials.
- E. Temporary uses, such as circuses, carnivals, and similar activities.
- F. Storage of materials and equipment, provided that they are not buoyant, flammable, or explosive, and are not subject to major damage by flooding, or provided that such materials and equipment are firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning and do not violate the provisions of Section 140-85-D.
- G. Other similar uses and activities, provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural developments shall be undertaken in strict compliance with the flood proofing provisions contained in all other applicable codes and ordinances.
- H. No residential development will be allowed by Special Exception in the floodway, including manufactured home parks and units; institutional facilities such as hospitals, nursing homes, and jails or prisons will not be permitted by Special Exception in the floodway. (Amended Ord. #1732 - 12/16/81)

SECTION 140-87. SPACE BELOW THE LOWEST FLOOR

- A. Fully enclosed space below the lowest floor (including basement) is prohibited.
- B. Partially enclosed space below the lowest floor (including basement) 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 "partially enclosed space" also includes crawl spaces.

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 (2) 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. (Amended Ord. #2152A 9/9/2009)

SECTION 140-88. GENERAL FLOOD PLAIN DISTRICT (FA).

- A. In the General Flood Plain District, no development, use, or activity (including fill, grading and/or substantial improvements to structures, etc.) shall be permitted unless the applicant for the proposed development, use, or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one (1') foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood height.
- B. In the floodway portion of the District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements. Only those uses and/or activities provided for in the Floodway District (FW) shall be permitted in the floodway portion of this District.
- C. All uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in all other applicable codes and ordinances. (Amended Ord. #1732 - 12/16/81)
- D. Space Below the Lowest Floor
 1. Fully enclosed space below the lowest floor (including basement) is prohibited.
 2. Partially enclosed space below the lowest floor (including basement) 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 "partially enclosed space" also includes crawl spaces.

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 (2) 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 floodwaters. (Amended Ord. #2152A 9/9/2009)

SECTION 140-88A. PROHIBITED USES IN FLOODPLAIN DISTRICT - The following activities shall be prohibited from locating entirely or partially within any identified floodplain district and no variance shall be granted (Amended Ord. #1857 5-17-89):

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - (1) Hospitals
 - (2) Nursing Homes
 - (3) Jails or Prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision. Within any Floodway Area (FW) manufactured homes shall be prohibited.
- C. Within any Floodway Area (FW) any development which may endanger human life is prohibited. (Amended Ord. #2152A 9/9/2009)

SECTION 140-89. SPECIAL EXCEPTIONS AND VARIANCES IN THE FLOOD PLAIN DISTRICT - Additional factors to be considered.

In passing upon applications for Special Exceptions and Variances, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and the following:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No Special Exception or Variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels in the Floodway District or create residences, manufactured home parks, hospitals, nursing homes, or prisons.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent diseases, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- J. The safety of access to the property in times of flood to ordinary and emergency vehicles.
- K. The expected height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. No Variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- M. Except for a possible modification of the freeboard requirements involved, no Variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Exception Section 140-86 or to development which may endanger human life. (Section 140-87) (Amended Ord. #1857 5/17/89).
- N. If granted, a Variance shall involve only the least modification necessary to provide relief and be based on good and sufficient cause and notation that failure to grant would result in exceptional hardship. The granting of a variance will i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; ii) nor create nuisances, cause fraud on, or victimize the public or conflict with other applicable State statute or regulation, or local ordinance or regulation.
- O. Wherever 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.
- P. A report of all Variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- Q. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one

hundred (100) year flood.

R. Applicants for Special Exceptions shall provide five copies of the following items:

- (1) A written request including a completed Building Permit Application Form.
- (2) A small scale map showing the vicinity in which the proposed site is located.
- (3) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (a) North arrow, scale and date.
 - (b) Topography based upon the North American Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet.
 - (c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - (d) The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - (e) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man made features affecting, or affected by, the proposed activity or development.
 - (f) The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities.
 - (g) The location of all proposed buildings, structures, utilities and any other improvements.
 - (h) Any other information which the municipality considers necessary for adequate review of the application.
 - (i) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate.

- (2) For any proposed building, the elevation of the lowest floor (including basement) and as required, the elevation of any other floor.
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood.
 - (4) Detailed information concerning any proposed floodproofing measures.
 - (5) Cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths.
 - (6) Profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades.
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
- (j) The following data and documentation:
- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
 - (2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood.
 - (3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life.
 - (4) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows.
 - (5) A statement, certified by a registered professional engineer, architect, or landscape architect, which

contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows.

- (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".
 - (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
 - (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166.
 - (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.
- (k) Upon receipt of an application for a Special Exception by the Borough, the following procedures shall apply in addition to those of Article II:
- (1) A complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.
 - (2) If an application is received that is incomplete, the Borough shall notify the applicant in writing, stating in what respect the application is deficient.
 - (3) If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
 - (4) If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail after the date of approval.
 - (5) Before issuing the Special Exception, the Borough shall allow the Department of Community and

Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Borough.

- (6) If the Borough does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Exception to the applicant.
- (7) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing of the reasons for the disapproval and the Borough shall not issue the Special Exception.
- (l) In addition to the requirements of Article IV of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Exception. If there is any conflict between any of the following requirements and those aforesaid of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- (m) No application for a Special Exception shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - (1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
 - b. The lowest floor (including basement) elevation will be at least one and one half (1 ½) feet above the one hundred (100) year flood elevation.
 - c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.
- (n) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of

demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community and Economic Development. (Amended Ord. #2152A 9/9/2009)

SECTION 140-90. ADMINISTRATION. A zoning permit shall be required for all construction and development which includes but is not limited to paving, filling, grading, excavation, mining, dredging, or drilling operations, etc.

ARTICLE XIII NONCONFORMING BUILDING AND USES

SECTION 140-91. APPLICATION. All lawful buildings and uses of a building, sign, or other structures existing on the effective date of this ordinance may be continued, altered, restored, reconstructed, sold, or maintained even though such building or use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

- A. The owner of the premises occupied by a lawful Nonconforming Use existing at the effective date of this ordinance shall secure a Certificate of Nonconformance, which shall be for the purpose of insuring to the owner the right to continue a Nonconforming Use. (See Section 140-124.)
- B. All nonconforming signs, billboards or advertising signboards, including poster panels, bulletins, and the like, shall be made to conform to all pertinent regulations or be removed within ten (10) years after the effective date of this ordinance. During this period, they may be continued and maintained.
- C. In the event that a Nonconforming Use of any building or premises is discontinued for a period of one (1) year, the use of same shall there-after conform to the uses permitted in the district in which it is located.
- D. A change in the use of a building or land that results in a condition that is substandard to a regulation for the district - the use of the resulting condition must meet the standard regulations for the district.

