

**ZONING ORDINANCE
BOROUGH OF HYDETOWN**

2006

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Hydetown Borough Zoning Ordinance

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This project was financed, in part, by a Land Use Planning and Technical Assistance Program (LUPTAP) grant from the Commonwealth of Pennsylvania, Department of Community and Economic Development.

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**ZONING ORDINANCE
BOROUGH OF HYDETOWN, PENNSYLVANIA**

ARTICLE 1 - GENERAL PROVISIONS

101 Title: The official title of this Ordinance is: "Zoning Ordinance, Borough of Hydetown, Pennsylvania."

102 Effective Date: This Ordinance shall become effective twenty (20) days after final passage by Council.

103 Compliance: No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

104 Severability: The provisions of this Ordinance shall be severable, and, if any of its provisions shall be unconstitutional, the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional provisions not been included therein.

105 Repeal: All ordinances or part thereof conflicting herewith be and the same are hereby repealed. Specifically repealed are Ordinance 143 of November 5, 1979 and all amendments thereto.

106 Authority: This Ordinance is adopted pursuant to the powers granted to the Borough by Article VI and Section 601 of the Pennsylvania Municipalities Planning Code.

107 Purpose and Provisions: The purposes and provisions of this Ordinance are those as set forth by Sections 603, 603.1, and 604 of the Pennsylvania Municipalities Planning Code.

108 Statement of Community Development Objectives: To implement the Oil Creek Regional Comprehensive Plan, as amended, adopted on _____.

1. To preserve the essential character of Hydetown as a pleasant residential community.
2. To guide and regulate development in order to protect the current on-lot water supply and septic systems.
3. To allow for residential development of single-family dwellings.
4. To protect the existing commercial uses, fostering the orderly and selective growth in businesses in appropriate locations.

5. To protect the existing industrial uses, while discouraging any additional development—industrial use that is more suitable to areas outside of Hydetown Borough.
6. To protect and develop the agriculture uses of land in the Borough.
7. To guide development into locations and patterns, which will serve to protect property values and preserve residential neighborhood character where such character has been established, preventing incompatible uses of building and sites, which would have the effect of undermining such values and neighborhood character.
8. To allow citizens maximum opportunities to develop their property consistent with the other objectives of this Ordinance.
9. To regulate building development in areas designated as subject to the hazards of flooding.
10. To protect existing recreation areas and allow for their development and expansion.
11. This Ordinance does not foresee the development of public sewer and water in Hydetown.
12. To provide for the reasonable regulation of drilling of gas wells and transmission of gas in Hydetown Borough consistent with Commonwealth law.

ARTICLE 2 - DISTRICT REGULATIONS

201 Zoning Map: A map entitled "Zoning Map, Borough of Hydetown, Pennsylvania" is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file available for examination at the Borough Office. Copies of the Zoning Map, together with the Zoning Ordinance, shall be made available to the general public by the Borough at a reasonable fee to be determined by resolution of Borough Council.

202 Zoning Districts: The Borough is divided into the districts stated in this Ordinance as shown by the district boundaries on the Zoning Map. The districts are:

202.10 Residential Districts: Districts designated primarily for residential use are for dwellings and the uses normally associated with residential neighborhoods. Such uses include schools, churches and parks. The R/M-3 District permits a wider range of activities. The specific purpose of each of the residential districts is as follows:

202.11 R-1 Village Residential Districts are for single-family, two-family residential developments and associated uses.

202.12 R-2 Rural Residential Districts are districts designed for low-density residential and agricultural uses. Home occupations and complementary uses are also permitted.

202.13 R/M-3 Residential-Mixed District is a district designed to accommodate a variety of residential uses along with selected commercial activities.

202.20 Industrial Districts: Districts designated for industry to provide space for continued development of the Borough's current industrial base. Development standards, parking specifications, and yard regulations are set forth in the Ordinance to assure industrial development is compatible with adjacent use.

202.30 Overlay Districts: In order to accommodate gas well drilling activities, consistent with the laws of Pennsylvania, and the welfare of Borough residents, there are two Overlay Districts, HVA (Hydetown Village Area), which applies to the developed areas of the Borough, and HRA (Hydetown Rural Area), which applies to the rural areas of the Borough.

203 District Boundaries: District boundaries that are shown within the lines of streets, streams, and transportation right-of-ways shall be deemed to follow the centerlines. The vacation of streets shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Ordinance.

204 Permitted Uses, Conditional Uses and Special Exceptions: The permitted uses, conditional uses and special exceptions for each district are shown in the following sections and are considered principal uses unless clearly noted. Conditional uses are to be granted or denied by the Borough Council after the recommendation of the Planning Commission and in accordance with the provisions of this Ordinance. Special exceptions are to be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a conditional use or special exception, the Borough Council or the Zoning Hearing Board, as the case may be, may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood. Permitted uses will be approved or denied by the Zoning Officer according to the provisions of this Ordinance. There are two Overlay Districts used in this Ordinance, specifically intended for the regulation of gas drilling. An overlay district sets forth additional regulations in addition to those of the primary zoning district. *Please note: Some permitted uses have additional conditions with the section number shown in parenthesis. Not all permitted uses have additional conditions.*

Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 6. Only one (1) principal use per lot in the R-1 and R-2 Districts will be allowed.

204A Special Provisions: This section is intended to comply with the requirements of §603(C) of the Pennsylvania Municipalities Planning Code:

1. Prime Agricultural Land: The Borough of Hydetown is a rural place and is not fully developed. There are active farms currently within its borders. Provision for agriculture is found in the R-2 Rural Residential District.
2. Historic Preservation: The Borough of Hydetown supports the concept of historic preservation and will entertain proposals to create Historic Districts under Act 167 of 1961.
3. Forestry: The practice of forestry, including timber harvesting is declared as a permitted use in all districts. It is subject to the following conditions:
 - a. Any harvesting shall present an approved erosion and sediment control plan prior to the issuance of a zoning permit.
 - b. In all districts but the R-1 Village and R/M-3 Residential Mixed Districts, to avoid traffic congestion and sound disturbance, all activities must start after 7:00 a.m. and end by 8:00 p.m. during the week. No Sunday work shall be permitted.

204.10 R-1 VILLAGE RESIDENTIAL DISTRICT

Permitted Uses

Forestry (204A.3)	Essential Services (<i>see def.</i>)
One-Family Dwellings (<i>see def.</i>)	No-Impact Home-Based Business (<i>see def.</i>)
Parks and Playgrounds, Public (<i>see def.</i>)	Family Day Care Homes (205.23)
Accessory Uses and Buildings (<i>see def.</i>)	Churches
Post Office	Boarding and Rooming Home (205.17)
	Fire Departments

Conditional Uses

Home Occupations (205.11)	Public Utility Substations (205.10)
Two-Family Dwellings (205.27)	Bed and Breakfast (205.15)
Group Day Care Homes (205.23)	Conversion Dwellings (205.19)
Personal Care Homes (205.18)	

204.11 R-2 RURAL RESIDENTIAL DISTRICT

Permitted Uses

Forestry (204A.3)	Essential Services
One-Family Dwellings (<i>see def.</i>)	Churches
Parks and Playgrounds, Public (<i>see def.</i>)	No-Impact Home-Based Business (<i>see def.</i>)
Family Day Care Home (205.23)	Home Occupations (205.11)
Two-Family Dwellings (205.27)	Agricultural Uses (310) (<i>see def.</i>)
Boarding and Rooming Houses (205.17)	Communications Antennas (205.22)
Accessory Uses and Buildings (<i>see def.</i>)	

Conditional Uses

Cemeteries (205.32)	Personal Care Homes (205.18)
Bed and Breakfast (205.15)	Boarding and Rooming Homes (205.17)
Group Day Care Homes (205.23)	Schools (205.12)
Veterinarians (205.13)	Funeral Homes (205.16)
Kennels and Animal Care (205.13)	Assisted Living Facilities (205.28)
Communications Towers (205.22)	Conversion Dwellings (205.19)
Public Utility Substations (205.10)	Mobile Home Parks (205.33)

