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**ZONING ORDINANCE
OF CAMBRIDGE SPRINGS BOROUGH**

ORDINANCE NO. 718

ARTICLE 1

GENERAL PROVISIONS

Section 100: Title

This ordinance shall be known and shall be cited, and referred to as the "Zoning Ordinance of Cambridge Springs Borough".

Section 101: Provisions Of Ordinance Declared To Be Minimum Requirements

In their interpretation and application the provisions of this ordinance shall be held to be minimum requirements. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted regulations or ordinances, the most restrictive or those imposing the higher standards shall govern.

Section 102: Separability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 103: Repeal Of Conflicting Ordinances; Effective Date

The Cambridge Springs Borough Zoning Ordinance, adopted April 8, 1968, and as amended, is hereby repealed at the effective enactment of this ordinance. All other ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall take effect 5 days after its enactment.

Section 104: Status Of Applications Submitted Prior To Effective Date

All applications for zoning permits submitted prior to the effective date of this ordinance shall be processed and approved subject to the provisions of the Cambridge Springs Borough Zoning Ordinance adopted April 8, 1968, and the amendments thereto, providing, however, zoning permits issued under the provisions of the 1968 ordinance shall be voided one year after the effective date of this ordinance if an occupancy permit cannot be issued for the activity covered under the permit and there has not been continuous and/or substantial progress made towards accomplishing said activity. Where a permit is threatened to be voided under this section the applicant may request Borough Council to extend the one year period to allow for completion of the activity covered under the zoning permit issued based on the 1968 ordinance and Borough Council may grant such extension of time that it decides is reasonable.

ARTICLE 2

OBJECTIVES

Section 200 Cambridge Springs Borough Development Objectives

The following objectives establish the general ends which the Borough seeks to achieve through the enactment and administration of this ordinance. These objectives are set forth explicitly and implicitly in the Cambridge Springs Borough Comprehensive Plan adopted by Borough Council in February 4, 1997.

200.1 Promote the optimum use of land, using the Cambridge Springs Borough Land Use Plan as a guide to future development.

200.2 Promote the highest and best use of the few remaining large vacant parcels within the Borough.

200.3 Ensure that all land uses be compatible to adjacent areas and that appropriate buffers be provided where necessary.

200.4 Promote a variety of housing types in the Borough (low density, high density, owner occupied, apartments, etc.) in a manner that is affordable, reasonable and consistent with the small town character of Cambridge Springs.

200.5 Promote affordable and fair housing in the Borough.

200.6 Make the Borough an attractive place to conduct business by removing unreasonable barriers to development.

200.7 Promote the strengthening and revitalization of Cambridge Spring's Central Business District to adequately serve the residents of the Cambridge Springs Area.

200.8 Make better uses of the Borough's natural features e.g. French Creek and Jackson Run.

ARTICLE 3

DEFINITIONS

Section 300 Meaning Of Words

It is not intended that this article include all words that may be subject to varying interpretations which are used in this ordinance. The words and phrases used in this ordinance shall be interpreted as having the same meaning they have in normal, "everyday" usage, unless defined differently herein.

300.1. Abandoned. To cease or suspend from developing or maintaining a structure, building or use for a period of one year. If a structure, building or use is destroyed by a random act of nature (fire, tornado, flood, hurricane, etc.) it must be redeveloped within a one (1) year time frame or it shall be considered "abandoned."

300.2. Abutting. Describes property that shares a common boundary line with another piece of property. The two land parcels are next to each other with a shared lot line.

300.3. Accessory Use or Structure. A use or structure customarily incidental and subordinate to the principal use or structure and which contributes to the comfort, convenience and necessities of occupants of the principal use or structure, and which is located on the same lot with the principal use or structure. Off-street parking and loading serving the principal structure or use on a property shall be considered accessory uses; the storage of recreational vehicles is also an accessory use (see Section 602).

300.4. Adjacent. That which lies near or close to; in the neighborhood or vicinity of.

300.5. Adjoining. That which touches or is contiguous to, as distinguished from lying near.

300.6. Alley. A public street which affords only a secondary means of access to abutting property and is not intended for general traffic.

300.7. Alteration. As applied to a building or structure means a physical change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

300.8. Amendment. Any change in the language of this ordinance including a change in the permitted uses in any district; or any change involving an alteration in the zoning districts established in the official zoning map. The authority for an amendment lies solely with the municipal governing body.

300.9. Antique Shops. A place offering primarily antiques for sale. An antique for the purposes of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old.

300.10. Applicant. One who seeks permission or authorization under the provisions of this ordinance to engage in an activity governed in whole or in part by this ordinance. The applicant may be a person, partnership, business or corporation.

300.11. Arcade. A place of business where an individual, association, partnership or corporation maintains four or more amusement devices for public use.

300.12. Auditorium. A building or structure where facilities are provided for athletic, civic, educational, cultural, political, religious or social events.

300.13. Automobile Repair Business, Major. A business involved with general repair, replacement of automobile parts, rebuilding, or reconditioning of engines, body repair, and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating for both passenger and commercial vehicles.

300.14. Automobile Repair Business, Minor. A business involved with general repair, replacement of automobile parts, rebuilding, or reconditioning of engines, body repair, and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating for passenger vehicles only.

300.15. Automobile Retail Business. A building or open lot used for the display or sale of new or used automobiles and/or trucks.

300.16. Basement. A portion of a building all or partly underground, having at least one-half of its height below the average level of the adjoining ground and wherein at no point is there an entrance at, or nearly at, outside grade level. A basement shall not be considered as a story for the purpose of this ordinance. For only the Floodplain Overlay District, FO, of this ordinance the term basement shall be defined as any area of the building having its floor subgrade (below ground level) on all sides.

300.17. Bed and Breakfast. A dwelling occupied by a family and used incidentally or secondary to provide accommodation and meals to transient

travelers and includes a tourist home but does not include a boarding house, rooming house, group home, hotel or motel.

300.18. Boarding House or Rooming House. A building having a residential character and occupied by the landowner or his agent, where 6 or less rooms are available for sleeping or lodging, with or without common dining facilities, for persons on a commercial basis. The term includes tourist home. The term does not include hotel, motel, dormitory, bed and breakfast, or group home.

300.19. Borough Council. The governing body of Cambridge Springs Borough, also referred to as Council, and the Borough.

300.20. Breezeway. A roofed open passage connecting two or more buildings.

300.21. Buffer Areas. A portion of land, usually linear in shape, together with a specified type and amount of planting thereon and/or any structures such as fences or walls and/or land forms (a mounded area) which may be required between land uses to eliminate or minimize conflicts between said land uses.

300.22. Building. Any covered structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, goods, or property.

300.23. Building Envelope. Indicates the buildable area on a lot defined by the minimum required front yard depth, rear yard depth, and side yard width requirements and maximum height requirements, within which a building can be erected.

300.24. Building Heights. The vertical distance measured from the average elevation of the finished grade of a building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

300.25. Building Line. An imaginary line located at a fixed distance from a lot line and interpreted as being the nearest point that a building may be constructed to the lot line. It may also be referred to in some instances as a setback or yard line or a front yard line in the instances where the front yard (the yard adjoining the access road) is at issue.

300.26. Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

300.27. Bulk Regulations. The combination of controls which may establish the maximum size of a building and its location on the lot. Components of bulk regulations may include: height of building; location of exterior walls with respect to lot lines; building coverage; yard requirements; and the amount of lot

area provided per dwelling unit. Their purpose is to assure sufficient light, air and open space, and to prevent an overcrowding of the land.

300.28. Car wash. Refers to a building or structure containing facilities for the washing of motor vehicles.

300.29. Carport. A structure designed for the storage of motor vehicles, which may be a building or part of a building, or may be a roof supported entirely by posts, or by posts and part of the dwelling or building, where at least 40% of the structure is open sided.

300.30. Church. Refers to a building dedicated to religious worship and may include a church hall; church auditorium; Sunday School; manse; convent; parish hall; or private school, as well as a day nursery or child care center operated in the church building.

300.31. Civic/Cultural Building. Any non-residential building, structure, or facility used by the general public, whether occupied by any federal, state, county, or municipal agency, or private non-profit association. Examples include municipal buildings, court facilities, museums, armories, social service agency offices, libraries and government offices.

300.32. Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those in need of medical, dental or surgical attention but who are not provided with room or board or kept overnight on the premises.

300.33. Club/Lodge. A building or portion thereof or premises owned or operated for a social, literary, political, educational, and/or recreational purpose primarily for the exclusive use of members and their guests.

300.34. Cluster Development. A building venture developed by a single owner or a group of owners acting jointly involving a number of dwelling units, often of various types, common areas, and in some instances commercial uses ancillary thereto, and planned as an entity, therefore amenable to development and regulation as one complex land use unit rather than as an aggregation of individual buildings located on separate lots where height, lot size, yard and land use requirements normally govern development. The cluster development resembles the planned residential development.

300.35. Commission, Planning. The legally appointed Planning Commission of Cambridge Springs Borough, sometimes referred to as the Commission in this ordinance.

300.36. Common Area. Any space designed for joint use of residents of a mobile home park, a recreational vehicle park, a campgrounds or other residential

development. Such area is intended for recreation and open space use and shall not include areas devoted to vehicular circulation.

300.37. Compatibility. Refers to land uses or developments that can exist side by side or nearby without harming the health or safety of people, creating a nuisance or devaluing property.

300.38. Comprehensive Plan. A plan or any portion thereof, adopted by a planning commission and/or the legislative authority of a municipality showing the general location and extent of present and proposed land uses and physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community buildings. The plan establishes the goals, objectives, and policies of a community.

