

Chapter 27

Zoning

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Part 1**Title, Application, Purpose, and Definitions****A. Title, Application, and Purpose****§27-101. Title and Short Title.**

1. *Title.* An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures, the height, number of stories, and size or bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations, in the Borough of Carroll Valley, Adams County, Pennsylvania, and for said purpose of dividing the Borough into zoning districts and prescribing certain uniform regulations for each such district and for providing administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended.

2. *Short Title.* This Chapter shall be known as, and may be cited as, the “Carroll Valley Borough Zoning Ordinance of 1976.”

(*Ord. 3-76, 3/5/1976, §14-2001*)

§27-102. Application of Chapter.

Except as hereinafter provided, no building, structure, land or part thereof shall be used or occupied, erected, constructed or assembled, moved, enlarged or structurally altered unless in conformity with the provisions of this Chapter.

(*Ord. 3-76, 3/5/1976, §14-2002*)

§27-103. Purpose; Statement of Community Development Objectives.

This Chapter, including the provisions, requirements, and zoning districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the Comprehensive Plan of the Borough. It is promulgated with the purpose of promoting, protecting, and facilitating:

- A. Coordinated and practical community development.
- B. Proper density of population.
- C. Adequate sewage and water.
- D. Adequate police protection, schools, parks, and other public requirements.
- E. Adequate light and air.
- F. Adequate transportation, parking, and loading space.
- G. Public health, safety, morals and general welfare.
- H. Preservation of agricultural lands.

The regulations are also designed to prevent:

- I. Overcrowding of land.
- J. Blight.
- K. Danger and congestion in travel and transportation.

L. Injury or loss of health, life or property from fire, flood panic, or other dangers.

(Ord. 3-76, 3/5/1976, §14-2003)

§27-104. Minimum Standards.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of the Borough.

(Ord. 3-76, 3/5/1976, §14-2004)

§27-105. Relationship to Community Development Objectives.

This Chapter is enacted as part of the over-all plan for the orderly growth and development of the Borough of Carroll Valley. As such, this Chapter is an integral part of the Borough's Comprehensive Plan and it is based on the expressed or implied community development policies and objectives as contained in the Borough Comprehensive Plan.

(Ord. 3-76, 3/5/1976, §14-2005)

B. Definitions

§27-111. Specific Definitions.

For the purpose of this Chapter, the definitions of the BOCA Codes for certain terms, phrases, and words, and other specific definitions, unless otherwise expressly defined, are as follows:

Accessory structure - a subordinate building, the use of which is customarily incidental to that of the permitted use, and which is located on the same lot or parcel of land. Motor vehicles and parts thereof shall not be used as accessory structures. An accessory structure shall not be permitted on any lot which does not have an established permitted use as per this Chapter. [Ord. 6-05]

Accessory use - a use incidental to the principal use of a building, as defined or limited by this Chapter.

Addition - the extension or increase in floor area or height of a building or structure.

Agriculture - the cultivation of the soil and the raising and harvesting of the products including, but not limited to, nursery, forestry, and animal husbandry.

Alteration - any change or rearrangement in the structural parts or facilities of a building, including enlargement, change in height, or location thereof.

Animal, domestic - an animal which is commonly kept within the household as a pet, including a dog, cat, parakeet and hamster, but not to exceed five in number. "Domestic animal" does not include animals which can be or have been domesticated, but which are not commonly regarded as pets. [Ord. 5-92]

Apartment - a "dwelling unit," as defined in this Chapter.

Application for development - every application, whether preliminary, tentative or final required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [Ord. 5-92]

Attached/detached accessory building or structure - an attached accessory building or structure is one joined to the principal building by a breezeway, wall, or other architectural feature. A detached building stands apart from the principal building without architectural connection.

Basement - applicable to conventional structures which are mainly above grade. That portion of a building which is partly below and partly above grade and having at least one-half its height above grade. [Ord. 1-85]

Block - a tract of land or group of lots bounded by streets, public parks, railroad rights-of-way, water courses or bodies of water, boundary lines of the Borough, or any combination of the above.

Block or lot frontage - that portion of a block or lot which fronts on a single street.

Board - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord.5-92]

Boarding house - see "dwellings."

Building - any structure used or intended for supporting or sheltering any use or occupancy.

Building (existing) - any structure erected prior to the adoption of this Chapter, or one for which a legal building permit has been issued.

Building code - the BOCA (Building Officials and Code Administrators) basic codes, as follows:

(1) The BOCA One and Two-Family Dwelling Code, and subsequent official editions thereof. [Ord. 2-83]

(2) The BOCA Basic Building Code/1990, and subsequent official editions thereof.

(3) The BOCA Basic Housing/Property Maintenance Code/1990, and subsequent official editions thereof.

(4) The BOCA Basic Mechanical Code/1990, and subsequent official editions thereof.

(5) The BOCA Basic Fire Prevention Code/1990, and subsequent official editions thereof.

Building, semi-detached - a building which has one wall in common with an adjacent building.

Cellar - applicable to conventional structures which are mainly above grade. That portion of a building which is partly or completely below grade and having at least one-half its height below grade. [Ord. 1-85]

Certificate of use and occupancy - a certificate, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with this Chapter and that said building, structure, sign, and/or land may be lawfully employed for specific use, or both, as set forth therein.

Churches and similar places of worship - a building or structure, or a group of buildings or structures, which by design or construction are intended for the conducting of religious services. [Ord. 2-86]

Clear sight triangle - an area of unobstructed vision at street intersections defined by the center lines of the streets and a line of sight between points on these center lines at a given distance from the intersection of the center lines of both streets.

Cluster development - a planned group of dwellings, consisting of three or more single-family detached dwellings or a combination of single-family detached and semi-detached dwellings, arranged on the total plot devoted to the cluster development in closer proximity to each other than otherwise permitted in the same district; may have shared yard or green space, driveways, accessory structures; may be developed with common land.

Common open space - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Ord. 5-92]

Conditional use - a use permitted in a particular zoning district by the Borough Council pursuant to the provisions of this Chapter and Article VI of the Pennsylv-

nia Municipalities Planning Code, 53 P.S. §10601 *et seq.* [Ord. 5-92]

Condominium, cooperative, time sharing, or other multiple ownership - in the case of townhouses, multi-family dwelling structures, or multiple business sites: Any form of ownership which results in the holding of buildings and/or land in common among the various owners; or the ownership of individual dwellings or business sites by more than one owner on a time designated basis. In the case of single-family detached dwellings, any form of multiple ownership of common land and/or accessory buildings in cluster developments; or the ownership of individual dwellings by more than one owner on a time designated basis. [Ord. 2-83]

Conversion, multi-family - a multi-family dwelling, constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

Cooperative - see “condominium.”

Day care centers and nursery schools - in keeping with the regulations of the Department of Public Welfare (DPW) and the Pennsylvania Department of Education (PDE) of the Commonwealth of Pennsylvania:

(1) *Family day care homes*. Up to a maximum of eight children, no more than six of which are not related to the care giver, registered and certified by DPW and subject to DPW regulations. [Ord. 5-90]

(2) *Day care centers*. More than six children, registered, inspected and certified by DPW and subject to DPW regulations re ratio of children to caregivers, minimum space, safety considerations, etc. Subject to Borough special exception regulations in A, R1 and R2 zones.

(3) *Nursery schools* - serving five or more children between the ages of 3 and 6 years - subject to PDE licensing. Subject to Borough special exception regulations in A, R1 and R2 zones.

[Ord. 2-86]

Decision - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Borough of Carroll Valley lies. [Ord. 5-92]

Determination - final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

(1) The Borough Council.

(2) The Zoning Hearing Board.

(3) The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

[Ord. 5-92]

Development plan - the provisions for development including a planned

residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of development plan” when used in this Chapter shall mean the written and graphic materials referred to in this definition. [Ord. 5-92]

District, zoning district - a portion of the Borough, within which certain uniform regulations and requirements, or combinations thereof, apply under the provisions of this Chapter.

Driveway - a minor vehicular surface other than a street providing access from a street or private road to a lot.

Dwellings -

(1) *Boarding house*. A dwelling, owner or manager occupied, arranged or used for nontransient lodging, with or without meals, for compensation, by no more than six individuals. [Ord. 4-85]

(2) *Dormitory*. A space in a building where group sleeping accommodations are provided for persons not members of the same family group in one room, or in a series of closely associated rooms.

(3) *Dwelling unit*. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(4) *Guest house*. A dwelling, owner or resident manager occupied, arranged for use as lodging for transient guests, with or without meals, for compensation, containing no more than five guest bedrooms; the number of individuals who can be accommodated to be determined by the provisions of the BOCA Code.

(5) *Hotel*. Any building containing six or more guest rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

(6) *Lodging house*. For the purposes of this Chapter, any dwelling unit leased, sub-let, or otherwise hired out to be occupied, or which is occupied, by more than two but no more than six individuals, none of whom is the owner, for more than 30 days but less than year-round occupancy. [Ord. 4-85]

(7) *Motel*. A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term “motel” includes, but is not limited to, auto courts, motor courts, motor lodges, or roadside hotels.

(8) *Multi-family dwelling* - a dwelling designed for and occupied exclusively by more than two families. [Ord. 5-96]

(9) *Single-family detached dwelling* - a detached dwelling designed for and occupied exclusively by one family. [Ord. 5-96]

(10) *Two-family detached dwelling* - a dwelling designed for and occupied exclusively as a dwelling by two families. [Ord. 5-96]

(a) *Single-family semi-detached dwelling (twin)* - a two-family dwelling with one dwelling unit on each side of the vertical party wall. [Ord. 5-96]

(b) *Two-family detached dwelling (duplex)* - a two-family dwelling with one dwelling unit located over the other and separated by an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both units. [Ord.5-96]

Earth sheltered building - a building in which the principal use is contained wholly or in large part below finished grade. [Ord. 1-85]

Family - any number of individuals living together as a single housekeeping unit and doing their cooking on the premises; the number of individuals who can be accommodated to be determined by the occupancy limitations of the BOCA National Property Maintenance Code, 1993, or latest edition. A family does not include a group living in a boarding house or hotel, or fraternities, sororities, and clubs, or other forms of congregate living arrangements, except as otherwise provided herein.

Floodplain - that area along a natural water course which is periodically overflowed by water therefrom as defined by the U.S. Geographical Survey and alluvial soils as established by the Soil Conservation Survey.

Floor area - applicable to conventional structures which are mainly above grade. The gross floor area of the building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating buildings. In particular the floor area of a building or buildings shall include: [Ord. 1-85]

- (1) Basement space.
- (2) All space other than cellar space, with structural head room of 7 feet, 6 inches or more.
- (3) Inner balconies and mezzanines.
- (4) Attic space (with or without a finished floor) provided that structural head room of 7 feet, 6 inches or more is available over 50 percent of such attic space.
- (5) Accessory buildings.

However, the floor area shall not include:

- (1) Cellar space, except any cellar space used for retailing.
- (2) Elevator shafts, stairwells, bulkheads, accessory water tanks, or cooling towers.
- (3) Terraces, breezeways, uncovered steps, or open space.

Floor area, earth sheltered buildings - the gross floor area of the building or buildings, measured from the exterior faces of exterior walls, or from the center lines of walls separating buildings. In particular, the floor area of each sheltered buildings shall include:

- (1) All space below or partially below grade with structural head room of 7 feet, 6 inches or more.
- (2) Inner atriums and mezzanines.

(3) Attached accessory buildings.

However, the floor area shall not include space designed exclusively for storage, having less than 7 feet, 6 inches structural head room.

[Ord. 1-85]

Floor area, minimum -

(1) *Exterior dimensions.* The gross floor area of a building measured from the exterior walls, but not to include attics, cellars, unfinished basements (or, in the case of earth sheltered buildings, unfinished storage areas), garages, carports, decks, patios, atriums, or accessory structures. [Ord. 19-88]

(2) *Interior dimensions.* The net floor area of any defined habitable space within a building, measured from the interior faces of the interior walls, not to include the thickness of the walls. [Ord. 19-88]

Garage, private - an enclosed space for the storage of one or more private motor vehicles, provided that no business, occupation or service is conducted, nor space therein leased to a nonresident of the premises.

Garden apartment house - a multi-family dwelling, not exceeding three stories in height, containing three or more separate dwelling units, which have common hallways or entrances on a lot which is held in single and separate ownership, having yards in common but which may also have other joint facilities and services. The term “garden apartment house” shall not be construed to include “row house” or “townhouse.”

Gasoline service station - a structure, building, or area of land or any portion thereof that is used for the sale of gasoline or any other motor vehicle fuel and oil and/or other lubricating substances, which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including the painting thereof. Any business dispensing gasoline only for its own use and vehicles will not be deemed to be a gasoline station.

Governing Body - the Mayor and Borough Council of the Borough of Carroll Valley, Adams County, Pennsylvania.

Grade - the mean average finished ground elevation adjoining the buildings; where a curb has been established, the mean curb level.

Green area - an area of land associated with a building or group of buildings and located on the same tract of land with said building(s) to which it, serves to provide light and air, or scenic, recreational, or similar purposes. Green area may include, but not be limited to, lawns, decorative plantings, active and passive recreational areas including playgrounds, wooded areas and water courses; but shall not include loading areas, parking areas or vehicle surfaces, or accessory buildings or any impervious surface. [Ord. 3-06]

Gross leasable area (GLA) - the total floor area designed for both tenant occupancy and exclusive use. This includes both owned and leased areas. [Ord. 20-88]

Group home - a dwelling owned or leased by a governmental or nonprofit organization, and used to house a group of persons not necessarily related by blood. A staff is employed and used as counselors or house parents. The parent agency or organization has the administrative, supervisory, and service responsibility for the

group home. [Ord. 2-86]

Habitable space - space in a structure for living, sleeping, eating and cooking, but not to include the following: thickness of walls; attics, cellars, or unfinished basements; bathrooms, powder rooms or other toilet facilities; laundry rooms, storage space or other utility space; garages or carports; closets or hallways; decks or patios, enclosed or un-enclosed; attached or unattached accessory structures. All habitable space must meet the requirements of “minimum height” and “minimum size” as defined below. [Ord. 19-88]

Habitable space: minimum height - a clear height from finished floor to finished ceiling of not less than 7½ feet except that in attics and top half stories the height shall not be less than 7⅓ feet over not less than one-third of the area of the floor when used for sleeping, study or similar purposes.

Habitable space: minimum size - a space with a minimum dimension of 7 feet and a minimum area of 70 square feet between enclosed walls or partitions, exclusive of closet and storage space.

Height, buildings - the vertical distance from the grade to the top of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof.

(1) *Story*. The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters.

(2) *Wall* - the vertical distance from the foundation walls or other immediate support of such wall to the top of the wall.

Height of signs or other structures - the vertical distance measured from the average grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

High rise apartment building - any building or portion thereof containing more than two dwelling units and being more than three stories in height.

Home-based occupations, no impact - a business or commercial activity administered or conducted as an accessory use to the owner’s use of the property as his or her residence, and meets the following criteria:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(4) There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.

(5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(6) The business activity may not generate any solid waste or sewage

discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.

(8) The business shall not involve the use or storage of explosives or nonpermitted hazardous materials.

(9) The business shall not involve any illegal activity and shall not violate any Borough ordinance or regulation.

(10) The property owner shall reside at the property.

(11) Examples include, but are not limited to:

(a) Artists and sculptors.

(b) Authors and composers.

(c) Office facilities, excluding medical and dental offices.

(d) Preparation of food or food products to be sold or served off-site.

(e) Telephone solicitation work.

(f) Mail order and catalog sales.

(g) Home word-processing/computing services.

(h) Uses not listed that, in the opinion of the Code Enforcement Officer are considered to be of the same general character as other permitted no-impact home-based occupations.

[Ord. 01-05]

Home-based occupations, minor impact - a business or commercial activity administered or conducted as an accessory use to the owner's use of the property as his or her residence, and meets the following criteria:

(1) The business activity shall be compatible with the residential uses of the property and surrounding residential uses.

(2) The business may employ only one employee who is not related to the operator.

(3) No more than eight clients or customers can visit the premises on any given day.

(4) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(5) The outside appearance of a business use shall be minimized as follows:

(a) Signs per the Borough Sign Ordinance [Part 7].

(b) On-street parking is prohibited and two additional parking spaces above that required for the residence shall be provided.

(6) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(7) The business activity may not generate any solid waste or sewage

discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(8) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area, (except for family child day care homes)

(9) The business shall not involve the use or storage of explosives or nonpermitted hazardous materials.

(10) The business shall not involve any illegal activity and shall not violate any Borough ordinance or regulation.

(11) Examples include but are not limited to:

(a) Seamstress, dressmaker and tailor.

(b) Individual tutoring and individual music instruction (provided that no musical instrument is amplified).

(c) Family child daycare homes involving no more than six children at any one time, unrelated to the operator. Family child daycare homes which involve more than four children unrelated to the operator must provide a current, valid certificate of registration in accordance with 55 Pa.Code, Chapter 3290, as amended from time to time, from the Pennsylvania Department of Public Welfare.

(d) Direct sale product distribution (e.g., Amway, Avon, Tupperware, etc.).

(e) Sale of produce and flowers (roadside stands subject to further regulations or provisions).

(f) Uses not listed that in the opinion of the Code Enforcement Officer are considered to be of the same general character as other permitted minor home occupations.

[Ord. 01-05]

Home-based business - home occupations that do not fall under the definition of home-based occupations, no impact or home-based occupation, minor impact above, the business or commercial activity must satisfy the following requirements:

(1) The business activity shall be compatible with the residential uses of the property and surrounding residential uses.

(2) The business may employ no more than eight employees who are not related to the operator.

(3) No more than six clients or customers per hour can visit the premises on any given day.

(4) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(5) The outside appearance of a business use shall be minimized as follows:

(a) Signs per the Borough Sign Ordinance [Part 7].

(b) On-street parking is prohibited. Adequate parking for client requirements above that required for the residence shall be provided.

(6) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference. including interference with radio or television reception, which is detectable in the neighborhood.

(7) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(8) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area. (except for group child day care homes)

(9) The business shall not involve the use or storage of explosives or nonpermitted hazardous materials.

(10) The business shall not involve any illegal activity and shall not violate any Borough ordinance or regulation.

(11) Examples include, but are not limited to:

(a) Medical and dental offices.

(b) Single chair barbers and hair stylists.

(c) Group child daycare homes which involve more than six children unrelated to the operator (such a business must provide a current, valid certificate of compliance from the Pennsylvania Department of Public Welfare in accordance with 55 Pa.Code §3280.11, as amended, and the business must comply with all requirements applicable to it pursuant to 55 Pa.Code, Chapter 3280, as amended.

[Ord. 1-05]

Impervious surface - a surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, streets, sidewalks, pavements, driveway areas, or roofs. Any surface areas designed to be gravel or crushed stone shall be regarded as impervious surfaces. [Ord. 3-06]

Intensive agriculture - specialized agricultural activities such as dry lot feeding farms, mushroom production, high density caged egg and poultry production which necessitate special controls on operation and on processing, storage, and disposal of liquid and solid wastes. [Ord. 2-83]

Lot - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Ord. 5-92]

Lot area - the area of land contained within the limits of the property lines bounding the area. Any portion of a lot included in a street right-of-way, whether existing or projected on the Borough Comprehensive Plan, shall not be included in calculating lot area.

Lot, corner - a lot at the point of intersection of and abutting on two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of two street lines.

Lot, interior - a lot, other than a corner lot, the sides of which do not abut a street.

Lot, principal - a lot containing within its boundaries a permitted use or a use permitted by special exception in the zoning district in which it is located. [Ord. 480]

Lot, secondary - a lot having one or more lot lines in common with a principal lot and under the same ownership, and not having a permitted primary use. [Ord. 6-05]

Lot, through - an interior lot having frontage on two parallel or approximately parallel streets.

Lot coverage - a percentage which when multiplied by the lot area will determine the permitted impervious surface area. [Ord. 3-06]

Lot line - any line dividing one lot from another, or from a street or public place.

Lot width - the mean width measured at the building setback line between side lot lines and parallel to the front lot line, but in no case shall the street frontage be less than one-half of the required lot width in the particular zoning district.