204.12 R/M-3 RESIDENTIAL-MIXED-USE DISTRICT

Permitted Uses

Forestry (204A3)	Conversion Dwellings (205.19)
One-Family Dwellings	Boarding and Rooming Homes (205.17)
Parks and Playgrounds, Public* (<i>see def.</i>)	Banks (including drive-through)
Essential Services	Business Offices (205.21)
Churches	Professional Services (205.21)
No Impact Home-Based Business (<i>see def.</i>)	Public/Semi-Public Uses
Group and Family Day Care (205.23)	Limited Retail Business (<i>see def.</i>)
Two-Family Dwellings (205.27)	Copy Shops
Accessory Uses and Buildings (<i>see def.</i>)	Personal Services (<i>see def.</i>)

Conditional Uses

Home Occupations (205.11)	Funeral Homes (205.16)
Auto Sales and Service (205.14)	Convenience Stores (205.20)
Day Care Centers (205.23)	Personal Care Homes/Adult Day Care (205.18)
Eating and Drinking Places (205.24)	Assisted Living Facilities (205.28)
Bed and Breakfast (205.15)	Self-Storage Facilities (205.26)
Assisted Living Facilities (205.28)	
Public Utility Substation Facilities (205.10)	

NOTE: THIS DISTRICT IS ON HOLD (See Section 202.3)

204.13 M-1 INDUSTRIAL DISTRICT

Permitted Uses

Business Offices	Cement Supply and Sales
Forestry (204A.3)	Accessory Uses and Buildings (<i>see def.</i>)
Signs/Outdoor Advertising	Essential Services
Contractor Yard	Communication Antennas (205.22)
Sand and Gravel Extracting and Sales Processing	Utility Substations/Facilities (205.10)

Conditional Uses

Communications Towers/Antennas (205.22)

204.14 HVA HYDETOWN VILLAGE AREA DISTRICT (OVERLAY)

Permitted Uses

None

Special Exceptions

None

Conditional Uses

Gas Wells C (205.29)
Gas Transmission Lines (205.30)

204.15 HRA HYDETOWN RURAL AREA DISTRICT (OVERLAY)

Permitted Uses

Gas Wells (205.31)

Special Exceptions

None

Conditional Uses

Gas Transmission Lines (205.30)

205 Permitted Uses with Conditions, Conditional Uses and Special Exceptions:

The criteria for permitted uses with conditions, conditional uses and special exceptions are listed below. In addition to these, the Zoning Hearing Board, in granting special exceptions, and Borough Council/Planning Commission in considering conditional uses, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a special exception or conditional use, the Board or Council (as appropriate) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance. Permitted uses that have conditions attached will be granted or denied by the Zoning Officer based upon the criteria set forth in this section as well as other appropriate sections of this Ordinance; however, no conditions will be attached.

205.10 Public Utility Substations/Facilities: Such uses are permitted, with condition, to allow public utilities to adequately service the Borough. They shall include service structures and aboveground facilities, such as vent pipes.

- a. Shall be landscaped to present a minimum intrusion upon the neighborhood.
- b. May be enclosed by a security fence of no more than eight (8) feet, notwithstanding any other section of this Ordinance.
- c. No outdoor storage shall be permitted.
- d. Are not to be used as garage or maintenance facilities.
- e. May be on lots smaller than the minimum allowed in the zoning district.

205.11 Home Occupations:

- a. A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. *Note: Home Occupations and No Impact Home-Based Businesses are separate uses.* The following conditions for home occupations shall be observed:
 1. The occupation is carried on by a member of the family residing in the dwelling unit, with not more than one (1) employee who does not reside in the home.
 2. The occupation shall be carried on wholly within the principal structure.
 3. There shall be no exterior display, no exterior sign other than permitted by this Ordinance, no exterior storage of materials and no exterior indication of the home occupation or variation from the residential character of the principal structure.

4. No offensive odor and no vibration, smoke, dust, heat or glare shall be produced.
 5. Any retail sales shall consist primarily of items made on premises. No more than twenty-five percent (25%) of on-premises sales shall be from items not made on the premises.
 6. The occupation shall occupy no more than twenty-five percent (25%) of the principal structure.
- b. Home occupations may include, but are not limited to, art studios; dressmaking; professional offices of physicians, dentists, lawyers, engineers, architects or accountants; real estate offices; home offices; insurance offices; barbershops and beauty parlors; or teaching. However, a home occupation shall not be interpreted to include auto or internal combustion motor repair/service, woodworking, small motor repair, kennels or restaurants.

205.12 Schools, Hospitals and Nursing Homes:

- a. Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- b. Shall be located on a public street with a minimum paved cartway of twenty-four (24) feet.
- c. The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- d. All parking and recreation/play areas that abut residential uses shall be screened.
- e. Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- f. All necessary licenses or permits issued by county, state or federal agencies shall be presented to the Board and required licenses, certificates or permits shall be a condition for approval.

205.13 Veterinarians, Kennels and Animal Care are subject to the following express standards and criteria:

- a. Dog kennels, other than those accessory to veterinary establishments, shall have lots of two (2) acres or more in size.
- b. Dog kennels shall be located at least two hundred (200) feet from any property line.

- c. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a buffer area as defined by this Ordinance which is at least six (6) feet in depth.

205.14 Automobile Sales and Services, subject to the following express standards and criteria:

- a. All repair, servicing, customer car washing and sales shall be conducted within an enclosed building.
- b. All property lines adjoining residential use or zoning classification shall be screened by a buffer area as defined by this Ordinance, which is at least ten (10) feet in depth measured from the property line.
- c. Customer vehicles with external damage that are awaiting repairs shall be located inside a building or shall be screened by a hedge or opaque fence so they will not be visible from adjacent properties or streets.
- d. Outdoor sales areas shall be covered with a dust-free surface, and shall be maintained free of debris and obstructions. No merchandise shall be displayed closer than five (5) feet to any property line.
- e. All outdoor lighting shall be located at least ten (10) feet from any street right-of-way and shall be shielded and reflected away from adjacent properties and public streets.

205.15 Bed and Breakfast: Such uses are intended to provide overnight or short-term [not more than two (2) weeks] accommodations for transient guests in a homelike atmosphere. They must meet the following regulations:

- a. All signs shall conform to this Ordinance.
- b. No more than five (5) guest rooms will be permitted.
- c. One (1) off-street parking space for each guest room shall be required. Parking shall be on-lot or may be provided within four hundred (400) feet of the facility.
- d. The only meal served shall be breakfast and that shall only be provided to guests.
- e. The facility shall comply with state law regarding such facilities.
- f. They shall be owner-occupied.

205.16 Funeral Homes: Funeral homes shall meet the following criteria:

- a. For the conversion of an existing structure with approved on-lot water and sewer services, a lot size of at least sixty thousand (60,000) square feet shall be required. For new facilities, a lot of one-and-one-half (1½) acre is needed.
- b. At least twenty (20), paved, on-lot parking spaces shall be provided with an additional five (5) spaces for each additional viewing parlor after the first one (1).
- c. The driveway system shall be arranged so the hearse and funeral cortege formation will be completed on the lot and not on a public street.

205.17 Rooming/Boarding Homes:

- a. Must meet all Borough health and safety code requirements.
- b. May not house more than four (4) roomers/boarders.
- c. Shall not adversely affect the character of the surrounding neighborhood.
- d. Shall provide off-street parking per Section 302.

205.18 Personal Care Boarding Homes for Adults and Adult Day Care: The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. Also, the resident owner of the facility shall operate it. In addition, such uses shall meet the following conditions:

- a. Signs or exterior display indicating the name of the home or its use shall not exceed that allowed by this Ordinance.
- b. At least one (1) additional on-lot parking space shall be provided for each two (2) guests for facilities offering overnight or long-term accommodations.
- c. No home shall have more than six (6) guests/clients at any one time.
- d. The type of home, along with any required local, county and/or state certifications or licenses shall be presented to the Board.

205.19 Conversion Dwellings: The purpose of the conversion dwellings is to allow for the conversion of older, larger single-family homes into multi-family units. To be allowed to convert from a single-family into duplex or multi-family units, the following criteria must be met:

- a. All dwelling units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.
- b. Each dwelling unit shall have a minimum size of five hundred (500) square feet exclusive of common space.
- c. All required parking shall be accommodated on lot and no parking in the front yard area, between the street and the structure, shall be permitted.
- d. Conversion shall be limited to two (2) dwelling units.
- e. All other Borough codes must be met.
- f. Septic approval needed by the Borough's Sewage Enforcement Officer.