300.39. Conditional Use. An activity or use not permitted outright in this ordinance but which may be permitted by the Borough Council. See Article 10, Section 1001.

300.40. Condominium. A type of apartment or townhouse development where people own their unit and share all common and exterior facilities.

300.41. Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes. An application to add one dwelling unit to a single family detached dwelling, turning the building into a two family detached dwelling shall be considered a conversion under the terms of this ordinance.

300.42. Contiguous. Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous.

300.43. Conversion Dwelling Unit. The remodeling of a single family or a two family dwelling to accommodate one additional dwelling unit.

300.44. Council. Refers to the Cambridge Springs Borough Council.

300.45. Day Care Center. An agency offering group care to five or more children who do not have the same parentage for a portion of or all of a day and on a regular schedule more often than once a week.

300.46. Density. A unit of measure; the number of dwelling units per acre of land. Where a density figure is given, the allowable number of dwelling units permitted, based on this figure, is determined by multiplying the density (gross or net whichever is applicable) by the acreage under consideration.

a) **Gross Density:** the number of dwelling units per acre of the total land to be developed.

b) **Net Density:** the number of dwelling units per acre of land where the acreage involved includes only the land devoted to residential uses and common or publicly available park and recreation areas and does not include the area devoted to public or private streets.

300.48. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

300.49. Dedication. Giving land to the Borough for public use such as roads, sidewalks, or parks.

300.50. Drive-in Establishment. A business that accommodates its patrons' automobiles and from which occupants may make purchases, transact business, bank, or view motion pictures or other entertainment. A restaurant or other business establishment selling prepared food for immediate consumption shall be deemed a drive-in establishment if: (a) table service is not provided or provided only incidentally *or* secondary to the primary service of selling food from a counter or window; or (b) tables for the consumption of food within the premises are not provided *or* provided only secondarily; or (c) any food is packaged to facilitate its consumption at places other than within the structure and parking or pickup drives are located on the premises.

300.51. Dwelling. A building, or portion thereof, used for residential occupancy, including single family, two family and multifamily dwellings, but not including hotels, apartment hotels, motels, rooming and boarding houses, or recreational vehicles.

300.52. Dwelling Unit Area. Refers to a building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units intended for the separate and exclusive use of the persons occupying the unit.

300.53. Dwelling, Attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls. This includes the townhouse, but does not include the semi-detached dwelling. Where this dwelling type is referred to in this ordinance there must, by definition, be three or more dwellings attached, side by side, in a group.

300.54. Dwelling, Single Family Detached. A dwelling accommodating one family and having no party wall or walls in common with an adjacent house or houses.

300.55. Dwelling, Two Family Detached. A building accommodating two families living independently of each other, and having no party wall or walls in common with an adjacent house or houses.

300.56. Dwelling, Multifamily. A building under one roof arranged for occupancy by three or more dwelling units but not including attached dwellings.

300.57. Dwelling, Seasonal. A dwelling intended for resort purposes and normally occupied on a seasonal or short-term basis.

300.58. Dwelling, Converted. A dwelling house which has been altered or converted to provide two or more dwelling units.

300.59. Earth-moving Activity. Any construction or other activity which disturbs the surface of the land, including, but not limited to, excavation, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil or rock.

300.60. Easement. A right given by a land owner to another person, corporation or utility for limited use of the land. It is usually written into the deed to the land and commonly permits utility lines, sidewalks, or driveways to cross private and/or public property.

300.61. Eating Establishment. Refers to a building or part thereof used for the serving of food or refreshments to the public, with the serving and consumption of food taking place within the building except for a terrace or patio or other open areas adjacent to the building where the serving and consumption of food and refreshments may take place on a temporary or seasonal basis.

300.62. Egress. The act of leaving a site or building.

300.63. Encroachment. An extension of a building or part of a building or a fence or driveway onto land which is not owned by the owner of the structure(s). Generally, the encroachment is illegal and unauthorized.

300.64. Erosion. The natural process by which the surface of the land is worn away by the action of water, wind or chemical action.

300.65. Essential Services. (See Section 503)

300.66. Existing. Refers to the existence of a use or structure on the date of enactment of this Zoning Ordinance.

300.67. Family: refers to,

- (a) A single person occupying a dwelling unit and maintaining a household; or
- (b) any number of persons related by blood, marriage, or adoption, occupying a dwelling unit, living together and maintaining a common household; or
- (c) not more than four (4) unrelated persons occupying a dwelling unit and maintaining a common household, or not more than three (3) unrelated persons occupying a dwelling unit with any number of persons related by blood, marriage, or adoption; or
- (d) a supervised family-like community living arrangement, of a permanent/non-transient character, for a group of disabled or handicapped persons as defined by the Fair Housing Act, where the number of supervisors, administrators, caregivers or other staff on the premises at one time sufficient for the proper and safe care of the residents is no more than three (3).

300.68. Family Day Care Homes. Facilities in which care is provided at one time to four, five, or six children who are not relatives of the care giver, and where the care areas are used as a family residence.

300.69. Farm Market. The use of land, buildings or structures or part thereof for the purpose of selling fruit, vegetables, meat, eggs, poultry, or other locally grown or produced edible commodities.

300.70. Fast Food Outlet/Take-out. A building or structure or part thereof where broiled, fried, baked, or prepared food is offered for sale or sold to the public for consumption on or off the premises and includes a dairy bar, refreshment room or stand, but does not include a full-service restaurant where meals are served to customers at tables on the premises.

300.71. Floodplain Area. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

300.72. Floor Area, Gross. In the case of a dwelling, the aggregate of the areas of all habitable rooms measured from the exterior faces of the exterior walls, but excluding any detached accessory buildings, a breezeway, unenclosed sunroom, porch and/or verandah, attic, cellar or basement. In the case of a building other than a dwelling shall mean the aggregate of the area of all floors devoted to retail sales, customer service and/or office use, manufacturing, and warehousing

measured from the outside face of exterior walls but shall not include mezzanine areas, mechanical rooms, common walls, stairwells, garbage, and electrical rooms, parking structures and similar uses ancillary to the main use.

300.73. Floor Area Ground. The maximum ground floor area of a building measured by the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, verandah or sunroom (unless such sunroom is habitable at all seasons of the year).

300.74. Floor Area of a Residential Building. The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use. All dimensions shall be measured between exterior faces and walls.

300.75. Floor Area of a Non-Residential Building. The sum of the gross horizontal area of the several floors of a non-residential building excluding, where applicable, stair, elevator and maintenance shafts, and display windows. All dimensions shall be measured between exterior faces of walls.

300.76. Funeral Home. A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

300.77. Garage, Private. A detached accessory building or portion of a principal building used for the parking or storage of automobiles, travel trailers, boats, other vehicles and/or other miscellaneous material belonging to the occupants of the premises, and for not more than one additional vehicle owned and used by others.

300.78. Garbage. Solid waste derived from animal, grain, fruit, or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors.

300.79. Group Home. A supervised community living arrangement for disabled or handicapped persons as defined by the Fair Housing Act, together with supervisors and caregivers.

300.80. Guest Room. A room or suite of rooms which contain no facilities for cooking and which are used or maintained for gain or hire by providing accommodations to the public.

300.81. Habitable Room. Refers to a room designed for living, sleeping, eating or food preparation, including a den, library, sewing room or enclosed sun room.

300.82. Health Care Facilities. A building or buildings in which medical, dental or other health science professional care is provided, including, but not limited to,

doctors or dentists offices; clinics providing emergency or other types of medical services; establishments providing support to health care providers such as laboratories, physical therapy and technical service providers, and ambulance services. The term does not include hospitals, rehabilitation, nursing skilled care, group homes, or related institutions or any place providing overnight care.

300.83. Home Lot Occupation. The primary use of a building on a property (where there is also located a principal building used as a dwelling, mobile home or modular home) for gainful employment involving the manufacture, provision or sale of goods and/or service.

300.84. Home Occupation. A secondary use of a dwelling unit and/or building accessory thereto for gainful employment, involving the manufacture, provision, or sale of goods and/or service, provided that:

- a) there is no external storage of goods or materials;
- b) there are no persons employed other than a member of that family;
- c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling house or dwelling unit nor create or become a public nuisance in particular with regard to noise, traffic or parking;
- d) there is no mechanical or other equipment used except that which is customarily employed in dwellings for domestic or household purposes;
- e) the parking requirements under the General Provisions Section shall apply to any home occupation use.

300.85 Hotel. A building providing rooming units for the temporary lodging of persons for a fee, with or without meals, in which there are eight or more sleeping rooms and an outside entrance in common but not including motels.

300.86 Ingress. The act of entering a site or building.

300.87 Junk. Any discarded material or articles including but not limited to scrap metal, abandoned vehicles and machinery, paper or glass. Junk material shall not include garbage kept in containers for periodic disposal which is regulated by the Pennsylvania Department of Environmental Protection.

300.88 Junk Yards. Any place where three or more articles of junk, as defined, is stored or accumulated outside of a totally enclosed building or structure, or where the business of buying or selling junk is carried on.

300.89 Kennel. A structure where 4 or more domesticated animals more than 6 months old are kept and fed and where the activity is engaged in with the object of breeding, training, or boarding animals for profit.

300.90 Land Development. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; - a subdivision of land; - providing, however, there are exceptions from this definition for residential conversions and the construction of accessory buildings as given in Section 503 (II.) of the Pennsylvania Municipalities Planning Code.

300.91 Landscaped Open Space. The open unobstructed space at grade on a lot, which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping and includes surfaces walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

300.92 Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries from vehicles and accessible to such vehicles when existing and/or required off-street parking spaces are filled. All off-street loading spaces shall be located totally outside of any street, lane, or alley right-of-way.