Massage therapist - an individual who is accredited by the National Certification Board for Therapeutic Massage and Bodywork. [Ord. 7-03]

Massage therapy - a profession in which the practitioner applies manual techniques or adjunctive therapies with the intention of therapeutically affecting the health and well being of the client through soft tissue manipulation. [Ord. 7-03]

Massage therapy establishment - an establishment having a source of income or compensation derived from the practice of massage therapy and performed by massage therapists as defined herein, and which as a fixed place of business, which may include a private dwelling in conformance with the requirements of Part 4A, "Home Occupations and Professions." [Ord. 7-03]

Mobile home - a transportable, single-family dwelling intended for permanent occupancy contained in one unit, or in two or more units designed to be joined together into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 5-92]

Mobile home lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. [Ord. 5-92]

Mobile home park - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. [Ord. 5-92]

Multiple ownership - see "condominium."

Municipal authority - a body politic and corporate created pursuant to the Act of May 2, 1945, P.L. 382, No. 164, known as the "Municipalities Authority Act of 1945.

Municipality - the Borough of Carroll Valley, Adams County, Pennsylvania.

Nonconformity - a use, structure, lot, or dimension in conflict with the regulations of this Chapter, (1) existing on the effective date of this Chapter, or (2)

existing at any subsequent amendment of this Chapter, or (3) created by variance. Specifically, the following types of nonconformity are distinguished:

- (1) Nonconforming structure.
- (2) Nonconforming use.

Nonconforming lot - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Ord. 5-92]

Nonconforming structure - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 5-92]

Nonconforming use - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [Ord. 5-92]

Official Zoning Map - the Borough of Carroll Valley Zoning Map.

Parking lot - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

Parking space - an off-street space available for the parking of one motor vehicle and measuring a minimum of 10 feet by 20 feet exclusive of driveways, passageways, and maneuvering space appurtenant thereto.

Planned residential development - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Chapter. [Ord. 5-92]

Planning Commission - the Planning Commission of the Borough of Carroll Valley.

Prefabricated - construction materials or assembled units fabricated prior to erection or installation in a building or structure.

Prefabricated building - the completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or sub-assemblies using ordinary or controlled materials; and in which the service equipment may be either prefabricated or at-site construction.

Principal structure - a building in which the permitted use of the lot on which the building is located is conducted. [Ord. 3-06]

Public grounds - includes:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- (3) Publicly owned or operated scenic and historic sites.

[Ord. 5-92]

Public hearing - a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 5-92]

Public meeting - a forum held pursuant to notice under the Act of July 3, 1986, P.L. 388, No. 84, known as the "Sunshine Act," 53 P.S. §271 *et seq.* [Ord. 5-92]

Public notice - notice published once each week for 2 successive weeks in a newspaper of general circulation in the Borough of Carroll Valley. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. [Ord. 5-92]

Report - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 5-92]

Row house - see "townhouse."

Semi-detached building - see "building, semi-detached."

Setback - the required horizontal distance between a setback line and a property or street right-of-way line.

(1) *Setback, front* - the distance between the street right-of-way line and the front setback line projected the full width of the lot.

(2) *Setback, rear* - the distance between the rear lot line and the rear setback line projected the full width of the lot.

(3) *Setback, side* - the distance between the side lot line and the side setback line projected from the front to the rear of the lot.

Setback line - a line within a property and parallel to the property or street right-of-way line which delineates the required minimum distance between the outermost above grade or visible part of a structure or building and the adjacent street or property line. [Ord. 1-85]

Setback line (below finished grade) - a line within a property and parallel to the property or street right-of-way line which delineates the required minimum

distance between the outermost below finished grade part of a structure or building and the adjacent street or property line. [Ord. 1-85]

Shopping center - a group of stores, four or more in number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit. "Shopping center" shall also mean a single store or group of stores less than four in number where the total gross floor area of the store or stores exceed 50,000 square feet.

Sign - any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, or advertisement. The word "sign" includes the word "billboard", but does not include, the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs.

Sign, advertising or business - a "sign" which directs attention to a business, profession, or industry conducted on the premises, or to products sold, manufactured or assembled upon the same premises upon which it is displayed. Signs offering premises for sale, rent, or development, or advertising the services of professionals or building trades during construction or alteration shall be deemed "business signs."

Special exception - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 *et seq.*, 10901 *et seq.* [Ord. 5-92]

Street - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 5-92]

Structure - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Also, anything built, constructed or erected which requires location on the ground or attachment to something located on the ground. [Ord. 3-98]

Subdivided; unsubdivided - subdivided land is that land plotted into separate lots, and recorded on approved plat maps in the Courthouse of Adams County, Pennsylvania, prior to the effective date of this Chapter. Unsubdivided land is all remaining land in the Borough not so divided.

Time sharing - see "condominium."

Townhouse - a building arranged, designed, and intended for, and occupied exclusively by one family; said building being joined into not more than eight attached buildings (including the end buildings); each such building separated by unpierced party walls and each building having at least one separate entrance from the outside.

Travel trailer - a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreation, or vacation use; and when equipped for the road being of any length provided its gross weight does not exceed 45,000 pounds, or being of any weight provided its over-all length does not exceed 28 feet.

Usable open space - an unenclosed portion of the area of a lot which is not

devoted to driveways, parking spaces, or principal structures including common buildings such as shelters, pavilions, or recreational structures centrally located, accessible to occupants of the building or buildings.

Use - the specific purpose for which land, sign, structure, or building is designed, intended, arranged, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

Variance - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* [Ord. 5-92]

Water survey - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Borough Carroll Valley. [Ord. 5-92]

Yard, front - the open, unoccupied space, open to the sky, between an adjacent right-of-way and the front above grade building line projected to both side lot lines. [Ord. 19-88]

Yard, rear - the open, unoccupied space, open to the sky between the rear lot line and the rear above grade building line projected to both side lot lines. [Ord. 19-88]

Yard, side - the open unoccupied space, open to the sky between the side lot line and the side above grade building line projected to the front and rear yard lines. [Ord. 19-88]

Zoning Ordinance - this Chapter.

(Ord. 3-76, 3/5/1976, §14-2010; as amended by Ord. 4-80, 7/14/1980; by Ord. 3-82, 6/14/1982; by Ord. 8-82, 10/12/1982; by Ord. 2-83, 6/13/1983; by Ord. 1-85, 1/14/1985; by Ord. 3-85, 6/10/1985; by Ord. 4-85, 6/10/1985; by Ord. 2-86, 3/10/1986; by Ord. 9-87, 9/22/1987; by Ord. 19-88, 11/14/1988; by Ord. 20-88, 12/12/1988; by Ord. 5-90, 5/14/1990; by Ord. 5-92, 6/8/1992; by Ord. 5-96, 4/9/1990; by Ord. 1-05, 2/15/2005; by Ord. 6-05, 8/9/2005; and by Ord. 3-06, 4/11/2006, §I)

§27-112. Definitions Pertaining to Drug Paraphernalia and Adult Oriented Businesses.

Controlled substance - a drug, substance or immediate precursor as defined in Schedules I through V of the Pennsylvania Controlled Substance, Drug Device and Cosmetic Act, 35 P.S. §780-104, or any amendments thereto.

Drug paraphernalia - any objects, devices, instruments, apparatus or contrivances whose primary and traditionally exclusive use is in connection with the illegal use of any and all controlled substances under the laws of Pennsylvania.

Exposure - the failure to conceal with a fully opaque covering the sexual or genital parts of the body of any person.

Head shop - any business, the operation of which involves the sale, lease, trade or display for sale of any and all types of drug paraphernalia.

Immediate precursor - a substance which under the regulations of the Pennsylvania Department of Health is a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used in the manufacture of

a controlled substance.

Massage - any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

Massage parlor - any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage. Massage therapy establishments as defined in §27-111 hereinabove are specifically excluded from the definition of massage parlors. Any person applying for a permit to operate a massage therapy establishment as a home occupation must provide copies of their current certification and/or license from the National Certification Board for Therapeutic Massage and Bodywork to the Borough, together with the application for a permit, before any permit may be issued. [Ord. 7-03]

Obscene materials - any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which:

A. Depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation.

B. Taken as a whole, appeals to the prurient interest.

C. Taken as a whole, does not have serious literary, artistic, political or scientific value.

Prurient interest - is to be judged with reference to average adults in the local community unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition that it is designed for clearly defined deviant sexual groups in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

Sadomasochistic abuse - flagellation or torture by or upon a person who is nude or clad in under-garments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

Sexual conduct - actual or simulated acts of human masturbation, sexual intercourse or any touching of the clothed or unclothed genitals, pubic area, or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

Sexual excitement - the condition of human male or female genitalia when in a state of sexual stimulation or arousal.

Sexual or genital parts - the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

Traditionally exclusive use - a primary and inherent use which has historically been

the sole use as opposed to a secondary and incidental one.

(*Ord. 3-76, 3/5/1976, §14-2011; as amended by Ord. 3-84, 9/10/1984; and by Ord. 7-03, 7/15/2003*)

§27-113. Definitions Pertaining to Communications Towers and Antennas.

Communications antenna - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas. All motorized vehicle antennas are also excluded from this definition.

Communications equipment building - an unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

Communications tower - a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

Essential services - the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas, as defined herein.

Height of a communications tower - the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Public utility transmission tower - a structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

(*Ord. 3-76, 3/5/1976, §14-2011; as amended by Ord. 3-98, 4/13/1998*)

Part 2**Zoning Map and Zoning Districts****§27-201. Official Zoning Map.**

A map entitled “Official Zoning Map, Carroll Valley Borough” is hereby adopted as part of this Chapter. The Zoning Map shall be kept on file available for examination at the office of the Borough Secretary. This map shall be the final authority as to the current zoning status of land and water areas of the Borough regardless of unofficial copies which shall be made or published from time to time.

(*Ord. 3-76, 3/5/1976, §14-3001*)

§27-202. Change to the Official Zoning Map.

1. If, in accordance with the provisions of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Borough Council.

2. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter or any State law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

3. For a summary of the Zoning Map changes, see Table 27-A-1, “Amendments to Official Zoning Map.” For a summary of land re-zoned from Woodland Conservation or Recreation Commercial to Professional Commercial or Commercial, see Table 27-A-2, Parcels Rezoned from WC or RC to C1 or C2 (Subject to this Chapter, Part 9A). [*Ord. 5-92*]

(*Ord. 3-76, 3/5/1976, §14-§3002; as amended by Ord. 5-92, 6/8/1992*)

§27-203. Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the number of changes and additions, the Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendments thereof. The new Official Zoning Map shall be identified by the signatures of Borough officials, attested by the Borough Secretary, and bearing the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted March 13, 1976, as part of the Zoning Ordinance of 1976 of Carroll Valley Borough, Adams County, Pennsylvania.”

(*Ord. 3-76, 3/5/1976, §14-3003*)

§27-204. Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official

Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.

D. Boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed as following such centerlines.

E. Boundaries indicated as parallel to or extensions of features indicated in paragraphs .A through .D, above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in circumstances not covered in paragraphs .A through .E of this Section, the Zoning Hearing Board shall interpret the district boundaries.

(Ord. 3-76, 3/5/1976, §14-3004)

Part 3**District Regulations****A. General****§27-301. Uses Permitted.**

The uses permitted in the zoning districts established by this Chapter and the permitted extent of these uses are as shown in the districts following. The uses shown as permitted in each district are the only uses permitted in that district. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However:

A. General provisions affecting all uses are set forth in Parts 4 through 8 of this Chapter.

B. Additional regulations affecting special uses are set forth in Part 9.

C. When land zoned Woodland Conservation or Recreation Commercial is rezoned C1 or C2, certain additional procedures, precautions, and regulations shall be applied to the development process in order to preserve the character and quality of said land. These measures are set out in Part 9A hereof. [Ord. 3-87]

(Ord. 3-76, 3/5/1976, §14-4001; as amended by Ord. 5-77, 3/12/1977; by Ord. 3-87, 6/15/1987; by Ord. 6-90, 5/14/1990; and by Ord. 5-92, 6/8/1992)

§27-302. Accessory Uses and Structures.

Accessory uses and structures shall be permitted in conjunction with principal uses permitted by this Chapter and shall be further subject to the requirements for accessory uses and structures as set forth in this Chapter.

(Ord. 3-76, 3/5/1976, §14-4002)

§27-303. Uses with Nuisance Effect Prohibited.

1. In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the property values or reasonable enjoyment of the surrounding property.

2. In no instance shall the operation of any business, commonly known as a head shop, which involves, in whole or in part, the sale, lease, trade or display for sale of any and all types of drug paraphernalia as defined in §27-112 be permitted in any district.

3. In no instance shall the operation of any business which has obscene materials as defined in §27-112 as a substantial or a significant portion of its stock-in-trade be permitted in any district.

4. In no instance shall the operation of a massage parlor adult oriented business in which any of the following activities are carried on be permitted in any district:

A. The massage of, or physical contact with, the sexual or genital parts of one person by any other person.

B. The exposure of the sexual or genital parts of the body of any person.

(Ord. 3-76, 3/5/1976; as amended by Ord. 7-03, 7/15/03)

§27-304. Uses Not Mentioned.

Nothing in this Part shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

(Ord. 3-76, 3/5/1976, §14-5006)

§27-305. Permitted Uses and Special Exceptions by District.

The permitted uses and special exceptions for each district are shown in Table 27-B. Uses given shall be according to the common meaning of the term or shall accord with definitions given in §27-111.

(Ord. 3-76, 3/5/1976, §14-4004)

**Table 27-B Requirements for Permitted Uses
Other Than Townhouse, Cluster and Multi-Family Developments**

	WC	Agricultural	R1	R2	C1⁴	C2⁵	RC
Minimum Lot Area	10 acres 5 acres for single-family dwelling	2 acres	1 acre	17,500 sq. ft. ³ 1 acre ⁴	20,000 sq. ft. per construction site	20,000 sq. ft. per construction site	5 acres
Minimum Lot Width	250'	150'	150'	100'			
Minimum Setbacks ¹							
Front	50'	50'	50'	35'	35'	35'	35'
Side	20'	20'	20'	15'	25'	25'	25'
Rear	100'	75'	30'	30'	25' Distance between buildings: 30'	25' Distance between buildings: 30'	25'
Maximum Lot Coverage (Buildings, drives, parking)	10 percent	10 percent	20 percent [<i>Ord. 3-06</i>]	20 percent [<i>Ord. 3-06</i>]	25 percent	35 percent	10 percent
Maximum Front Yard Coverage by Parking and Driveways	10 percent	15 percent	15 percent	25 percent	Maximum paved area per site: 50 percent	Maximum paved area: 40 percent	10 percent
Minimum Green Space	80 percent	–	60 percent	50 percent	25 percent	25 percent	80 percent
Minimum Floor Area per Dwelling unit	Interior Dimension: 2,000 sq. ft. habitable, or Exterior Dimension: 2,700 sq. ft.	Interior Dimension: 850 sq. ft. habitable, or Exterior Dimension: 1,150 sq. ft.	Interior Dimension: 1,000 sq. ft. habitable, or Exterior Dimension: 1,350 sq. ft.	Interior Dimension: 850 sq. ft. habitable, or Exterior Dimension: 1,150 sq. ft.	Detached Single-family; same as R2; Commercial bldg: 450 sq. ft. habitable	Detached Single-family; same as R2; Commercial bldg: 450 sq. ft. habitable	Detached Single-family; same as R2; Commercial bldg: 450 sq. ft. habitable

	WC	Agricultural	R1	R2	C1⁴	C2⁵	RC
Minimum Floor Area per each Commercial Use					1,000 sq. ft.	1,000 sq. ft.	
Maximum Building Height	35' or 2½ stories (accessory farm structures are exempt from height requirements)	35' or 2½ stories (accessory farm structures are exempt from height requirements)	35' or 2½ stories	35' or 2½ stories	25' ²	35' or 2½ stories	Commercial: 40' Dwelling units: 35' or 2½ stories

¹ These setbacks may be modified pursuant to the requirements and provisions of §§27-508, 27-509 and Part 6.C.

² See Part 9.C for Shopping Center Requirements.

³ Subdivided prior to 1976 Ordinance.

⁴ Unsubdivided.

⁵ See §27-902 for special requirements applicable to certain place.

(Ord. 3-76, 3/5/1976; as amended by Ord. 1-78, 4/8/1978; by Ord. 8-82, 10/12/1982; by Ord. 1-85, 1/14/1985; by Ord. 7-85, 10/14/1985; by Ord. 3-87, 6/15/1987; by Ord. 13-88, 7/11/1988; and by Ord. 3-06, 4/11/2006, §II)

Table 27-C: Requirements for Uses Permitted by Special Exception

	Intensive agricultural activities in Agricultural Districts	Boat houses as principal structures on lakefront lots	Noninstitutional buildings and dwellings in Woodland Conservation and Agricultural Districts	Institutional uses in Agricultural and Residential Districts
Lot Area	10 acres	Lots must extend to middle of lake.	10 acres 5 acres for single-family dwellings.	Schools and places of worship: 2 acres. All other institutional uses 1½ acres (see §27-652)
Setbacks	Not to be located within 1,500 ft. of an existing residence nor 2,000 ft. of any district boundary. Front, rear and side yards: 200' from lot lines.	Front: 35' Each Side: 15' Rear: Not restricted from edge of lake except no structure or pier may extend more than 10' into lake.	Setbacks as shown on Table 27-B of Requirements except that buildings, parking, and loading areas must be more than 100' from any lot line abutting a Residential District.	Agricultural Districts - building, parking, and loading areas: Front: 45' Rear: 30' ¹ Interior lot lines abutting a Residential District: 30' Residential Districts: Building and loading area: Front: 45' Rear: 40' ¹ Interior lot lines: 30' Parking areas: Front: 25' Side: 20' Rear: 25'
Minimum Floor Area		Exterior dimensions: No less than 90 nor more than 180 sq. ft.	Interior dimensions: 2,000 sq. ft. habitable Exterior dimensions: 2,700 sq. ft.	
Building Height	35' or 2½ stories except that structures are exempt from height requirements.	1 story and no more than 15'	35' or 2½ stories	35' except the upper ⅓ of church spires may exceed the height restriction.

¹ If it abuts a street.

(Ord. 3-76, 3/5/1976, as amended by Ord. 2-83, 6/13/1983; and by Ord. 2-86, 3/10/1986)

B. WC - Woodland Conservation District**§27-311. WC - Woodland Conservation.**

1. *Purpose.* The purpose of this district is to designate a zoning category for those areas where, because of natural geographic factors and existing land use it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife, and other natural resources. This district may include steeply sloped areas, stream valleys, floodplains, water supply sources, and wooded areas adjacent thereto.

2. *Permitted Uses.*

A. Forest, scenic, and wildlife preserves; agriculture and horticulture; provided, that topography, natural vegetation, streams, rock formations, and other natural features of the landscape remain undisturbed except for necessary access drives and areas immediately adjacent to buildings and structures.

B. Public structures and facilities owned and operated by the Borough or an authority authorized by the Borough.

C. Communications antennas mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings, pursuant to Part 6G. [Ord. 3-98]

3. *Permitted Accessory Uses.*

A. Private garage or parking area.

B. Signs, pursuant to Part 7.

C. Customary accessory uses and buildings when they are clearly incidental to the principal use.

4. *Uses Permitted by Special Exception.*

A. Single-family dwellings, pursuant to subsection .5.

B. Outdoor recreational areas and facilities, including parks (except amusement parks), playgrounds, picnic areas, golf courses or country clubs (except miniature golf courses), ski areas, and boating areas, pursuant to subsection .5.

C. Roadside stands for the sale of produce grown on the premises, provided that off-street parking areas are provided for the customers, and further pursuant to subsection .5.

D. Communications towers subject to the standards for communications towers as special exceptions set forth at §27-441, and communications equipment buildings, pursuant to Part 6G. [Ord. 3-98]

5. *Conditions for Granting Special Exception.* Uses permitted by special exception shall only be allowed subject to the conditions and requirements set forth below:

A. Any such use shall occupy a lot with an area of not less than 10 acres, except that single-family dwellings may occupy a lot with an area of not less than 5 acres. [Ord. 2-87]

B. No building or part thereof nor any parking or loading area shall be located within 100 feet of any interior lot line abutting a residential district.