Such as: A parcel of land used for a two, three, or more family dwelling unit - when subdivided the use of each resulting parcel of land or lot must meet the district regulations. (Amended Ord. #1715 - 6/18/80)

SECTION 140-92. BUILDING PERMIT. Where a Building Permit has been issued less than ninety (90) days prior to the effective date of this ordinance and the proposed building or use does not conform to the requirements of this ordinance, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this Article, only if at least one (1) of the following conditions has been met prior to the effective date of this ordinance:

A. Construction other than excavation has been started;

B. A contract for construction other than excavation has been let.

SECTION 140-93. ALTERATION, RESTORATION, OR REPLACEMENT. A Nonconforming Building or a building occupied by a Nonconforming Use may be structurally altered, restored, or replaced with a new building.

SECTION 140-94. EXTENSIONS OR ENLARGEMENTS.

A. The types of extension and enlargement listed below are permitted for Nonconforming Uses and buildings existing on the effective date of this ordinance:

- (1) The extension or enlargement of a conforming building occupied by a Nonconforming Use.
- (2) The extension or enlargement of a Nonconforming Building occupied by a Nonconforming Use.
- (3) The extension or enlargement of a Nonconforming Building occupied by a Conforming Use.

B. The foregoing extensions or enlargements shall be subject to the following conditions:

- (1) The extension or enlargement shall conform to the height and yard regulations of the district in which it is located, except that existing buildings may be extended along natural lines as long as the extension does not reduce the existing conforming side or rear yard to less than the required minimum.
- (2) Off-street parking and loading spaces shall be provided for the extension or enlargement, as required by Article XIV, and such extension or enlargement shall not reduce the existing off-street parking and loading space below the minimum standards.
- (3) The extension or enlargement of the Nonconforming Use of land shall not interfere with or obstruct the logical and efficient expansion of public facilities and services such as streets, water mains, sewers, etc.
- (4) The lands to be used for the extension or enlargement must be officially recorded prior to July 1, 1961, in the name of the owner of the Nonconforming Use. Furthermore, the land used for the extension or enlargement shall be a continuation of the land used for the Nonconforming Use and shall be confined to a block or limited by natural barriers such as streets, alleys, and rights-of-way.
- (5) The owner of any structure used for a Conforming Use on lands registered on a Certificate of Nonconformance wishing to remove said structure, shall submit his specific plans (including size and type of structures to be erected, if any) for the land so vacated to the

Borough Planning Commission, and these plans shall be approved by the Borough Planning Commission and Borough Council before any action is taken toward the removal of the aforementioned structure used for a Conforming Use. The approved plans shall become a part of the Certificate of Nonconformance and cannot be altered without the approval of the Borough Planning Commission and Borough Council.

- (6) The extension or enlargement shall conform to the height and yard regulations of the district in which it is located, except that existing buildings may be extended along natural lines as long as the extension does not reduce the existing conforming side or rear yard to less than the required minimum. (Amended Ord. #1168 - 1/16/63)

SECTION 140-95. DISCONTINUANCE OF NONCONFORMING USE OF LAND. The lawful use of land for storage purposes which do not conform to the provisions of this ordinance shall be discontinued within three (3) years from the effective date of this ordinance, and the use of land for storage purposes which may become a Non-conforming Use by reason of an amendment to this ordinance, rezoning, or annexation, shall be discontinued within three (3) years from the effective date of the amendment, rezoning, or annexation.

SECTION 140-96. MAINTENANCE OF PREMISES FOR NONCONFORMING USES. The premises of a Nonconforming Use located in a Residential District shall be maintained in a manner that is comparable to that of the Residential District in which the Non-conforming Use is located.

SECTION 140-97. EXISTING PROPOSALS. Any proposed building or use formally approved by the Borough Planning Commission and so recorded in its minutes prior to the effective date of this ordinance, and the proposed building or use does not conform to the requirements of this ordinance, the proposed building or use shall have the same status as an established Nonconforming Building or Use. However, the proposed construction of the building for the Nonconforming Use must be started within a period of three (3) years from the effective date of this ordinance. If the construction of said building has not been started at the end of the three-year period, thereafter the proposed building or use must conform to the requirements of this ordinance. Furthermore, if construction other than excavation is started after the effective date of this ordinance, the proposed building or use is subject to the conditions set forth under Section 140-94B (1) through (5) inclusive. In any case, the owner of the aforementioned Non-conforming Building or Use, upon completion of the building or establishment of the use, must file a Certificate of Nonconformance the same as required of any Non-conforming Building or Use existing as of the effective date of this ordinance.

SECTION 140-98. CERTIFICATE REQUIRED. The owners of dwellings in Residential Districts which are used for professional or home occupations shall secure a Professional or Home Occupation Certificate (see Section 140-125) within ninety (90) days after the effective date of this ordinance for the purpose of insuring the owner the right to continue a professional or home occupation in a dwelling in a Residential District.

SECTION 140-99. CHANGES. The Zoning Hearing Board may as a Special Exception authorize a change in the Nonconforming Use of a building or land to a Nonconforming Building or Use of the same or a more restricted classification. Whenever a Nonconforming Use of a building or land has been changed to a use of a more restricted

classification or to a Conforming Use, such shall not thereafter be changed to a use of a less restricted classification. (Amended Ord. #1168 - 1/16/63)

ARTICLE XIV PARKING AND LOADING SPACE

SECTION 140-100. PARKING SPACE, AUTOMOBILE. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or un-covered parking lot space located off the public right-of-way. Buildings or structures hereafter built, enlarged, or increased in capacity, in all districts except GB, shall provide off-street parking space as required. Any building listed below hereafter erected and any building hereafter converted into one (1) of the buildings listed below, and any open area hereafter used for commercial purposes, shall be provided with not less than minimum parking spaces as set forth below, which spaces shall be readily accessible to, and within a reasonable distance from, the buildings served thereby. Such spaces shall be on the same lot as the principal building or open area, except when otherwise authorized. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above the underground garage shall be deemed to be part of the open space of the lot on which it is located. Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways and connecting the garage or parking space with a street or alley. Notwithstanding the above, all parking space shall be ample in size for the vehicles for which use is intended. The new parking space per vehicle shall be not less than nine (9') feet wide and twenty-two (22') feet long. Outdoor parking space and the approaches thereto shall be paved, or covered with gravel or stone. Such outdoor parking space shall be deemed to be part of the open space of the lot on which it is located. (Amended Ord. #1168 -1/16/63)

A. Dwellings:

- (1) For one family detached dwellings and two family dwellings, one (1) parking space shall be provided on the lot for each dwelling unit.
- (2) For existing dwellings, one (1) parking space shall be provided for each of the first four (4) dwelling units hereafter added to such dwelling, and one (1) parking space for one (1) unit thereafter added to such dwelling. (Amended Ord. #1588 - 6/20/73)
- (3) For three and four-family dwellings, multiple dwelling groups, and apartments, two (2) parking spaces shall be provided for each dwelling unit. (Amended Ord. #1505 - 5/19/71)

B. Mortuaries. At least ten (10) parking spaces shall be provided by a mortuary with facilities for one (1) viewing, and there shall be provided eight (8) additional parking spaces for each additional viewing facility.