300.93 Library. A building containing printed and pictorial material, music, videos, and computers for public use for purposes of study, reference and recreation.

300.94 Lot. Land occupied or to be occupied by a building and its accessory buildings, if any, together with yard spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance and having its principal frontage on a public road or street or on such means of access as may be determined adequate in accordance with the provisions of this ordinance.

300.95 Lot, Corner. A lot located in the intersection of two or more streets.

300.96 Lot Coverage. Refers to the percentage of the lot area covered by the horizontal projections for the area of all buildings and structures measured at ground level.

300.97 Lot Depth. The horizontal distance between the front and rear lot lines.

300.98 Lot, Double Frontage. A lot other than a corner lot with frontage on more than one street.

300.99 Lot Frontage. The front of a lot is the portion of the lot nearest the major abutting street. For the purpose of determining yard requirements on corner lots and through lots, all sides adjacent to the streets may be considered frontage, but once the front yard is designated (See Yard, Front) the remaining yards are established by definition.

300.100 Lot, Interior. A lot other than a corner lot.

300.101 Lot, Reverse Frontage. A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.

300.102 Mobile Home. A transportable, single-family dwelling intended for permanent occupancy containing one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. The term does not include park trailers, travel trailers or other similar vehicles which are placed on a site for more than 180 consecutive days.

300.103 Mobile Home, Double Or Triple Wide. A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single building while retaining its individual chassis for possible future transport.

300.103 Mobile Home Lot. A designated portion of a mobile home development designed for the accommodation of one mobile home and its accessory structures.

300.104 Mobile Home Park.

- (a) A site or tract of land or contiguous tracts of land under single ownership or controlled by a group of owners acting jointly upon which two or more mobile homes, used for living, eating or sleeping quarters by persons not related to the proprietor or his agent, are (or are intended to be) located, whether operated for or without compensation; the land shall be under ownership aforementioned at the time the initial and basic park improvements are made after which time ownership may be extended to the users of the park under some accepted form.
- (b) (This definition has been inserted in this ordinance to have applicability only in the Floodplain Overlay District.) A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient use.

300.105 Mobile Home Stand. That area of a mobile home lot which has been reserved for the placement of a mobile home.

300.106 Manufacturing, Light. Refers to the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within 400 feet, including production of the following goods; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).

300.107 Manufacturing, Heavy. Refers to those manufacturing processes which do not meet the standards outlined for light manufacturing.

300.108 Modular Home (Wheelless Modular). A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into one structure, normally requiring prefabricated panels, trusses, plumbing truss, and other prefabricated sub-elements to be incorporated into the structure at the site.

300.109 Motel. A building or group of buildings, whether detached or in connected units used as individual sleeping units for eight or more persons, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities and which may include one dwelling unit for a bona fide caretaker or operator. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, and similar terms.

300.110 Museum. A building or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or of objects of natural history, and/or of mechanical, scientific and/or philosophical inventions, instruments, models and/or designs and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and premises used or to be used in connection therewith.

300.111 Non-conforming Structure. A structure or part of a structure not complying with the applicable provisions in this zoning ordinance, which structure lawfully existed prior to the enactment of this ordinance.

300.112 Non-conforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning ordinance which use was lawfully in existence prior to the enactment of this ordinance.

300.113 Noxious. When used with reference to any use or activity in respect of any land, building, structure, use or activity which, from its nature or from the manner or varying on same, creates or is liable to create destructive gas or fumes, dust, objectionable odor, noise, vibration, unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of activity in respect of any land, building or structure.

300.114 Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

300.115 Nursing Or Convalescent Home. Any building containing sleeping rooms where persons are housed and furnished with meals and nursing care for hire.

300.116 Occupancy Permit. Official certification that a building conforms to applicable laws and may be used for habitation.

300.117 One Hundred Year Flood. A flood that, on the average, is likely to occur once every 100 years, i.e. that has one percent chance to occurring each year, although the flood may occur in any year.

300.118 Park. Refers to a park, playground or play field including therein one or more athletic fields, field houses, community centers, bleachers, swimming pools, wading pools, greenhouses, band stands, skating rinks, tennis courts, bowling greens, curling rinks, refreshment rooms, arenas or similar uses. This definition does not include trailer camp or mobile home park.

300.119 Parking Area. Indicates an area provided for the parking of motor vehicles and may include aisles, parking spaces and related ingress and egress lanes but shall not include any part of a public street or lane. "PARKING AREA" may include a private garage.

300.120 Parking Lot. Refers to any parking area whether or not such parking area is required pursuant to the provisions of this Ordinance.

300.121 Parking Space. Refers to an area exclusive of any aisles or ingress and egress lanes, for the temporary parking or storage of motor vehicles, and may include a private garage.

300.122 Permitted Use. An activity or use permitted outright or as a matter of right in this ordinance.

300.123 Personal Service Establishment. A business where professional or personal services are provided for gain and where the sale at retail of goods, wares, merchandise, articles or things is only accessory to the provisions of such services, including but not limiting the generality of the foregoing, the following: barber shops, beauty shops, tailor shops, laundry or dry-cleaning shops, depots for collecting dry cleaning, shoe repair shops.

300.124 Planned Residential Development. An area of land controlled in the initial planning phase by one landowner or development group and which is to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in terms of bulk regulations, type of dwelling, density, and required open space to the regulations established in any one residential district created, from time to time, under the provisions of a zoning ordinance. The planned residential development resembles the cluster development.

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

300.126 Playground. An area of landscaped open space equipped with children's equipment such as slides, swings or wading pools.

300.127 Principal Use and/or Structure. The main or dominant use and/or structure occurring on an individual lot.

300.128 Private Garage. Refers to a detached accessory building or portion of a dwelling house which is designed or used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and which is fully enclosed and not open but excludes a carport or other open shelter.

300.129 Professional Office. The office or studio of a lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesperson, appraiser, insurance broker or agent, teacher, planner, or similar occupation. Professional office does not include a veterinary, dental, chiropractic, or medical professions. Professional offices may also include corporate offices, or similar offices where clerical, sales, or related administrative functions are performed for a business in which the primary service or goods production is located elsewhere.

300.130 Public Notice. A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30

days and the second notice shall not be less than 7 days from the date of the hearing.

300.131 Public Utility Structure. Buildings, structures and facilities relating to the furnishing of utility services to the public (e.g. pump stations, transformers, and water towers)

300.132 Reconstruction. The cleaning, repairing, restoring or renovation of a building to a safe and/or better condition.

300.133 Recreational Vehicle. A vehicle primarily designed and utilized as temporary living quarters for recreational, camping, or travel use, whether self-propelled or mounted on or drawn by another vehicle, and including travel trailers, recreational trailers, camping trailers, truck campers, motor homes and similar types of vehicles. It shall also include house trailers used for such purposes. The term shall not mean or include a mobile home or seasonal dwelling.

300.134 Recreational Vehicle Park. A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles for transient use consisting of two or more recreational vehicle stands or lots.

300.135 Recycling Center. A structure for which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

300.136 Refuse. All non-putrescible waste except garbage and other decomposable matter. This category includes, but is not limited to, ashes, household bedding, cardboard, cans, crockery, rags, yard cleanings and containers, and objects made of glass, plastic, metal, rubber, paper, wood, and the scraps and parts therefrom.

300.137 Regulatory Flood Elevation. The 100 year flood elevation plus a freeboard safety factor of 1/2 feet.

300.138 Renovation. The repair, strengthening or restoration of a building to a safe condition but does not include its replacement.

300.139 Retail Store. A building or part of a building in which goods, wares, merchandise, or articles are offered or kept for sale at retail but does not include any establishments otherwise defined or classified herein.

300.140 Right-of-way. A strip of land taken or dedicated for use as a public way. In addition to the roadway it normally incorporates curbs, lawn strips, sidewalks, lighting, and drainage facilities.

300.141 School, Public or Private Accredited. Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

300.142 Screening. A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks.

300.143 Service Station. A site including the structures thereon that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for the repair, polishing, greasing, washing, spraying, cleaning or general servicing of such motor vehicles.

300.144 Setback Line. A line established by this ordinance generally parallel with and measured from the lot line coterminous with the street right-of-way; no structure may be located above ground between the street right-of-way and this line except as may be provided under the provisions of this ordinance. This line is also referred to as a building line or a setback.

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

300.146 Sign, Freestanding. A sign which is mobile or portable or where the sign is not securely attached to the ground or to any other structure.

300.147 Sign, Ground Or Pole. A sign which is supported by structures or supports in or upon the ground and independent of support from any building.

300.148 Sign, Non-Point-Of-Sale. A sign advertising the name of a firm, goods, and/or services not provided on the same premises; sometimes referred to as a directional sign, or an off premises advertising sign.

300.149 Sign, Overhanging. A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such a building. The surface of an overhanging sign is at or nearly at a right angle to the building facade and has one or two advertising surfaces.

300.150 Sign, Point-Of-Sale. A sign which advertises the name of a firm, major enterprise, goods and/or services offered for sale on the same premises.

300.151 Sign, 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 buildings, billboards, signs (except such signs as are expressly exempted from obtaining zoning and building certificates), carports, porches, and other building features, but not including sidewalks, drives or patios.

300.152 Sign, Surface Area. The entire area within a single contiguous perimeter enclosing the extreme limits of lettering, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Only one (1) side of a free-standing or projecting double-faced sign shall be included in calculating surface area providing that the two (2) display surfaces are joined at an angle no greater than 60 degrees.

300.153 Sign, Wall. A sign painted or attached to the face of the outside wall of any building and supported by such wall which projects no more than 12 inches from such a building.