205.20 Convenience Store:

- a. Any fuel pumps shall be at least thirty (30) feet from the front lot line and thirty (30) feet from each side lot line.
- b. No vehicle will be parked or stored along the front lot line except on a short-term basis [less than twelve (12) hours].
- c. Any lot line abutting a residential use or district shall provide appropriate screening. Such screening shall be at least ten (10) feet wide.
- d. Canopy structures shielding gasoline pumps shall be no closer than twenty (20) feet from the front lot line or may follow the average setback of the structures adjoining on each side and twenty (20) feet from each side lot line.
- e. Any outdoor mechanical or refrigeration equipment shall be muffled to minimize noise.
- f. All exterior lighting will be fully shielded.

205.21 Banks, Professional and Business Offices:

- a. Access shall be from a street with a pavement width of at least twenty-four (24) feet.
- b. All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street. Any parking area next to a residential use shall be screened (see definition of Screening).
- c. All lighting shall be so arranged to prevent glare to adjoining properties.

- d. The total floor area of the principal structure and all accessory uses shall not exceed three thousand (3,000) square feet.

205.22 Communications Towers/Antennas: Communications antennas and ancillary equipment will be a permitted use in the M-1 District. Communications towers along with ancillary equipment will be a conditional use.

- a. Antennas mounted on an existing public utility tower, existing building or other existing structure shall be treated as a permitted use subject to the conditions of Section b. below. Separate standalone towers constructed new shall be treated as conditional uses and referred to the Zoning Hearing Board for review and approval by Borough Council under the criteria set forth by Section c.

- b. Regulations Governing Communications Antennas and Communications Equipment Buildings:

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

Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

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

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

- c. Standards for Communications Towers as Conditional Uses:

The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

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.

Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

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. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site shall be contacted and that one or more of the following reasons for not selecting such structure apply:

1. 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.
2. 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.
3. 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.
4. 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.
5. A commercially reasonable agreement could not be reached with the owners of such structures.

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 twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.

A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirements for the zoning district.

Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.

In all zoning districts, the maximum height of any communications tower shall be one hundred fifty (150) feet.

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 one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.

The base of a communications tower shall be landscaped so as to screen the foundation, base and communications equipment building from abutting properties.

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

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 Hydetown Borough Building Code.

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 million per occurrence and property damage coverage in the minimum amount of \$1 million per occurrence covering the communications tower and communications antennas.

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.

The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.

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

Communications towers shall be protected and maintained in accordance with the requirements of the Hydetown Borough Building Code.

If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the

communications tower within six (6) months of the expiration of such twelve (12) month period.

One (1) off-street parking space shall be provided within the fenced area.

205.23 Day Care Facilities, All Types: The purpose of this section is to set forth standards for the three types of day care covered by this Ordinance (see Definition section also).

a. Family Day Care Homes

1. Such operations must obtain any permits/certificates required by the state.
2. Hours of operation shall not begin before 6:00 a.m. nor extend beyond 8:00 p.m. (prevailing time).

b. Group Day Care Homes

1. Such operations must obtain any permits/certificates as required by the state.
2. Hours of operation shall not begin before 6:00 a.m. nor extend beyond 8:00 p.m. (prevailing time).
3. Outdoor play areas shall be effectively screened from nearby residential uses through fencing or screening.
4. At least one (1) additional parking place shall be required.
5. The operator shall demonstrate how children shall be dropped off and picked up, considering their safety and the safety of other pedestrian and vehicular traffic in the area.

c. Child Day Care Center

1. Any outdoor play area shall be effectively screened from abutting properties.
2. For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children off public streets. These facilities are intended for the safety of the children and the protection of the neighborhood. In any event, the developer shall demonstrate how pick up and delivery shall occur in a safe manner.
3. One (1) parking space for each employee shall be required.

4. Such facilities must be licensed or registered (as appropriate) by the Pennsylvania Department of Public Welfare.

205.24 Eating and Drinking Places:

- a. Shall present evidence that water and sanitary sewer facilities have been approved by the appropriate agency and are adequately sized.
- b. Present proof that developments have been approved by the Pennsylvania Department of Labor and Industry.
- c. Have a lot of at least two (2) acres.
- d. Provide screening for rear and side yards.
- e. All parking shall be on lot.
- f. All lighting shall be shielded.
- g. No outdoor speakers shall be allowed.

205.25 Heavy Manufacturing: Heavy manufacturing shall meet the following performance standards:

- a. All needed permits from federal and state environmental agencies shall be identified and presented.
- b. Noise: The sound pressure level of any industry abutting upon a residential or commercial district shall not exceed the decibel limits in the octave bands designated in the following table.

Octave Frequency (Cycles per Second)	Decibel Limits Along Residential District Boundaries	Decibel Limits Along Businesses or Commercial District Boundaries
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

Sounds of short duration, as from forger hammers, punch presses, and metal shears, which cannot be measured accurately with the sound-level meter, shall be measured with the impact filter as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the sound pressure level set forth in this table may be increased by six (6) decibels.

- c. Vibration: No vibration shall be generated which can be detected by a normal person at the M-1 District boundary.
- d. Glare: Lighting or such activities as welding shall be shielded from any residential use or district.

205.26 Self-Storage Facilities: These uses shall:

- a. Provide a buffer yard of at least ten (10) feet, measured from the property line, along all side and rear yards.

205.27 Two-Family Dwellings: Two-family dwellings may be permitted only if they meet all of the criteria set forth herein:

- a. The lot size must be the requirement of Table 206 and provide an additional twenty thousand (20,000) square feet for the second dwelling unit.
- b. At least four (4) on-lot parking spaces will be required.
- c. Side yards shall be at least fifteen (15) feet on each side.

205.28 Assisted Living Facilities: These facilities shall:

- a. Provide off-street for employees equal to .8 spaces per person of the largest shift.
- b. Provide off-street resident/visitor parking at .5 spaces per guest.
- c. Provide reasonable access for deliveries and emergency vehicles to a paved street.
- d. Show evidence of licensing from the state.
- e. Sewage Enforcement Officer (SEO) approval.

205.29 Gas Wells (HVA): Gas wells in built-up areas present an intrusive use and a potential attractive nuisance. In consequence, the following regulations are hereby set forth:

- a. The well operator shall present to the Zoning Officer a copy of an approved gas well permit from the Pennsylvania Department of Environmental Protection. Said permit must be available at the public hearing.

- b. The well operator shall present a map clearly showing the location of the proposed gas well.
- c. The well operator shall inform the Borough, by letter, at least twenty-four (24) hours before the initiation of drilling activities.
- d. The well operator shall provide security twenty-four (24) hours a day during the drilling process to protect against injury or death to persons who may wonder on or be around on the well site.
- e. The well operator shall annually file with the Borough a report on the status of the well, active or inactive.
- f. If the well is plugged, a copy of the needed permit or authorization from the Pennsylvania Department of Environmental Protection will be delivered to the Zoning Officer.
- g. Because of the density of residential development, drilling operations will cease at 8:00 p.m. and not resume until 8:00 a.m., unless the cessation of drilling would cause damage to the well.
- h. The name of a twenty-four (24) hour emergency contact for the well operator will be filed with the Hydetown Volunteer Fire Company.

205.30 Gas Transmission Lines

- a. The line operator will file copies of all needed permits with the Zoning Officer.
- b. The line operator will file a construction plan as well as copies of any "as-built" drawings with the Hydetown Volunteer Fire Company.
- c. The name and telephone of a twenty-four (24) hour emergency contact of the line operator will be filed with the Hydetown Volunteer Fire Company.
- d. The line operator will provide the Borough with twenty-four (24) hour written notice prior to the initiation of any construction activities and prior to the initiation of the use of the line.

205.31 Gas Wells (HRA): The following criteria are required and needed documentation will be presented to the Zoning Officer or the Hydetown Volunteer Fire Company, as appropriate:

- a. The well operator shall present to the Zoning Officer a copy of an approved gas well permit from the Pennsylvania Department of Environmental Protection. Said permit must be available at the public hearing.

- b. The well operator shall present a map clearly showing the location of the proposed well.
- c. The well operator shall inform the Borough by letter at least twenty-four (24) hours before the initiation of drilling activities.
- d. The well operator shall annually file with the Borough a report on the status of the well, active or inactive.
- e. If the well is plugged, a copy of the needed permit or authorization from the Pennsylvania Department of Environmental Protection will be delivered to the Zoning Officer.
- f. The name of a twenty-four (24) hour emergency contact for the well operator will be filed with the Hydetown Volunteer Fire Company.