- C. Hotels, motels, and tourist houses. At least one (1) parking space for each guest room. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall be not less than those required for restaurants, in addition to those required for guest rooms.
- D. Theaters, auditoriums, churches, schools, stadiums, or any other place of public or private assembly. At least one (1) parking space for each five (5) seats provided for public or private assembly.
- E. Retail stores, restaurants, and barrooms. At least one (1) parking space for each sixty (60) square feet of gross floor area, exclusive of areas not used for sale or display of merchandise.
- F. Office buildings and professional offices. At least one (1) parking space for each one hundred (100) square feet of floor area, or fraction thereof.
- G. Industrial or wholesale establishments. At least one (1) parking space for each two (2) employees.
- H. Public garages or automobile service stations. At least one (1) parking space for each four hundred (400) square feet of floor or ground area, or fraction thereof, devoted to repair or service facilities, which shall be in addition to the space allocated for the normal storage of motor vehicles.
- I. Hospitals, sanitariums, and nursing homes. At least one (1) parking space for each five (5) patients for which accommodations are provided. In addition, one (1) parking space shall be provided for each two (2) staff or administrative personnel.
- J. Dance halls, bowling alleys, swimming pools, roller rinks, clubs, lodges, and other similar places and other commercial buildings. At least one (1) parking space for each one hundred (100) square feet of floor area.
- K. Boarding houses and subsidized housing developments. Conveniently accessible off street parking spaces must be provided for all resident guests' or tenants' motor vehicles. For each boarding house guest at least one (1) parking space, and for each dwelling unit two (2) parking spaces shall be provided. Where these standards appear excessive, the Zoning Hearing Board may modify the parking space requirements in accordance with the Standards of Review - Section 140-135; but in no case are the requirements to be reduced to less than one (1) parking space for each of the four (4) boarding house guests or four (4) dwelling units.

SECTION 140-101. LOADING AND UNLOADING SPACE.

- A. In addition to the off street parking space required above, all commercial and industrial establishments, hospitals, or sanitariums, and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicles.
- B. At least one (1) loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purpose exceed ten thousand (10,000)

square feet, one (1) additional loading berth shall be provided for each ten thousand (10,000) square feet of gross floor area. The off-street loading berth shall be not less than ten by fifty (10' x 50') feet in size.

- C. Hotels shall have at least one (1) loading berth, with an additional loading berth when the gross floor area exceeds fifty thousand (50,000) square feet.

SECTION 140-102. REDUCTION IN REQUIRED PARKING AND LOADING FACILITIES. The owner or lease holder of a property may apply to the Zoning Hearing Board for relief of the requirements for parking and loading for a specific use. The Zoning Hearing Board may authorize such exceptions as it deems appropriate in accordance with the provisions of Section 140-135 of this ordinance. (Amended Ord. #1715 - 6/18/80)

SECTION 140-103. EXCEPTIONS. When the required off-street parking space and off-street loading space is not available or not practical to continue on the lot occupied by the main building, the Zoning Hearing Board may authorize such exceptions as it deems appropriate in accordance with the provisions of Section 140-135. (Amended 1/16/63 ord. #1168)

ARTICLE XV MOTOR VEHICLE ACCESS

SECTION 140-104. APPLICATION. Wherever motor vehicle access is provided from the street (or private road) onto the lot, the following regulations shall apply:

- A. Driveways and curbs. Access to the lot shall comply with the following regulations:
 - (1) Access shall be by not more than two (2) driveways for each one hundred (100') feet frontage on any street.
 - (2) No two (2) of said driveways shall be closer to each other than twelve (12') feet, and no driveway shall be closer to a side property line than three (3') feet, and no flare shall cross an extended side property line.
 - (3) Each driveway shall not be more than thirty-five (35') feet in width, measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii the entire flare of any return radius shall fall within the right-of-way.
 - (4) Driveways shall be no closer than ten (10') feet to the point of intersection of two (2) property lines at any corner, as measured along the property line, and shall not extend across such extended property line.
 - (5) In all cases where there is an existing curb and gutter or sidewalk on the street (or private road), a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two (2) ends and street (or private road) side of each such island shall be constructed a concrete curb, the height, location any structural specifications of which shall be approved by

the Borough Engineer. Maximum and minimum curb return radii permitted and minimum driveway approach angles to the center line of the street (or private road) are required as shown on Plate No. 1, attached to the end of this ordinance and made by this reference as much a part of this ordinance as if fully described and detailed herein.

- B. Location of gasoline pumps. Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25') feet from any lot line. If the pump island is set at an angle on the property, it shall be so located that an automobile stopped for service will not extend over the property line.

ARTICLE XVI
PARKING LOTS AND COMMUNITY GARAGES

SECTION 140-105. SUBMISSION OF PLANS.

- A. Plans may be submitted to the Borough Zoning Hearing Board by the owner or lease holder of land for a public parking lot, a community garage, or for additional private parking and loading space for his vehicles, his employees, and/or customers. The Zoning Hearing Board shall examine and study the plans, taking into consideration the following uses and provisions for the parking lot or community garage:
- (1) There shall be no sales, dead storage, repair work, dismantling, or servicing of any kind on said parking lot.
 - (2) Entrances and exits shall be approved as to location by the Borough Planning Commission.
 - (3) No parking shall be permitted nearer than one (1') foot from the side lot line.
 - (4) To maintain the required open area for front yards in the district and to provide privacy for the properties along boundary lines, a wall, screen planting, or fence not to exceed five (5') feet in height may be required.
 - (5) The lot shall be surfaced with a dustproof or hard surface meeting the standard specifications of the borough.
 - (6) No advertising signs shall be erected upon such lot, except not more than one (1) sign on each street side to indicate the operator and purpose of the lot. Such sign shall not exceed twenty (20) square feet in area.
 - (7) Lighting facilities, if required, shall be so arranged as to be reflected away from residentially zoned or used property.

- (8) If at any time after the issue of the required permits any of the provisions in this section are not complied with, the permits shall be revoked.
- B. If the Zoning Hearing Board approves the proposed plans for a parking lot or community garage and Borough Council approves all curb cuts, building permits shall be issued. (Amended Ord. #1715 - 6/18/80)

**ARTICLE XVII
UNIT DEVELOPMENT PLAN**

SECTION 140-106. RESIDENTIAL DEVELOPMENT PLAN.

- A. The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the Zoning Hearing Board a plan for the use and development of the land, primarily for residential purposes. The proposed development plan shall be submitted to the Borough Planning Commission for examination, study, and report, and for a public hearing. If the Borough Planning Commission approves the development plan, the plan, together with the recommendations of the Borough Planning Commission, shall be embodied in a report to the Zoning Hearing Board, stating the reasons for the approval of the plan and application, and specific evidence and facts showing that the proposed residential development plan has considered and made provisions for the following essential elements:
 - (1) That the appropriate use of property adjacent to the area included in the plan will be fully safeguarded.
 - (2) That the plan is consistent with the intent of this ordinance to promote public health, safety, and the general welfare.
 - (3) That the buildings shall be used primarily for single family or two family dwellings, apartments, or group houses, and the usual accessory uses such as garages, storage space, and community activities.
 - (4) That the area of the tract, excluding street area but including the area to be devoted to parks, parkways, and other open spaces, will provide the minimum lot area per family in the district, counting all families to be housed under the unit development plan, which is required for the most intensive use normally permitted in the district in which such development is to be located.
- B. If the Zoning Hearing Board approves the proposed residential development plan, building permits and certificates of occupancy shall be issued, even though the use of the land, the location of the buildings to be erected in the area, and the yards and open spaces in the plan do not conform in certain respects to the regulations for the district in which the development is to be located.