300.154 Solar Collector. A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply.

300.155 Solar Energy System. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

300.156 Special Exception. An activity or use not permitted outright in this ordinance but which may be permitted by the Zoning Hearing Board through procedures established in this ordinance (see Section 1000).

300.157 Spot Zoning. The zoning of an isolated piece of property for a land use which is not characteristic of or compatible with the surrounding area. It usually occurs when a particular owner is singled out to be favored for a use which would not normally be considered appropriate with the existing development plans. Spot Zoning is not an acceptable form of development under the Pennsylvania Municipalities Planning Code.

300.158 Structure. Anything constructed or erected, which requires a fixed location on the ground or an attachment to something having a fixed location on the ground including, but not limited to, buildings, billboards, signs, carports,

porches, swimming pools, fences, walls, wellhead casings, and other building features but not including sidewalks, drives and patios.

300.159 Story. Refers to the portion of a building, other than an attic or cellar, included between any floor level and the floor, ceiling, or roof next above it.

300.160 Subdivision. The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided that (1) the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, and (2) conveyances executed for the sole purpose of settling bona fide property line disputes between adjoining owners, shall be exempted.

300.161 Subgrade. Below ground level

300.162 Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

300.163 Thoroughfare of Street. The full width between property lines bounding every public right-of-way of whatever nature, with a part thereof to be used for vehicular traffic and designed as follows:

- a) **Arterial Street.** A general term denoting a highway primarily for through traffic. Arterial streets are always continuous and are of inter-municipal importance.
- b) **Collector Street.** Streets that are continuous and that serve primarily as connections between the arterial streets and local streets which terminate on either end at arterial or other collector streets
- c) **Cul-de-sac.** A local street usually of short length with one end connecting to another street and the other end terminating in a vehicular turnaround.
- d) **Dead End Street.** A street having only one outlet for traffic that lacks a vehicular turnaround.
- e) **Local Street.** A street not having significant continuity and used primarily for providing access to abutting property.

300.163. Thrift Shop. A shop operated by a charitable organization which sells donated used merchandise only. All such merchandise shall be displayed and/or stored in an enclosed building.

300.164. Tourist Home. A building other than a hotel, motel, rooming house or conversion dwelling unit where lodging accommodations are offered to transient guests. Period of stay would normally range from one night to several weeks.

300.165. Travel Trailer. A vehicular portable structure, mounted on a chassis and designed as a temporary dwelling for travel, recreation and vacation uses and which is: (1) identified by the manufacturer as a travel trailer, (2) no more than 8 feet in width, and (3) is of any weight and normally having a body length not exceeding 32 feet.

300.166. Use. Refers to the purpose for which a lot or a building or structure, or any combination thereof is designed, arranged, intended, occupied or maintained and "USES" shall have a corresponding meaning. "USE", when used as a verb, or "TO USE" shall have a corresponding meaning.

300.167. Variance. Legal permission by the Zoning Hearing Board to use a property for a permitted use in a particular zoning district, but to do so with some modification in the regulations applicable to that district. A variance applies only to that particular piece of property for which it is granted. A variance action does not, in most circumstances, involve modifications of the permitted uses within the zoning district.

300.168. Veterinarian's Clinic. A place used for the care, diagnosis, and treatment of diseased, ailing, or injured animals by a qualified and licensed person. This term does not include kennels or animal shelters.

300.169. Warehousing. Refers to a building used by a commercial group or the general public for the storage of goods and materials. For the purposes of this Zoning Ordinance, warehousing also includes self-service or "mini" storage facilities.

300.170. Watercourse. Refers to the natural channel for a stream of water.

300.171. Water Supply. Refers to an adequate distribution system of underground piping and related storage, including pumping and purification appurtenances operated by the Borough of Cambridge Springs and/or any public utilities commission for public use.

300.172. Yard. The open space on a lot which is unoccupied and unobstructed from the lowest level to the sky except for the permitted obstructions listed in this

ordinance. Yard requirements unless otherwise stated are measured from the property lines.

300.173. Yard, Front. A yard extending along the full length of a front lot line and back to a line drawn parallel with such front lot line at a distance therefrom equal to the required front yard depth. For corner lots, one of the abutting streets, for the purpose of this ordinance, shall be designated as the frontage street in order to establish the front lot line and, accordingly, the front yard. All other yards are established by definition once the front yard is fixed. Note, the front or main door of a building need not be located on the facade facing the designated front yard.

300.174. Yard, Interior Side. A side yard which adjoins another lot, an alley, or lane separating such side yard from another lot.

300.175. Yard, Exterior Side. A side yard which adjoins a street.

300.176. Yard, Rear. A yard extending along the full length of a rear lot line and back to a line drawn parallel with such rear lot line at a distance therefrom equal to the required rear yard. The rear yard and side yards overlap.

300.177. Yard, Side. A yard extending along the side lot line drawn parallel with such side lot line at a distance therefrom equal to the required side yard width. The side yard shall begin where the front yard ends and shall extend to the rear lot line. The side yards and rear yard overlap.

300.178. Zoning Hearing Board. A board appointed by the Borough Council in order to provide for the administrative requirements set forth in this ordinance; also referred to as the Board.

300.179. Zoning Permit. A form issued by the Borough permitting construction of a structure in accordance with plans that have been approved by the municipality. Prior to issuance of a zoning permit the development will be checked for compliance with local codes, zoning ordinance and land development & subdivision requirements.

Section 301 Interpretation Of Words

For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

1. The word "shall" is mandatory;
2. The word "may" is permissive;

3. The word "should" is a preferred requirement;
4. Words used in the present tense shall include; the future;
5. Words used in the singular shall include the plural;
6. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

ARTICLE 4

ESTABLISHMENT, PURPOSE AND REGULATIONS OF ZONING DISTRICTS

Section 400 Establishment of Zoning Districts

In order to carry out the purposes of this Ordinance, Cambridge Springs Borough is hereby divided into the following zoning districts:

- B-1 Central Business District**
- B-2 General Business District**
- T Transitional District**
- M Manufacturing**
- I Institutional District**
- R-1 Single Family Residential**
- R-2 Multi-Family Residential**
- OP Open Space District**

Section 401 The Official Zoning Map

The Districts, as established in this Article 4, are shown on the Official Zoning Map which together with all explanatory matter thereon is hereby adopted as part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor of Cambridge Springs Borough and attested by the Borough secretary.

Section 402 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules apply:

402.1. District boundaries indicated as following the centerlines of (or following along the rights-of-way of) streets, highways, alleys or streams shall be construed to follow said centerlines.

402.2. District boundaries indicated as following platted lot or property boundary lines shall be construed as following said platted lot or property boundary lines.

402.3. District boundaries indicated as following municipal limits shall be construed as following such municipal limits.

402.4. District boundaries indicated graphically as parallel to the centerlines of the streets, highways, alleys or streams or indicated graphically as parallel to property boundary lines shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such distances shall be determined by the use of the map scale as shown on the Official Zoning Map.

402.5. Where the Zoning Officer cannot definitely determine the location of a district boundary by the rules 1 to 4 as listed above, he/she shall refer the matter to the Zoning Hearing Board which shall be responsible for interpreting the district boundary.

Section 403 Compliance With District Regulations

The regulations for each district set forth in this Ordinance shall be minimum regulations and shall apply as hereinafter provided. No land shall be used or occupied and no structure or part thereof shall be constructed, reconstructed, moved, structurally altered or occupied except in conformity with the regulations specified for the district in which it is located, and except as regulated in applicable sections of this Ordinance.

❖ SECTION 404 B-1 CENTRAL BUSINESS DISTRICT

The purpose of this district is to foster a variety of retail and services business uses in a traditional downtown setting that is conducive to pedestrian access.

404.1 Permitted Uses

- a) Retail Businesses
- b) Restaurants
- c) Taverns
- d) Clubs/Lodges
- e) Theaters
- f) Professional Offices
- g) Financial Institutions
- h) Amusements/Arcades
- i) Antique Shops
- j) Farm Market
- k) Funeral Homes
- l) Personal Service Establishments
- m) Gymnasiums/Health Clubs
- n) Health Care Facilities

- o) Civic/Cultural Buildings
- p) Municipal Buildings
- q) Parking Lots/Garages
- r) Multifamily Residential
- s) Essential Services
- t) Accessory Uses

404.2 Special Exceptions

- a) Service Stations (Section 1002 and 1003.1)
- b) Public Utility Structures (Section 1002 and 1003.8)

404.3 Conditional Uses

- a) Churches (Section 1002 and 1003.2)
- b) Drive-in Establishments (Section 1002 and 1003.4)
- c) Hotels (Section 1002 and 1003.5)
- d) Nursing and Convalescent Homes (Section 1002 and 1003.13)

404.4 Bulk Regulations The bulk regulations outlined within the B-1 Zone are for lots that are currently serviced by both municipal water and sewerage.

Minimum lot area	4,000 Sq. Ft.
Gross Floor Area - dwelling units in the second and third story of a non-residential building	residential floor area 50% of lot area
Minimum Lot Width	50 Feet
Front Yard Setback	0 Feet
Interior Side Yard Setback	0 Feet
Exterior Side Yard Setback	0 Feet
Lot Coverage - for all principal and accessory uses	40% of lot area

❖ **SECTION 405 B-2 GENERAL BUSINESS DISTRICT**

The purpose of this district is to foster a variety of retail and services business uses in both an auto and pedestrian oriented setting.