C. In WC districts, the minimum floor area in a single-family dwelling shall be 2,000 square feet (interior dimensions-habitable space) or 2,700 square feet

(exterior dimensions). [*Ord. 2-83*]

D. Topography, natural vegetation, streams, rock formations, and other natural features of the land shall be undisturbed except for essential access drives and areas immediately adjacent to buildings and structures.

E. Exterior lighting other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.

F. In acting upon a request for a special exception, the Zoning Hearing Board shall hear testimony from the Planning Commission and the Environmental Advisory Council with regard to the impact on surrounding districts.

(See Tables 27-B and 27-C for lot and building requirements pertaining to this district.)

[*Ord. 2-83*]

(*Ord. 3-76, 3/5/1976, §14-6036; as amended by Ord. 8-82, 10/12/1982; by Ord. 2-83, 6/13/1983; by Ord. 2-86, 3/10/1986; by Ord. 2-87, 3/10/1987; and by Ord. 3-98, 4/13/98*)

C. A - Agriculture District**§27-321. A - Agriculture.**

1. *Purpose.* The primary purpose of this district is to preserve and promote the prime agricultural capability and encourage the retention and proper use of the land within this district, to minimize land uses detrimental to agricultural enterprises, and to prevent intrusion of intensive development into prime agricultural areas.

2. *Permitted Uses.*

A. Agriculture, horticulture, animal husbandry.

B. Roadside stands for the sale of produce grown on the premises, provided that off-street parking spaces are provided for customers.

C. Public structures owned or operated by the Borough or an authority authorized by the Borough.

D. Single-family residences.

E. Communications antennas mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings, pursuant to Part 6G. [Ord. 3-95]

3. *Permitted Accessory Uses.*

A. Private garage or private parking areas.

B. Signs, pursuant to Part 7.

C. Home occupations and professions, pursuant to Part 4A.

D. Customary accessory uses and buildings, provided they are clearly incidental to the principal use.

4. *Uses Permitted by Special Exception.*

A. Lodges or clubs for climbing, fishing, or other similar recreational purposes pursuant to §27-311.5.

B. Outdoor recreational areas and facilities including parks (except amusement parks), playgrounds, picnic areas, camps, golf courses or country clubs (except miniature golf courses), ski areas, and boating areas.

C. Intensive agricultural activities, pursuant to Part 4C.

D. The following institutional uses, subject to the regulations set forth in Part 6E, and all other relevant regulations of this Charter and other Borough ordinances:

(1) Churches and similar places of worship.

(2) Public and private schools, including day care centers and nursery schools Group homes, but not correctional institutions.

(3) Libraries and museums.

(4) Civic organizations.

(5) Volunteer fire and ambulance services.

[Ord. 2-86]

5. *Lot and Building Requirements.* See Tables 27-B and 27-C for lot and building

requirements pertaining to this district. [*Ord. 2-83*]

(*Ord. 3-76, 3/5/1976*; as amended by *Ord. 2-83, 6/13/1953*; by *Ord. 2-86, 3/10/1986*; and by *Ord. 3-98, 4/13/1998*)

D. Residential Districts

§27-331. Purpose of Residential Districts.

In addition to the goals listed in §27-101 and the Comprehensive Development Plan, the residential districts established in these regulations are intended to achieve the following:

- A. To provide sufficient space, appropriately located for residential development, to meet the housing needs of the present and expected future population of the Borough within the range of house types and densities anticipated.
- B. To assure light, air, and privacy, as far as possible, by controlling the spacing and height of buildings and other structures.
- C. To protect residential areas against hazards of fire, offensive noise, or other objectionable influences.
- D. To prevent congestion, as far as possible, by regulating the density of population and the bulk of buildings, and by providing for off-street parking.
- E. To protect residential neighborhoods, as much as possible, from heavy or through traffic.
- F. To make possible provision of those public and private educational, recreational, health, and similar facilities serving the needs of nearby residents, which perform most effectively in a residential environment and do not create objectionable influences.
- G. To promote the most desirable use of land in accord with a well-considered plan, to promote stable residential development, to protect the character of any district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Borough tax revenues.

(Ord. 3-76, 3/5/1976)

§27-332. R1 - Low Density Residential District.

1. *Specific Purpose.* It is the purpose of this district to encourage single-family residential development which will blend with and perpetuate the recreational and rural atmosphere of the area. Clustering of residential uses, including townhouses, is permitted, pursuant to the provisions of Part 6F, to encourage preservation of areas of natural amenities as open space.

2. *Permitted Uses.*

- A. Single-family detached dwellings.
- B. Public structures owned and operated by the Borough or an authority created by the Borough.
- C. Public parks and playgrounds.
- D. Police and firehouses.
- E. Cluster, townhouse and multi-family dwelling units, pursuant to Part 6F.

[Ord. 3-82]

- F. Orchard farming, tree plantations, intensive gardening on undeveloped

lots, subject to the conditions set forth in Part 4D. [Ord. 6-77]

G. Mobile home parks, pursuant to Part 10. [Ord. 9-83]

H. Communications antennas mounted on an existing public utility transmission tower, building or other structure, and communications equipment building pursuant to Part 6G. [Ord. 3-98]

I. Home-based occupation, no impact, as a permitted use. [Ord. 1-05]

3. *Permitted Accessory Uses.*

A. Private garage or private parking areas.

B. Signs, pursuant to Part 7.

C. Home-based occupation, minor impact, pursuant to Part 4A. [Ord. 1-05]

D. Customary accessory uses and buildings, provided they are clearly incidental to the principal use.

4. *Uses Permitted by Special Exception.* The following uses may be permitted by special exception, subject to the regulations set forth in Part 6F, and all other relevant regulations of this Chapter and other Borough ordinances:

A. Churches and similar places of worship.

B. Public and private schools, including day care centers and nursery schools.

C. Group homes, but not correctional institutions.

D. Libraries and museums.

E. Civic organizations.

F. Volunteer fire and ambulance services.

G. Home-based businesses, pursuant to Part 4A as a use permitted by special exception. [Ord. 1-05]

[Ord. 2-86]

5. *Building Requirements.* See Tables 27-B, 27-C and 27-D for lot and building requirements pertaining to this district. [Ord. 2-83]

6. *Permitted Conditional Use.* Guest house, subject to the regulations set forth in Part 6D, and all other relevant regulations of this Chapter and other Borough ordinances. [Ord. 9-87]

(Ord. 3-76, 3/5/1976; as amended by Ord. 6-77, 8/13/1977; by Ord. 3-82, 6/14/1982; by Ord. 2-83, 6/13/1983; by Ord. 9-83, 10/13/1983; by Ord. 2-86, 3/10/1986; by Ord. 9-87, 9/22/1987; by Ord. 3-98, 4/13/1998; and by Ord. 1-05, 2/15/2005)

§27-333. R2 - Medium Density Residential.

1. *Specific Purpose.* It is the purpose of this district to provide for medium density residential development, while at the same time preventing the over-crowding of land, by means of the application of maximum housing densities; to provide standards which will encourage optimum use of the land and preservation of open space; to exclude any activities not compatible with residential development.

2. *Clustering.* Clustering of residential uses and townhouse developments is permitted, subject to the provisions in Part 6F, to encourage preservation of areas of natural amenity and flexibility of design and dwelling unit type in appropriate

locations.

3. *Permitted Uses.*

- A. Single-family detached dwellings.
- B. Home-based occupations, no impact. [Ord. 1-05]
- C. Cluster, townhouse and multi-family dwelling units, pursuant to Part 6F. [Ord. 3-82]
- D. Orchard farming, tree plantations, intensive gardening on undeveloped lots, subject to the conditions set forth in Part 4D. [Ord. 6-77]
- E. Mobile home parks, pursuant to Part 10. [Ord. 9-83]
- F. Communications antennas mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings. [Ord. 3-98]

4. *Permitted Accessory Uses.*

- A. Private garage or private parking area.
- B. Signs, pursuant to Part 7.
- C. Customary accessory uses and buildings, provided they are clearly incidental to the principal use.
- D. Home-based occupations, minor impact, pursuant to Part 4A. [Ord. 2-05]

5. *Uses Permitted by Special Exception.*

- A. Public parks, buildings, and facilities owned and operated by the Borough or an authority authorized by the Borough.
- B. Two-family dwellings. Such use shall occupy a lot with an area of not less than 35,000 square feet. [Ord. 8-95]
- C. Boat houses as the principal use on lots extending to the middle of the lake, subject to the regulations set forth in Part 6B. [Ord. 5-82]
- D. The following institutional uses, subject to the regulations set forth in Part 6E, "Institutional Uses," and all other relevant regulations of this Chapter and other Borough ordinances:
 - (1) Churches and similar places of worship.
 - (2) Public and private schools, including day care centers and nursery schools.
 - (3) Group homes, but not correctional institutions.
 - (4) Libraries and museums.
 - (5) Civic organizations.
 - (6) Volunteer fire and ambulance services. [Ord. 2-86]
- E. Home-based businesses, pursuant to Part 4A. [Ord. 1-05]

6. *Permitted Conditional Use.* A guest house, subject to the regulations set forth in Part 6D, "Dwellings Occupied as Lodging, Boarding or Guest Houses," and all other relevant regulations of this Chapter and other Borough ordinances. [Ord. 9-87]

7. *Building Requirements.* See Tables 27-B, 27-C and 27-D for lot and building requirements pertaining to this district. [Ord. 5-22]

(*Ord. 3-76, 3/5/1976; as amended by Ord. 6-77, 8/13/1977; by Ord. 3-82, 6/14/1982; by Ord. 5-82, 8/9/1982; by Ord. 2-83, 6/13/1983; by Ord. 9-83, 10/11/1983; by Ord. 2-86, 3/10/1986; by Ord. 9-87, 9/22/1987; by Ord. 5-92, 6/8/1992; by Ord. 8-95, 10/16/1995; by Ord. 3-98, 4/13/98; by Ord. 1-05, 2/15/2005; and by Ord. 2-05, 2/15/2005*)

E. Commercial Districts

§27-341. C1 - Commercial.

1. *Purpose.* The purpose of this district is to provide areas which serve day to day needs of the residents and provide sites for business enterprises in a manner compatible with the surrounding residential or rural-agricultural districts. [Ord. 2-83]

2. *Permitted Uses.*

A. Retail stores or shops for the conduct of any retail business, pursuant to Part 9B.

B. Business, professional, and governmental offices and office buildings, pursuant to Part 9B.

C. Banks, savings and loan associations, pursuant to Part 9B.

D. Bowling alleys, pursuant to Part 9B.

E. Buildings owned by the Borough or an authority authorized by the Borough, pursuant to Part 9B.

F. Restaurants, cafes, taverns, or other places serving food and beverages, except drive-ins, pursuant to Part 9B.

G. Theaters, motion picture theaters, except drive-ins, pursuant to Part 9B.

H. Shopping centers, pursuant to Part 9C.

I. Laboratories and research institutions, pursuant to Part 9B. [Ord. 2-83]

J. Business training institutes, pursuant to Part 9B. [Ord. 2-83]

K. Dwelling units, pursuant to Part 9B.

L. Churches and similar places of worship. [Ord. 2-86]

M. Public and private schools, including day care centers and nursery schools. [Ord.2-86]

N. Group homes, but not correctional institutions. [Ord. 2-86]

O. Libraries and museums. [Ord. 2-86]

P. Civic organizations. [Ord. 2-86]

Q. Volunteer fire and ambulance services. [Ord. 2-86]

R. Communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers, and communications equipment buildings, pursuant to Part 6G. [Ord. 3-98]

3. *Permitted Accessory Uses if Located on the Same Lot with Permitted Principal Use.*

A. Off-street parking areas, pursuant to Part 8A.

B. Signs, pursuant to Part 7.

C. Customary accessory uses and buildings, provided such are clearly incidental to the principal use.

4. *Uses Permitted by Special Exception.*

A. Gasoline service stations.

B. Drive-in restaurants.

- C. Car washes.
 - D. Commercial parking facilities.
 - E. Wholesale business.
 - F. Accessory uses not located on the same lot with the permitted principal use.
 - G. Light manufacturing, pursuant to Part 9B. [Ord. 2-83]
 - H. Communications towers subject to the standards for communications towers as special exceptions set forth at §27-441, and communications equipment buildings, pursuant to Part 6G. [Ord. 3-98]
 - I. Any other uses as determined by the Zoning Hearing Board to be of the same character as the permitted uses.
5. *Building Requirements.* See Tables 27-B, 27-C and 27-D for lot and building requirements pertaining to this district. [Ord. 2-83]
6. For land re-zoned from WC or RC to C1, see special standards under Part 9A. (Ord. 3-76, 3/5/1976; as amended by Ord. 11-77, 11/12/1977; by Ord. 4-78, 9/9/1978; by Ord. 2-83, 6/13/1983; by Ord. 2-86, 3/10/1986; and by Ord. 3-98, 4/13/1998)

§27-342. C2 - Professional Commercial.

1. *Purpose.* The purpose of this district is to provide for limited types of professional and business enterprises in areas where the full range of uses permitted in the commercial districts would be inappropriate.
2. *Permitted Uses.*
- A. Professional, business, and governmental offices.
 - B. Banks, savings and loan associations.
 - C. Real estate offices.
 - D. Other licensed business establishments. [Ord. 7-85]
 - E. Dwelling units, pursuant to Part 9B. [Ord. 4-78]
 - F. Communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings, pursuant to Part 6G. [Ord. 3-98]
3. *Permitted Accessory Uses if Located on the Same Lot with Permitted Principal Use.*
- A. Off-street parking, pursuant to Part 8A.
 - B. Signs, pursuant to Part 7.
 - C. Customary accessory uses and buildings, provided such are clearly incidental to principal use.
4. *Uses Permitted by Special Exception.*
- A. Restaurants, but not any offering fast food, counter, carry out, or drive-in services.
 - B. Antique and/or gift shops.
 - C. Any other uses as determined by the Zoning Hearing Board to be of the

same character as the permitted uses. [Ord. 4-78]

D. Communications towers subject to the standards for communications towers as special exceptions set forth at §27-441, and communications equipment buildings, pursuant to Part 6G. [Ord. 3-98]

5. *Building Requirements.* See Tables 27-B, 27-C and 27-D for lot and building requirements pertaining to this district. [Ord. 2-83]

6. For land-rezoned from WC or RC to C2, see special standards under Part 9A. (Ord. 3-76, 3/5/1976; as amended by Ord. 11-77, 11/12/1977; by Ord. 4-78, 9/9/1978; by Ord. 2-83, 6/13/1983; by Ord. 7-85, 10/14/1985; and by Ord. 3-98, 4/13/1998)

§27-343. RC - Recreation Commercial.

1. *Purpose.* The purpose of this district is to provide for and protect existing types of recreational facilities, and to make provisions for similar types of open space recreational facilities compatible with the general character of the Borough.

2. *Permitted Uses.*

A. Public or private outdoor recreational facilities, pursuant to Part 9B.

B. Forest preserves, pursuant to Part 9B.

C. Other planned recreational and open space facilities devoted to recreational purposes only, pursuant to Part 9B.

D. Dwelling units, pursuant to Part 9B. [Ord. 4-78]

E. Communications antennas mounted on an existing public utility transmission tower, building or other structure, including existing communications towers and communications equipment buildings, pursuant to Part 6G. [Ord. 3-98]

F. Communications towers subject to the same standards set forth at §27-441 for communications towers as special exceptions. [Ord. 3-98]

3. *Permitted Accessory Uses.*

A. Accessory uses related solely to the recreational activities which they are intended to serve.

B. Accessory structures for storage of recreational equipment and other materials for recreational use.

4. *Maximum Height of Structures.* Forty feet.

5. *Plan Review.* All proposals for recreational uses shall be submitted to the Planning Commission for review and recommendations to the Borough Council, which Council shall accept or reject such proposals. Public hearings shall be held by the Planning Commission and/or the Borough Council on each proposal, pursuant to public notice, prior to the Borough Council's decision.

6. *Lot Requirements.* See Tables 27-B and 27-D for lot requirements pertaining to this district.

(Ord. 3-76, 3/5/1976; as amended by Ord. 4-78, 9/9/1978; and by Ord. 3-98, 4/13/1998)

Part 4**Use Restrictions and Special Exceptions****A. Home Occupations and Professions****§27-401. Conditions for Home-Based Occupations, Minor Impact, as a Permitted Use.**

1. *Permit Required.* Requests for a permit for home-based occupation-minor impact shall be made to the Borough Code Enforcement Officer, setting out the applicant's plan for complying with this and all applicable ordinances, and showing how applicant meets the criteria for a home-based occupation, minor impact. The applicant shall agree by signature on the permit to the terms of the permit.

2. *Duration of Permit.* If a permit is issued by the Borough Code Enforcement Officer, such permit shall be valid for a period of 2 years provided that the permittee continues to meet all criteria for a home-based occupation, minor impact. Any permit issued pursuant to this Section must be renewed every 2 years and is nontransferable. The permit may be revoked by the Code Enforcement Officer, upon 30 days notice, if permittee fails to meet the criteria for a home-based occupation, minor impact.

3. *Permit Fees.* Application fees shall be charged to and paid by applicant at the time application is made. The amount of such application fees shall be determined by resolution adopted by the Borough Council. The cost, once adopted by resolution of the Borough Council, shall remain in effect until a succeeding resolution establishing new rates is adopted.

(*Ord. 3-76, 3/5/1979, §401; as amended by Ord. 1-05, 2/15/2005*)

§27-402. Home-Based Businesses by Special Exception.

1. Anyone desiring to operate a home-based business must first apply for and obtain a special exception from the Carroll Valley Zoning Hearing Board.

2. Any special exception granting the right to use a residence for a home-based business shall specifically provide that the applicant must also obtain a permit from the Code Enforcement Officer upon final approval of the special exception by the Zoning Hearing Board. Such permits shall be valid for 2 years. The applicant shall also be required to pay a permit fee consistent with the most recent fee resolution adopted by the Carroll Valley Borough Council. All such permits issued pursuant to a special exception shall be renewed every 2 years and will be nontransferable. Within 60 days before expiration of a home business permit, the property owner shall re-apply for the renewal of the permit. Upon showing the Code Enforcement Officer that the property owner still meets the criteria for a home-based business and upon payment of appropriate permit fees, the permit will be re-issued.

(*Ord. 3-76, 3/5/1979, §402; as amended by Ord. 1-05, 2/15/2005*)

§27-403. Prohibited Home Businesses.

The following home businesses shall be prohibited entirely in residential districts within the Borough:

- A. Vehicle repair and maintenance facilities.
- B. Carpentry and metal working.
- C. Animal husbandry and kennels.

(*Ord. 3-76, 3/5/1976, §403; as amended by Ord. 1-05, 2/15/2005*)

§27-404. Additional Standards for Special Exceptions.

1. The home occupation or profession shall not generate a flow of traffic consistently greater than what is normal for the neighborhood.

2. Parking shall be arranged so as to be unobtrusive and in keeping with the general character of the neighborhood.

3. Special attention shall be given to preventing noise or emissions which could be considered a nuisance by neighbors.

4. The home occupation or profession shall not make demands upon sewerage or water which could jeopardize neighboring sewer or water systems.

(*Ord. 3-76, 3/5/1976, §14-9004; as amended by Ord. 3-85, 6/10/1985*)

B. Lot Use Restrictions**§27-411. Restrictions on Storage and Parking of Recreational Vehicles, Trucks and Boats.**

1. No trucks, travel trailers or other recreational vehicles, nor boats shall be parked or stored on any unimproved lot.

2. Without limitation of the above, “recreational vehicle” shall include any structure or device used in conjunction with a motor vehicle for recreational purposes.

3. No recreational vehicle of any type, nor any boat may be used as a temporary or permanent dwelling unit while parked or stored within the Borough.

(Ord. 3-76, 3/5/1976; as amended by Ord. 5-77, 3/12/1977)

§27-412. Outdoor Stockpiling.

No outdoor storage or stockpiling of any material is permitted in any front yard area.

(Ord. 3-76, 3/5/1976)

§27-413. Trash or Junk.

The accumulation of trash or junk on any premises shall be as regulated by Borough ordinances.