ARTICLE XVIII
MOBILE HOME COMMUNITIES

SECTION 140-107. PROPOSALS.

- A. The owner or owners of a tract of land in a district where mobile homes are permitted or where they are as a Special Exception may submit to the Zoning Hearing Board a plan for the use and development or redevelopment of the land for developing a mobile home community. The proposed plan shall be submitted to the Borough Planning Commission for examination, study, and report. (Amended Ord. #1643 - 8/20/75)
- B. The Zoning Hearing Board may, after receipt of a favorable report on the proposal from the Borough Planning Commission and after public notice and hearing, grant a permit for the establishment of a mobile home community, provided that the proposal is not incongruous with the surrounding area and that the proposal will not substantially injure or detract from the surrounding property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed plan will not interfere with or obstruct the logical and efficient extension of public facilities and services such as streets, water, sewers, etc. Furthermore, the proposed plan for mobile home communities shall comply with the regulations set forth in this article.
- C. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- D. Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- E. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - 1. Placed on a permanent foundation.
 - 2. Elevated so that the lowest floor of the manufactured home is one and one half (1 ½) feet or more above the elevation of the one hundred (100) year flood.
 - 3. 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 2003 International Residential Building Code or the US Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
 - 5. Consideration shall be given to the installation requirements of the 2003 IBC (Appendix G, Sec. 501.1-3) and the 2003 IRC (Sec.

R323.2, R323.3, R102.7.1, and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended 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. (Amended Ord. #2152A 9/9/2009)

SECTION 140-108. DEFINITIONS OF MOBILE HOME TERMS.

MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (Amended Ord. #1834 - 9/2/87).

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale. (Amended Ord. #1834 - 9/2/87).

MOBILE HOME COMMUNITIES - Shall mean any area, tract, site, or plot of land whereupon mobile homes as herein defined are placed, located, or maintained, for dwelling purposes only and upon a permanent or semi-permanent basis. (Amended Ord. #1643 - 8/20/75)

MOBILE HOME SPACE - Shall mean a plot of ground within a mobile home community which is designed for and designated as the location for only one (1) mobile home and not used for any other purposes whatsoever other than the customary accessory uses thereof.

SECTION 140-109. REGULATIONS. In locations where permitted, mobile home communities shall be subject to the following regulations:

- A. The mobile home community shall conform to the following:
- (1) Shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - (2) Mobile home space shall be provided, consisting of a minimum of three thousand five hundred (3,500) square feet for each space and which shall be clearly defined and marked, which shall include two hundred seventy (270) square feet for each off street parking space and additional area for driveways. (Amended Ord. #1643 - 8/20/75)
 - (3) Each mobile home space shall be provided with a paved patio of at least ninety-six (96) square feet.
 - (4) Mobile homes shall be harbored on each base so that there shall be at least fifteen (15') feet clearance between mobile homes and a setback of fifteen (15') feet from common driveways. No mobile home shall be located closer than fifteen (15') feet from any building

within the mobile home community or from any property line bounding the mobile home community. (Amended Ord. #1643 - 8/20/75)

- (5) All mobile home spaces shall have adequate access to a driveway of not less than twenty (20') feet in width, which shall have unobstructed access to a public street or highway; and the sole vehicular access shall not be by an alley; and all dead end driveways shall include adequate vehicular turning space or cul-de-sac.
- (6) Off-driveway parking shall be maintained at a minimum ratio of two (2) car spaces for each mobile home space. (Amended Ord. #1643 - 8/20/75)
- (7) All driveways and walkways within the mobile home community shall be paved, or covered with gravel, stone, or cinders, maintained and lighted at night with electric lamps of not less than one hundred (100) watts for each space at intervals of not more than one hundred (100) feet or equivalent illumination as may be supplied by other approved sources.
- (8) Outdoor laundry-drying space of adequate area and suitably located shall be provided and equipped with necessary clothesline and other essentials and/or acceptable mechanical drying devices.
- (9) Natural or artificial barrier may be required to screen off the mobile home community (street, railroad, or screening by appropriate hedges or fences.)

B. Independent mobile homes are those which have a flush toilet and a bath or shower permanently installed within their interior. If a mobile home community has only independent mobile homes occupying its mobile home spaces, no service building shall be required.

C. Dependent mobile homes are those which do not have a flush toilet and/or a bath or shower permanently installed within their interior. If a mobile home community has any dependent mobile homes occupying its mobile home spaces, a service building with facilities and specifications as follows shall be provided:

- (1) Located fifteen (15') feet or more away from any mobile home space.
- (2) Adequately lighted.
- (3) The interior finished with moisture-resistant material, to permit frequent washing and cleaning.
- (4) For each ten (10) dependent mobile home spaces or fraction thereof, there shall be provided at least one (1) lavatory, one (1) water closet, and one (1) shower for each sex; and one (1) laundry tray, one (1) slop-water drain, and an adequate hot water supply for all facilities.
- (5) Adequate heating facilities for the building.

- (6) All rooms well ventilated, with all openings effectively screened.
- D. Water supply shall be connected to the municipal water system or acceptable private system.
- E. Each independent mobile home space shall be provided with at least a four-inch (4") sewer connection. The sewer connection shall be provided with suitable fittings so that a watertight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connection shall be so constructed that it can be closed when not linked to a mobile home, and shall be trapped in such a manner as to maintain it in an odor-free condition.
- F. All the sewer lines of a mobile home community shall be connected to the public sewer system.

**ARTICLE XIX
SHOPPING CENTER DEVELOPMENT PLAN**

SECTION 140-110. SUBMISSION OF PLANS. The owner or owners of any tract of land in an area zoned for a shopping center may submit to the Borough Planning Commission a plan or partial plan for the use and development of the land for commercial purposes. The plan shall specifically state the proposed commercial uses and shall provide plans of the floor area, loading docks, entrances, and parking areas. The following uses shall be permitted provided no objectionable emission of odor, dust, smoke, gas, vibration, or noise is produced or hazard to health or property is imposed.

- A. Permitted uses.
 - (1) Retail sales of goods and services, prepared foods and beverages. No more than ten (10%) percent of any business sales or display area shall be outdoors.
 - (2) Banks, business and professional offices.
 - (3) Commercial recreation.
 - (4) Medical and dental clinics and laboratories.
 - (5) Theaters.
 - (6) Accessory uses customarily incidental to permitted uses.
- B. Parking. At least three times the gross floor area of the stores and offices to be included in the proposed development is provided in off-street parking areas which are integral parts of the design of the unit planned.
- C. That the appropriate use of the property adjacent to the area included in the plan will be fully safeguarded.
- D. That the plan is consistent with the intent of this ordinance to promote the health, safety, and general welfare.