405.1 Permitted Uses

- a) Retail Businesses
- b) Restaurants
- c) Taverns
- d) Wholesale Businesses
- e) Clubs/Lodges
- f) Theaters
- g) Service Stations
- h) Professional Offices

- i) Financial Institutions
- j) Personal Service Establishments
- k) Amusements/Arcades
- l) Antique Shops
- m) Car Washes
- n) Farm Markets
- o) Funeral Homes
- p) Nurseries
- q) Health Care Facilities
- r) Civic/Cultural Buildings
- s) Municipal Buildings
- t) Parking Lots/Garages
- u) Multifamily Residential
- v) Accessory Structures/Uses
- w) Essential Services

405.2 Special Exceptions

- a) Auto Repair Business: Minor (Section 1002 and 1003.1)
- b) Auto Retail Businesses (Section 1002 and 1003.3)
- c) Bed and Breakfasts (Section 1002 and 1003.6)
- d) Churches (Section 1002 and 1003.2)
- e) Hotels (Section 1002 and 1003.5)
- f) Motels (Section 1002 and 1003.5)
- g) Public Utility Structures (Section 1002 and 1003.8)

405.3 Conditional Uses

- a) Drive-in Establishments (Section 1002 and 1003.4)
- b) Shopping Centers (Section 1002)

405.4 Bulk Regulations The bulk regulations outlined within the B-2 Zone are for lots that are currently serviced by both municipal water and sewerage.

Minimum lot area	5,000 Sq.Ft.
Gross Floor Area - dwelling units in the second and third story of a non-residential building	residential floor area 50% of lot area
Minimum Lot Width	50 Feet
Front Yard Setback	0 Feet
Interior Side Yard Setback - combined minimum setback	18 Feet*
Exterior Side Yard Setback	12 Feet
Lot Coverage - for all principal and accessory uses	40% of lot area

* provided that one interior side setback be no less than 10 feet.

❖ SECTION 406 T TRANSITIONAL DISTRICT

The purpose of this district is to provide sufficient land area for the flexible conversion of residential uses to residentially harmonious commercial uses.

406.1 Permitted Uses

- a) Single Family Dwellings
- b) Two Family Attached Dwellings
- c) Attached Dwellings
- d) Multifamily Dwellings
- e) Bed and Breakfasts
- f) Churches
- g) Family Day Care Homes
- h) Funeral Homes
- i) Health Care Facilities
- j) Home Occupations
- k) Rooming Houses
- l) Parking Lots
- m) Personal Care Homes
- n) Professional Offices
- o) Public Parks and Playgrounds
- p) Accessory Structures/Uses
- q) Essential Services

406.2 Special Exceptions

- a) Auto Repair Business: Minor (Section 1002 and 1003.1)
- b) Day Care Centers (Section 1002 and 1003.7)
- c) Personal Service Establishments (Section 1002)
- d) Public Utility Structures (Section 1002 and 1003.8)

406.3 Conditional Uses

- a) Limited Retail Business (Section 1002 and 1003.9)

406.4 Bulk Regulations The bulk regulations outlined within the T Zone are for lots that are currently serviced by both municipal water and sewerage.

Residential Uses

Minimum lot area	Lot area existing at passage of this ordinance
Minimum Lot Width	Lot width existing at passage of this ordinance
Front Yard Setback	20 Feet

Interior Side Yard Setback - combined minimum setback	18 Feet*
Exterior Side Yard Setback	20 Feet
Lot Coverage - for all principal and accessory uses	35% of lot area

* provided that one interior side setback be no less than 8 feet.

Non-Residential Uses

Minimum lot area	Lot area existing at passage of this ordinance
Minimum Lot Width	Lot width existing at passage of this ordinance
Front Yard Setback	25 Feet
Interior Side Yard Setback - combined minimum setback	20 Feet*
Exterior Side Yard Setback	20 Feet
Lot Coverage - for all principal and accessory uses	50% of lot area

* provided that one interior side setback be no less than 10 feet.

❖ **SECTION 407 M MANUFACTURING DISTRICT**

This district is established to provide for goods producing uses, wholesale uses and other light industrial uses.

407.1 Permitted Uses

- a) Auto Repair Business: Major
- b) Commercial Bakeries
- c) Commercial Laundries
- d) Construction Industry
- e) Farm Equipment Dealers
- f) Light Manufacturing
- g) Municipal Buildings
- h) Research Laboratories
- i) Recycling Centers
- j) Supply Yards
- k) Truck Terminals
- l) Warehouses
- m) Wholesale Businesses
- n) Accessory Structures/Uses
- o) Essential Services

407.2 Special Exceptions

- a) Animal Shelters (Section 1002)
- b) Heavy Manufacturing (Section 1002)
- c) Kennels (Section 1002 and 1103.10)
- d) Public Utility Structures (Section 1002 and 1003.8)

407.3 Conditional Uses

- a) Amusements (Section 1002)
- b) Restaurants (Section 1002)
- c) Retail Businesses (Section 1002)
- d) Taverns (Section 1002)
- e) Mobile Home Parks (Section 1002)

407.4 Bulk Regulations The bulk regulations outlined within the M Zone are for lots that are currently serviced by both municipal water and sewerage.

Minimum lot area	20,000 Sq.Ft.
Minimum Lot Width	125 Feet
Minimum Lot Depth	160 Feet
Front Yard Setback	50 Feet
Interior Side Yard Setback - combined minimum setback	30 Feet*
Exterior Side Yard Setback	25 Feet
Lot Coverage - for all principal and accessory uses	70% of lot area
Landscaped Open Space - Minimum	5% of lot area

* provided that one interior side setback be no less than 10 feet.

❖ **SECTION 408 I INSTITUTIONAL DISTRICT**

408.1 Permitted Uses

- a) Churches
- b) Cemeteries
- c) Civic/Cultural Buildings
- d) Municipal Buildings
- e) Parking Lots
- f) Public Parks and Playgrounds
- g) Public or Private Accredited Schools
- h) Accessory Structures/Uses
- i) Essential Services

408.2 Special Exceptions

- a) Day Care Centers (Section 1002 and 1003.7)
- b) Public Utility Structures (Section 1002 and 1003.8)

408.3 Conditional Uses

- a) Correctional Facilities (Section 1002)

408.4 Bulk Regulations The bulk regulations outlined within the I Zone are for lots that are currently serviced by both municipal water and sewerage.

Minimum lot area	8,000 Sq.Ft.
Minimum Lot Width	80 Feet
Front Yard Setback	30 Feet
Interior Side Yard Setback - combined minimum setback	30 Feet*
Exterior Side Yard Setback	20 Feet
Lot Coverage - for all principal and accessory uses	35% of lot area
Landscaped Open Space - minimum	25% of lot area

* provided that one interior side setback be no less than 10 feet.

❖ **SECTION 409 R-1 SINGLE FAMILY RESIDENTIAL**

409.1 Permitted Uses

- a) Single Family Detached Dwellings
- b) Family Day Care Homes
- c) Public Parks and Playgrounds
- d) Accessory Structures/Uses
- e) Essential Services

409.2 Special Exceptions

- a) Home Occupations (Section 1102 and 1103.11)
- b) Public Utility Structures (Section 1002 and 1003.8)

409.3 Bulk Regulations The bulk regulations outlined within the R-1 Zone are for lots that are currently serviced by both municipal water and sewerage.

Minimum lot area - Corner lot	8,500 Sq.Ft.
Minimum lot area - All other lots	8,000 Sq.Ft.
Minimum Lot Width	80 Feet
Minimum Lot Depth	100 Feet
Front Yard Setback	20 Feet
Interior Side Yard Setback - combined minimum setback	15 Feet*
Exterior Side Yard Setback	15 Feet

Lot Coverage - Residential Uses	30% of lot area
Lot Coverage - All other uses	40% of lot area

* provided that one interior side setback be no less than 5 feet.

❖ **SECTION 410 R-2 MULTI-FAMILY RESIDENTIAL**

410.1 Permitted Uses

- a) Single Family Detached Dwellings
- b) Two Family Detached Dwellings
- c) Attached Dwellings
- d) Multifamily Dwellings
- e) Family Day Care Homes
- f) Churches
- g) Public Parks and Playgrounds
- h) Accessory Structures/Uses
- i) Essential Services

410.2 Special Exceptions

- a) Bed and Breakfasts (Section 1002 and 1003.6)
- b) Home Occupations (Section 1102 and 1103.11)
- c) Personal Care Homes (Section 1002 and 1003.12)
- d) Public Utility Structures (Section 1002 and 1003.8)

410.3 Conditional Uses

- a) Day Care Centers (Section 1002 and 1003.7)
- b) Nursing or Convalescent Homes (Section 1002 and 1003.13)
- c) Public or Private Accredited Schools (Section 1002)

410.4 Bulk Regulations The bulk regulations outlined within the R-2 Zone are for lots that are currently serviced by both municipal water and sewerage.

Detached Single-Family Dwellings and Other Non-Residential Permitted Uses

Minimum lot area - Corner lot	6,500 Sq.Ft.
Minimum lot area - All other lots	6,000 Sq.Ft.
Minimum Lot Width - Corner lot	60 Feet
Minimum Lot Width - All other lots	50 Feet
Minimum Lot Depth	100 Feet
Front Yard Setback	20 Feet
Interior Side Yard Setback - combined minimum setback	15 Feet*
Exterior Side Yard Setback	15 Feet

Lot Coverage	35% of lot area
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* provided that one interior side setback be no less than 5 feet.

Multifamily Dwellings, Semi-Detached Dwellings and Converted Dwelling House

Minimum lot area - Corner lot	6,000 Sq.Ft.
Minimum lot area - All other lots	5,500 Sq.Ft.
Minimum Lot Width - Corner lot	70 Feet
Minimum Lot Width - All other lots	50 Feet
Minimum Lot Depth	100 Feet
Front Yard Setback	20 Feet
Interior Side Yard Setback - combined minimum setback	20 Feet*
Exterior Side Yard Setback	15 Feet
Lot Coverage	35% of lot area

* provided that one interior side setback be no less than 10 feet.