205.32 Cemeteries: Cemeteries are subject to the following standards and criteria:

- a. A minimum site of five (5) acres shall be required.
- b. A drainage plan shall be submitted with the application for approval to show existing and proposed runoff characteristics.
- c. Ingress, egress and internal circulation shall be designed to ensure safety and minimize impact on local roads. Plans for ingress/egress shall be to paved roads only.
- d. All property lines adjoining residential uses shall be screened as defined by this Ordinance.

205.33 Mobile Home Parks:

- a. Shall fully comply with the Borough's subdivision and land development ordinance.
- b. Shall front upon a public paved road with a cartway of at least twenty-two (22) feet.

206 Lot, Yard and Height Requirements: The minimum lot area per family, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, total combined width and minimum width of side yards, maximum height of structures and number of stories, and minimum floor area per dwelling for each district shall be specified in the following tables:

USE DISTRICTS	R-1	R-2
Minimum Lot Area (A)	40,000	40,000
Maximum Lot Coverage by Buildings (G)	25%	25%
Minimum Depth of Front Yard (Feet) (B) (F)	20	20
Minimum Depth of Rear Yard (Feet) (C)	20	20
Minimum Width of Least Side Yards (Feet)	10	10
Maximum Height of Structure (Feet) (D)	35	35
Maximum Number of Stories	2½	2½

(A) Use of lot of record	206.10
(B) Front yard adjacent to existing building	206.11
(C) Rear yard or irregular shape	206.12
(D) Height exceptions, chimney, towers, spires	206.13
(E) Front yards	206.14
(F) Projections into yards	206.17
(G) Lot coverage	207.18
(H) Accessory Structures	206.19

206 Lot, Yard and Height Requirements

USE DISTRICTS	R/M-3	M-1
Minimum Lot Area (G)	1 Acre	1 Acre
Maximum Lot Coverage By Buildings (G)	35%	35%
Minimum Depth of Front Yard (Feet) (B) (F)	20	30
Minimum Depth of Rear Yard (Feet) (C) (F)	15	30
Minimum Width of Side Yards (Feet) (F)	15	10
Maximum Height of Structure (Feet) (D)	35	35
Maximum Number of Stories	3	3

(A) Use of lot of record	206.10
(B) Front yard adjacent to existing building	206.11
(C) Rear yard or irregular shape	206.12
(D) Height exceptions, chimney, towers, spires	206.13
(E) Front yards	206.14
(F) Projections into yards	206.17
(G) Lot coverage	207.18
(H) Accessory Structures	206.19

206.10 Lots of Record: In any district in which one-family dwellings are allowed, any lot of record existing at the effective date of this Ordinance and held in separate ownership different from ownership of adjoining lots may be used and occupied by a

single-family dwelling even though its lot area is less than the minimum requirement of this Ordinance, provided all requirements for front, side and rear yards are met, the lot is at least twenty thousand (20,000) square feet in size and also meets all requirements for on-lot sewer, as approved by the Borough's sewage enforcement officer.

206.11 Front Yard Averaging: In any zoning district where a structure exists on lot or any adjacent lot having a front yard greater or lesser than the minimum depth required, the minimum depth of front yard for the proposed structure shall be the average depth of the existing structures on either side of the proposed structure; where only one adjacent structure exists, the average of the minimum depth of front yard of the existing structure and the minimum depth of the front yard required for the district, shall be the front yard required for the proposed structure.

206.12 Rear Yards: In measuring the depth of rear yards, where the rear lot line is not parallel with the front lot line, or the principal structure, the average dimension may be used.

206.13 Height: Appurtenances to buildings, chimneys, stacks, silos, elevator bulkheads, penthouses, gas or water towers, cooling towers, stage towers or scenery lofts and other necessary mechanical appurtenances, where permitted by building code and use regulations, and erected upon and as an integral part of the building, or a monument, shaft, spire, dome, tower, if erected for ornamental purposes only, may be erected or extended above the height limit of the district, provided that any such structure shall set back from the vertical plane of the permitted building line one (1) foot horizontally for each two (2) feet of extra height. Communications towers and antennae are governed by Section 205.22.

206.14 Front Yards: Lots which abut more than one street shall provide the required front yards along every street.

206.15 Attached Structures: All structures attached to the principal structure, excluding detached accessory structures, and whether open or enclosed, including porches, carports, attached garages, balconies, and bay windows above grade level, shall comply with all the required front, side and rear yards. However, in an "R" District, a roof eave or overhang of a roof shall not project more than twelve (12) inches into required yard spaces. For larger overhangs, the building shall be set back accordingly. Handicap ramps without a roof or are exempt from this rule.

206.16 Free Sight Triangle: No wall, tree, shrubs or flowers shall create a visual obstruction at Borough intersections.

206.17 Lot Coverage: Maximum lot coverage by buildings as indicated in Section 206 shall not include ground-floor roofless decks and in-ground swimming pools, but such facilities shall be required to meet setback requirements.

206.18 Accessory Structures: In the R-1 District, accessory structures, such as sheds or garages, shall be allowed behind the front lot line (principal structure) provided they are at least five (5) feet from any rear or side lot line.

206.19 Swimming Pools: Swimming pools shall be permitted in side or rear yard areas, provided that the pool is located not less than ten (10) feet from lot line.

206.20: A wall or fence under six (6) feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Retaining walls and fences required for screening under this Ordinance may not be subject to the six (6) foot high limitation. Fences may be permitted in front yard areas provided they are no higher than four (4) feet and do not impinge on the required free sight triangle at intersections. Fences for safety purposes or containment of livestock that do not block public road or driveway lines of sight are exempt from these provisions.

206.21 Ramps for handicapped persons will be permitted and shall be so designed to minimize intrusions on the required front yard.

206.22 Underground Storage Tanks: Underground storage tanks for the storage of gasoline, home heating oil, diesel or any material identified as hazardous by the Department of Environmental Protection (DEP) shall not be permitted unless compliance with the regulation of DEP is demonstrated:

- a. Any underground storage tank used for commercial purposes of one hundred and ten gallons (110) or more must show compliance with DEP regulations.
- b. Farm or residential tanks of over one thousand and one hundred (1,100), which store motor fuel even if for non-commercial purposes, shall show compliance with DEP regulations.
- c. Any tank installed below ground must be manufactured or constructed to the standards of a nationally recognized organization, such as the American Petroleum Institute or the Petroleum Equipment Institute.
- d. Installation shall follow all manufacturers instructions.

ARTICLE 3 - GENERAL REGULATIONS

301 Nonconforming Uses and Nonconforming Structures:

The following provisions shall apply to all nonconforming uses and nonconforming structures, including signs:

301.10 Nonconforming Uses of Land: The lawful use of land existing at the time of the enactment of this Ordinance, or of an amendment thereto, not involving any principal and/or accessory structure, although such use does not conform to the provisions of this Ordinance, may be continued, provided that no such nonconforming uses of land shall in any way be expanded, extended, or moved in whole or in part to any other portion of the lot of record, except in conformance with Section 301.31. If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

301.20 Nonconforming Uses of Structures: The lawful use of a structure existing at the time of the enactment of this Ordinance, or of an amendment thereto, although such use does not conform to the provisions of this Ordinance, may be continued and such use may be extended throughout the building provided that such extension of use does not displace a use conforming to the district designated by this Ordinance. In any district, a legal, nonconforming use may be changed to a use of the same or a more restrictive zoning district. Any request for the expansion of a nonconforming use shall follow 301.31.

301.21 Whenever a nonconforming use of land or of a structure, or a portion thereof, has been abandoned for a period of one (1) year, it shall not again be used except in conformity with the regulations of the district in which such structure is located.

301.30 Nonconforming Structures: A structure (including a sign) existing at the time of the enactment of this Ordinance or of an amendment thereto, although such structure does not conform to the lot and yard requirements of this Ordinance, may be continued in use, provided no structural alterations are made to the nonconforming portion of the structure other than those ordered by an authorized public officer to assure the safety of the structure. This provision is not intended to prevent maintenance or repair to a structure as long as it does not expand its existing configuration. If such nonconforming structure should be destroyed by any means, a permit for its reconstruction shall be issued provided the application for permit for such reconstruction is made within one (1) year from date of such destruction.

301.31 Expansion of Nonconforming Uses or Structures: All applications for the expansion of nonconforming uses or structures shall be referred to the Zoning Hearing Board for action. A nonconforming use or structure may be enlarged or increased only on land on the same lot as qualified as nonconforming on the effective date of this Ordinance or amendment thereto. In allowing the expansion of a nonconforming use, the restrictions that use is subject to by this Ordinance, such as

buffering, landscaping, or parking, shall be applied. In addition, the setback and height regulations of the district wherein the use is located shall be observed. In allowing for the expansion of a nonconformity use or structure, the Board may impose reasonable conditions.