(Ord. 3-76, 3/5/1976)

C. Intensive Agricultural Activities**§27-421. Uses Permitted by Special Exception.**

Intensive agricultural activities which may include, but are not limited to, mushroom farms, areas of high density caged egg production, and dry lot feeding farms wherein the character of the activity involves a more intensive use of the land than found in normal farming operations are permitted by special exception subject to the requirements set forth in §27-422.

(Ord. 3-76, 3/5/1976)

§27-422. Requirements Governing Use.

1. The intensive agricultural activity shall not be located within 1,500 feet of an existing residence located in any district; nor shall such activity be located within 2,000 feet of any district boundary.

2. A minimum lot size of 10 acres is required for the activity. Front, rear, and side yards of 200 feet are required. The maximum height of buildings used for intensive agricultural activities shall be 35 feet or two and one-half stories, excluding appurtenances.

3. Composting on a commercial basis is prohibited. Any on-site composting shall be limited to use on the premises on which the compost is made or produced. Compost storage is to be conducted in an enclosed building.

4. Solid and liquid wastes shall be disposed of daily in a manner to avoid creating insect or rodent problems, or a public nuisance. No emission of noxious or unpleasant gases shall be permitted in such quantities as to be offensive outside the lot lines of the tract occupied by the intensive agricultural use. Statements as to the methods and location of solid and liquid waste collection and disposal shall be presented to the Code Enforcement Officer by the intensive agricultural use developer.

5. Dry lot feeding stations shall be permanently paved.

(Ord. 3-76, 3/5/1976)

D. Orchard and Tree Farming and Intensive Gardening on Undeveloped Residential Lots.**§27-431. Uses Permitted on Undeveloped Lots.**

In keeping with the national emphasis on conservation, productive land use, and home food production, undeveloped residential lots in R1 and R2 districts may be used by their owners for limited gardening or farming activities such as fruit farming, growing of garden produce, haying, or tree plantations, subject to the regulations and restrictions set out in §27-432.

(*Ord. 3-76, 3/5/1976; as amended by Ord. 6-77, 8/13/1977*)

§27-432. Regulations and Restrictions Governing Use.

1. There shall be no outdoor storage of produce nor of tools, equipment, machinery, or other items used in connection with the subject activities on the property for more than 60 days, nor shall shelters nor structures be constructed for such purposes.

2. There shall be no selling of produce on the property.

3. Property owners shall inform the Zoning Officer or Code Enforcement Officer if anyone other than they or members of their immediate family are authorized to work the land or harvest the product. [*Ord. 5-92*]

4. Property owners and any individuals they authorize to work the land and/or harvest the product shall file with the Zoning Officer or Code Enforcement Officer on forms provided for the purpose, on or before March 30 of each year, a jointly signed affidavit acknowledging their mutual responsibility for complying with these regulations and restrictions, which same shall be incorporated in and be a part of said affidavit, and with all other applicable Borough codes and ordinances. In lieu of filing a new affidavit each year, an affidavit on file may be extended for additional stipulated periods of time by joint and written request to the Borough by the co-signers. [*Ord. 5-92*]

5. Except in case of the farming and maintenance of existing orchards or of haymaking operations, any of these permitted uses shall be further restricted as follows:

A. Front setback regulations shall be observed in all cases.

B. In instances where property used for these purposes adjoins developed property held under different ownership, side and/or rear setbacks shall be observed with respect to such adjoining developed property.

(*Ord. 3-76, 3/5/1976; as amended by Ord. 6-77, 8/13/1977; as amended by Ord. 5-92, 6/8/1992*)

E. Standards for Communications Towers as Special Exceptions

§27-441. Specific Requirements and Restrictions.

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.
2. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
3. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.
4. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower under a lease agreement. A good faith effort shall require that all owners of potentially suitable structures within a $\frac{1}{4}$ mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:
 - A. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - B. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - C. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - D. A commercially reasonable agreement could not be reached with the owners of such structures.
5. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.
6. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
7. Recording of a plat of subdivision or land development shall not be required for a leased parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
8. The applicant shall demonstrate that the proposed height of the communica-

tions tower is the minimum height necessary to perform its function. A mono-pole style of tower is preferred, unless there is compelling justification to erect a lattice-style tower.

9. In all zoning districts except RC (Recreation Commercial), the maximum height of any communications tower shall be 150 feet; provided, however, that such height may be increased to no more than 200 feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by 1 foot for each 1 foot of height in excess of 150 feet. In the RC (Recreation Commercial) zoning district, the maximum height of any communications tower shall be 180 feet. A “fall zone” extending 110 percent of the tower height from the tower base, wherein no habitable structure may be erected, is preferred.

10. The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any residential district at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.

11. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties, and to make it as visually unobtrusive as possible.

12. The communications equipment building shall comply with the required yard and height requirements of the applicable zoning district for an accessory structure.

13. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Borough of Carroll Valley Building Code [Chapter 5, Part 1].

14. The applicant shall submit a copy of its current Federal Communications Commission license, the name, address and emergency telephone number for the operator of the communications tower, and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and the communications antennas.

15. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

16. The site of the communications tower shall be secured by a fence with a maximum height of 8 feet to limit accessibility by the general public. One off-street parking space shall be provided within the fenced area.

17. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration and other governmental agency which has jurisdiction.

18. Communications towers shall be protected and maintained in accordance with the requirements of the Borough of Carroll Valley Building Code [Chapter 5, Part 1].

19. Space shall be reserved on a communications tower to accommodate public communications antennas (e.g., 911, fire, police, municipal services) at no cost to the controlling entity should there be a need for such co-location.

20. If a communications tower remains unused for a period of 12 consecutive

months, the owner or operator shall dismantle and remove the communications tower within 6 months of the expiration of such 12-month period. The applicant must execute an agreement with the Borough, in a form legally sufficient to the Borough, requiring said removal as a condition of issuance of a zoning permit for a communications tower. Said agreement shall include provision for the establishment of an escrow account into which the tower owner shall deposit an amount sufficient to cover the cost of removal of the tower in case of abandonment of use. The tower owner may reclaim these monies including accumulated interest, if any, provided the owner has dismantled the tower to the satisfaction of the Borough Zoning Officer. In lieu of an escrow account, the tower owner has the option of posting a bond for the same purpose.

(Ord. 3-76, 3/5/1976; as added by Ord. 3-98, 4/13/1998)

Part 5

Supplemental Regulations for Buildings and Lots

A. General Provisions

§27-501. Minimum Floor Area.

All dwelling units must conform to the minimum floor area based on either interior dimensions of habitable space or exterior dimensions as follows:

	Interior Dimensions	Exterior Di- mensions
A. Single-family dwellings in R1 district	1,000 sq. ft.	1,350 sq. ft.
Townhouse dwellings in R1 district.	850 sq. ft.	1,150 sq. ft.
B. Single-family (in any but R1 district), 2-family, and townhouse dwelling units	850 sq. ft.	1,150 sq. ft.
C. Multi-family apartment and multi-family conversions		
studio	225 sq. ft.	
1 bedroom	450 sq. ft.	
2 bedroom	550 sq. ft.	
3 bedroom	850 sq. ft.	

(*Ord. 3-76, 3/5/1976, §14-5096; as amended by Ord. 3-82, 6/14/1982; by Ord. 7-82, 10/12/1982; and by Ord. 8-82, 10/12/1982*)

§27-502. Buildings to Have Access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to a private street approved by the Borough Council, and all buildings shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(*Ord. 3-76, 3/5/1976, §14-5012*)

§27-503. Erection of More than One Principal Structure or Building on a Lot.

No more than one principal structure is permitted per lot. Except that in case of townhouse or cluster development, the requirements of Part 6F shall supersede those of this Section.

(*Ord. 3-76, 3/5/1976, §14-5013; as amended by Ord. 16-88, 10/10/1988; and by Ord. 3-06, 4/11/2006, §III*)

§27-504. Visibility at Intersections.

1. Proper sight lines must be maintained at all street intersections. Measured

along the centerline of the street, there must be a clear-sight triangle with sides as follows:

Street	Clear-Sight Triangle Side
One or more major thoroughfares	100 feet
Minor streets	75 feet

2. No building or construction is permitted in this area except as follows:
 - A. Obstructions or plantings less than 2½ feet in height.
 - B. If not obstructing the view of traffic, post columns, sign supports and trees not exceeding 1 foot in trunk diameter.

(Ord. 3-76, 3/5/1976, §14-5011)

§27-505. Projections into Yards.

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

- A. Terraces or patios, provided that such terraces or patios are unroofed or not otherwise enclosed and are not closer than 5 feet from any adjacent lot line.
- B. Projecting architectural features, bay windows, cornices, eaves, fireplaces, chimneys, window sills, or other architectural features; provided, that any feature does not project more than 3 feet beyond the supporting wall.
- C. Uncovered stairs and landings, provided such stairs or landings do not exceed 3 feet, 6 inches in width.
- D. Open balconies, provided such balconies are not supported on the ground and do not project more than 5 feet into any yard nor closer than 10 feet to any adjacent lot line.

(Ord. 3-76, 3/5/1976, §14-5014)

§27-506. Accessory Buildings or Structures (Other than Swimming Pools) in R1 and R2 Districts.

1. *Number and Size.* Accessory buildings shall meet the following area requirements: [Ord. 3-06]

	Minimum	Maximum	Height
One-family dwelling	64 sq. ft. [Ord. 3-06]	2% of total lot area overall ¹ [Ord. 3-06]	1 story ²
or			
Two-family dwelling			

¹This is the maximum permitted accessory building area regardless of number of structures. [Ord. 3-06]

²Definition of Story. For the purposes of this Part, a single story accessory structure shall have a floor to ceiling height not exceeding 10 feet with the area above the ceiling not exceeding one-half the floor to ceiling height measured from the ceiling to the peak of the roof. [Ord. 4-96]

2. *Location.* Accessory buildings or structures which are not attached to the principal structure shall be placed in the rear yard or side yard only and not closer than 5 feet to the side and rear lot lines for buildings 200 square feet or under in size. Accessory buildings exceeding 200 square feet shall maintain a minimal side setback of 15 feet, a minimum secondary front setback of 25 feet, and a minimum rear setback of 30 feet. No accessory building or structure in a residential district shall be erected within 10 feet of any street line or within any existing utility easement. [Ord. 3-06]

3. *Construction and Anchoring.* The building shall be of substantial construction and be securely anchored to resist overturning, uplift, or sliding forces of the wind. Foundation requirements for all accessory buildings in excess of 200 square feet shall be determined by the Code Enforcement Officer. [Ord. 10-95]

4. Accessory buildings for multi-family dwellings and townhouses shall need the approval of the Planning Commission.

(Ord. 3-76, 3/5/1976, §14-5001; as amended by Ord. 8-77, 9/10/1977; by Ord. 4-80, 7/14/1980; by Ord. 6-87, 7/13/1987; by Ord. 5-92, 6/8/1992; by Ord. 10-95, 12/11/95; by Ord. 4-96, 4/8/1996; and by Ord. 3-06, 4/11/2006, §IV)

§27-507. Development of Secondary Lots with Accessory Buildings or Structures, Including Garages and Carports in R1 and R2 Districts.

An accessory structure shall not be permitted on any lot which does not have an established permitted use as per this Chapter.

(Ord. 3-76, 3/5/1976, §507; as amended by Ord. 6-05, 8/9/2005)

§27-508. Corner Lot Setback Restrictions in R2 Districts.

The owner of a corner lot may designate one yard abutting a street line as a front yard (35 feet required setback) and the other as a secondary front yard (25 feet required setback). One of the yards abutting adjoining lot lines shall be considered a back yard.

(Ord. 3-76, 3/5/1976, §14-6055)

§27-509. Setback Exceptions.

1. When an unimproved lot is situated between two improved lots with setback dimensions less than those generally specified for the district, the front setback may be reduced to a depth equal to the average of the setbacks on the two adjoining lots; provided, however, that in no case shall the front setback be reduced by more than 40 percent of the generally required setback of the district.

2. When degree of slope or other natural features of terrain would lead to poor use of the land if the required front or rear setbacks for the district were enforced in the opinion of the Zoning Officer or Code Enforcement Officer (in consultation with the Borough Engineer and the Environmental Advisory Council, if warranted) the setback in question may be modified, but by no more than 30 percent of the generally required setback for the district. [Ord. 5-92]

3. The rear setback for all categories of principal structures may be reduced from the requirements set out in Tables 27-B and 27-D to 15 feet when the rear lot boundary adjoins land zoned Agricultural, Recreation Commercial, or Woodland Conservation. [Ord. 6-95]

4. The front setback for those properties within a Recreation Commercial District which face each other across a street right-of-way may be reduced from the requirements set out in Tables 27-B and 27-D to a minimum of 10 feet when approved by both the Borough Planning Commission and the Borough Council in conjunction with a public hearing held upon public notice. [Ord. 5-92]

(Ord. 3-76, 3/5/1976, §14-6056; as amended by Ord. 8-83, 9/12/1983; by Ord. 1-84, 7/9/1984; by Ord. 4-87, 5/12/1987; by Ord. 5-92, 6/8/1992; and by Ord. 6-95, 8/14/1995)

§27-510. Regulations for Swimming Pools.

1. *Location.* The proposed location of all swimming pools with a surface area of more than 100 square feet and capable of containing water 24 or more inches deep shall be approved by the Zoning Officer or Code Enforcement Officer. Any swimming pool on land contiguous with the lot occupied by the principal use must be located within the setback lines governing the external perimeters of said land. [Ord. 5-92]

2. *Construction and Protection.* All below ground swimming pools shall be constructed, enclosed, fenced and guarded in accordance with the BOCA Basic Building Code.

3. All above ground pools shall be guarded against unauthorized entry, and shall comply, in as far as applicable, with the BOCA Basic Building Code.

(Ord. 3-76, 3/5/1976, §14-5003; as amended by Ord. 5-92, 6/8/1992)

§27-511. Fences Walls, and Vegetation.

1. *Height Limitations.* No fence or wall on any part of a lot devoted to residential use shall be more than 6 feet in height. Except as required by other provisions of this Chapter, fences, walls, or vegetation along the front edge of any front yard shall not be over 30 inches in height where it would interfere with traffic safety. The height of vegetation growing on side and rear lot lines is not regulated except as noted in Chapter 25, Part 3, "Unlawful Growth of Trees, Grass Weeds and Other Vegetation." [Ord. 3-97]

2. *Barbed Wire and Other Unsafe Fencing.* Barbed wire and all other fencing that is designed to cut or injure is prohibited in all residential districts. In zoning districts other than residential, such fencing shall not be permitted, unless a request is made to the Planning Commission and approved by a majority vote at a public meeting. [Ord. 3-97]

3. *Maintenance.* All fences and walls shall be maintained in a sturdy and good condition. Fences which become loose, rusted or rotten, whether in whole or part, shall be repaired, replaced or removed. [Ord. 3-97]

4. *Lot Lines and Rights-of-Way.* It is the responsibility of the individual or entity erecting a wall or fence to ensure that the wall or fence (including fence posts) does not cross lot lines or encroach upon rights-of-way, except as allowed in §25-201.A(1), "Unlawful Vegetation Prohibited; Encroachment Upon Adjoining Rights-of-Way." All fences and walls shall be set back at least 12 inches from all front yard property lines and rights-of-way.

(Ord. 3-76, 3/5/1976, §14-5004, as amended by Ord. 3-97, 3/10/1997)

§27-512. General Exception to Height Regulations.

The height limitations contained herein do not apply to spires, cupolas, silos, antennas, water tanks, ventilators, chimneys, communications antennas or communications towers, or other similar appurtenances, not including signs.

(*Ord. 3-76, 3/5/1976, §14-5005; as amended by Ord. 3-98, 4/13/1998*)

§27-513. Screens and Buffers.

Where a commercial district abuts a residential district, except where street frontage intervenes:

A. A fence or hedge acceptable to the Borough is required to be erected in the commercial district to screen from view in the residential district any commercial or manufacturing uses.

B. The space along the side lot line in a commercial district abutting a residential district may not, for 50 feet in depth, be used for commercial or manufacturing operations. This area must be suitably landscaped and maintained.

(*Ord. 3-76, 3/5/1976, §14-5121*)

§27-514. Illumination.

Where a use involves exterior lighting, the lighting must be so located and shielded so that no objectionable illumination or glare is cast upon adjoining properties.

(*Ord. 3-76, 3/5/1976, §14-5122*)

§27-515. Utility Lines.

Electric systems, telephone and other telecommunication systems shall be installed in accordance with the rules, regulations, and orders of the Pennsylvania Public Utilities Commission as authorized and as amended from time to time by the Commission.

(*Ord. 3-76, 3/5/1976, §14-5123; as amended by Ord. 5-77, 3/12/1977; and by Ord. 5-78, 10/14/1978*)

B. Lot Drainage**§27-521. Adequate Drainage Required.**

No principal building may be erected, structurally altered, or relocated on land which is not adequately drained at all times. Adequate drainage shall include, but not be limited to:

- A. Protection of sub-surface sewage systems from malfunction due to surface water flow.
- B. Protection of buildings from surface water flow.
- C. Provision of impounding basins.

(*Ord. 3-76, 3/5/1976, §14-5071*)

§27-522. Drainage upon Streets.

In order to prevent improper surface water from draining upon streets, each building erected, structurally altered, or relocated, and its driveways, must be at a grade satisfactory relationship with: [*Ord. 5-92*]

- A. The established street grade.
- B. The existing street grade where none is established. [*Ord. 5-92*]
- C. Must comply with the Floodplain Ordinance [Chapter 8]. [*Ord. 5-92*]

(*Ord. 3-76, 3/5/1976, § 14-5072; as amended by Ord. 5-92, 6/8/1992*)

§27-523. Drainage upon Adjoining Properties.

1. In order to protect adjoining property owners, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the topography of any land may be made which would:

- A. Result in a slope of more than 50 percent within 20 feet of a property line.
- B. Alter the existing topography or drainage in any way as to adversely affect adjoining properties.

2. In no case may a slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

(*Ord. 3-76, 3/5/1976, §14-5073*)

§27-524. Stormwater Management and Erosion and Sedimentation Controls.

All land development shall comply with the provisions of Stormwater Management and Soil, Erosion and Sedimentation Control Ordinance [Chapter 23].

(*Ord. 3-76, 3/5/1976, §14-5074; as amended by Ord. 6-00, 8/14/2000*)

C. Slope and Flood Controls

§27-531. Intent of the Regulations.

The provisions of the Stormwater Management and Erosion and Sedimentation Control Ordinance [Chapter 23], shall apply to all districts.

(*Ord. 3-76, 3/5/1976, § 14-5080; as amended by Ord. 6-00, 8/14/2000*)

§27-532. Definition of Steep Slope Areas.

Steep slope areas, over 15 percent in grade, are delineated on the U.S. Soil Conservation Service Soil Maps as slopes having a D, E, or F Suffix. For purposes of provision of on-lot sanitary facilities, slopes of 8 to 15 percent grade or greater are considered steep slopes. These slopes have a suffix of C, D, E, or F on the Soil Conservation Survey.

(*Ord. 3-76, 3/5/1976, §14-5081*)

§27-533. Uses Permitted.

1. Parks, outdoor recreation.
2. Agriculture, forestry, conservation areas, except intensive agricultural use.
3. Buildings permitted in the primary district, subject to the following additional provisions:

A. The provisions of the Stormwater Management and Erosion and Sedimentation Control Ordinance [Chapter 23], shall apply. [*Ord. 6-00*]

B. Buildings requiring on-lot sanitary facilities located on slopes of 8 percent or greater require a detailed plan prepared by a qualified engineer or sanitarian indicating the location and design of special sanitary facilities needed to overcome slope problems and a statement that no seepage or other unsanitary conditions will be caused to exist by such design.

(*Ord. 3-76, 3/5/1976, §14-5082; as amended by Ord. 6-78, 12/9/1978; by Ord. 4-87, 5/12/1987; and by Ord. 6-00, 8/14/2000*)

§27-534. Issuance of Permits.

The provisions of §23-104, "Permits," of the Stormwater Management and Erosion and Sedimentation Control Ordinance [Chapter 23], shall apply.

(*Ord. 3-76, 3/5/1976, §14-5083; as amended by Ord. 4-87, 5/12/1987; and by Ord. 6-00, 8/14/2000*)

§27-535. Recording of Permits.