❖ **SECTION 411 OPOPEN SPACE**

The purpose of this district is to set aside portions of the Borough that are not conducive to development because of flooding conditions, soils, or slope to be used for open space and recreation

411.1 Permitted Uses

- a) Public Parks and Playgrounds
- b) Golf Courses
- c) Accessory Structures/Uses
- d) Essential Services
- e) Municipal Buildings

411.2 Special Exceptions

- a) Public Utility Structures (Section 1002 and 1003.8)

411.3 Bulk Regulations

Minimum lot area	7,500 Sq.Ft.
Minimum Lot Width	75 Feet
Minimum Lot Depth	100 Feet
Front Yard Setback	20 Feet

Lot Coverage	20% of lot area
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* provided that one interior side setback be no less than 10 feet.

❖ **SECTION 412 FO FLOODPLAIN OVERLAY DISTRICT**

Purpose: The Floodplain Overlay District is intended to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and government sources, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and impairment of the tax base by (a) regulating uses, activities and development which, acting alone or in combination with other existing or future use, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies; (b) restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding; (c) requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; (d) protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

412.1 Warning and Disclaimer Of Liability. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights maybe increased by man-made or natural causes. This ordinance does not imply that areas outside the floodplain overlay district, or that land uses permitted within such districts, will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

412.2 Identification Of Flood Hazard Areas. The identified flood hazard areas shall be those areas of Cambridge Springs Borough subject to the 100 year flood which are identified as Zone A areas on the Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) dated August 2, 1990 or the most recent revision thereof. These flood hazard areas (Zone A areas) are delineated on Cambridge Springs Borough's Zoning Districts Map as the Floodplain Overlay District, FO.

412.3 Determination of The 100 Year Flood Elevation. For the purposes of this ordinance, the 100 year flood elevation shall be used as the basis for regulation. When available, information from Federal, State and other acceptable sources shall be used to determine the 100 year elevation, as well as a floodway area, if possible. When no other information is available, the 100 year elevation shall be determined by using a point on the boundary of the identified floodplain

area which is nearest the construction site in question. In lieu of the above the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect current accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

412.4 Changes In Identification Of Area. The delineation of the identified Floodplain Overlay District (flood hazardous area) may be revised by the Borough Council where natural or man-made changes have occurred and/or more detailed studies conducted by the U. S. Corps of Engineers or other qualified agencies or individuals document the need for such changes. Prior to any such change approval must be obtained from the Federal Insurance Administration.

412.5 Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Hearing Board and any party aggrieved by this decision may appeal to Borough Council. The burden of proof shall be on the applicant.

412.6 Overlay Concept. The identified flood hazard areas in the Borough are delineated as the Flood Hazard Overlay District. This District is overlaid on the other zoning districts of the Borough and serves as a supplement to the provisions of the underlying districts. In the identified flood hazard area as delineated by the Flood Hazard Overlay District the development and/or use of any land shall be permitted only as it is in compliance with the requirements of this District as set forth herein and with any other applicable Borough codes and ordinances. Where there is a conflict between the requirements of the Flood Hazard Overlay District and those of an underlying district the more restrictive provisions and/or those pertaining to the flood hazard area shall apply. In the event any provisions concerning the Flood Hazard Overlay District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the underlying district provisions remain applicable.

412.7 Issuance Of Zoning Permit.

- a) A zoning permit shall be issued only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- b) Prior to the issuance of any building and zoning permit the application shall be reviewed to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as

amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U. S. Clean Water Act, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

c) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by Borough Council and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator and the Pennsylvania Department of Community and Economic Development, Bureau of Community Planning shall be notified by the Borough Council prior to any alteration or relocation of any watercourse.

d) Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100 year flood elevation.

412.8 Application Procedures and Requirements. If proposed construction or development is located entirely or partially within an identified flood hazard area the applicant shall provide, in addition to the normal requirements of this ordinance, the following more specific information:

a) A plan of the entire site drawn at a scale of 1 inch equal to 100 feet or less showing:

- 1) North arrow, scale and date
- 2) A location showing the vicinity in which the proposed development is to be located
- 3) Topography based on the National Geodetic Vertical Datum of 1929 showing existing and proposed contours at intervals of 2 feet
- 4) All property dimensions and the size of the site expressed in acres or square feet
- 5) The location of existing streets and other accessways affecting the proposed development with information concerning widths, pavement types and elevations
- 6) The location of existing bodies of water, watercourses, buildings, structures and other public or private facilities and any other natural or man-made features affecting or affected by, the proposed development

- 7) The location of the identified Floodplain Overlay District (flood hazard area) boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities
 - 8) A general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements including the location of any existing or proposed subdivision and land development in order to assure that:
 - (a) all proposals are consistent with the need to minimize flood damage;
 - (b) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) adequate drainage is provided so as to reduce exposure to flood hazards.
- b) Plans of all proposed buildings, structures and other improvements drawn at a suitable scale showing the following:
- 1) Detailed architectural or engineering drawings including building size, floor plans, sections and exterior building elevations as appropriate
 - 2) Proposed lowest floor elevations of any proposed building based upon National Geodetic Vertical Datum of 1929
 - 3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100 year flood
 - 4) Detailed information concerning any proposed flood-proofing measures
 - 5) Cross-section drawings for all proposed streets and other accessways and parking areas showing all rights-of-way and pavement widths
 - 6) Profile drawings for all proposed streets and vehicular accessories including existing and proposed grades

- 7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities
 - 8) Soil types
- c) The following data and documentation:
- 1) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand 100 year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the 100 year flood. Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.
 - 2) Detailed information needed to determine compliance with Section 412.14(g) Storage, and Section 412.15, Development Which May Endanger Human Life, including:
 - (a) the amount, location and purpose of any materials or substances referred to in Sections 412.14(g). and 412.15 which are intended to be used, produced, stored or otherwise maintained on site;
 - (b) for any proposed structure regulated under Section 412.15 a description of the safeguards incorporated into the design of the structure to prevent leaks or spills of the above mentioned materials or substances during a 100 year flood.
 - 3) The appropriate component of the Department of Environmental Protection "Planning Module for Land Development".
 - 4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

412.9 Review By The Crawford Conservation District. A copy of all applications and plans for any proposed construction or development in any identified flood hazard area to be considered for approval shall be submitted by the Zoning Officer and to the Crawford Conservation District for review and comment prior to the issuance of a permit. The recommendation of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

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

412.11 Permit Required From Pennsylvania Department of Environmental Protection. Within this District, which delineates the extent of the identified flood hazard area in the borough no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank by any watercourse unless a permit is obtained from the Department of Environmental Protection (PennDEP), Bureau of Dams and Waterway Management.

412.12 Elevation Requirement For Residential Structures. Within any identified floodplain area, the lowest floor (including basement) of any new residential structure, or any substantial improvement to an existing residential structure, shall be at least 1 ½ feet above the 100 year flood elevation. Fully enclosed spaces below the floor shall be prohibited.

412.13 Elevation Requirement For Non-Residential Structures

a) Within any identified floodplain area, the lowest floor (including basement) of any new non-residential structure, or any substantial improvement to an existing non-residential structure, shall be at least 1/2 feet above the 100 year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Fully enclosed spaces below the lowest floor shall be prohibited.

b) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least 1/2 feet above the 100 year flood elevation, shall be flood-proofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U. S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such flood-proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

412.14 Design And Construction Standards. The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified flood hazard area:

a) Fill. If fill is used, it shall:

- 1) extend laterally at least 15 feet beyond the building line from all points;
- 2) consist of soil or small rock materials only; sanitary landfills shall not be permitted;
- 3) be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
- 4) be no steeper than one vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and
- 5) be used to the extent to which it does not adversely affect adjacent properties.

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

c) Sanitary Sewer Facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

d) Water Facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages;

e) Streets. The finished elevation of proposed new streets shall be no more than one foot below the Regulatory Flood Elevation.

f) Utilities. All utilities such as gas lines, electrical and telephone systems being placed in an identified flood hazard areas should be located, elevated (where possible) and constructed to minimize the change of impairment during a flood.

g) Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 412.15, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood-proofed to the maximum extent possible.

h) Placement Of Buildings And Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

i) Anchoring.

- 1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- 2) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- 3) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- 4) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

k) Paints and Adhesives.

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

l) Electrical Systems And Components.

- 1) Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- 2) Electrical distribution panels shall be at least three feet above the 100 year flood elevation.
- 3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

m) Plumbing.

- 1) Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- 2) No part of any on-site sewage disposal system shall be located within any identified flood hazard area.
- 3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharge from the system into flood waters.
- 4) All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharge from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

412.15 Development Which May Endanger Human Life.

a) In accordance with the Pennsylvania Floodplain Management Act, the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or structures or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

(1) Acetone, (2) Ammonia, (3) Benzene, (4) Calcium carbide, (5) Carbon disulfide, (6) Celluloid, (7) Chlorine, (8) Hydrochloric acid, (9) Hydrocyanic acid, (10) Magnesium, (11) Nitric acid and oxides of nitrogen, (12) Petroleum products (gasoline, fuel oil, etc.), (13) Phosphorus, (14) Potassium, (15) Sodium, (16) Sulphur and sulphur products, (17) Pesticides (including insecticides, fungicides and rodenticides), (18) Radioactive substances, insofar as such substances are not otherwise regulated.

b) Within the identified flood hazard area any new or substantially improved structure of the kind described in item a above shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

c) Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in subsection a, above, shall be:

- 1) elevated or designed and constructed to remain completely dry up to at least 1/2 feet above the 100 year flood, and
- 2) designed to prevent pollution from the structure or activity during the course of a 100 year flood.
- 3) Any structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication, "Flood-Proofing Regulations", (U. S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

412.16 Special Requirements For Mobile Homes. Where permitted within any identified floodplain areas, all mobile homes and additions thereto shall be:

- a) placed on a permanent foundation
- b) elevated so that the lowest floor of the mobile home is 1/2 feet or more above the elevation of the one hundred year flood.
- c) anchored to resist flotation, collapse or lateral movement
- d) Within any identified floodway area, all mobile homes and any addition thereto shall be prohibited.