302 Temporary Structures: Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. They shall be removed when construction is complete. Permits for temporary structures shall be issued for a one (1) year period. Temporary structures are subject to setback requirements.

303 Performance Standards: No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or noxious to any other property or person. Furthermore, every industrial or commercial use of land or structure in any district must observe the following performance requirements:

303.1 Fire Protection: Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

303.2 Electric Disturbance: No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.

303.3 Air Pollution/Smoke: All air-borne emissions shall comply with the regulations of the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency (US).

303.4 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted. Where feasible, fully shielded light fixtures will be used.

303.5 Water Pollution: No permit shall be issued until all applicable wastewater, stormwater or erosion/sedimentation control permits have been obtained.

303.6 Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property, except that the temporary vibration as a result of construction activity shall be permitted.

304 Off-Street Loading and Parking: Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

304.1 Off-Street Loading: Every use listed in the following table shall provide off-street loading berths in accordance with its size.

Off-Street Loading Space Requirements:

<u>Use</u>	<u>First Berth</u>	<u>Second Berth</u>
Industrial:		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
Commercial:		
Wholesale	20,000	50,000
Retail	20,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	40,000	100,000
Hotel/Motel	20,000	100,000
Institutional:		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
Public Buildings:		
Auditoriums	30,000	100,000
Arenas	30,000	100,000

Note: All figures are given in gross feet of floor area (GFA) for each listed use.

304.1(a) Size and Access: Each off-street loading space shall be not less than fourteen (14) feet in uniform width and sixty (60) feet in length with fifteen (15) feet of vertical clearance. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto. Loading spaces shall not be located in the required front yard.

Loading spaces for vehicles over a two (2) ton capacity shall be located at least thirty (30) feet from any property line adjoining residential use or zoning classification. All loading spaces located along a property line adjoining residential use or zoning classification shall be screened by an opaque wall, fence or hedge at least six (6) feet in height.

304.2 Off-Street Parking:

304.2(a) Size and Access: For all uses, each parking space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access

drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street.

Parking in the front yard will not be permitted in the R-1 or R-2 Districts.

Off-street parking spaces shall be provided for any new use hereafter established or for the enlargement to any existing use as follows:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Home Occupation Dwellings	1 per employee 2 per dwelling unit
Churches	1 per 5 seats in principal assembly room
Schools	.25 for each planned student over the age 16, plus 1 for each employee
Hospitals, Nursing Homes	1 per 2 beds*
Banks, Retail Businesses, Personal Services	1 per 200 square feet of floor area
Day Care Facilities	1 per 500 square feet of floor area
Funeral Homes	20 per viewing parlor, plus 5 for each additional viewing parlor
Professional Services, Business Services, Office	1 per 500 square feet of floor area
Wholesale Businesses	1 per 500 square feet of floor area
Gasoline Service Station	2 per pump
Hotels and Motels	1 per rentable unit*
Boarding/Rooming Homes	1 per rentable unit, plus 2
Manufacturing, Other Uses	1 for each employee on the principal shift, plus ½ of a space for each 1,000 square feet of floor area
Auto Sales and Service	1 for each 250 square feet GFA
Bowling Alleys	5 per alley
Medical Office and Clinics	8 spaces per doctor
Dental Offices	5 spaces per doctor
Retail Sales	1 per each 250 square feet GFA
Fast Food/Drive-Thru Restaurants	1 per each 2 patron seats**
Restaurants, Taverns and Nightclubs	1 for each 2.5 patron seats

*These uses will also provide parking for staff based upon 1 space for each 1.25 employees of the maximum working shift.

**Plus one (1) space per employee and staff on major shift.

Note: GFA means gross floor area.

Where the use of the premises is not specifically mentioned, the requirement for similar uses shall apply. If no similar uses are mentioned, the parking requirement shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure.

For lots with multiple uses, the required parking shall equal the total for each use.

Change of Use: If a use is legally changed to another use, the new use will not be required to provide additional parking, if the existing structure is used. For new construction, or an expansion of an existing structure of 25 percent (25%) or more, Section 304.2(a) parking requirements will be used.

304.3 Parking: Additional requirements:

- a. Parking and driving areas shall be graded to shed surface water to a street, alley or public stormwater system.
- b. Any parking area containing lighting shall have fully shielded lighting as to not cause glare on adjoining properties.
- c. Any parking area of over fifty (50) spaces shall contain perimeter and/or site landscaping of at least five percent (5%) of the total lot area.
- d. Parking areas adjacent to a street shall have between the street right-of-way and the parking area a planting strip ten (10) feet in width and with a tree planted every fifty (50) feet of lineal frontage. Breaks may be permitted for entrances and exits with no greater combined width than twenty (20) feet per each fifty (50) feet.

304.4 Location of Parking: Where there is inadequate land on-site to meet the off-street parking requirements, off-street spaces within four hundred (400) feet of the site may be used, with adequate documentation, to meet the parking requirements.

304.5 Reserved

304.6 Stacking Requirements for Drive-In, Drive-Through Facilities: This section provides vehicle standards for drive-in, drive-through facilities. These may include such uses as banks, fast-food restaurants and car washes. The purpose of these standards is to provide minimal stacking capacity for various uses so vehicles will not use public streets while queuing in line for service. All references to stacking capacity relates to typical automobiles. A length of twenty (20) feet per auto will be used to accommodate one (1) vehicle and minimal headspace. Minimum stacking lane width is nine (9) feet.

<u>Use</u>	<u>Stacking Capacity Per Drive-In Window</u>
Restaurant	8* per drive-in window
Bank	5 per drive-in window
Car Wash	4 per wash bay

*If there are separate order and pickup windows, four (4) for each shall be accepted.

For other uses, guidelines from the Institute of Traffic Engineers may be used or the written recommendations of a professional engineer.

Note: Stacking capacity is to be measured from the lot line to the service window and is not to include any area of the public right-of-way.

304.8 Screening and Landscaping: Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of Screening) or use. In addition, there shall be a planting strip of at least eight (8) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.

304.9 Minimum Distance and Setbacks: No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, school, hospital, or similar institution.

305 Signs: All signs, billboards, outdoor advertising, or exterior graphic displays, including portable signs, shall conform to the following standards. Unless otherwise noted, all signs shall require a permit.

305.10 All signs must be constructed of durable material and kept in good condition. Signs must be constructed in accordance with the requirements of the Borough's building code. Any sign adjudged to be in deteriorated or unsafe condition shall be repaired or removed upon notification by the Borough.

305.20 Lighting:

- a. The light source for any sign shall be covered by a globe, shield or other device.
- b. For public safety, lighting devices for signs shall not interfere with nor emulate traffic lights or be so placed where they could be mistaken for a traffic light or the lighting of an emergency vehicle.
- c. The illumination of signs shall not cause excessive glare in roadways or on neighboring properties. Lighting shall be specifically directed away from residential uses and districts.

- d. Except for "Time and Temperature" signs, blinking or flashing signs shall not be permitted.

305.30 District Regulations: The following regulations specify the type of signs allowed:

All signs shall be behind the right-of-way line.

R-1 Village Residential: Signs in R-1 Residential zones shall not exceed four (4) square feet and shall indicate only the name and address of the occupant and also be allowed for other permitted activities. Only one (1) sign shall be allowed per lot.

R-2 Rural Residential: Signs in R-2 Districts for the personal identification of the occupant of a residential dwelling, including name and address shall not exceed four (4) square feet. For all other permitted uses, signs of up to four (4) square feet shall be permitted. Such signs may be illuminated by a hooded light source constructed in such a manner that the light source is shielded from the street and neighboring properties.

Bulletin Signs for Churches, Community Parks, Fire Departments and Post Offices of up to thirty (30) square feet shall be allowed in any district.

R-3 Residential/Mixed Use:

- Wall Signs: The sign area shall not exceed one-and-one-half (1½) square feet of sign for each lineal front foot of building frontage.
- Freestanding Signs shall not exceed fifteen (15) feet in height and a sign area on one sign of not more than twenty-five (25) square feet. The area of base, supports and frames will not be included in the sign area.
- Projecting Signs may project into the public right-of-way no more than six (6) feet; however, they may project no more than six (6) feet away from the building to which they are attached. A two-faced sign shall be allowed with up to twenty-four (24) square feet per side. The lower edge of the sign shall be at least ten (10) feet from the curb line sidewalk or front elevation ground grade.