The Zoning Hearing Board may authorize other commercial uses that are compatible to the growth and development of the shopping center.

SECTION 140-111. APPROVALS. If the Borough Planning Commission approves the plans for the proposed shopping center, they shall submit their recommendations to Council. After reviewing the Planning Commission's recommendations and Council approves the proposed plan for a shopping center, Building Permits and Certificates of Occupancy shall be issued.

ARTICLE XX
PLANNED UNIT DEVELOPMENT AND/OR CONDOMINIUM

SECTION 140-112. SUBMISSION OF PLANS. The owner of any tract of land, except in R-6, LM, M, and HI Districts, may submit a request for a Special Exception to the Borough Planning Commission for the use and development or redevelopment of the land by the erection of or the conversion to dwelling units, efficiency apartments, or a condominium. The Borough Planning Commission shall examine and study the plans; after a public hearing on the proposed plans they shall report their findings and recommendations to the Borough Zoning Hearing Board. The Planning Commission's report to the Zoning Hearing Board must have taken into consideration the following essential elements:

- A. That the appropriate use of the property adjacent to the area included in the plan will be properly safeguarded.
- B. That adequate front, side, and rear yards will be provided in Residential Districts.
- C. That off street parking facilities for the proposed use are adequate for the area.
- D. That entrances and exits to the property are consistent with the movement of pedestrian and vehicular traffic requirements for the area.
- E. That the architectural design of the building and the proposed landscape development of the open space area about the buildings are in harmony with the adjacent areas.
- F. That the lot coverage by the structure and its yards in Residential Districts shall not be greater than the regulations for the District.
- G. That the minimum habitable floor area for dwelling units shall be as stipulated in Section 140-19.
- H. That dwelling units shall be limited to two (2) floors above grade in Residential Districts and the structure height is within the limits established for the district.
- I. That the plan is consistent with the intent of this ordinance to promote the public health, safety, and general welfare. (Amended Ord. #1715 - 6/18/80)

SECTION 140-113. APPROVALS. If the Zoning Hearing Board approves a proposed plan of development for the apartments or dwelling units, Building Permits and Certificates of Occupancy shall be issued, even though the use of the land, the location of the buildings to be erected in the area, and the yards and open spaces in the plan do not conform in certain respects to the regulations for the district in which the development is to be located.

ARTICLE XXI

SIGNS (Amended Ord. #2051 2/27/2002)

SECTION 140-114. COMPLIANCE NECESSARY. After this ordinance becomes effective, it shall be unlawful for any person to erect, place, alter, locate, relocate or maintain within the Borough of Hanover any sign or sign structure without complying with the procedures and requirements of this ordinance.

SECTION 140-115. SIGN. A lettered board, structure, wall, or other surface, or any other device used to visually announce, advertise, or convey information to the public for any purpose. Included would be:

- A. A separate structure consisting of a face or faces upon which information is portrayed, including its supporting structural elements.
- B. A structure or device erected in the form of a symbol or trademark.
- C. A structure or device attached or fastened to another structure, such as on the wall or roof of a building.
- D. A surface of a structure or device upon which lettered, pictorial, or other visual information is placed.

CLASSIFICATION OF SIGNS

- 115.1 - Advertising Sign - A sign which directs attention to a business, product, service, or activity, sold or conducted at a location other than upon the premises where the sign is located.
- 115.2 - Animated Sign - A sign with action or motion, flashing lights, or color changes requiring electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants.
- 115.3 - Awning - Canopy or Marquee - Any structure made of cloth, metal, wood, or substitute material with a frame or rigid form attached to a building and projecting out from the building.
- 115.4 - Business Sign - A sign which announces or directs attention to a business, product, service, or activity sold or conducted on the premises where such sign is located.
- 115.5 - Directional Sign - A sign which is for directing patrons or attendants to an establishment off the main traveled thoroughfare or to service clubs, churches, or other nonprofit organizations.

- 115.6 - Ground Sign - (free-standing) - A sign which is supported by uprights, columns, etc., in or upon the ground and not attached to any building.
- 115.7 - Home Occupation - A sign depicting a use which is incidental or secondary to the residential use of a dwelling.
- 115.8 - Identification Sign - A sign which identifies only the occupant of the premises, the profession of the occupant, and/or the name of the building upon which the sign is placed.
- 115.9 - Illuminated Sign - A sign incorporating a source of light in order to make the message readable. Included are internally and externally lighted signs.
- 115.10 - Political Sign - A sign which takes sides in issues of public or group interest and/or advertises candidates involved therein.
- 115.11 - Projecting Sign - A sign which is attached to a building or other structure and extends beyond the line of said building or structure.
- 115.12 - Public Service Sign - A sign erected or located by a public agency providing information or instructions.
- 115.13 - Roof Sign - A sign erected upon or above the roof or parapet wall of a building and which is wholly or partially supported by said building.
- 115.14 - Street Clock - A timepiece used as a sign upon or in a frame or structure placed or located upon the sidewalk by a person or business for the convenience of the public and which also serves as a business sign.
- 115.15 - Temporary Sign - A sign placed or erected for a limited time only.
- 115.16 - Trespassing Sign - A sign indicating the private nature of a driveway or property.
- 115.17 - Wall Sign - A flat sign which is affixed in any manner against or parallel to any exterior wall of a building or structure and which does not extend above the parapet, eaves, or facade of the building to which it is attached.
- 115.18 - Buntings, Pennants, Banners, and Similar Materials - Are temporary signs announcing changes and/or openings for businesses and industry, and events concerning charitable, civic, and religious organizations. (Amended Ord. #1643 - 8/20/75)
- 115.19 - Sandwich Board Signs - A sign constructed of at least two (2) boards joined at the top, erected on the ground or a surface so as to form a triangular shape.
- 115.20 - Mobile Billboards - A sign constructed on a moveable framework, which can be moved from location to location. The sign has no permanent foundation in the form of footers or slab, in the ground.

SECTION 140-116. PERMITTED USE OF SIGNS. The following signs as classified in Section 115.1 - 115.20 are permitted in the Zoning Districts as indicated below. Specific regulations including size requirements must conform with the Borough Sign Ordinance of 1975. Where a permit is required, application must be filed with the Zoning Officer. No sign construction shall begin until a permit is issued.