The Code Enforcement Officer shall maintain a separate file of all zoning and building permits in areas subject to these regulations.

(*Ord. 3-76, 3/5/1976, §14-5084*)

§27-536. Flood Controls.

See the Floodplain Ordinance as amended [Chapter 8].

(*Ord. 3-76, 3/5/1976; as amended by Ord. 9-81, 10/13/1981; by Ord. 14-88, 7/11/1988;*

and by *Ord. 5-92, 6/8/1992*)

Part 6

Structures Requiring Additional Regulations

A. Historic Buildings, Structures, and Areas

§27-601. Designation of Buildings, Structures, and Areas for Protection and Preservation.

1. The Planning Commission shall designate, according to criteria consistent with those used throughout the County, buildings, structures, and areas of historic or cultural significance which should be preserved and protected to promote the general welfare, education, and cultural appreciation of the general public.

2. Such buildings, structures, and areas shall be identified in the Comprehensive Plan of the Borough and listed under §27-604.

(Ord. 3-76, 3/5/1976, §14-5111)

§27-602. Approval Required for Exterior Structural Alterations, Additions, and New Construction.

In addition to all regularly required permits and approvals, proposed additions, alterations, restorations, or demolitions affecting the exterior of buildings or structures designated as historically or culturally significant, and all new construction in areas so designated shall require review and approval by the Planning Commission for the purpose of insuring construction harmonious with that which exists and with the historic and cultural values protected by this Part.

(Ord. 3-76, 3/5/1976, §14-5112)

§27-603. Modifications of Lot Size and Setback Requirements.

Because of the placement of existing buildings designated for historic or cultural preservation, modifications may be made as deemed satisfactory to the Code Enforcement Officer in the usually required setbacks. No existing structure shall be deemed as nonconforming by reason of its placement on or the area of the lot on which it is located. All other requirements of the district shall apply.

(Ord. 3-76, 3/5/1976, §14-5113)

§27-604. List of Historic Valley.

ACMD* Designation	Charnita or Prior Designation	Colloquial Description	Official Address	Dated
5-80	J-85	Christiansen Barn ¹ (formerly Sanders Barn)	10 Blue Ridge Trail	1850

¹Editor’s Note: Only foundation remains after barn was destroyed by fire.

ACMD* Designation	Charnita or Prior Designation	Colloquial Description	Official Address	Dated
5-89	J-5+	McLaughlin Stone House (formerly Sanders Farm House)	221 Jacks Mountain Road	1849-1850
5-95	C-16-50	Baker Stone House	120 Jacks Mountain Road	
Map 9	–	Covered Bridge crossing Toms Creek	Jacks Mountain Road	1890
9-2	C-16-63	William McCleaf, Sr., house and barn	152 McCleaf Lane	1850
10-4	C-16-52A	Sanders Stone House	119 Sanders Road	1850
14-1	C-16-64	Gurney House (formerly Transue Real Estate Office)	5605 Fairfield Road	1850
14-4	–	McGregor Stone House (formerly Borough Office)	5680 Fairfield Road, N.	
14-5		Kohler Stone House (formerly Tapper House)	5720 Fairfield Road	1800's ca
23-92	WA-363+	Menz House (formerly Jack Bennett House)	49 Fawn Trail	
28-4	W-75	Bower Stone House (formerly Elevation Orchard)	35 Cheryl Trail, SW	1820
35-177	P-3	Shew House (formerly Riley House)	3 Bluebird Trail, SW	1890
35-179	P-1	Strausbaugh House (formerly Old Riley Orchard Estate)	6565 Fairfield Road	1890
38-25	C-17-14	Greyson School House	6555 Fairfield Road	1872
42-7 and 4	RI-1 and 2	Schafer House (formerly Trip House)	8 Gingell Trail	

*Adams County Mapping Department

B. Boat Houses as Principal Structures on Lakefront Lots**§27-621. General Regulations.**

In addition to the applicable regulations governing structure on slopes or in areas prone to flooding, the design of boat houses shall conform generally with the existing nature of the surrounding neighborhood structures.

(*Ord. 3-76, 3/5/1976; amended by Ord. 5-82, 8/9/1982*)

§27-622. Specific Regulations.

1. *Size.* Boat houses shall be no more than one story in height, not to exceed 15 feet; their outside dimensions shall encompass no less than 90 nor more than 180 square feet.

2. *Construction and Anchoring.* The building shall be of substantial construction and be securely anchored to resist forces of wind and water.

3. *Sanitary Facilities.* Toilet facilities shall be provided in a manner approved by the Sewage Enforcement Officer, who may approve a holding tank or chemical toilet, subject to any regulations covering installation and maintenance.

4. *Access Driveway.* If a driveway is installed, the provisions of Chapter 21, Part 2, "Driveway Regulations," shall apply, except that no more than one driveway per lot shall be permitted.

5. *Setbacks.*

A. Front setback from road right-of-way shall be a minimum of 35 feet.

B. Side setbacks shall be a minimum of 15 feet.

C. Rear setback from edge of lake shall not be restricted, except that no structure, pier or quay may be extended more than 10 feet beyond the shore line of lakes or be placed in the waters of any stream.

(*Ord. 3-76, 3/5/1976, §14-6091; as amended by Ord. 5-82, 8/9/1982*)

C. Earth Sheltered Dwellings

§27-631. Purpose and Definition.

In accord with the objectives of energy conservation and optimum use of land, it is the purpose of the Borough of Carroll Valley to facilitate the construction of earth sheltered dwellings where terrain and design are consistent with safety and the maintenance of the aesthetic quality of the neighborhood. An earth sheltered dwelling is a residence designed to be built partially or wholly underground, to be used for dwelling purposes and not to serve as a cellar, substructure, or foundation for a building.

(*Ord. 376, 3/5/1976, §14-6120; as amended by Ord. 1-85, 1/14/1985*)

§27-632. Where Earth Sheltered Dwellings Permitted.

1. Earth sheltered dwellings shall be permitted in any district in which residential uses are permitted, subject to all the provisions of prevailing regulations governing residential structures in the Borough, and to the provisions set out in §§27-633 and 27-634.

2. Plans for earth sheltered structures shall require review by the Adams County Conservation District and/or Borough Engineer who shall determine the suitability of the site for such construction.

(*Ord. 3-76, 3/5/1976, §14-6121; as amended by Ord. 1-85, 1/14/1985; and Ord. 9-99, 9/13/1999*)

§27-633. Special Provisions for Earth Sheltered Dwellings.

1. The building plans shall require a structural analysis and certification by a registered engineer or architect to insure the life safety for occupants and compliance with applicable BOCA standards (Chapter 5, Part 3).

2. The plans shall contain information concerning surface water drainage, soil to be encountered, and groundwater conditions, all of which will certify to the safety of the site for underground construction.

3. The dwelling shall have doors leading to the outside from at least two different rooms through an exposed wall. Each room used for sleeping shall have a window to the outside of a size and height from the floor to comply with the BOCA Fire Prevention Code (Chapter 5, Part 3), or two separate paths of escape, one of which does not arrive at the main door of the house.

4. The dwelling shall be limited to a single story above existing grade. A story below grade (basement) is permitted. [*Ord. 9-99*]

5. The dwelling shall have sufficient earth over the above grade portion to support vegetation. [*Ord. 9-99*]

6. If the dwelling contains a chimney, it must be of masonry construction, or so designed as not to pose a danger to small children and so as to preclude vandalism of the exposed flue liner or interference with the chimney's efficiency.

7. Above ground sewer vents shall be protected against vandalism.

8. Guardrails or other suitable barriers, in compliance with the applicable BOCA standards (Chapter 5, Part 3), shall be provided in a manner to prevent access to the

top edge walls which have a drop-off of 30 inches or more.

(*Ord. 3-76, 3/5/1976, §14-6122; as amended by Ord. 1-85, 1/14/1985; by Ord. 9-99, 9/13/1999*)

§27-634. Setbacks.

Setbacks for the structure whether above or below grade shall follow setback regulations for conventional structures. The side and rear setbacks may be increased at the recommendation of the Adams County Conservation District and/or the Borough Engineer if adequate stormwater control cannot be achieved with the standard setbacks. The side and rear earthen slope shall be not less than four to one.

(*Ord. 3-76, 3/5/1976, §14-6123; as amended by Ord. 1-85, 1/14/1985; and by Ord. 9-99, 9/13/1999*)

D. Dwellings Occupied as Lodging, Boarding, or Guest Houses

§27-641. Regulations Pertaining to Lodging and Boarding Houses.

1. *Permit and Affidavit of Occupancy.*

A. Owners of dwelling units occupied or to be occupied as lodging or boarding houses shall apply to the Zoning Officer or Code Enforcement Officer for a permit to operate and shall file, between October 1 and October 31 each year, an affidavit setting forth the maximum number of occupants to be housed on the premises during each month of the year. [Ord. 5-92]

B. It shall be the responsibility of owners of said premises to file amended affidavits promptly if and when the occupancy of the premises exceeds that stipulated in the current affidavit. The duration of a valid permit shall be as determined at the time of issuance, but not longer than 2 years.

2. *Inspection for Compliance with Applicable Codes.* The Code Enforcement and/or Health Officer may, from time to time, require the testing of drinking water used on the premises, and may make inspections deemed necessary to the enforcement of the requirements of the State Fire and Panic Control regulations, the current BOCA Basic Property Maintenance Code [Chapter 5, Part 3], and other applicable codes and ordinances. Owners shall be responsible for informing tenants of the probability of these inspections.

3. *Disposal of Garbage, Rubbish, and Other Refuse.* Dwelling units occupied as lodging or boarding houses must be served by the Borough's licensed trash collector. It shall be the owner's responsibility to engage this service and see that tenants observe all the regulations of this Code of Ordinances with respect to the disposal of garbage and other refuse.

4. *Revocation of Permit to Operate.*

A. The Zoning Officer or Code Enforcement Officer shall inform the owner and occupants of any dwelling occupied as a lodging or boarding house, in writing, of any violations of the provisions of this Part and/or any applicable codes, stipulating action required to correct such violations. [Ord. 5-92]

B. Upon 10 days written notice to the owner of the premises, an order revoking the permit to operate may be issued by the Zoning Officer or Code Enforcement Officer if the violations have not been corrected by the date stipulated in the notice. Any owner continuing to operate without a valid permit shall be in violation of this Chapter and subject to the penalties stipulated by law. [Ord. 5-92]

(Ord. 3-76, 3/5/1976, §14-6046; as amended by Ord. 4-85, 6/10/1985; and by Ord. 5-92, 6/8/1992)

§27-642. Regulations Pertaining to Guest Houses.

1. *General.* A guest house is a dwelling, owner or resident manager occupied, arranged for use as lodging for transient guests, with or without meals, for compensation, containing no more than five guest bedrooms. The number of individuals who can be accommodated is to be determined by the provisions of the BOCA National Property Maintenance Code [Chapter 5, Part 3]. An increase in the number of guest bedrooms may be granted by the Borough Council upon request of the applicant and subject

further to the provisions of §27-643. [Ord. 5-92]

2. *Locations Permitted.*

A. *In Residential Districts.* Dwelling units in residential districts may be used as guest houses only if permission is granted by the Borough Council for a conditional use and if the owner remains in compliance with the standards and limitations set out in this Part and other applicable provisions of this Code of Ordinances. [Ord. 9-87]

B. *In Other Districts.* Dwelling units in other than residential districts may be used as guest houses, subject to all the standards and regulations set out in this and other applicable codes.

3. *Permit Required.* Request for a permit to operate a guest house shall be made to the Zoning Officer or Code Enforcement Officer, setting out the applicant's plan for complying with this and all applicable codes. The permittee shall agree, by signature, to the terms of the permit. A permit shall be issued for no more than 2 years and shall be nontransferable. Public notice shall be given when a re-application is received. No more than two permits for guest houses shall be issued per year. [Ord. 5-92]

4. *Standards To Be Met by All Guest Houses.*

A. The dwelling shall be owner or manager occupied.

B. Any dwelling unit to be operated as a guest house shall be on no less than $\frac{3}{4}$ of an acre of land.

C. The minimum finished floor area of the dwelling shall be 2,000 square feet.

D. One full bathroom for each two guest rooms shall be available for the exclusive use of guests.

E. All parking shall be off-street and subject to the provisions of Part 8A of this Chapter.

F. Lounge or recreational areas shall not be located so as to annoy neighbors or infringe on their privacy.

G. The standards set out in §27-641.2 to .4 above, regarding inspections for compliance with applicable codes, disposal of garbage and trash, and grounds for the revocation of a permit to operate also apply to guest houses.

H. The guest house owner shall supply, with the application for permit to operate, proof of compliance with any requirements set forth by the Commonwealth of Pennsylvania.

(Ord. 3-76, 3/5/1976, §14-6047; as amended by Ord. 4-85, 6/10/1985; by Ord. 9-87, 9/22/1987; and by Ord. 5-92, 6/8/1992)

§27-643. Provisions for Increasing Number of Guest Bedrooms.

1. In some instances, the maximum number of guest bedrooms that can be used in a guest house may be increased upon request of the applicant to the Borough Council. The request must be in writing and must indicate the total number of guest bedrooms desired. In reaching a decision the following shall be taken into account:

A. Historical significance.

B. Unique characteristics of the existing structure which is destined to be

used as a guest house (i.e., prior to any remodeling).

C. *Location.* Evidence must be provided to assure that the harmony of the locale will not be disturbed by a guest house of the capacity requested taking into account the adequacy of parking facilities, driveway access, and traffic patterns.

D. *Utilities.* Evidence must be provided to assure that the water and sewage facilities will be capable of handling the amount of increased load that is requested. In the case of sewage facilities, certification by the Sewage Enforcement Officer and/or the Borough Engineer may be required.

2. Such a request may be made together with the application for a conditional use, or subsequent to the granting of a conditional use, and must be reviewed by the Borough Zoning Officer or Code Enforcement Officer and the Borough Planning Commission prior to submission to the Borough Council. [*Ord. 5-92*]

(*Ord. 3-76, 3/5/1976, §14-6048; as amended by Ord. 9-87, 9/22/1987; and by Ord. 5-92, 6/8/1992*)

E. Additional Requirements for Institutional Uses**§27-651. General Regulations.**

In addition to all applicable building, parking, drainage, slope, and other regulations set forth in the applicable BOCA Codes (Chapter 5 this Code) and other Borough ordinances, the plan and design of the facility shall complement the neighborhood in which it is located in a manner that will not adversely affect surrounding property. To this end the Zoning Hearing Board shall hear testimony or review findings of adjoining property owners (in accordance with the provisions of Part 12 of this Chapter); of the Borough Building Inspector, Zoning Officer, and Engineer; and it shall hear testimony from the Planning Commission.

(Ord. 3-76, 3/5/1976, §14-6130; as amended by Ord. 2-86, 3/10/1986)

§27-652. Required Lot Size.

1. Public and private schools (except nursery schools), and churches and similar places of worship shall require a minimum of 2 acres, exclusive of land lying in the right-of-way, provided setbacks and parking regulations can be complied with.

2. All other uses may be situated on a 1½ acre lot, exclusive of land lying in the right-of-way, provided that setback and parking regulations can be complied with.

(Ord. 3-76, 3/5/1976, §14-6131; as amended by Ord. 2-86, 3/10/1986)

§27-653. Setbacks.

1. In agricultural districts building, parking, and loading area setbacks shall be as follows:

A. *Front* - 45 feet.

B. *Back* - (if it abuts a street) 30 feet.

C. *Interior Lot Lines That Abut a Residential District* - 30 feet.

2. In residential districts building and loading area setbacks shall be as follows:

A. *Front* - 45 feet.

B. *Back - (If it Abuts a Street) 40 Feet Interior Lot Lines* - 30 feet.

3. Parking area setbacks shall be:

A. *Front* - 25 feet.

B. *Side* - 20 feet.

C. *Rear* - 25 feet.

(Ord. 3-76, 3/5/1976, §14-6132; as amended by Ord. 2-86, 3/10/1986)

§27-654. Maximum Height.

Maximum height in all districts shall be 35 feet, except that the upper one third of church spires may exceed the height restriction.

(Ord. 3-76, 3/5/1976, §14-6133; as amended by Ord. 2-86, 3/10/1986)

§27-655. Other Conditions for Granting a Special Exception.

1. Exterior lighting, other than that essential for the safety and convenience of

the users of the premises shall be prohibited. All exterior lights shall be shielded from view of all surrounding streets and lots.

2. Special attention shall be given to preventing noise and emissions which could be considered a nuisance by neighbors.

3. The use shall not make demands upon sewerage or water which could jeopardize neighboring sewer or water systems.

4. Side and rear lot lines in residential districts shall be appropriately screened by fences, walls, or year-round plantings of evergreens to a height of 6 feet.

5. If the exception applied for involves a use regulated by the Commonwealth, the applicant shall supply, with the application, proof of knowledge of and plans for compliance with such regulations.

(*Ord. 3-76, 3/5/1976, §14-6134; as amended by Ord. 2-86, 3/10/1986*)

F. Cluster, Townhouse and Multi-Family Dwelling Development

§27-661. Required Approval.

All cluster, townhouse and multi-family dwelling developments shall require the approval of the Planning Commission. Plans and proposals shall be designed and presented in accordance with the applicable provisions of the Subdivision and Land Development Ordinance [Chapter 22] as determined by the Planning Commission.

(*Ord. 3-76, 3/5/1976, §14-6010; as amended by Ord. 3-82, 6/14/1982*)

§27-662. Objectives to Be Attained.

Cluster, townhouse and multi-family development shall be permitted if, in addition to meeting the specific requirements of Borough ordinances, it promotes progressive development of land and construction thereon by achieving: [*Ord. 3-82*]

A. A development program that preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns.

B. A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings in the amount and length of utilities and streets to be provided.

C. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Borough's Comprehensive Plan.

(*Ord. 3-76, 3/5/1976, §14-6011; as amended by Ord. 3-82, 6/14/1982*)

§27-663. Specific Requirements and Restrictions.

1. This type of development shall be subject to all the requirements of the district in which it exists, except as specifically modified in this Section. [*Ord. 3-82*]

2. No dwelling shall be occupied in a townhouse or multi-family development unless it is served by public water and/or sanitary sewer. [*Ord. 3-82*]

3. *Minimum Area.* No cluster, townhouse or multi-family development shall be permitted, or plan of subdivision approved for tracts not subdivided as of the effective date of this Chapter for a tract area of less than 2 acres, except that smaller tracts may be developed provided that they share a major boundary with an Agricultural, Woodland Conservation, or Recreation Commercial District. [*Ord. 3-82*]

4. *Permitted Uses.* No uses shall be permitted except the following:

A. Single-family detached, townhouse and multi-family dwellings. [*Ord. 2-83*]

B. Accessory buildings and uses.

5. *Density of Development.*

A. In R2 districts five single-family dwelling units, in the case of townhouse or multi-family dwellings, or two single-family dwellings, in the case of cluster developments, shall be the maximum permitted for each acre of land. [*Ord. 3-82*]

B. In R1 districts, five single-family dwelling units, in the case of townhouses and multi-family dwelling developments, and one single-family dwelling, in the case of cluster developments, shall be the maximum permitted for each acre of

land. [Ord. 3-82]

C. In Commercial Districts, five single-family dwelling units, in the case of townhouse and multi-family dwellings, shall be the maximum permitted for each acre of land. [Ord. 3-82]

D. In the case of tracts of land in R1, R2 and Commercial Districts sharing a major boundary with an Agricultural, Woodland Conservation, or Recreation Commercial District, (not to include a boundary along a road right-of-way), the foregoing regulations pertaining to density may be modified as follows. Townhouse or multifamily dwellings for six single families, and three single-family dwellings, in the case of cluster developments, shall be the maximum permitted per acre, except that: [Ord. 2-85]

(1) The total number of single-family units in townhouses or multi-family dwellings shall not exceed 12 units, nor shall the number of clustered single-family units exceed six.

(2) No boundary of any such development shall be closer than 500 feet from any boundary of another such development.