Only indirect lighting shall be permitted.

- In no event shall the total area of sign faces exceed the area as permitted by the formula for wall signs.

M-1: Signs in the industrial area shall not exceed three hundred (300) square feet in size. The height of any freestanding sign shall not exceed thirty-five (35) feet.

305.40 Temporary Sign Regulations for All Districts: Temporary signs include those displaying information regarding the advertisement of land or premises for purchase, development or occupancy, the services of building contractors and subcontractors performing work on the premises where the sign is to be located, political campaigns, signs announcing special events or promotions by commercial concerns, or other special events of interest to the community at large. Temporary signs must be placed on the ground or a wall and must be placed on private property, not on any public right-of-way. Temporary signs shall not exceed the following sizes:

In R-1 and R-2 Districts, no more than six (6) square feet per side;

In the R/M-3 Districts, no more than twenty (20) square feet; and

In the M-1 District, no more than twenty (20) square feet.

Permits will not be required for the following temporary signs: for sale, for rent, political campaigns, building contractors or subcontractors.

For signs regarding real estate and services of building contractors and subcontractors, all must be removed immediately upon sale of property or completion of contract; for signs regarding special events, whether commercially related or otherwise, temporary signs may be erected for a period not to exceed four (4) weeks.

There are no limitations on political signs on private property.

306 Fencing: All fences require a permit. Any fence, hedge or enclosure in an R District within required yard space shall not exceed a height of six (6) feet. If located within five (5) feet of a driveway where the driveway intersects a front property line, or is located within fifteen (15) feet from a point where two front property lines intersect, it shall not exceed a height of thirty-six (36) inches above the top of the curb. If a fence has a finished or faced side, that side shall be to the exterior of the lot. In the M-1 and R-2 Zones, fences up to eight (8) feet shall be allowed.

307 Swimming Pools: Pools shall be surrounded by a fence or barrier four (4) feet in height and gates are to be self-closing and self-latching. Barriers, fencing and related items shall conform to the "Safety Barrier Guidelines for Home Pools," as published by the U.S. Consumer Product Safety Commission.

308 Junk: The visible storage or placement of junk is not permitted in any residential district.

309 Satellite Discs and Dishes: Satellite discs and dishes are permitted in all districts in the rear or side yard of lots. Satellite discs and dishes that are two (2) feet in diameter or less are permitted on the roof or rear or sidewalls of a building or in any yard.

310 Regulations Governing Agriculture:

- a. No retail or commercial activity shall take place other than the storage, processing and sale of farm products or their accessory products on the property where produced. Roadside stands for the sale of farm-produced products must have a minimum setback of twenty-five (25) feet from the street or road right-of-way.
- b. No odor or dust-producing use, including the storage of manure, but not including the spreading of manure or fertilizer or the underground storage of manure, shall take place within one hundred fifty (150) feet of the nearest lot line.
- c. No farm livestock or fowl shall be kept in a building, pen or containment, any part of which is closer to the nearest lot line than one hundred fifty (150) feet. No garbage or refuse, other than produced on the premises shall be used, dumped or stored.
- d. All farms, including those limited to the care of animals for personal use, such as horseback riding, shall be at least ten (10) acres in size.
- e. Such use shall also comply with the Borough ordinance regarding the keeping of hogs.

ARTICLE 4 - ADMINISTRATION AND ENFORCEMENT

401 Zoning Officer: The Zoning Officer, who shall be appointed by the Borough Council, shall:

401.10 Administer and enforce the provisions of this Ordinance.

401.11 Issue Zoning Certificates.

401.12 Maintain a permanent file on all Zoning Certificates and applications as public records.

401.13 Take in and review applications and issue such other permits, do inspections and have such other duties as assigned.

401.14 Receive all applications for appeals, Special Exceptions and Conditional Uses and refer same to the proper bodies.

In addition, the Zoning Officer shall review all applications for completeness and reject, in writing with cause given, any incomplete or incorrect application.

402 Zoning Certificates:

402.10 A Zoning Certificate shall be obtained before any person may:

402.11 Occupy or use any vacant land;

402.12 Occupy or use any structure hereafter constructed, reconstructed, moved or enlarged;

402.13 Change the use of a structure or land to a different use; or

402.14 Change a nonconforming use.

402.20 Applications for a Zoning Certificate shall be accompanied by a plot plan showing clearly and completely the location, dimensions and use of any structures involved and such other information as the Zoning Officer may require for administration of this Ordinance, together with a filing fee as periodically established by the Borough.

402.30 All permits and certificates which are granted by the Zoning Officer, or those granted as special exceptions, on an appeal to the Board or as conditional uses shall be exercised promptly. If the use and/or the work so authorized is not initiated within twelve (12) months from the date of permit or certificate, then such certificate or permit shall be null and void. All work shall be completed in twenty-four (24) months.

403 Violations and Penalties:

Enforcement Notice: When it appears to the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. 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 the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state 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 the Ordinance.
- 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 thirty (30) 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.

Causes of Action: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Borough, the Zoning 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 thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council of the Borough of Hydetown. No such action may be maintained until such notice has been given.

Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred (\$500) dollars 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 Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Borough and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

404 Method of Appeal: Any person or Borough official aggrieved or affected by any decision of the Zoning Officer may appeal to the Board within thirty (30) days, as provided by the Pennsylvania Municipalities Planning Code and by the rules of the Board, by filing a notice of appeal specifying the ground thereof.

405 Amendments:

General: The Borough Council may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Borough Council, the Planning Commission, or by a petition of a person or persons residing or owning property within the Borough.

Petitions: Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by Borough Council resolution.

Referral: Any proposed amendment presented to the Borough Council without written findings and recommendations from the Borough of Hydetown Planning Commission and the Crawford County Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by the Borough Council. The Borough Council shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Hydetown Borough and Crawford County Planning Commissions.

Action: Before acting upon a proposed amendment, the Borough Council shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing. See also PaMPC Section 602(2)(i) for other required notifications.

Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or 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 Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. The Borough Council shall commence a hearing thereon within sixty (60) days. As with other proposed amendments, the Curative Amendment shall be referred to the Borough of Hydetown Planning Commission and the Crawford County Planning Commission at least thirty (30) days before the hearing is conducted by the Borough Council. Public notice shall be given in accordance with applicable provision of the Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section 916.1 of the Planning Code. The findings, actions and considerations of the Borough Council shall be in accordance with Section 609.1 of the Planning Code.

The Borough may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code.

ARTICLE 5 - THE ZONING HEARING BOARD AND CONDITIONAL USES

501 Creation: There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of three (3) residents of the Borough appointed by the Borough Council pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

502 Appointment: The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies that 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, nor be a member of the Planning Commission. Council shall also appoint one alternate member of the Board. The alternate member shall serve upon the absence or disqualification of a regular Board member in accordance with Sections 903 and 906 of the Pennsylvania Municipalities Planning Code.

503 Removal of Members: 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, taken after the member has received fifteen (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.

504 Organization of Board: 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 or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but when any member is disqualified to act in a particular matter, the alternate member shall be seated. 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 Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Borough ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council annually.

505 Expenditures for Services: 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.

506 Legal Counsel: Where legal counsel is desired, an attorney, other than the Borough Solicitor, shall be used.

507 Hearings: The Board shall conduct hearings and make decisions in accordance with Article IX of the Planning Code and the following requirements.

- a. Notice of hearings shall be given to the public-by-public notice as set forth in the Planning Code in a newspaper of general circulation in the County. Such notice

shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. 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 prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

- b. The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- c. The first hearing shall be held within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent of the record by the applicant and Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- d. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- e. 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.

- f. 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.
- g. 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.
- h. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- i. 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.
- j. 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, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- k. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any 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 forty-five (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 thirty (30) days after the report of the Hearing Officer. Except for challenges filed under 916.1 of the Planning Code, where the Board fails to render the decision within the period required by this Ordinance or the

Planning Code, or fails to commence, conduct or complete the required hearing as required by Article IX of the Planning Code, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

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

508 Board's Functions:

- a. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
- 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 thirty (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 therefore, 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 the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 508(9) of this Ordinance.
- f. Applications for Special Exceptions under this Ordinance or the Flood Plain Ordinance. See also 508(10).