<u>Classification</u>	<u>Permit Required</u>	<u>Where Permitted (Zoning Districts)</u>	<u>Maximum Size & Regulations</u>	<u>Sign Ordinance Page Number</u>
102.1	X	HI	300 sq. ft.	46
102.2	X	M, HI	300 sq. ft.	42,46
102.3		A, R-6, R-5, R-3, O-A		20,23,26
102.3	X	LB, HB, GB, LM, M, HI	Section 107.4	36,40,45,49
102.4	X	SC, LB, HB, GB, LM	200 sq. ft.	29,34,37
102.4	X	M, HI	300 sq. ft.	42,46
102.5	X	A, R-6, R-5, R-3, O-A	8 sq. ft. Section 104.2	18,21,24
102.5	X	SC, LB, HB, GB	30 sq. ft.	29,34
102.5	X	M, HI	50 sq. ft.	42,46
102.6	X	SC, LB, HB, GB, LM, M, HI	Section 107.3	30,33,39,44,47
102.7	X	All Districts	2 sq. ft. Section 104.5	19,21,24,29, 34,37,42,46
102.8	X	A, R-6, R-5, R-3	2 sq. ft. Section 105.14	19,21
102.8	X	O-A	6 sq. ft. Section 105.14	24
102.8	X	SC, LB, HB, GB, LM	20 sq. ft. Section 105.14	29,35,37
102.8	X	M, HI	300 sq. ft. Section 105.14	42,46
102.9	X	All Districts		18,21,24,30, 34,39,45,47
102.10	X	SC, LB, HB, GB	30 sq. ft.	29,35
102.10	X	M, HI	300 sq. ft.	42,47
102.11	X	SC, LB, HB, GB, LM	Section 107.2	28,33,38
102.12	X	All Districts	Section 104	18,21,24,30, 33,38,44,47
102.13	X	SC, LB, HB, GB, LM	80 sq. ft. Section 107.6	32,41
102.13	X	M, HI	Section 107.6	43,50
102.14	X	SC, LB, HB, GB	Section 107.5	27,32
102.15		All Districts	Sections 104.6, 104.7, and 105.16	19,22,25,29, 35,37,43,48
102.16	X	A, R-6, R-5, R-3	2 sq. ft. Section 105.15	19,22
102.16	X	SC, LB, HB, GB, LM	6 sq. ft. Section 105.15	28,35,37

<u>Classification</u>	<u>Permit Required</u>	<u>Where Permitted (Zoning Districts)</u>	<u>Maximum Size & Regulations</u>	<u>Sign Ordinance Page Number</u>
102.16	X	M, HI	12 sq. ft. Section 105.15	43,48
102.17	X	All Districts	Section 107.1	18,22,25,28, 34,38,43,48
102.18		SC, LB, HB, GB, LM, M, HI	Section 105.16	30,33,39,44,47
102.19	X	SC, LB, HB, GB, LM, M, HI	32 sq. ft.	31,35,41,44,48
102.20	X	SC, LB, HB, GB, LM, M, HI	32 sq. ft.	31,35,41,44,49

A sign may come under more than one classification; in such cases, all and/or the most restrictive regulations apply. A new sign for a nonconforming use or a new nonconforming sign or interpretation of the permitted use of signs shall be submitted to the Zoning Hearing Board for review in accordance with Section 140-135 of the Hanover Borough Zoning Ordinance.

*SC - Shopping Center (Amended Ord. #1643 - 8/20/75)

SECTION 140-117 & 140-118. Reserved.

SECTION 140-119. GENERAL REGULATIONS FOR ALL SIGNS. The following regulations shall apply to all permitted sign uses:

- A. No sign shall be erected that by reason of position, shape or color may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
- B. Except for a sign or lettering painted or placed directly on a door, store window, door or window frame or building trim identifying the occupant or activity of a building or structure, no sign shall be painted directly on any surface which is not in itself the sign structure in the GB District.
- C. Under no circumstance shall any sign or part thereof project over or extend beyond a point two feet inside the curbline or edge of street pavement.
- D. No part of any sign shall project or extend over any pedestrian walkway for a distance of more than four feet, and every such sign projecting out for more than two feet shall have a clear space of at least eight feet below all projecting parts.
- E. In computing the area upon which information or copy can be placed, only that face or faces which can be seen from any one direction at one time shall be counted.
- F. No signs shall be attached to or placed on any public utility pole or tree located within any public right-of-way.
- G. Illumination of any sign shall be indirect, shielded or otherwise arranged to prevent glare.

- H. All signs shall be constructed of durable materials and shall be kept in good condition and repair.
- I. All signs shall be erected or located so that they will permit free ingress to or egress from any window, door or fire escape.
- J. Indecent or obscene sign matter shall not be displayed in any manner.
- K. Every sign for which a permit is required shall have its assigned number clearly displayed on the sign face or front.
- L. Any sign erected prior to the adoption of this ordinance or as amended that does not conform if damaged to an extent of ½ its replacement value shall not be rebuilt. However, the normal maintenance, repainting or posting of these signs or structures shall not be a factor in determining the replacement costs.
- M. The total aggregate square footage of sign area permitted for a single business or activity located or conducted on a single property (or individual store or shop in a shopping center) shall not be more than two square feet for each lineal foot of primary property street frontage (or individual store or shop frontage in a shopping center). Under no circumstances, however, shall the total permitted aggregate sign area for any such individual business or activity exceed 200 square feet per street frontage.
- N. Identification signs, provided that:
 - (1) There is no more than one such sign for each business or activity.
 - (2) Such signs are attached to the building or structure in which the business or activity is located.
- O. Trespassing sign. No more than one such sign shall be permitted for each driveway or property.
- P. All temporary signs have a forty-five-day time limit unless otherwise provided for by this ordinance.

ARTICLE XXII ADMINISTRATION

SECTION 140-120. ENFORCEMENT. The Borough Council shall appoint a Zoning Administrative Officer to enforce the provisions of this ordinance. It shall be his duty to examine all applications for zoning permits, issue permits only for construction and uses which are in accordance with the requirements of this ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as Council may require. Permits for construction and uses which are a Special Exception to requirements to this ordinance shall be issued only upon order of the Zoning Hearing Board.

SECTION 140-121. REQUIREMENT OF ZONING PERMITS. A Zoning Permit shall be required prior to the erection or alteration of any building, structure, or portion thereof,

and prior to the use or change in use of a building or land, and prior to the change or extension of a Nonconforming Use. Farm buildings situated fifty (50') feet or more from any street or property line are exempted from the permit requirements of this Section, but all such farm buildings shall be erected in conformity with the use, area, and height regulations applicable in the district in which such farm buildings are located.

SECTION 140-122. APPLICATION FOR ZONING PERMITS. Application for zoning permits shall be made in writing to the Zoning Officer, on such forms as may be furnished by the Borough. Such application shall contain all information necessary for the Zoning Officer to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this ordinance.

SECTION 140-123. ISSUE OF ZONING PERMITS. Zoning permits shall be granted or refused within ten (10) days after date of application. Upon completion of the erection or alteration of any building or portion thereof authorized by a zoning permit, and prior to occupancy or use, the holder of such permit shall notify the Zoning Officer of such completion or intent to occupy. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this ordinance and other applicable ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

SECTION 140-124. CERTIFICATE OF NONCONFORMANCE. An application for a Certificate of Nonconformance shall be made to the Zoning Officer by the owner of any property which, at the time of the effective date of this ordinance, does not conform to the provisions of this ordinance. Such application shall be made within ninety (90) days after the effective date of this ordinance and the certificate of nonconforming conditions of said property, and shall include a sketch of the land and improvements covered by the Certificate of Nonconformance. This sketch may be either on the back of the Certificate of Nonconformance or may be a map or sketch attached to the Certificate of Nonconformance. If desirable or required, photographs may be made a part of the record. This certificate shall be for the purpose of insuring to such owner the right to continue a Nonconforming Use in accordance with the regulations of this ordinance. A copy of the Certificate of Nonconformance shall be retained by the Zoning Officer.