[Ord. 3-82]

E. When the permissible number of dwelling units is calculated, there may be a remainder above the whole number. If the remainder is less than five-tenths units, it will not be considered. If the remainder is five-tenths or more units, it will be considered and increased to one additional unit provided the total number of whole units being considered is 10 or more. [Ord. 7-87]

6. *Lot Size.* Lot size as set forth in Part 3 shall not apply. In the case of cluster development lot area per dwelling unit may vary but must be not less than 60 percent of the minimum lot area required in the same district.

7. *Lot Frontage.* Part 3 shall not apply. In the case of cluster developments, individual dwelling lot width at the street right-of-way line may vary but must be not less than 60 feet. Individual townhouses shall be not less than 20 feet wide from the center of each side wall.

8. *Setbacks.* The following setbacks shall be observed:

A. No dwelling shall be located within 10 feet of any interior lot line unless modified under the terms of §27-509 of this Chapter (for setbacks from exterior lot lines, see Table 27-D).

B. The rear yard of a single-family detached dwelling shall be not less than 30 feet in depth except where the adjoining land is also subdivided by the cluster method or is not classified in a residential district and the Borough Planning Commission finds that a lesser rear yard setback would be desirable.

[Ord. 2-85]

9. *Table of Requirements.* In summary of the requirements set forth in §27-663, and to set forth additional requirements concerning building coverage and placement, the requirements set forth in Table 27-D, shall apply. [Ord. 5-92]

(Ord. 3-76, 3/5/1976, §14-6012; as amended by Ord. 5-79, 11/19/1979; by Ord. 3-82, 6/14/1982; by Ord. 2-83, 6/13/1983; by Ord. 2-85, 3/11/1985; by Ord. 7-87, 10/19/1987; and by Ord. 5-92, 6/8/1992)

§27-664. Common Open Space.

1. The decision regarding what portion of required green space in cluster, townhouse and multi-family developments is to be reserved as common open space land shall be at the sole discretion of the Planning Commission. The Commission may require in R2 cluster developments that all land be divided among the several building lots.

2. All open space land shall either be held in common ownership by owners of the project area for the use of each owner or tenant occupying the property within the development, or be offered for dedication to the Borough and retained for parks, recreation, and related uses. The Borough Planning Commission shall, in its sole discretion, decide whether or not to recommend such dedication to the Borough Council.

3. Public utility and similar easements and rights-of-way for water courses and similar channels are not acceptable for common open space dedication to the Borough unless such land or right-of-way is usable for trails or other similar purposes and approved by the Planning Commission.

(Ord. 3-76, 3/5/1976, §14-6013)

§27-665. Utility Requirements.

Underground phone and electrical systems are required for developments. Appurtenances to these systems screened may be excluded from this requirement if the Planning Commission finds that such exemption will not violate the intent of this regulation nor the character of the proposed development.

(Ord. 3-76, 3/5/1976, §14-6014)

Table 27-D

Requirements for Cluster, Townhouse and Multi-Family Developments

	Cluster		Townhouse and Multi-Family
	R1	R2 and Commercial*	All Residential and Commercial¹
Minimum tract size:			
Unsubdivided or Subdivided	2 acres ²	2 acres ²	2 acres ²
Lot area per dwelling unit:			
Unsubdivided	Not less than 60 percent nor more than 80 percent of the minimum lot area applicable in the district.		Individual dwelling width not less than 20 ft. from center to center of the side walls.
Subdivided	Not less than 60 percent of the minimum lot area applicable in the district.		The same as for unsubdivided tracts.
Density of development:	1 dwelling unit 2 per acre ³	2 dwelling units per acre ³	5 dwelling units per acre ³
Maximum total building coverage:	20 percent of total acreage	20 percent of total acreage	30 percent of total acreage
Green Area:			
Minimum per dwelling unit	20 percent of dwelling unit area	20 percent of dwelling unit area	10 percent dwelling unit area
Minimum for total acreage	60 percent of total acreage	50 percent of total acreage	50 percent of total acreage
Minimum distance between buildings:	30 feet	20 feet	40 feet where 2 or more row buildings are constructed on one tract
Setback distances from tract lines:			
Front setback min.	35 feet	25 feet	25 feet
Each side setback min.	20 feet	15 feet	25 feet
Rear setback min.	30 feet ⁴	30 feet ⁴	25 feet ⁴
Minimum floor area:	Requirements for the District apply. ¹		(see §27-501)

	Cluster	Townhouse and Multi-Family
	R1	R2 and Commercial*
		All Residential and Commercial¹
Minimum building height:	(-----2½ stories or 35'-----)	

¹See also, §27-922 for Commercial Districts.

²See §27-663.3, for exception.

³See §27-663.5.D, for exception; see also §27-663.5.E.

⁴Unless modified by the conditions set forth in §27-663.B.

(*Ord. 5-79, 11/19/1979; as amended by Ord. 3-82, 6/14/1982; by Ord. 2-83, 6/13/1983; by Ord. 8-83, 9/12/1983; and by Ord. 7-87, 10/19/1987*)

G. Regulations Governing Communications Antennas and Communications Equipment Buildings

§27-671. Specific Permit Requirements and Restrictions

A zoning permit may be issued for the installation of communications antennas and/or for the erection of communications equipment buildings provided the applicant meets the following requirements and restrictions:

A. Building mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.

B. Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.

C. Omnidirectional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter.

D. Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width.

E. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

F. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Building Inspector for compliance with the Borough of Carroll Valley Building Code and other applicable law.

G. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

H. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

I. Communications antennas shall not cause radio frequency interference with other communications facilities located in the Borough of Carroll Valley.

J. A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.

K. The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

(Ord. 3-76, 3/5/1976; as added by Ord. 3-98, 4/13/1998)

Part 7**Signs****§27-701. Area of Sign.**

The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether opened or enclosed, on which they are displayed.

(Ord. 3-76, 3/5/1976, §14-5026)

§27-702. Permitted Signs.

The maximum permitted size of signs and type of signs shall be in accordance with the following regulations:

A. *All Zoning Districts.*

(1) Official traffic or directional signs and other official Federal, State, County, or Borough signs.

(2) Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed 12 square feet in area and shall be removed immediately upon the completion of the campaign drive or event.

(3) *Business Signs Offering the Sale, Lease or Rental of a Property.*

(a) Unlighted signs offering the sale, lease, or rental of a property may be erected on the premises, provided that the area of any such sign shall not exceed 6 square feet (refer to paragraph .D(2) of this Part for the permitted size in Commercial Districts) and not more than one such sign shall be placed on the property unless such property fronts on more than one street, in which case one sign may be erected on each street frontage, and further providing that such signs are removed immediately upon withdrawal of the premises from sale, lease, or rental. [Ord. 9-01]

(b) Should any erected sign offering the sale, lease, or rental of a property become tattered, defaced, or deteriorated to such a degree as to create an environmental nuisance or a public eyesore, the Zoning Officer shall notify the property owner in writing, in accordance with §27-1310 of this Chapter, that the sign is in violation of this Chapter and shall allow the property owner 14 days to repair or replace the sign. If the deteriorated sign is not repaired or replaced upon expiration of the 14 days, the property owner shall be subject to enforcement remedies in accordance with §27-1312 of this Chapter. [Ord. 9-01]

(4) Temporary signs of contractors, developers, architects, engineers, builders, and artisans may be erected and maintained on the premises where the work is being performed, provided that the area of each such sign shall not exceed 12 square feet, and provided that such sign shall be removed upon completion of the work.

(5) No trespassing signs, signs indicating the private nature of a road,

driveway, or premises, signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed 4 square feet.

B. Residential Districts.

(1) Home occupation or name plate displaying the name and address of the occupant, or occupant's profession or activity; provided, that no more than one such sign shall be erected for each permitted use; and, provided that the area of each such sign shall not exceed 3 square feet; and, provided that each such sign shall be fixed flat on the main wall of such building or be erected in the front yard, but not within 10 feet of the street right-of-way. [Ord. 7-85]

(2) Sign, bulletin or announcement board, or identification sign, for schools, churches, clubs, multi-family dwellings, or other principal uses and buildings, other than dwellings, on the same lot therewith for the purpose of displaying the name of the institution and its activities or services; provided, that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be erected on any one street frontage.

C. Agricultural and Woodland Conservation Districts.

(1) Sign offering for sale farm or nursery products or livestock produced or raised on the premises; provided, that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be erected on any one street frontage.

(2) Sign denoting membership in agricultural associations, cooperatives, or indicating specialization in any particular breed of cattle, hogs, etc., or in a particular hybrid or strain of plant; provided, that such sign is limited to 6 square feet and no more than one such sign be erected on any one street frontage.

D. Commercial Districts.

(1) Signs directing patrons, members, or audiences to temporary exhibits, shows or events, and signs erected in conjunction with a political election; provided that such sign shall not exceed 6 square feet, shall be removed within 2 weeks after the date of the exhibit, show, event, or election, shall not be posted earlier than 2 weeks before the date of the exhibit, show, event or election, except that political signs may be posted no more than 1 month prior to an election.

(2) Business signs offering the sale or rental of a commercial parcel may be erected on the premises, provided that the area of any such sign shall not exceed 12 square feet and not more than one such sign shall be placed on the property unless such property fronts on more than one street, in which case one sign may be erected on each street frontage, and further providing that such signs are removed immediately upon withdrawal of the premises from sale or rental. [Ord. 3-94]

(3) Business or commercial signs on the same lot as the use to which they relate; provided, that the total of such signs be limited to 1 square foot for each lineal foot of horizontal building facade, not to exceed an aggregate area of 80 square feet.

(4) Special temporary promotional devices, signs, or displays, such as

banners or pennants, where such signs are outside of a building, they shall remain on display for a period not to exceed 30 consecutive days.

(*Ord. 3-76, 3/5/1976, §14-5027; as amended by Ord. 3-80, 4/14/1980; by Ord. 7-85, 10/14/1985; by Ord. 3-94, 5/9/1994; and by Ord. 9-01, 12/10/2001*)

§27-703. Directional Signs.

1. Signs promoting, indicating the existence of, or directing patrons to a business establishment located within the Borough, and signs indicating the existence of and direction to tourist attractions of a natural, scenic, and/or recreational nature within the Borough may be erected only on the property which they serve or at the intersections of:

- A. Pennsylvania Routes 16 and 116.
- B. Pennsylvania Route 116 and Sanders Road.
- C. Pennsylvania Route 116 and Jacks Mountain Road.

2. Such signs shall be subject to the following restrictions:

A. Any one sign shall be no more than 20 square feet in area, and the aggregate area for all directional signs for one business establishment or tourist attraction shall be no more than 40 square feet.

B. Only one sign per business establishment or tourist attraction may be erected at any one of the permitted locations.

C. If a multiple sign board is provided at a permitted location, space shall be leased by businesses wishing to have a directional sign at that location, and separate signs shall not be permitted. [*Ord. 5-92*]

D. If the business establishment or tourist attraction be located within a shopping mall or other composite area accommodating a number of businesses, only the mall or similar area may have a directional sign at the permitted locations. Individual businesses may join in composite signs located at the entrance to the mall property, and no individual signs will be permitted at such an entrance.

(*Ord. 3-76, 3/5/1976, §14-5028; as amended by Ord. 3-80, 4/14/1980; and by Ord. 5-92, 6/8/1992*)

§27-704. Compliance with State and Federal Regulations.

All signs along State highways, regardless of the provisions of this Chapter, shall also be in compliance with regulations promulgated by the State and Federal governments governing signs along State highways.

(*Ord. 3-76, 3/5/1976, §14-5029; as amended by Ord. 6-82, 8/9/1982*)

§27-705. Supplemental Sign Regulations.

1. *Projection.* No sign shall project more than 12 inches from the building facade to which it is attached. No free-standing sign may project beyond the lot line.

2. *Height.* No sign that is part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Free-standing signs shall meet the height requirements of the particular district in which they are located.

3. *Clearance.* No sign structure erected directly upon the ground shall have less than 3 feet of clear space between such sign and the ground; however, necessary supports may extend through such open space.

4. *Street Intersections.* The restrictions set forth in §27-504 apply to signs; however, no sign shall be erected, attached or displayed in a manner to obstruct vision within the clear-sight triangle prescribed between a height of 3 and 10 feet above the centerline grade of the intersecting streets. [Ord. 2-83]

5. *Illumination.* Signs may be lighted with nonglaring lights, or may be illuminated by shielded flood lights; provided, however, that no red, green, or amber lights shall be permitted; and, provided that lighting is screened from adjacent properties. No lights of intermittent, flashing, or animated types shall be permitted.

6. *Placement.* No signs shall be permitted which are posted, stapled, or otherwise permanently attached to public utility poles or trees within a street right-of-way. No portion of any free-standing sign shall be located within 5 feet of any side lot line.

7. *Construction.* All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.

8. *Nonconforming Signs.* Nonconforming signs, once removed, shall be replaced only with conforming signs; however, nonconforming signs may be repainted or repaired, providing such repainting or repair does not exceed the dimensions of the existing sign. Signs existing prior to the adoption of this Chapter may exceed the stated limitations by 20 percent before being considered nonconforming.

9. *Abandonment of Use.* Upon termination or abandonment of a commercial use, all signs pertaining to the enterprise must be removed.

10. All signs having an expected life of more than 30 days (except signs offering the sale or rental of property) shall be authorized by a zoning permit issued by the Borough, subject to annual review for continuing compliance with the provisions of this Chapter. [Ord. 3-80]

(Ord. 3-76, 3/5/1976, §14-5030; as amended by Ord. 3-80, 4/14/1980; and by Ord. 2-83, 6/13/1983)

§27-706. Official Street Address Signs.

1. Every owner of an improved property within the Borough of Carroll Valley is required to post the official street address for that property in the manner provided below. The use of a subdivision plat lot number is not considered an official address.

2. Each property owner of an improved property, having one or more buildings located upon that property, shall obtain from the Borough office the assigned number for the building on that property.

3. The property building number shall be permanently affixed to both sides of the mailbox in accordance with the following requirements: [Ord. 5-92]

A. Numbers shall be painted or otherwise permanently affixed to the approximate center of both sides of the mailbox. Ensure the flag does not obstruct the number(s).

B. Numbers shall be a minimum height of 3 inches each.

C. Numbers shall be of a contrasting color to the mailbox.

D. Numbers shall be luminous.

E. Numbers shall be easily read from a distance of 20 feet, day or night, and free from obstructions, i.e., mailbox flag, newspaper holders, bushes, shrubs, trees, etc.

F. Numbers shall be maintained, repaired and/or replaced as necessary to conform with the requirements of this Section. [*Ord. 8-90*]

4. If no mailbox is present directly in front of a business or residential building, or if more than one mailbox is present on a property making it unclear as to which number pertains to the building located on that property, or if in addition to subsection .3, above, official address numbers shall be displayed as follows:

A. A sign showing the official street address number shall be displayed on the building so that it is easily read from the main fronting roadway, without the necessity of entering the property.

B. This sign shall be of such size and contrast as to be easily read from the fronting roadway. If the setback, a fence, tree, hedge or other obstruction precludes affixing the number to the building, a neatly constructed sign may be erected in the front of the property, so that it is easily read from the main fronting roadway.

C. For buildings on corner properties which do not front on the officially assigned street location, a sign shall be erected displaying the designated house number and shall be clearly visible from the street specified in the address. [*Ord. 8-90*]

D. All street address signs shall meet the size, placement, and setback requirements indicated under item §27-702.2.A, "Permitted Signs."

(*Ord. 3-76, 3/5/1976, §14-5031; as amended by Ord. 9-82, 12/13/1982; by Ord. 8-90, 5/14/1990; and by Ord. 5-92, 6/8/1992*)

Part 8

**Off-Street Parking and Loading,
Driveway Access**

A. Parking and Loading

§27-801. Off-Street Parking Required.

Off-street parking spaces with adequate provisions for ingress and egress by motor vehicles shall be provided, in accordance with the provisions of this Part, for any main building or structure at the time of construction and when any main building or structure is enlarged or increased in capacity. All off-street parking facilities provided, whether required or in addition to minimum requirements, shall conform to all standards contained in this Part.

(*Ord. 3-76, 3/5/1976, §14-5045; as amended by Ord. 1-91, 1/14/1991*)

§27-802. Size of Parking Space.

A parking space must have an area of not less than 200 square feet exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five or more parking spaces are required, the total parking area including passageways and driveways must average 300 square feet per required parking space.

(*Ord. 3-76, 3/5/1976, §14-5046; as amended by Ord. 2-83, 6/13/1983; by Ord. 20-88, 12/12/1988; and by Ord. 1-91, 1/14/1991*)

§27-803. Minimum Parking Requirements.

The following list designates the required number of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use except as provided under §27-810 “Shared Parking for Mixed Uses.” In addition, all minimum parking requirements for any and all users shall include parking provisions for the physically disabled and employees as set forth below:

Type of Use	Minimum of One Parking Space for Each
Physically Disabled	2% of required parking spaces shall be designated for the physically disabled.
Employee Parking	The total minimum parking requirements shall be increased by 2% for employees.
Commercial Uses	
Automobile repair, filling and washing facilities	400 sq. ft. of gross floor area and ground area devoted to repair and service facilities in addition to areas normally devoted to automobile storage.
Automobile, boat and trailer sales	500 sq. ft. of gross floor area.

Type of Use	Minimum of One Parking Space for Each
Carpeting, drapery, floor and wall covering sales	500 sq. ft. of gross floor area.
Drive-in or fast food eating place	4 seats, but not less than 1 space per 100 sq. ft. of gross floor area.
Eating place/restaurant	4 seats, but not less than 1 space per 100 sq. ft. of gross floor area.
Food markets, grocery stores convenience stores	250 sq. ft. of gross floor area for and public uses.
Funeral homes	100 sq. ft. of gross floor area, and 1 per each piece of mobile equipment such as hearses and ambulances.
Furniture sales	500 sq. ft. of gross floor area.
Hotel, motel, tourist home	Guest sleeping room (restaurants and other accessory uses shall be viewed separately).
Office buildings	300 sq. ft. of gross floor area.
Professional offices of veterinarians, physicians, dentists, etc.	6 spaces per each physician or dentist, etc.
Retail store or shop (except those listed above)	250 sq. ft. of gross floor area of display area or sale area.
Shopping centers or malls, cinemas and food service within shopping centers and malls	See §27-804
Taverns, bars, nightclubs and other similar uses	4 seats but not less than 1 space per 100 sq. ft. of gross floor area.
Other commercial buildings	400 sq. ft. of gross floor area.
Industrial Uses	
Industrial and heavy commercial establishments	1 space per each 1,000 sq. ft. of gross floor area.
Warehousing	Employee on the 2 largest shifts.
Recreational Uses	
Amusement arcade	80 sq. ft. of gross floor area.
Athletic field	4 seats of spectator seating; however, if no spectator seating is provided, a designated parking area shall be provided on the site. Such area must provide sufficient number of spaces to serve all users.
Bowling alley, billiard room	4 spaces per lane or table.
Campground	Per campsite.

Type of Use	Minimum of One Parking Space for Each
Golf course	3 per hole.
Golf driving range	1 per tee.
Miniature golf course	2 per hole.
Riding school or horse stable	1 per every 2 stalls, plus 1 per every 4 seats of spectator seating.
Picnic area	per table.
Skating rink	1 per every 4 persons of legal occupancy.
Swimming pools (other than an accessory to a residential development)	1 per every 4 persons of legal occupancy.
Tennis or racquetball clubs	4 per court.
Residential Uses	
Residential dwelling	2 per dwelling unit
Rooming house, group home and bed and breakfast	Per bedroom, guest room, or suits.
Townhouses	2 per townhouse.
Social and Institutional Uses	
Auditorium, church, theater, and other such places of public assembly	250 sq. ft. but not less than 1 space per each 5 seats.
Clubs, lodges, and other similar places	2 seats but not less than 100 sq. ft. of gross floor area.
Convalescent homes	3 accommodations (beds) in addition to those needed for doctors and support staff.
Hospital, sanitarium	Spaces shall be provided for visitors at the rate of at least 1 space per each 1.5 accommodations (beds) plus required number of spaces for doctors and other personnel.
Museum, art gallery, cultural center, library	400 sq. ft. of gross floor area.
Rehabilitation centers (without overnight accommodations)	1 per each 3 people anticipated to be handled through the facility.
Schools below grade ten including commercial day care and kindergarten	6 students enrolled.
Schools, tenth grade and above, including colleges	3 students enrolled.