412.17 Prohibited Uses. The following activities are prohibited if located entirely or partially within the Flood Hazard Overlay District

- a) Hospitals, public or private
- b) Nursing homes, public or private
- c) Jails or prisons
- d) New mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and development.

412.18 Non-conforming Structures In The Flood Hazard Overlay District. Structures existing in any identified flood hazard area prior to the enactment of this ordinance and which are not in compliance with these provisions may continue to remain, provided that any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this ordinance. Also see the provisions in Article 9. of this ordinance.

- a) No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100 year flood.

412.19 Variances. If compliance with any of the requirements of this ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Borough may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Borough in accordance with the provisions of Article 10. of this ordinance and in accordance with the following.

- a) Except for a possible modification of the freehand requirement involved, no variance shall be granted for any of the other requirements set forth in Sections 412.15 and 412.17.

b) Whenever a variance is granted the Borough shall notify the applicant in writing that:

- 1) the granting of the variance may result in increased premium rates for flood insurance;
- 2) such variance may increase the risks of life and property.

c) In reviewing any request for a variance the Borough shall consider at a minimum that the granting of the variance will,

- 1) neither result in an unacceptable increase in flood heights, additional threats to the public safety or extraordinary public expense,
- 2) nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local ordinances or regulations.

d) A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

e) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100 year flood elevation.

ARTICLE 5

SUPPLEMENTARY REGULATIONS

Section 500 More than One Principle Use per Lot

In most of the Zoning Districts in this Ordinance each principal use shall be on its own separate lot of record. Zoning regulations are traditionally based on lot by lot development, and through minimum lot area requirements the density of development is thereby regulated. This Ordinance preserves this method of regulation but includes exceptions to this requirement in the following instances.

- a) Where the land development, cluster development, and where the mobile homes are permitted, lot by lot development is not required.
- b) In the Central Business District, General Business District, and Transition District two or more principal permitted uses are allowed on a lot of record.

Section 501 Prohibited Uses

As provided in the provisions of this Ordinance any building may be erected, altered or used for any residence, trade, industry, business or institutional purpose that is in compliance with the applicable district regulations. It is the intention of this Ordinance that no uses are established which are obnoxious or offensive by reason of odor, dust, smoke, gas, noise, vibrations, glare or illumination or otherwise which create a nuisance or hazard to public health, safety and welfare. In addition to uses which may be prohibited by reason of the above, the following uses are specifically prohibited:

501.1 The incineration of animal wastes; open dumps;

501.2 Paper or paper pulp manufacture;

501.3 Fertilizer manufacture; and

501.4 Nuclear reactor facilities and nuclear waste disposal sites and toxic waste disposal sites.

Section 502 Storage Of Vehicles, Machinery And Other Items Of General Storage Considered Refuse

Automotive vehicles including trailers and travel trailers of any kind or type without current license plates and inspection stickers and other machinery which are clearly abandoned, deteriorated and creating a nuisance and which are defined as refuse shall not be parked or stored in the open air on a property. No portions of a property shall be used for the storage of garbage, old appliances, rubbish or miscellaneous refuse items which create a nuisance. Outdoor storage of such abandoned and deteriorated vehicles, machinery, and items of general storage, where it is established that this material is refuse, shall be considered a public nuisance; the Borough under the State Laws and the provisions of this ordinance and other applicable Borough ordinances, may abate such nuisances.

Section 503 Essential Services

The erection, construction, alteration or maintenance and operation by public utilities, municipal governments or authorities of underground, surface, or overhead gas, electrical, storm sewer or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities, municipal governments or authorities for the public health or general welfare - all shall be permitted as a matter of right, subject to other pertinent regulations in this ordinance, ie. yard requirements; providing, however, major public utility structures and buildings, other than such buildings as are primarily enclosures of the above essential service equipment, shall be regulated as in Section 503, 1002 and 1003.8 of this Ordinance.

Section 504 Public Utility Structures

Major utility structures including but not limited to storage tank farms; electric substations and power generation plants; natural gas pump stations, storage tanks and maintenance structures; sewage and water treatment plants; and major cross country utility transmission lines shall be permitted as special exceptions and subject the requirements in Section 1002 and 1003.8.

Section 505 Uses Not Outlined in Ordinance

Where an applicant proposes to develop a use which is not designated in this Ordinance or which cannot reasonably be interpreted as being implied or included under a type or category of use listed in this Ordinance, then such use shall not be permitted. The

applicant, however, may request, through the Zoning Officer, a hearing before the Zoning Hearing Board wherein a full explanation of the applicant's development proposal shall be heard by the Board and an accurate record made thereof. As required in this Ordinance, the Board shall render a written decision and/or findings on the matter of the applicant's request which shall be transmitted to the Zoning Officer, the Planning Commission, and the Borough Council. Depending on this written decision the applicant's proposed use may or may not be permitted.

ARTICLE 6

PERFORMANCE STANDARDS

❖ Section 600 Height Regulations

No structure shall exceed three stories or 36 feet total, whichever is greater height; providing, however, this requirement shall be waived in all districts for the following: belfries, chimneys, cupolas, domes, flagpoles, flues, stacks, ground signs, monuments, spires, steeples, water towers and tanks, cooling towers, elevator enclosures, skylights, solar equipment, stage towers, air conditioning units, utility poles, parapet walls providing such walls shall not exceed such height as necessary to screen mechanical equipment, television and radio towers, windmills and all buildings accessory to agricultural operations.

600.1 Where a building floor level is so constructed as to permit a direct entrance to the building at, or nearly at, outside grade level either from the front or rear yard, such building level shall be considered a story for the purposes of interpreting this Ordinance and any measurement of height shall be taken from the outside grade level at said entrance area.

Section 601 Minimum Floor Area Requirement (Detached Dwellings)

No single family detached dwelling shall have a floor area of less than 720 square feet. Basements shall not be included in accounting for this requirement.

❖ Section 602 Accessory Uses and Structures

602.1 Use Of Accessory Buildings

Where this Ordinance provides that a lot may be used or a building or structure may be erected, altered, or used for the purpose, that purpose shall include any accessory building or structure or accessory use, which may include any structures to receive and/or store energy directly from the sun, but shall not include:

- a) any occupation for gain or profit conducted within a dwelling unit except as may be permitted in this Ordinance;
- b) any building used for human habitation except as may be permitted in this Ordinance.

602.2 Height (Accessory Structure)

No accessory building or structure shall exceed 15 feet in height, and provided that within 10 feet of a rear lot line in a residential zone, no accessory building or structure shall exceed 10 feet in height. Notwithstanding the height provisions herein contained, nothing in this Ordinance shall apply to prevent the erection and/or use of a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, an air conditioner duct, a radio or television tower or antenna, a barn, a silo, an elevator shaft or a solar collector located on top of a building.

602.3 Lot Coverage (Accessory Structure)

The total lot coverage of all accessory structures on a lot shall not exceed 10% of the lot area. An attached garage in a residential zone (R-1 and R-2) shall not be considered as an accessory building for the purposes of calculating lot coverage.

602.4 Location (Accessory Structure)

Except as otherwise provided, any accessory building or structure which is not an integral component of the main building shall be erected to the rear of the required front yard and shall comply with the yard and setback provisions of the zone in which such building or structure is situated. Accessory structures such as a satellite dishes and/or an air conditioning units, shall be located to the rear of the main building and shall comply with the accessory structure setback requirements of the appropriate zone.