- g. Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.
- h. 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 storm water management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
- i. Variations: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:

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

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

- j. Special Exceptions: The Board shall hear and decide requests for such Special Exceptions in accordance with the standards and criteria of this Ordinance. In

granting a Special Exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and the Zoning Ordinance.

When this Ordinance requires certificates, licenses, permits or similar documents, and when, in the Board's opinion, such documents will be issued in a matter of time, the Board may issue a conditional approval based upon the final issuance of such documents.

509 Parties Appellant Before Board: Appeals under Section 508 and proceedings to challenge the Ordinance under Section 508 may be filed with the Board, in writing, by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance under Section 508 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

510 Time Limitations; Persons Aggrieved: No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

511 Stay of Proceedings: Upon filing of any proceeding referred to in Section 913.3 of the Pennsylvania Municipalities Planning Code 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 there under 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. See also Section 915.1 of the Planning Code.

512 Conditional Uses: Certain uses, as specified by this Ordinance, are conditional uses to be granted or denied by the Borough Council. The Planning Commission is to advise the Borough Council relative to conditional uses. In general, the Council is to be governed by the specific criteria set forth by this Ordinance, the general intent of the Ordinance, the welfare of the community and the recommendations of the Planning and Zoning Commission in rendering its decision. The Council may attach reasonable conditions to its decision. Specific procedures for Council action follow:

- a. Where the Council, in the zoning ordinances, has stated conditional uses to be granted or denied by the Council pursuant to express standards and criteria, the Council shall hold hearings on and decide requests for such conditional uses in

accordance with such standards and criteria. The hearing shall be conducted by the Council or the Council may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Council. 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 Council and accept the decision or findings of the Hearing Officer as final. In granting a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this act in the Zoning Ordinance.

b.

1. The Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons thereof. Conclusions based on any provisions of the Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
2. Where the Council fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, 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 Council to meet or render a decision as herein above provided, the Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Council shall fail to provide such notice, the applicant may do so.
3. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following its date.

ARTICLE 6 - DEFINITIONS

For the purpose of this Ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural number shall include the singular; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied. Words and phrases not herein defined shall have their normal meaning and usage.

ACCESSORY BUILDING: A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot. In no instance can a second principal use be introduced on a lot by claim that it is an accessory building.

ACCESSORY USE: A use which is subordinate to and customarily associated with the principal use of a lot or a building and located on the same lot provided that it is not noxious or offensive to neighboring permitted uses by the reason of appearance or emission of odor, dust, smoke, gas, vibration or noise. In no instance can a second principal use be introduced on a lot by claim it is an accessory use.

ADULT DAY CARE: Out-of-home care, for part of a twenty-four (24) hour day, for three (3) or more persons aged eighteen (18) or older, who are not related to the operator.

AGRICULTURE: Use Borough restrictions that excludes pig raising.

ANIMAL CARE: The boarding, breeding, housing, keeping, or medical treatment of five (5) or more animals six (6) months old or older.

ASSISTED LIVING FACILITY: Residences for the frail or elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational activities, financial services, and transportation. They are distinguished from personal care boarding homes by their larger size and additional ancillary services.

BALCONY: An above-grade platform that projects from the wall of a building and is enclosed by a parapet or railing and is used for more than ingress/egress which may or may not be covered.

BASEMENT: A portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BOARD: The Zoning Hearing Board of the Borough of Hydetown.

BOARDING HOUSE: See definition of Rooming/Boarding House.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

BUSINESS SERVICE: Any business activity that renders service to other commercial or industrial enterprises.

CELLAR: A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

COMMERCIAL RECREATION: A commercial indoor facility that offers various recreational opportunities for its patrons, including such activities as dance halls, indoor concerts, fitness centers, physic readings, video and various games.

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.

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 two hundred fifty (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.

COUNCIL: The Borough Council of the Borough of Hydetown, Crawford County, Pennsylvania

DAY CARE FOR CHILDREN: This use is separated into three (3) categories by this Ordinance. They are as follows:

DAY CARE CENTER: An establishment licensed by the Commonwealth of Pennsylvania, which provides supervised care for seven (7) or more children, who are not residents of the premises.

FAMILY DAY CARE HOME: Any premises other than the child's own home, operated for profit, or not for profit, in which child day care is provided at any time to four, five or six (4, 5, or 6) children who are not relatives of the care giver as defined and regulated by the Commonwealth of Pennsylvania.

GROUP DAY CARE HOME: Is a child day care facility in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are used as a family residence.

DAY CARE CENTER: (See Day Care for Children)

DRIVE-IN/DRIVE-THROUGH BUSINESS: A place providing service to the occupants of automobiles, usually without requiring the occupants to leave the automobile. Such service includes banking, serving food or drink to the occupants, or providing entertainment or facilities for transacting business without leaving the automobile. Some drive-in businesses such as gasoline service stations are described separately.

DWELLING: Any building or portion thereof which is designed for or used for residential purposes. The word "Dwelling" shall not include hotels, motels, or other structures used for transient residence.

DWELLING\ONE-FAMILY: A building designed for or occupied by one (1) family only.

DWELLING\TWO-FAMILY: A building designed for or occupied by two (2) families living independently of each other.

DWELLING\MULTIPLE-FAMILY: A building or portion thereof, designed for or occupied by three (3) or more families living independently of each other.

ELDERLY HOUSING: Multi-family dwelling developments [over four (4) dwelling units] restricted to residents who are handicapped, as defined by Federal law or who are aged fifty-five (55) and older. Such restriction must be duly certified and if the development reverts to a general population, it will be considered a change of use, which must conform to this Ordinance.

ESSENTIAL SERVICE: 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, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

EXTERIOR ALTERATION: The alteration of exterior features, which can be seen from a public street or way.

FAMILY: A family is:

- a. A single person occupying a dwelling unit and maintaining a household, or
- b. Two (2) or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household, including not more than two (2) boarders or roomers.
- c. Not more than three (3) unrelated persons occupying a dwelling unit, living together and maintaining a common household.

- d. Permanent group homes for the handicapped or family-like living arrangements for handicapped persons. *Please note: Handicapped persons shall be those who are so designated under the Fair Housing Amendment (1988) to the Federal Civil Rights Act of 1968.*

FAMILY DAY CARE HOME: (See Day Care for Children.)

FLOOR AREA: The sum of the gross horizontal areas of one or more floors of a building.

GARAGE, PRIVATE: An accessory building or part of a principal building used only for the storage of private motor vehicles and other personal affects of the occupants of the principal structure.

GARAGE, SERVICE: A building or part thereof used for the repair of motor vehicles for remuneration, but not used for the dismantling or scrapping of motor vehicles.

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.

HOME OCCUPATION: Within a dwelling, the conduct of professional services personal services, and retail sale of articles produced on the premises provided such use is subordinate to the principal use of the dwelling for residential purposes (see also No-Impact Home-Based Business).

HOTEL-MOTEL: A building containing sleeping rooms principally for the use of transients and sometime containing accessory uses, such as kitchen and dining facilities, lounge, meeting rooms, and convention facilities and other business uses permitted within the use district.

IDENTIFICATION SIGN: Signs advertising the occupant's business, industry, or products made or sold on the premises and located on the same lot as the business or industry.

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition.

LIGHT MANUFACTURING: The assembly, fabrication, manufacture, processing, production, storage, and/or wholesale distribution of goods or products where no process involved will produce noise, vibration, air pollution, fire hazard, or other emissions noxious or dangerous to neighboring properties within four hundred (400) feet including; advertising signs and displays; artificial limbs, braces, and orthopedic devices; awnings, tents, and tarpaulins; bakery, dairy, and food products, but no animal slaughtering, curing nor rendering of fats; books, magazines, newspapers, and printed material; cabinets, custom millwork, and woodworking; ceramics and nonstructural tile and cement products; clothing and wearing apparel; customer sheet metal work; dies and gauges; draperies; upholstery, and slip covers; electrical instruments television;

and electronic devices; home appliances, radio and jewelry; light weight nonferrous metal castings; lithographic plates and photo engraving; machine tools; meters; musical instruments; non-alcoholic beverages; office machines; optical goods and instruments; patterns, pharmaceutical products and medicines; plastic moldings or extrusions but not the formulation of basic plastic material; precision instruments; sporting goods; time pieces; toys; type composition; Venetian blinds. Also, the cleaning, maintenance, repair and/or service of all products permitted above, batteries, bicycles, boilers, guns, locks and rugs. Also, animal-care, freezer lockers and cold storage, laboratories, laundries, light machine shops, machinery rental, moving and storage, packing and crating service, research laboratories with pilot plants, taxidermists, and commercial welding are included in this definition.