Type of Use	Minimum of One Parking Space for Each
Schools, commercial	Depending upon the nature of the facility, the Zoning Officer shall determine the number of parking spaces required using those ratios prescribed for other schools and educational facilities.
Vocational training and adult education facilities	1.5 students enrolled
Other uses not specified	The same requirement as for the most similar use listed.

(Ord. 3-76, 3/5/1976, §14-5047; as amended by Ord. 1-91, 1/14/1991)

§27-804. Supplemental Regulations for Shopping Centers.

1. *Off-Street Parking.* Off-street parking shall be provided on the premises at a ratio of four spaces for 1,000 square feet of gross leasable area (GLA). Parking shall be permitted in the areas required for front, side, or rear yard setbacks up to a point of 25 feet from any front, side or rear lot line of the shopping center. All parking areas shall be suitably paved with permanent hard-surface coverings.

2. Certain land uses at shopping centers affect parking demands; therefore, additional requirements include:

A. *Food Service.*

(1) A center with more than 25,000 and less than 100,000 square feet of total GLA requires an additional 10 spaces per 1,000 square feet of food service tenant area.

(2) A center having 100,000 but less than 200,000 square feet of total GLA requires an additional six spaces per 1,000 square feet of food service tenant area.

(3) Food service tenants include both full service and fast food restaurants with or without liquor service, as well as specialty shops.

B. *Cinemas.*

(1) A center with less than 100,000 square feet of GLA requires three additional parking spaces for every 100 seats for cinemas occupying up to 10 percent of the total center GLA.

(2) Centers having 100,000 to 200,000 square feet of GLA can accommodate up to 450 cinema seats without providing for additional parking. For every 200 seats above the initial 450 seats, three additional spaces per 100 seats are required.

(Ord. 3-76, 3/5/1976, §14-5048; as amended by Ord. 1-91, 1/14/1991)

§27-805. Off-Street Loading Space.

For any building or land used for commercial or industrial purposes, adequate space for off-street parking to accommodate the loading and unloading of materials shall be provided consistent with the size and proposed use of the building. Such space,

whether inside or outside a building, shall be in addition to §27-803 and shall be designed so as not to impede normal vehicular and pedestrian circulation.

(*Ord. 3-76, 3/5/1976, §14-5049; as amended by Ord. 1-91, 1/14/1991*)

§27-806. Location of Parking Area.

The parking area must be on the same or nearby premises. If on nearby premises:

A. The nearest point of the parking lot shall be no farther than the following distances to the nearest point of the property served: 100 feet in the case of a commercial use, 200 feet in the case of a residential use.

B. The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.

(*Ord. 3-76, 3/5/1976, §14-5050; as amended by Ord. 1-91, 1/14/1991*)

§27-807. Layout of the Parking Area.

Parking areas must be arranged so there will be no need for motorists to back over:

A. Local streets, except in the case of residential uses.

B. Major thoroughfares.

(*Ord. 3-76, 3/5/1976, §14-5051; as amended by Ord. 1-91, 1/14/1991*)

§27-808. Paving.

All required parking areas, and all access drives for multi-family and commercial uses shall have appropriate all-weather surfacing to suit the intended purpose, as determined by Borough Officials.

(*Ord. 3-76, 3/5/1976, §14-5052; as amended by Ord. 1-91, 1/14/1991*)

§27-809. Parking Area Adjacent to Street.

For multi-family and nonresidential uses, where a parking area, or other area opened to movement of vehicles, abuts the right-of-way line of a public street, a pipe railing, post and chain barricade, raised curbs or other equally effective devices satisfactory to the Borough, must line the public right-of-way except at access points so that parked vehicles will not extend into the street right-of-way.

(*Ord. 3-76, 3/5/1976, §14-5053; as amended by Ord. 1-91, 1/14/1991*)

§27-810. Shared Parking for Mixed Uses.

1. When any land and/or building is under the same ownership and used for two or more purposes, the number of parking spaces shall be computed by multiplying the minimum amount of parking normally required for each land use by the appropriate percentage as shown in the following parking credit schedule for each of the five time periods shown. The number of parking spaces required is then determined by adding the results in each column. The column total that generates the highest number of parking spaces becomes the parking requirement.

	Weekday		Weekend		Nighttime
	Daytime 6 a.m. - 6 p.m.	Evening 6 p.m. - Mid-night	Daytime 6 a.m. - 6 p.m.	Evening 6 p.m. - Mid-night	Midnight - 6 a.m.
Office/Industrial	100 percent	10 percent	10 percent	5 percent	5 percent
General Retail	60 percent	90 percent	100 percent	70 percent	5 percent
Hotel, Motel, Inn	75 percent	100 percent	75 percent	100 percent	75 percent
Restaurant	50 percent	100 percent	100 percent	100 percent	10 percent
Indoor or Legitimate Theater and Commercial Recreational Establishments	40 percent	100 percent	80 percent	100 percent	10 percent
All Other Uses	100 percent	100 percent	100 percent	100 percent	100 percent

2. The following conditions shall apply to any parking facility for mixed use development:

A. The mixed-use property and shared parking facility must be owned by the same developer/owner and must be located within 200 feet walking distance of the entrance to the establishment to be served.

B. Reserved spaces may not be shared.

C. The Zoning Officer/Planning Commission shall determine at the time of the land subdivision/land development site plan approval that shared parking is possible and appropriate at the location proposed. Particular attention is needed to assure that sufficient and convenient short-term parking will be available to commercial establishments during the weekday daytime period. The shared parking spaces must be located in the most convenient and visible area of the parking facility nearest the establishment being served.

D. A subsequent change in use requires a new use and occupancy permit and proof that sufficient parking will be available.

(Ord. 3-76, 3/5/1976, §14-5054; as amended by Ord. 1-91, 1/14/1991)

§27-811. Application of Standards.

1. *Fractional Space.* When required parking computations result in fractions, any fraction below one-half may be disregarded and any fraction over one-half shall be construed to require a full space.

2. *Reduction of Existing Parking.* Off-street parking facilities existing at the effective date of this Part shall not subsequently be reduced to an amount less than that required for the particular use for which the off-street parking facilities are made available.

3. *Computing Number of Employees.* For the purpose of this Part the number of employees shall be the average number of persons to be employed, taking into consideration day, night and seasonal variations.

4. *Conflict in Requirements.* Whenever in this Part a particular use contains requirements for parking areas and there are other provisions which vary from the provisions of this Part, the more restrictive requirement shall apply.

(Ord. 3-76, 3/5/1976, §14-5090; as amended by Ord. 1-91, 1/14/1991)

§27-812. Repairs to Vehicles.

No repair to or maintenance of vehicles of any kind shall be permitted in an accessory parking facility, except under emergency conditions.

(Ord. 3-76, 3/5/1976, §14-5091; as amended by Ord. 1-91, 1/14/1991)

B. Driveways

[Refer to Chapter 21, Part 2, “Driveway Regulations.”]

Part 9**Special Standards for Commercial Properties****A. Development of Land Rezoned C1 or C2 from Woodland Conservation or Recreation Commercial****§27-901. Environmental Review.**

1. A developer proposing a permitted use or a use by special exception in a C1 or C2 District which has been rezoned from Woodland Conservation or Recreation Commercial shall prepare an environmental review for approval by the Environmental Advisory Council, the Planning Commission, and/or other appropriate Borough authorities. Presentation of the review shall precede action to approve or disapprove the proposed development or issuance of building and zoning permits.

2. The review shall specify the developer's plans for meeting all applicable portions of the Borough's ordinances and this Chapter having a bearing on the preservation or enhancement of the character and quality of the land, specifically plans related to:

- A. The overall development objectives set out in Part 1A.
- B. Part 6, "Drainage, Slope Controls, and Floodway Controls" [Chapter 8].
- C. Environmental Protection [Chapter 25, Part 1], and Floodplain Development [Chapter 8].

(Ord. 3-76, 3/5/1976, §14-6140; as amended by Ord. 3-87, 6/15/1987)

§27-902. Special Standards.

Any land in Woodland Conservation or Recreation Commercial Districts rezoned C1 or C2 from January 1, 1987, forward shall be subject to different standards for lot size, use size, setbacks and so forth than those generally applicable in C1 and C2 Districts, as follows:

- A. *Minimum lot area* - 5 acres.
- B. *Maximum use per lot* - 1 commercial use and 1 associated residential use may be permitted.
- C. *Minimum setbacks* - front 50 feet, side 30 feet, rear 50 feet.
- D. *Maximum lot coverage* - 10 percent.
- E. *Maximum front yard coverage by parking and driveways* - 10 percent.
- F. *Minimum green space* - 80 percent.
- G. *Minimum Floor Area per Dwelling Unit* - same as for Woodland Conservation.

(Ord. 3-76, 3/5/1976, §14-6141; as amended by Ord. 3-87, 6/15/1987)

§27-903. Identification of Applicable Parcels.

Table 27-A-2 following Part 13 shall list the parcels rezoned and subject to these

standards.

(*Ord. 3-76, 3/5/1976, §14-6142; as amended by Ord. 3-87, 6/15/1987*)

B. Structures in Commercial Districts.**§27-921. General Regulation.**

In addition to the applicable specific requirements for size, setbacks, etc., of buildings set forth in Part 3, the design of structures in Commercial Districts shall conform generally with the existing nature of the surrounding neighborhood.

(*Ord. 3-76, 3/5/1976, §14-6080; as amended by Ord. 4-78, 9/9/1978*)

§27-922. Dwelling Units.

1. Detached dwelling units in commercial areas shall comply with regulations governing such units in R2 districts.

2. Dwelling units incorporated in commercial structures shall contain at least 450 square feet of habitable living space.

3. Cluster, townhouse and the requirements in Part 6F.

(*Ord. 3-76, 3/5/1976, §14-6081; as amended by Ord. 4-78, 9/9/1978; and by Ord. 3-82, 6/14/1982*)

§27-923. Special Standards for Light Manufacturing.

In addition to the general provisions regarding the prohibition of nuisance effects set forth in §27-303, the Zoning Hearing Board, when granting a special exception for light manufacturing, may establish specific regulations governing such matters as noise, emissions, environmental protection, traffic regulations, storage, and other similar protective requirements.

(*Ord. 3-76, 3/5/1976, §14-6082; as amended by Ord. 2-83, 6/13/1983*)

§27-924. Supplementary Regulations.

1. *Lighting.* Lighting for buildings, signs, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents.

2. *Screening.* In C1 Commercial Districts side and rear lot lines abutting residential districts shall be screened by fences, walls, year-around planting, or other suitable enclosure to a minimum height of 6 feet. [*Ord. 2-83*]

3. *Storage of Trash or Rubbish.* Storage areas for trash or rubbish shall be completely screened and all organic rubbish shall be contained in air-tight, vermin-proof containers. Storage areas shall not be within any required yard space.

(*Ord. 3-76, 3/5/1976, §14-6083; as amended by Ord. 4-78, 9/9/1978; and by Ord. 2-83, 6/13/1983*)

C. Shopping Centers

§27-931. Ownership and Management.

Shopping centers shall be in single ownership or under a guaranteed unified management control.

(Ord. 3-76, 3/5/1976, §14-6021)

§27-932. Permitted Uses.

1. Shopping centers shall consist of a harmonious selection of uses and groupings of buildings, service, and parking areas, circulation, and open space.

2. *Permitted Principal Uses.*

A. Stores for the sale of goods at retail or the performance of customary personal services or services clearly incidental to retail sales.

B. Business, professional, or banking offices.

C. Restaurants, cafes, or similar places serving food and/or beverages, except where a special exception is required pursuant to §27-933.

D. Parking areas for transient motor vehicles, but not for the storage of new or used motor vehicles or for their sale.

3. Permitted accessory uses, provided they are located on the same lot with the principal use.

4. Only the customary accessory uses associated with a Commercial District shall be permitted.

(Ord. 3-76, 3/5/1976, §14-6022)

§27-933. Uses Permitted Only by Special Exception Issued by the Zoning Hearing Board.

1. Gasoline service stations.

2. Drive-in establishments.

(Ord. 3-76, 3/5/1976, §14-6023)

§27-934. Area and Bulk Regulations.

1. *Lot Size.* The area for development shall be a minimum of 5 acres.

2. *Lot Coverage* - 25 percent maximum.

3. *Building Height* - two stories or 35 feet maximum.

4. *Setback.*

A. *Front setback* - 150 feet.

B. *Each side setback* - 100 feet.

C. *Rear setback* - 100 feet.

(Ord. 3-76, 3/5/1976, §14-6024)

§27-935. Supplementary Regulations.

1. *Off-Street Parking.* Refer to §27-803, "Minimum Parking Requirements," and

§27-804, "Supplementary Regulations for Shopping Centers." [Ord. 1-91]

2. *Access and Traffic Controls.* All means of ingress or egress from the shopping center to any public street or state highway shall be located at least 200 feet from any other intersecting street or streets and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes as may be required by the Pennsylvania Department of Transportation or the Borough.

3. *Interior Circulation.* Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops for rubbish collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities.

4. *Lighting.* Lighting for buildings, signs, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents.

5. *Shopping Cart Storage.* Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.

6. *Screening.*

A. All lot lines abutting residential districts, along the side or rear yards shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a minimum height of 6 feet.

B. If trees, evergreen hedges or other types of year-round plants are used, a landscaped area shall be provided at least 8 feet in width along the entire interior lot lines. [Ord. 2-83]

7. *Storage of Trash or Rubbish.* Storage areas for trash or rubbish shall be completely screened and all organic rubbish shall be contained in air-tight, vermin-proof containers. No such storage area shall be permitted within any required yard space.

8. *Signs.* Signs shall conform to Part 7 of this Chapter.

(Ord. 3-76, 3/5/1976, §14-6025; as amended by Ord. 2-83, 6/13/1983; by Ord. 20-88, 12/12/1988; and by Ord. 1-91, 1/14/1991)

§27-936. Site Plan Review and Approval.

A proposed shopping center shall be deemed to be a subdivision governed by the provisions of the Borough's Subdivision and Land Development Ordinance [Chapter 22] and the procedures established by that Ordinance for approval of subdivision plans shall be followed in obtaining approval for shopping centers.

(Ord. 3-76, 3/5/1976, §14-6026)

Part 10**Mobile Home Parks****§27-1001. Mobile Home Park Permit.**

1. No person shall construct, alter, maintain, operate, or extend a mobile home park within the Borough without a valid mobile home park permit.

2. Mobile home park permits shall be issued by the Borough Council under the following circumstances:

A. A first permit shall only be issued upon the satisfactory submission and approval of sketch, preliminary, and final plans in accordance with procedures and requirements set forth in the Borough's Subdivision and Land Development Ordinance [Chapter 22], including those special provisions pertaining to mobile home parks included in the Subdivision and Land Development Ordinance [Chapter 22].

B. Mobile home park permits may be issued for periods of no more than 1 year, and may be renewable every 12 months. The Borough Council may inspect each mobile home park prior to granting an annual permit for conformance with all provisions of this Code of ordinances.

(*Ord. 3-76, 3/5/1976, §14-6100; as amended by Ord. 6-83, 8/8/1983*)

§27-1002. Required Mobile Home Park Register.

1. It shall be incumbent upon the proprietor of a mobile home park to keep a register and to report therein the name of the person or head of family occupying each mobile home, showing date of entry upon such land, license number of automobile, serial number, make, size, and description of mobile home, the last permanent address of the person or head of family using said mobile home, and the names of all persons using or living in said mobile home.

2. Said register and the mobile home park shall be subject to inspection periodically by the Borough Council.

3. The management of a mobile home park shall notify the Borough for tax purposes or any proper municipal purpose, whenever a mobile home is moved in or out of the park.

(*Ord. 3-76, 3/5/1976, §14-6101; as amended by Ord. 6-83, 8/8/1983*)

§27-1003. Objectives in Reviewing Site Plans Pursuant to Granting a Mobile Home Park Permit.

In considering and acting upon site plans for mobile home parks, the Planning Commission shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the intent of the Borough's Comprehensive Plan, and the accomplishment of the following objectives in particular:

A. *Traffic Access.* That all proposed access ways are adequate but not excessive in number; adequate in width, grade, alignment, and visibility; not located too near existing street corners or other places of public assembly; and other similar safety considerations.

B. *Circulation and Parking.* That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of persons connected with or visiting the mobile home park, and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking lots.

C. *Landscaping and Screening.* That playground, parking, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the site is in character with that generally prevailing in the neighborhood. Existing trees over 8 inches in diameter measured 4½ feet above the average ground level shall be retained to the maximum extent possible.

D. *Illumination.* That lighting from the installation of outdoor spot or flood lighting will be properly shielded so that such lighting will not adversely affect any abutting property or public street.

E. That all Borough or State requirements pertaining to health, safety, drainage, signs, slopes, prevention of nuisances, and other pertinent matters are adequately provided for.

(Ord. 3-76, 3/5/1976, §14-6102; as amended by Ord. 6-83, 8/8/1983)

§27-1004. Park Site Requirements.

1. The park site shall be well drained and have such grades and soil as to make it suitable for the purpose intended.

2. All such parks shall be planned as a unit and shall be located on a tract of land at least 10 acres in size. The area of said site shall be in single ownership or under unified control.

(Ord. 3-76, 3/5/1976, §14-6103; as amended by Ord. 6-83, 8/8/1983)

§27-1005. Lot Requirements.

1. All lots shall be well drained and graded for safe parking of mobile homes. In all instances as much natural vegetation as possible shall be preserved by the developer.

2. Individual lots shall contain at least 5,000 square feet of lot area and shall not be less than 50 feet wide at the building setback line exclusive of easements.

3. The maximum number of lots that may be approved shall be computed by subtracting from the total gross area a fixed percentage of 10 percent of said area for usable open space and dividing the remaining 90 percent of the area by the minimum lot requirements set forth above.

4. In determining the total gross area of the plot for purposes of defining the maximum number of lots, any lands which are located within a floodplain, which are subject to either periodic flooding or chronic wetness, which are occupied by public utility easements, or which have a slope in excess of 25 percent in such a manner as to

prevent their use shall not be included.

(*Ord. 3-76, 3/5/1976, §14-6104; as amended by Ord. 6-83, 8/8/1983*)

§27-1006. Setback Requirements.

1. Mobile homes shall be located at least 75 feet from any street right-of-way which abuts a mobile home park boundary, and at least 50 feet from any other park boundary.

2. There shall be a minimum distance of 25 feet between an individual mobile home and adjoining pavement of a park street or common parking area or other common areas.

3. All mobile homes shall be separated from each other and from other buildings by at least 20 feet.

(*Ord. 3-76, 3/5/1976, §14-6105; as amended by Ord. 6-83, 8/8/1983*)

§27-1007. Park Street System.

1. *Access.* Access to a mobile home park shall be designed to minimize congestion and hazards at the entrance or exits and allow free movement of traffic on adjacent streets. A mobile home park shall be provided with at least two points of ingress and egress, and a distance of at least 150 feet shall be maintained between center lines of access streets.

2. *Lot Access.* A mobile home park shall be provided with safe and convenient paved access streets to and from each and every mobile home lot. Alignment and gradient shall be properly adapted to topography.

3. *Streets.* All streets within a mobile home park shall conform to the street design standards set forth in the Subdivision and Land Development Ordinance [Chapter 22].

(*Ord. 3-76, 3/5/1976, §14-6106; as amended by Ord. 6-83, 8/8/1983*)

§27-1008. Required Off-Street Parking.

1. Off-street parking areas for occupants and guests shall be provided at the rate of at least two vehicular parking spaces for each mobile home lot.

2. Each parking space shall contain at least 200 square feet and shall not exceed a distance of 200 feet from the lot it is intended to serve.

(*Ord. 3-76, 3/5/1976, §14-6107; as amended by Ord. 6-83, 8/8/1983*)

§27-1009. Utility Improvements.

1. *Water Distribution.* A continuing supply of safe, potable water approved by the State Department of Environmental Resources and the Borough shall be provided to each mobile home lot line.

2. *Sewage Disposal.* All mobile home parks shall provide to each separate mobile home lot a connection to a centralized sanitary sewage disposal system which shall be approved by the State Department of Environmental Resources and the Borough.