SECTION 140-125. PROFESSIONAL OR HOME OCCUPATION CERTIFICATE. An application for a Professional or Home Occupation Certificate shall be made to the Zoning Officer by the owner of the property who, at the time of the effective date of this ordinance, has a professional or home occupation in his dwelling in a Residential District. Such application shall be made within ninety (90) days after the effective date of this ordinance, and the Professional or Home Occupation Certificate shall set forth in detail the nature of the occupation or business, floor area assigned to the business, and any other pertinent details. Also, if desired or required, photographs may be made a part of the record. This certificate shall be for the purpose of insuring to such owner the right to continue an established professional or home occupation if it is operated in accordance with the regulations of this ordinance. A copy of the Professional or Home Occupation Certificate shall be retained by the Zoning Officer.

SECTION 140-126. TEMPORARY PERMITS. A Temporary Permit may be authorized by the Zoning Hearing Board as a Special Exception for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Borough. Such a permit shall be issued for a

specified period of time not exceeding one (1) year, and may be renewed annually for an aggregate period of not more than three (3) years.

SECTION 140-127. FEES. Fees for zoning permits shall be paid in accordance with a fee schedule to be adopted by resolution of the Borough Council, and all such fees shall be paid into the Borough Treasury. Each applicant for an appeal, special exception, variance, or change of zoning shall, at the time of making application, pay a fee in accordance with the aforementioned fee schedule for the cost of advertising and mailing notices as required by this ordinance and the rules of the Zoning Hearing Board.

ARTICLE XXIII ZONING HEARING BOARD

SECTION 140-128. ZONING HEARING BOARD. For interpretation of this ordinance, the Borough Council shall appoint a Zoning Hearing Board consisting of three (3) members, one (1) of whom, at all times, shall be a member of the Borough Planning Commission. The Planning Commission shall propose to Council all the names for appointment to the Board; Council may reject any name proposed. For the first Zoning Hearing Board, one (1) member-at-large shall be appointed to serve one (1) year, the other member shall be appointed to serve two (2) years, and the Chairman shall be appointed to serve three (3) years. Vacancies shall be filled within thirty (30) days for the unexpired term of any member.

SECTION 140-129. POWERS.

- A. The Zoning Hearing Board shall have the following powers:
 - (1) To hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by an administrative official in the enforcement of Article XXXIII of the Act of Assembly of July 10, 1947, No. 568, as amended, or of this ordinance.
 - (2) To hear and decide Special Exceptions to the terms of this ordinance upon which the Board is required to pass under this ordinance.
 - (3) To authorize, upon appeal, in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

- B. In exercising the above mentioned powers, the Zoning Hearing Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that need shall have all the powers of the officer from whom the appeal is taken.

SECTION 140-130. RULES. The Zoning Hearing Board shall adopt rules in accordance with the provisions of this ordinance. Such rules shall include but shall not be limited to the manner of filing appeals, the manner of filing applications for Special Exceptions and

variances from the terms of this ordinance, and the manner of giving notice of public hearings where required under the terms of this ordinance.

SECTION 140-131. MEETINGS. Meetings of the Zoning Hearing Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman or acting chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to comply the attendance of witnesses and the production of documents requested by the parties.

SECTION 140-132. APPEALS TO THE ZONING HEARING BOARD. Appeals to the Zoning Hearing Board may be taken by any person aggrieved or by any office of the Borough affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) days after such decision by filing with the officer from whom the appeal is taken and with the Zoning Hearing Board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

SECTION 140-133. HEARINGS. The Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Notice shall be given to the public, the applicant, the county planning agency, the zoning officer, such other persons as the governing body shall designate by ordinance, and to any person who has made timely request for the same. Notice shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. The governing body may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.
- B. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- C. The parties to the hearing shall be any person who is entitled to the notice under clause A without special request therefore who has made timely appearance of record before the Board and any other person permitted to appear by the Board.
- D. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- E. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- F. The Board or the hearing officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

G. The Board or the hearing officer shall not communicate directly or indirectly with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

H. The Board or the hearing officer, as the case may be, shall render a written decision, or, when no decision is called for, make written findings on the application within forty-five (45) days. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant.

I. A copy of the final decision, or, where no decision is called for, of the findings, shall be delivered to the applicant personally, or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and statement of the place at which the full decision or findings may be examined.

SECTION 140-134. APPEAL TO COURT. Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Hearing Board or any taxpayer or any officer, department, Board or Bureau of the Borough, may present to a court of record a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after filing of the decision in the office of the Zoning Hearing Board.

SECTION 140-135. STANDARD FOR REVIEW OF PROPOSED VARIANCES OR SPECIAL EXCEPTION.

A. Variance. The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. Subject to the provisions of Section 801, of Act 247, "Pennsylvania Municipalities Planning Code," the Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

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

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

B. Special Exceptions. Where the provisions of this ordinance provide that the Zoning Hearing Board is to hear and/or decide Special Exceptions to the terms of this ordinance, they shall determine that:

1. The proposed change will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
2. The use and the operation in connection with the proposed change would be in harmony with the orderly and appropriate development of the zone, giving consideration to:
 - (a) Location of the use, including location with respect to the existing or future streets giving access to it.
 - (b) Nature and intensity of the operations involved.
 - (c) That adequate water, sewer, storm drainage, fire and police protection are or can be provided for the use.

- (d) That the use will not create traffic congestion or cause commercial or industrial traffic that would jeopardize public safety.
- 3. The proposed change will serve the best interests of the Borough, the convenience of the community (where applicable), and the public welfare.

The Zoning Hearing Board may attach such reasonable conditions and safeguards considered necessary to implement the purposes and objectives of this act, to protect the public welfare and the Comprehensive Plan.

ARTICLE XXIV AMENDMENTS

SECTION 140-136. AMENDMENT BY BOROUGH COUNCIL. The Borough Council may from time to time amend, supplement, change, modify, or repeal this ordinance, including the Zoning Map. No such amendment, supplement, change, modification, or repeal shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper or a newspaper of general circulation in the Borough, and notices thereof shall be mailed to all members of the Zoning Hearing Board, to every civic association or association of residents in the Borough who shall have registered their names and addresses for this purpose with the Secretary of the Zoning Hearing Board. The notices shall state the time and place of such hearing and the general nature of the proposed amendment.

SECTION 140-137. AMENDMENT BY CITIZENS' PETITIONS. Whenever the owners of fifty percent (50%) or more of the frontage of any area, which shall be not less than the area contained between (2) streets, wherein a change of zoning regulations is sought, shall present to the Borough Council a petition, duly signed and acknowledged, requesting an amendment, supplement, change, modification, or repeal of the regulations prescribed for, or of the Zoning Map including such area, it shall be the duty of the Borough Council to hold a public hearing there-on, and cause notice thereof to be given in the manner prescribed in Section 140-136.