LIMITED RETAIL BUSINESS: Small-scale retail enterprises primarily intended to benefit Borough neighborhood residents. Limited retail businesses are to be less than three thousand (3,000) square feet gross floor area in size and confining all commercial activities indoors.

LOT: A parcel of land abutting on a public street.

LOT, CORNER: A lot abutting two (2) or more streets at their intersections.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

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

LOT OF RECORD: The last recording of a lot in the Office of Recorder of Deeds of Crawford County prior to the adoption of this Zoning Ordinance.

LOT, WIDTH: The width of a lot measured at the minimum building line and parallel to the street.

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.

- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- e. The business activity must 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.
- f. 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.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

NONCONFORMING: There are three (3) separate types of nonconformity recognized by the Pennsylvania Municipalities Planning Code, and these are listed below. The nonconforming status is granted only to the use, lot or structure at the date of the adoption of this Ordinance or any amendment thereto which created the nonconformity. Nonconformity shall not be extended to additional property subsequently acquired.

NONCONFORMING LOT: A lot the area of dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Zoning Ordinance or amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE: A use, whether of land or structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

OFF-STREET PARKING LOT: Any area arranged, designed, used or intended for use for the parking of five (5) or more motor vehicles.

OUTDOOR ADVERTISING: Any sign that is not an identification sign.

PARKS AND PLAYGROUND, PUBLIC: A tract of land, designed and used by the public for active and passive recreation and owned or operated by the Borough of Hydetown.

PERSONAL CARE BOARDING HOME (PERSONAL CARE HOME): A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

PERSONAL SERVICES: Any commercial establishment providing services pertaining to the person, his apparel or personal and effects commonly carried on or about the person and including automatic teller machines (excluding drive-in facility), shoe repair, tailoring, and clothes cleaning on the premises of wearing apparel brought to the establishment by the customer.

PLANNING CODE: The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

PORCH: A permanently covered entrance to a building.

PRINCIPAL USE: That use or purpose for which a building, structure, and/or land or major portion thereof, is designed, arranged, or intended, or for which it may be occupied or maintained under the Zoning Ordinance. The use of any minor portion of the building or structure or other building, structure and/or land on the same lot and incident, subordinate, or supplementary thereto and permitted under the Zoning Ordinance shall be considered an accessory use.

PROFESSIONAL SERVICES: Any office of establishment providing specialized services to the community in the commonly recognized professions (education, engineering, law, medicine, philosophy, science, theology), the arts (architecture, drama, music, painting, photography, writing), and similar activities (insurance, real estate, etc.).

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 electric transmission lines.

RECONSTRUCTION: Any or all work needed to remake or rebuild all or a part of any identified historic resource to a sound condition, but not necessarily of original materials.

REPAIRS: Any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

ROOMING/BOARDING HOMES: A dwelling unit or part thereof, in which lodging and/or meals are provided, for compensation for two (2) or more persons not transients.

RETAIL USES: Any commercial establishment offering goods, merchandise or other items for sale at retail to the consumer and including bake shops and candy shops where foods are prepared for sale on the premises.

SCREENING: Unless otherwise defined in this Ordinance, screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight. Screen planting shall mean an evergreen hedge at least six (6) feet high, planted in such a way that it will block a line of sight. The screening may consist of either one (1), or multiple rows of bushes or trees and shall be at least five (5) feet wide.

SEMI-PUBLIC USES: Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.

STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, swimming pools, and other building features but not including sidewalks, drives, fences and porches without a roof or enclosed sides.

STRUCTURE - HEIGHT OF: The vertical height measured from the elevation of the curb to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of a gabled roof.

SUPPLY YARDS: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

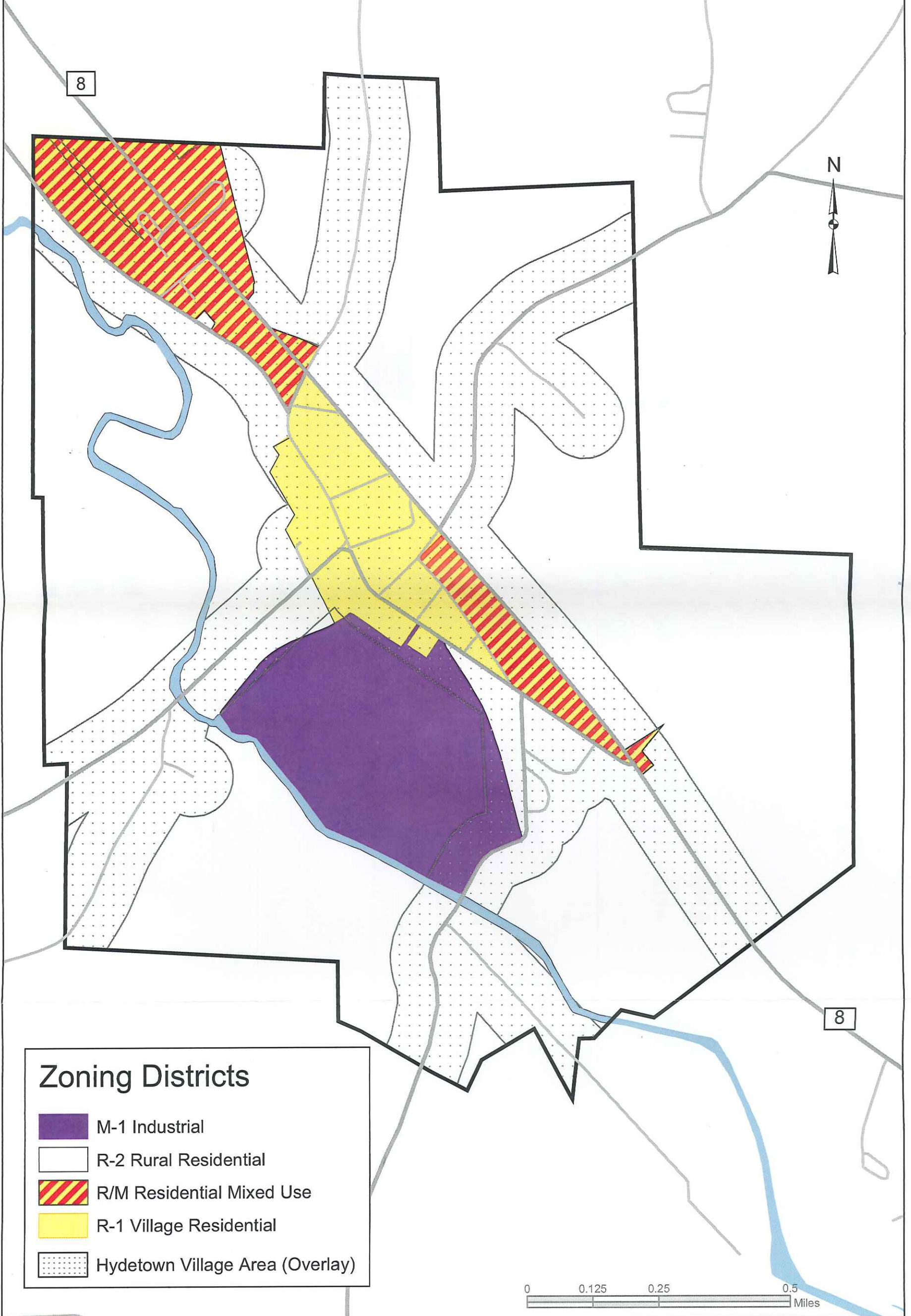
TRANSIENT: Any individual residing or stopping in a borough for less than thirty (30) days at any one time.

YARD, FRONT: An open, unoccupied space across the full width of the lot, extending from the front line of the building to the front property line of the lot.

YARD, REAR: An open, unoccupied space across the full width of the lot extending from the rear line of the building to the rear property line of the lot.

YARD, SIDE: An open, unoccupied space extending from the front yard to the rear yard line between a building and the nearest side of the lot.

Hydetown Borough Zoning



Zoning Districts

-  M-1 Industrial
-  R-2 Rural Residential
-  R/M Residential Mixed Use
-  R-1 Village Residential
-  Hydetown Village Area (Overlay)

0 0.125 0.25 0.5 Miles