3. No mobile home park permit shall be issued until the sewage disposal and water distribution systems for the park have been approved by the State Department

of Environmental Resources. Pollution of any natural watercourse shall be prohibited.

4. *Electrical Distribution.* All mobile home parks shall have an underground electrical distribution system which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.

5. *Natural Gas System.*

A. Natural gas piping systems in mobile home parks shall be installed and maintained in conformity with accepted engineering practices.

B. Each lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharges of gas when the outlet is not in use.

6. *Liquified Petroleum Gas.* Liquified petroleum gas systems provided for mobile homes, service buildings, or other structures shall include the following:

A. Systems shall have safety devices to relieve excessive pressure and shall be located so that the discharge terminates at a safe location.

B. Systems shall have at least one accessible means for shutting off the gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

C. All LPG piping outside the mobile home shall be supported and protected against mechanical injury. Undiluted petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

D. Vessels of more than 12 and less than 60 gallons gross capacity must be securely but not permanently fastened to prevent accidental overturning.

E. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure unless such installations are specially approved by the Zoning Officer or Code Enforcement Officer. [Ord. 5-92]

7. *Fuel Oil Supply Systems.*

A. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with such rules and regulations as shall be required by the Planning Commission on recommendation of the Borough Engineer.

B. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely but not permanently fastened in place.

C. All fuel oil supply systems to mobile homes, service buildings, and other structures shall have shutoff valves located within 5 inches of storage tanks.

D. All fuel oil tanks or cylinders shall be securely placed and shall be not less than 5 feet from any mobile home exit.

E. Storage tanks located in areas subject to traffic shall be protected against physical damage.

(Ord. 3-76, 3/5/1976, §14-6108; as amended by Ord. 6-83, 8/8/1983; and by Ord. 5-92, 6/8/1992)

§27-1010. Usable Open Space.

1. Mobile home parks shall provide not less than 10 percent of the total land area

for usable open space purposes. Said space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and accessible to all park residents.

2. Exposed ground in all parts of the park shall be protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather, or shall be paved or covered with stone screenings or other solid material.

3. Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

(*Ord. 3-76, 3/5/1976, §14-6109; as amended by Ord. 6-83, 8/8/1983*)

§27-1011. Buffer Strips.

A suitably screened or landscaped buffer strip at least 10 feet wide, approved by the Planning Commission shall be provided by the developer along all property and street boundary lines.

(*Ord. 3-76, 3/5/1976, §14-6110; as amended by Ord. 6-83, 8/8/1983*)

§27-1012. Walkways.

1. The Planning Commission may require that a common walkway system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of 4 feet.

2. The Planning Commission may require that mobile home lots be provided with individual walks connected to common walks, to paved streets, or to paved driveways or parking places. Such individual walks shall have a minimum width of 2 feet.

(*Ord. 3-76, 3/5/1976, §14-6111; as amended by Ord. 6-83, 8/8/1983*)

§27-1013. Signs and Lighting.

1. Signs may be permitted in accordance with the provisions of Part 7 or of special provisions set out by the Planning Commission.

2. All means of ingress and egress, walkways, streets, and parking lots shall be adequately lighted.

(*Ord. 3-76, 3/5/1976, §14-6112; as amended by Ord. 6-83, 8/8/1983*)

§27-1014. Other Site Improvements.

1. One public telephone shall be provided.

2. The park operator shall require that a fire extinguisher of a type approved by the Fire Marshal be maintained in each mobile home and in all public service buildings under park control.

3. Provision must be made by the park operator to have garbage collected at least once every week.

4. Each lot shall be provided with a 4 inch concrete slab on a stable surface at least 10 feet by 18 feet in size for use as a terrace, and so located as to be adjoining and parallel to the mobile home.

5. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to

inhibit decay and deterioration of the structure.

6. Television reception service shall be provided from a centralized antenna and subject to Planning Commission approval.

(*Ord. 3-76, 3/5/1976, §14-6113; as amended by Ord. 6-83, 8/8/1983*)

§27-1015. Exclusive Use for Residential Purposes.

No part of any mobile home park shall be used for any nonresidential purpose, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

(*Ord. 3-76, 3/5/1976, §14-6114; as amended by Ord. 6-83, 8/8/1983*)

§27-1016. Supervision of Placement.

The management of a mobile home park shall supervise the placement of a mobile home, including the anchoring of the home and the installation of utilities.

(*Ord. 3-76, 3/5/1976, §14-6115; as amended by Ord. 6-83, 8/8/1983*)

§27-1017. Sale or Transfer of Individual Mobile Homes.

Nothing contained in this Part shall be deemed as prohibiting the sale of a mobile home located on an individual lot and connected to the pertinent utilities.

(*Ord. 3-76, 3/5/1976, §14-6116; as amended by Ord. 6-83, 8/8/1983*)

Part 11**Nonconforming Lots, Uses, Structures and Buildings****§27-1101. Statement of Intent.**

1. Within the zoning districts established in this Chapter or subsequent amendments thereto, there exist or will exist certain nonconformities which, if lawful before this Chapter was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Chapter or subsequent amendments thereto.

2. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and on which actual building construction has been diligently carried on.

(Ord. 3-76, 3/5/1976, §14-7001)

§27-1102. Nonconforming Lots of Record.

1. In any district structures and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that front and back yard dimensions and requirements, other than those applying to area, shall conform to the regulations for the district. Unless meeting the requirements of §27-509, "Setback Exceptions," with respect to permitted modifications in front or back yard depth, variances of front or back yard requirements shall be obtained only through action of the Zoning Hearing Board.

2. Side yard dimensions and requirements for lots less than 100 feet wide may be reduced to 20 percent of the lot width as computed at the building line, but in no case shall the combined depth of the two side yards be less than 25 feet nor the depth of either side yard be less than 10 feet. Variances of the side yard requirements exceeding the above minimum distances shall be obtained only through action of the Zoning Hearing Board.

(Ord. 3-76, 3/5/1976, 514-7002)

§27-1103. Nonconforming Uses of Land.

Lawful uses of land, which at the effective date of this Chapter, or as a result of subsequent amendments thereto, become nonconforming, and where such use involves no individual structure or building with a replacement cost exceeding \$2,500, such nonconforming use or uses may be continued by the present or any subsequent owner so long as it remains otherwise Lawful, subject to the following provisions:

A. *Extension.* No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was owned or leased by the user at the effective date of adoption of subsequent amendment of this Chapter.

B. *Discontinuance.* Whenever a nonconforming use has been discontinued for a period of 6 consecutive months, such use shall not thereafter be reestablished. Any future use shall be in conformity with the provisions of this Chapter.

C. *Changes or Moving of Use.* A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.

D. *Additional Structures or Buildings.* No additional structures or buildings not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

(Ord. 3-76, 3/5/1976, §14-7003)

§27-1104. Nonconforming Structures or Buildings.

Structures or buildings which at the effective date of this Chapter or subsequent amendments thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning buildings or structures, may be continued to be used so long as any such structure or building remains otherwise lawful, subject to the following provisions:

A. *Enlargement.* No such nonconforming structure or building may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. *Damage or Destruction.* A nonconforming structure which is destroyed by fire, explosion, or by any means to an extent of 75 percent or more of the market value thereof immediately prior to such damage or destruction shall not be repaired or restored to a nonconforming status, but shall be reconstructed and used only in conformity with the provisions of this Chapter, unless construction is begun within 6 months after the destruction or partial destruction has taken place.

C. *Moving of Structure or Building.* No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

(Ord. 3-76, 3/5/1976, §14-7004)

§27-1105. Nonconforming Uses of Structures or Buildings.

Lawful uses of structures or buildings which at the effective date of this Chapter or as a result of subsequent amendments thereto become nonconforming, may be continued by the present or any subsequent owner so long as such use remains lawful, subject to the following provisions:

A. *Extension.* A nonconforming use may be extended throughout any part of an existing structure or building, provided that any structural alterations, extensions, or additions shall comply with all provisions of this Chapter with respect to height, area, width, yard, and coverage requirements for the zoning district in which the structure or building is located. However, such extension of a nonconforming use shall not exceed 50 percent of the gross floor area occupied by

said nonconforming use at the time such nonconforming use became nonconforming.

B. *Change of Use.* A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate, or more appropriate in the zoning district than the existing nonconforming use.

C. *Discontinuance.* Whenever a nonconforming use of a structure or building or portion thereof has been discontinued or abandoned for 6 consecutive months, the structure or building or portion thereof shall not thereafter be used for a nonconforming use.

D. *Destruction.* Removal or destruction of a structure or building in which a nonconforming use is located shall eliminate the use of the land upon which the structure or building was erected for a nonconforming use. Destruction for the purpose of this subsection is defined as damage to an extent of 75 percent or more of the market value of the structure or building immediately prior to such damage or destruction. However, if construction begins within 6 months after destruction or partial destruction occurs, the same nonconforming use, or a use that is more appropriate in the zoning district, according to the Zoning Hearing Board, may be carried on.

(Ord. 3-76, 3/5/1976, §14-7005)

§27-1106. Uses under Special Exception Not Considered Nonconforming.

Any use that is permitted as a special exception in a zoning district under the terms of this Chapter (other than change through Zoning Hearing Board action from one nonconforming use to another) shall not be deemed a nonconforming use in such zoning district, but shall without further action be considered a conforming use.

(Ord. 3-76, 3/5/1976, §14-7006)

§27-1107. Registration of Nonconforming Uses and Structures.

The Zoning Officer or Code Enforcement Officer may prepare and maintain an accurate listing, by district, of all uses and structures not permitted by right in the district, for which no special exception or variance has been issued, or which otherwise fail to comply with the provisions of this Chapter. This listing shall be a matter of public record and shall constitute sufficient notice of the nonconforming use and the limitations therein expressed or implied to any transferee acquiring any right to use or own such property.

(Ord. 3-76, 3/5/1976, §14-7007; as amended by Ord. 5-92, 6/8/1992; and Ord. 4-01, 6/11/2001)

Part 12**Zoning Hearing Board****§27-1201. Zoning Hearing Board.**

1. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*

2. The membership of the Board shall consist of three residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be for 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

6. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

(*Ord. 3-76, 3/5/1976, §§14-8001, 14-8002; as amended by Ord. 2-86, 3/10/1986; and by Ord. 5-92, 6/8/1992*)

§27-1202. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall

be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing.

B. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

C. 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, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

D. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

E. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

F. 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.

G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

I. 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, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

J. 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 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings

of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, 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 within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

K. 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 a statement of the place at which the full decision or findings may be examined.

L. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

(*Ord. 3-76, 3/5/1976, §14-8005; as amended by Ord. 2-86, 3/10/1986; and by Ord. 5-92, 6/8/1992*)

§27-1203. Jurisdiction.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. Appeals from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.*

2. The Borough Council, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 *et seq.*

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the Zoning Officer or the Borough engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.* Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the

applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(*Ord. 3-76, 3/5/1976; as amended by Ord. 2-86, 3/10/1986; and by Ord. 5-92, 6/9/1992*)

§27-1204. Board Calendar.

Each application or appeal filed in the proper form with the required data, must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. All hearings must be fixed at reasonable times.

(*Ord. 3-76, 3/5/1976, §14-8004*)

§27-1205. Variances.

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 3-76, 3/5/1976, §14-8006; as amended by Ord. 5-92, 6/8/1992*)

§27-1206. Special Exception Requirements and Procedures.

1. *Special Exceptions.* Where the Borough Council, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* [Ord. 5-92]

2. *General Standards.* A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:

A. The proposed use, including its nature, intensity, and location, is in harmony with the orderly and appropriate development of the district.

B. That adequate water supply, sewage disposal, storm drainage, and fire and police protection can be provided for the use.

C. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature, and height of buildings, wall, and fences.

D. That the use will have proper location with respect to existing or future streets giving access to it and will not create traffic congestion or cause industrial or commercial traffic to use residential streets.

E. That the specific standards set forth for the particular use for which a special exception may be granted have been met.

F. That the use is one which is specifically authorized as a special exception in the zoning district wherein the applicant seeks the special exception.

G. That the use is found by the Board to be in harmony with the general purposes and intent of this Chapter and will not adversely affect the conservation of property values nor the health and safety of residents or workers on adjacent properties in the general neighborhood.

3. The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

4. Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a Zoning or Building Permit within 6 months of the date of authorization of the special exception.

(Ord. 3-76, 3/5/1976, §14-8007; as amended by Ord. 5-92, 6/8/1992)

§27-1207. Conditional Uses.

Where the Borough Council, in this Chapter, has stated conditional uses to be granted or denied by the Borough Council pursuant to express standards and criteria, the Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes

of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 3-76, 3/5/1976; as amended by Ord. 5-92, 6/8/1992*)

§27-1208. Parties Appellant Before the Board.

Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code), procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

(*Ord. 3-76, 3/5/1976; as amended by Ord. 5-92, 6/8/1992*)

§27-1209. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

(*Ord. 3-76, 3/5/1976, §14-8008; as amended by Ord. 5-92, 6/8/1992*)

§27-1210. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged

ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

(Ord. 3-76, 3/5/1976, §14-8009; as amended by Ord. 5-92, 6/8/1992)

Part 13**Administration and Enforcement****§27-1301. Appointment and Powers of Zoning Officer.**

1. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed.

2. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.

3. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

5. The Zoning Officer and the Code Enforcement Officer may be one and the same.

(*Ord. 3-76, 3/5/1976, §§13-9001, 13-9002; as amended by Ord. 5-92, 6/8/1992*)

§27-1302. Zoning Permits Required.

1. No building, structure, fence, wall, or sign having a life expectancy of more than 30 days (except signs offering the sale or rental of real estate) shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a zoning permit therefore, issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Chapter, or upon written order of the Zoning Hearing Board in the form of a special exception, variance, or as otherwise provided for by this Chapter, and applicable laws, or any court of competent jurisdiction. [*Ord. 2-83*]

2. All applications for a zoning permit shall be made in accordance with the provisions and requirements of Chapter 5, "Code Enforcement," of the Borough Code and of the applicable provisions of the BOCA National Building Code [Chapter 5, Part 3] currently being used by the Borough of Carroll Valley. In addition, the Zoning Officer may specify additional information necessary for the enforcement of this Chapter.

(*Ord. 3-76, 3/5/1976, §13-9003; as amended by Ord. 2-83, 6/13/1983; and by Ord. 5-92, 6/8/1992*)

§27-1303. Zoning Permit Approval.

1. One copy of the application for a zoning permit with accompanying required documents shall be returned to the applicant by the Zoning Officer after he shall have marked such copy and documents as approved or disapproved and shall attest to same by his signature on such copy.

2. One copy of the application and accompanying documents shall be retained by the Zoning Officer for his permanent records.

3. A zoning permit shall be issued or the application disapproved within 15 days

from the date of application.

(Ord. 3-76, 3/5/1976, §13-9004)

§27-1304. Expiration of a Zoning Permit.

A zoning permit shall expire within 1 year from date of issuance, except that extensions may be requested in writing, and such extensions may be granted by the Zoning Officer for good reason.

(Ord. 3-76, 3/5/1976, §13-9005)

§27-1305. Certificate of Use and Occupancy Required.

A certificate of use and occupancy and other applicable certificates shall be required upon completion of the work contemplated in accordance with the provisions of Chapter 5 of the Code of ordinance and of this Chapter.

(Ord. 3-76, 3/5/1976, §13-9006)

§27-1306. Fees, Charges, and Expenses.

1. The Borough Council shall establish the schedule of fees, charges, expenses, and collection procedures for zoning permits, certificates of use and occupancy, special exceptions, variances, appeals, and other matters pertaining to this Chapter.

2. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. 3-76, 3/5/1976, §13-9007)

§27-1307. Enactment of Zoning Ordinance Amendments.

1. The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.

2. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least 1 week prior to the date of the hearing.

3. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. At least 30 days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the County planning

agency for recommendations.

6. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the County planning agency.

(*Ord. 3-76, 3/5/1976, §§13-9008-9010; as amended by Ord. 5-92, 6/8/1992*)

§27-1308. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §610 and §916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Borough Council. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(*Ord. 3-76, 3/5/1976; as amended by Ord. 5-92, 6/8/1992*)

§27-1309. Procedure for Borough Curative Amendments.

1. If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

A. The Borough shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days of such declaration and proposal the Borough Council shall:

(1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

(a) References to specific uses which are either not permitted or not permitted in sufficient quantity.

(b) Reference to a class of use or uses which requires revision.

(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

2. Within 180 days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subparagraph (1), the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection .1.A. Upon completion of the procedures set forth in subsection .1 and .2, no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Borough, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 3-76, 3/5/1976; as amended by Ord. 5-92, 6/8/1992)

§27-1310. Enforcement Notice.

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on

which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Borough intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(*Ord. 3-76, 3/5/1976; as amended by Ord. 5-92, 6/8/1992*)

§27-1311. Causes of Action.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

(*Ord. 3-76, 3/5/1976, §13-9012; as amended by Ord. 5-92, 6/8/1992*)

§27-1312. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that

there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

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

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 3-76, 3/5/1976, §13-9013; as amended by Ord. 5-92, 6/8/1992)

**Table 27-A-1
Amendments to Official Zoning Map**

Description/Location	Nature of Change	Date of Change
Map 19-Parcel 2** (Western face of McKee's Hill)	From R2 to WC	12/9/76*
Map 19-Parcel 1** (Eastern face of McKee's Hill)	From WC to RC	12/9/76*
Lots A-1C to A-15C (On Pa Rt. 116 between Spring Trail and Deer Trail)	From R2 to C2	8/13/77
Lots A-16C and A-17C (On Deer Trail)	From R2 to C2	8/13/77
Map 39-Parcel 1 and Map 38-Parcel 25** (On Pa. Rt. 116)	From WC to C2	8/13/77
Map 10-Parcel 6 (On Pa. Rt. 116)	From R2 to C2	8/12/78*
Map 38-Parcel 48** (On Pa. Rt. 16)	From WC to C1	8/12/78*
Lots D-13, D-14, D-15 & Lot #19-2** (Bounded by East Wind and Ultra Trails)	From R2 to RC	5/11/81
Map 24-Parcel 10** (On Pa. Rt. 116)	From R2 to C2	6/13/83
A portion of Map 15-Parcel (On north side of Sanders Road, east of Country Club Trail)	From R1 to RC	8/13/84
Map 24-Parcel 56 and Map 24-Parcel 56A** (5.17 acres) (On west side of Pa. Rt. 116, north of Skylark Trail)	From WC to C2	9/8/86
Map 10-Parcel 3** 2 Sanders Road	From RI to C2	3/14/88
Map 10-Parcel 4** 20 Sanders Road	From R1 to C2	5/9/88
Map 14 Parcel 3 (Partial) (Lots A-200, 201, 202, 203)	From R2 to WC	5/14/01
Map 14 Parcel 3 (Partial) Lots 1-A & 2-A on a Subdivision Plan dated May 14, 2000, as revised	From WC to C2	5/14/01
Map 14 Parcel I (Partial) (Deed: 1782-162 on a Subdivision Plan dated May 14, 2000, as revised)	From WC to C2	5/14/01

Description/Location	Nature of Change	Date of Change
Map 5 Parcel 98, Tract 2 (1.125 acre tract on a Subdivision Plan dated October 23, 2002)	From A to R2	3/11/03
*Ordained by <i>Ord. 3-81</i> , 9/9/1981		
**Adams County Mapping Department Designation		
***Adams County Mapping Department Designation		
(Ord. 3-76, 3/5/1976; as amended by <i>Ord. 7-77</i> , 8/13/1977; by <i>Ord. 3-81</i> , 9/9/1981; by <i>Ord. 5-81</i> , 5/1/1981; by <i>Ord. 3-83</i> , 6/13/1983; by <i>Ord. 2-84</i> , 8/13/1984; by <i>Ord. 4-86</i> , 9/8/1986; by <i>Ord. 3-88</i> , 3/14/1988; by <i>Ord. 10-88</i> , 5/9/1988; by <i>Ord. 2-01</i> , 5/14/2001; and by <i>Ord. 1-03</i> , 3/11/2003)		

Table 27-A-2

Parcels Rezoned From WC or RC to C1 or C2

(Reserved for future use)