SECTION 140-138. CITIZEN PROTEST AGAINST AMENDMENTS. In case of a protest against such amendment, supplement, change, or modification signed by the owners of thirty-three and one-third percent (33-1/3%) or more, either of the area of the lots included in such proposed change on those immediately adjacent in the rear thereof extending on hundred (100') feet there from, or of those directly opposite thereto, extending one hundred (100') feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of Borough Council.

ARTICLE XXV ADMINISTRATION AND ENFORCEMENT

SECTION 140-139 REMEDIES. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building,

structure, or land is used in violation of this ordinance or any regulations made pursuant thereto, the proper Borough authorities, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to present the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

SECTION 140-140. VIOLATION AND PENALTIES. For any and every violation of the provisions of this ordinance, the owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor, or any other such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding one hundred dollars (\$100.00), for each and every offense, which shall insure to the benefit and use of the Borough, with the costs of suit and default of payment thereof, the offender shall be committed to prison in the county jail for a period not exceeding thirty (30) days for each and every offense. Whenever such persons shall have been officially notified by the Zoning Administrative Officer or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines shall be collected as like fines are now collected by law.

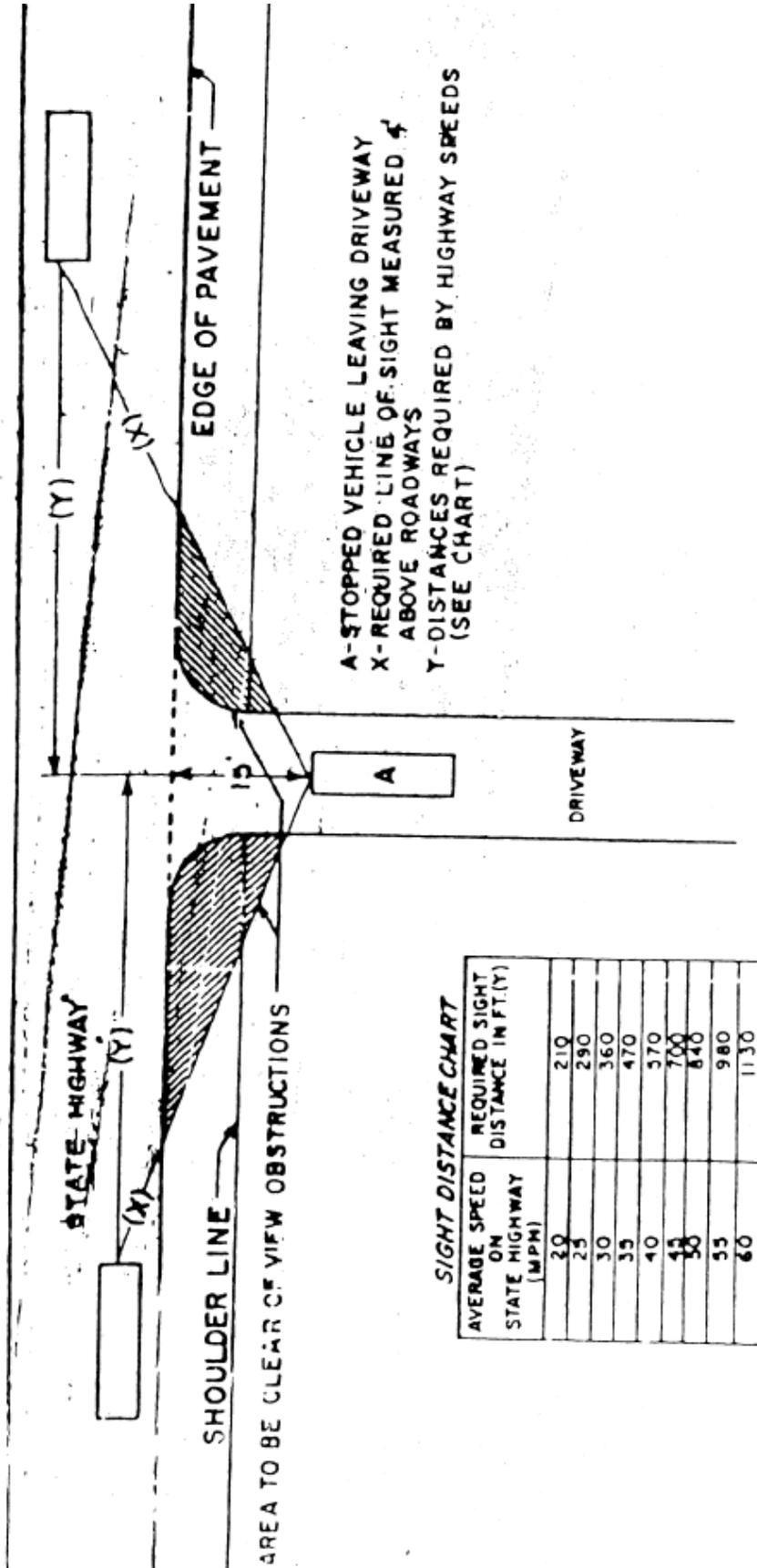
SECTION 140-141. SEVERABILITY. The provisions of this ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts, or provisions of this ordinance. It is hereby declared to be the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provisions had not been included herein.

SECTION 140-142. INCONSISTENT ORDINANCES REPEALED. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 140-143. SUMMARY OF STANDARDIZED ZONING REGULATIONS.

TABLE 1

<u>DISTRICT</u>	<u>USE</u>	<u>LOT WIDTH</u> (ft)	<u>LOT AREA</u> (sq ft)	<u>FRONT YARD</u> (ft)	<u>SIDE YARD</u> (ft)	<u>REAR YARD</u> (ft)	<u>LOT COVERAGE</u>
A	1-family	125	3/4 acre	35	25	25	25%
R-6	1-family	60	6,000	25	8	15	35%
R-5	1-family	50	5,000	25	7	12	40%
	2-family	40	3,500	25	7	12	40%
R-3	1-family	40	4,000	15	5	10	45%
	2-family	30	3,000	15	5	10	45%
	3 & 4-family	20	2,000	15	5	10	45%
O-A	1-family	35	3,500	15	4	15	50%
	2-family	25	2,500	15	4	15	50%
	3 or more dwellings	20	2,000	15	5	15	50%
LB	Local Business	20	2,000	See Section 140-69C Area Regulations			
HB	Highway-Oriented Business	See Section 140-70C Area Regulations					
GB	General Business	See Section 140-71C Area Regulations					
LM	Limited Manufacturing	150	40,000	See Section 140-79C-4 Area Regulations			
M	Manufacturing	0	0	See Section 140-80C-4 Area Regulations			
HI	Heavy Industry	0	0	See Section 140-81C-4 Area Regulations			
OS	Open Space	0	0	See Section 140-82 Area Regulations			



SIGHT DISTANCE CHART

AVERAGE SPEED ON STATE HIGHWAY (MPH)	REQUIRED SIGHT DISTANCE IN FT.(Y)
20	210
25	290
30	360
35	470
40	570
45	700
50	840
55	980
60	1130

COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF HIGHWAYS
 BUREAU OF MAINTENANCE
 (CENTRAL PERMIT SECTION)

SIGHT DISTANCE
 DIAGRAM - CHART