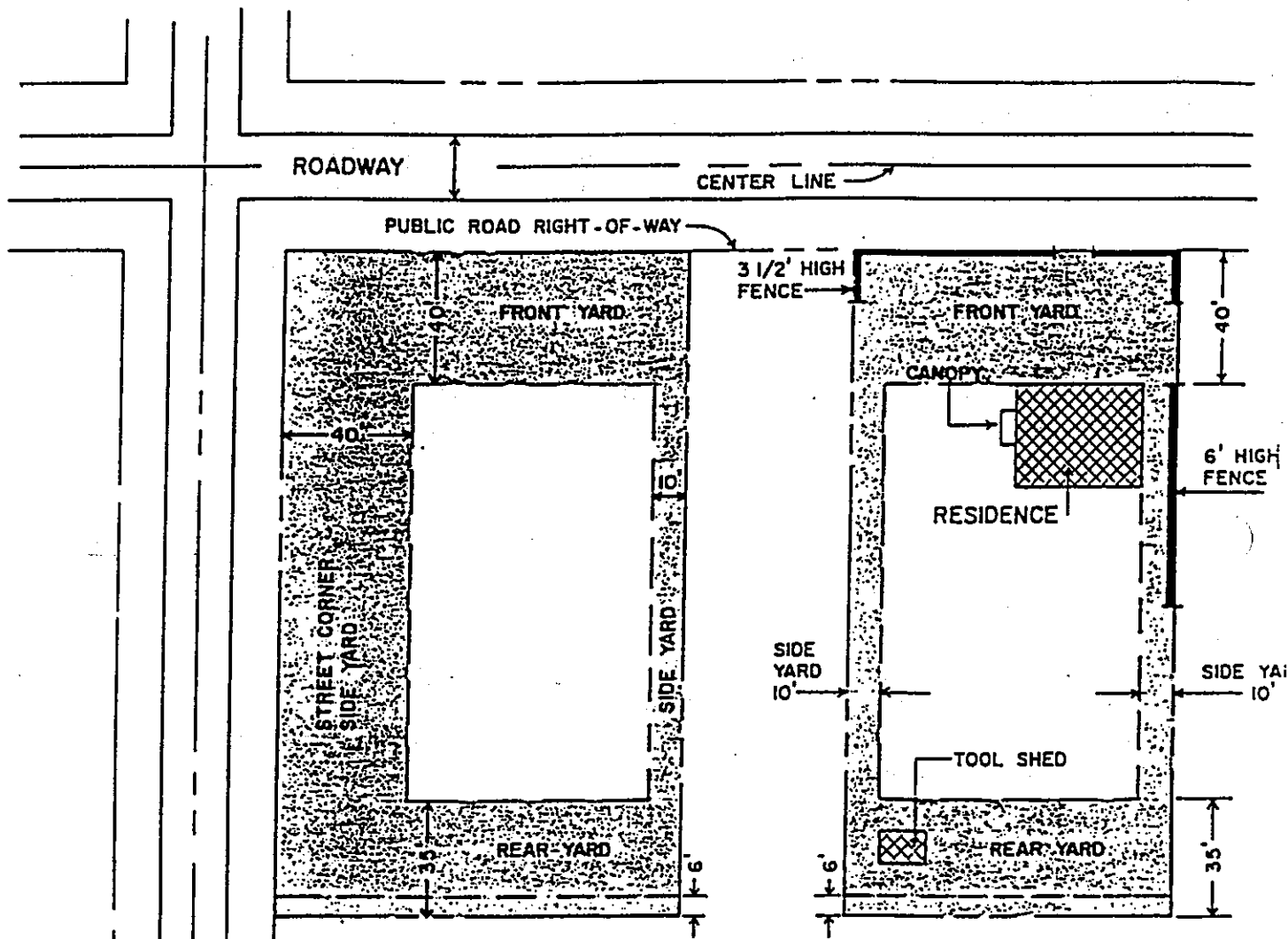
602.5 Permitted Projections In Required Rear Yard or Required Interior Side Yards

Front, side (interior and exterior) and rear yard requirements are given for each Zoning District in the Borough. Except for specified projections and obstructions listed below, every part of the required yard shall be open and unobstructed to the sky. However, within the R-1 and R-2 Residential Zones the following table (Table 1) outlines the permitted accessory structure/use yard projections into the front, rear and interior side and exterior side yards.

Provided that an accessory structure may be erected and used in the required rear yard and required interior side yard if located to the rear of the main building on the lot, provided that if such accessory structure or use is located in the rear or interior side yard it shall be no closer than four (4) feet from the rear lot line or the interior side lot lines. In the case of a corner lot, the exterior side yard setback shall be not less than five (5) feet.

Drawing 1 illustrates the meaning of this Section. This Section is intended to introduce flexibility for Accessory Uses into the Zoning Ordinance.

DRAWING 1
**CORNER LOT YARDS &
 PERMITTED PROJECTIONS INTO
 REQUIRED YARDS**



CORNER LOT

PERMITTED PROJECTIONS

DISTRICT YARD REQUIREMENTS

- FRONT YARD..... MINIMUM OF 40'
- SIDE YARD..... MINIMUM OF 10'
- STREET CORNER SIDE YARD.....
MINIMUM OF 40'

- REAR YARD
- PRINCIPAL STRUCTURE.....35'
- ACCESSORY STRUCTURE.....6'

TABLE 1 - PERMITTED ACCESSORY STRUCTURE/USE YARD ENCROACHMENTS

Accessory Structure/Use	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard
Apparatus or architectural structures required for the efficient operation of solar energy systems, including but not limited to overhangs, insulating walls and roofs, solar collectors or reflectors	✓	✓	✓	✓
Arbor or trellises (Attached)	✓	✓	✓	✓
Arbor or trellises (Free standing)		✓		✓
Air Conditioning Units		✓	✓	✓
Awnings or canopies for window, porch or doors	✓	✓	✓	✓
Balconies, open	✓	✓	✓	✓
Chimneys	✓	✓	✓	✓
Cornices, eaves, belt courses, sills, one-story bay windows, etc.	✓	✓	✓	✓
Fences, walls, and hedge plantings (less than 4ft in height subject to site distance requirements at street corner lots)	✓	✓		
Fences, walls and hedge plantings (less than 6ft in height subject to height restrictions in B-1, B-2, T, M & I districts - section 408?)		✓		✓
Fire Escapes (Open or Enclosed)		✓	✓	
Flag poles	✓	✓	✓	✓
Lawn furniture (Benches, sundials, birdbaths, etc.)	✓	✓		✓
Off-street loading spaces (Open)				✓
Ornamental Light Standards	✓	✓	✓	✓
Playground and Laundry drying equipment				✓
Porches (1 & 1 1/2 story; Open with or without roof)	✓	✓	✓	✓
Signs and nameplates (as regulated by Ordinance)	✓	✓	✓	✓
Steps and Landings (Wooden & Concrete) to principle structure, no roof or support posts	✓	✓		✓
Tennis Courts				✓
Terraces and patios (Open)	✓	✓	✓	✓
Toolsheds and other similar storage structures for storage of materials accessory to principle permitted use		✓		✓

602.6 Private Swimming Pools

A private swimming pool shall be permitted as an accessory use in all districts providing the swimming pool is:

- a) Located, including any paved areas or accessory structures which are part of the swimming pool development, a minimum of 10 feet from any side or rear property line of the property on which it is located; and
- b) Walled or fenced to prevent uncontrolled access by persons, particularly children, from adjacent areas; said fence or wall shall not be less than 4 feet in height, and maintained in good condition with a gate and lock; this requirement shall be considered as complied with where the pool deck is constructed in such a manner as to be a minimum of 4 feet above ground level.

❖ **Section 603 Conversion Dwelling Units**

A conversion dwelling unit shall have a minimum floor area of 500 square feet, and the minimum lot area requirement for the number of proposed dwelling units as established in the B-1, B-2, T, R-2 Districts shall be complied with. Basements as defined in this Ordinance cannot be used in accounting for this minimum floor area. The dwelling unit shall have a bathroom and three additional habitable rooms. For living space to be counted as habitable there shall be a minimum of seven (7) feet of clearance from floor to ceiling measured in one direction.

❖ **Section 604 Temporary Structures and Residences**

604.1 Construction trailers are permitted in all districts for use as offices during the period construction work is covered under a valid Zoning Permit; but they may not be used as living quarters.

604.2 Mobile homes may be permitted as living quarters on construction sites for the period of time the construction process is carried on providing this arrangement is approved as a special exception. The mobile home installation, unless positioned on the site for more than one year, will be required to comply with Section 605 of this Ordinance.

604.3 Residence in a basement structure during the time of home construction may be permitted in the R-1 and R-2 Districts as a special exception providing the maximum time this living arrangement shall be permitted is a total of 3 years. A temporary residence in a basement will require an annual permit with a total of 2 renewals in order to maintain the focus of the 'temporary' residence.

604.4 An extension of time beyond the three (3) year maximum may be requested by the applicant to the Zoning Hearing Board. The Board may or may not grant the said extension where, in its judgment, the request is reasonable and does justice in the circumstance.

❖ **Section 605 Modular Home Standards**

Where modular homes may be permitted as special exception uses the following standards shall apply:

605.1 The main portion of the dwelling shall have a length not exceeding four times the width.

605.2 A minimum of 70% of the total roof area of the dwelling shall have a sloping surface at a pitch no less than 10 feet of fall in 100 feet (10 % slope).

❖ **Section 606 Mobile Home Standards**

Where the mobile home is permitted either through the special exception process or as a temporary structure positioned for one (1) year or greater shall comply with the following standards:

606.1 Site Location: The applicant is encouraged to consider locating the mobile home parallel or generally parallel to the road which the lot abuts in order that the residence presents a substantially similar appearance as conventional housing. When mobile home applications are processed as a special exception, 'parallel siting' may be a consideration in the Zoning Hearing Board's determination that the development is consistent with neighborhood character, etc.

606.2 Foundation: Each mobile home shall be supported by a continuous wall-type masonry foundation with a footing set at least thirty-six inches (36") below ground level.

❖ **Section 607 Front and Rear Yard Modifications**

607.1 Building Setback Line (Front Yard) Modifications

Where one or more existing structures are located on adjacent lots and on the same side of the road, within 150 feet in either direction of the applicant's lot, the minimum setback of a proposed new structure may conform with the average of the setbacks of these applicable existing structures if such "average setback" is less than that required in the district. Where an addition is proposed to an existing

structure which has a setback less than that required in the district, the setback required for the proposed addition need not be more than the existing setback of this existing structure.

607.2 Rear Yard Modifications for Principle Structures

Where one or more existing principal structures are located on adjacent lots and on the same side of an alley or a road within 150 feet in either direction of the applicant's lot, the minimum rear yard requirement of a proposed new principal structure may conform with the average of the rear yard distances of these applicable existing structures if such average rear yard distances is less than that required in the applicable district. Where an addition is proposed to an existing principal structure which has a rear yard distance less than that required in the applicable district, the rear yard required for the proposed addition need not be more than the existing rear yard distance of this existing structure.

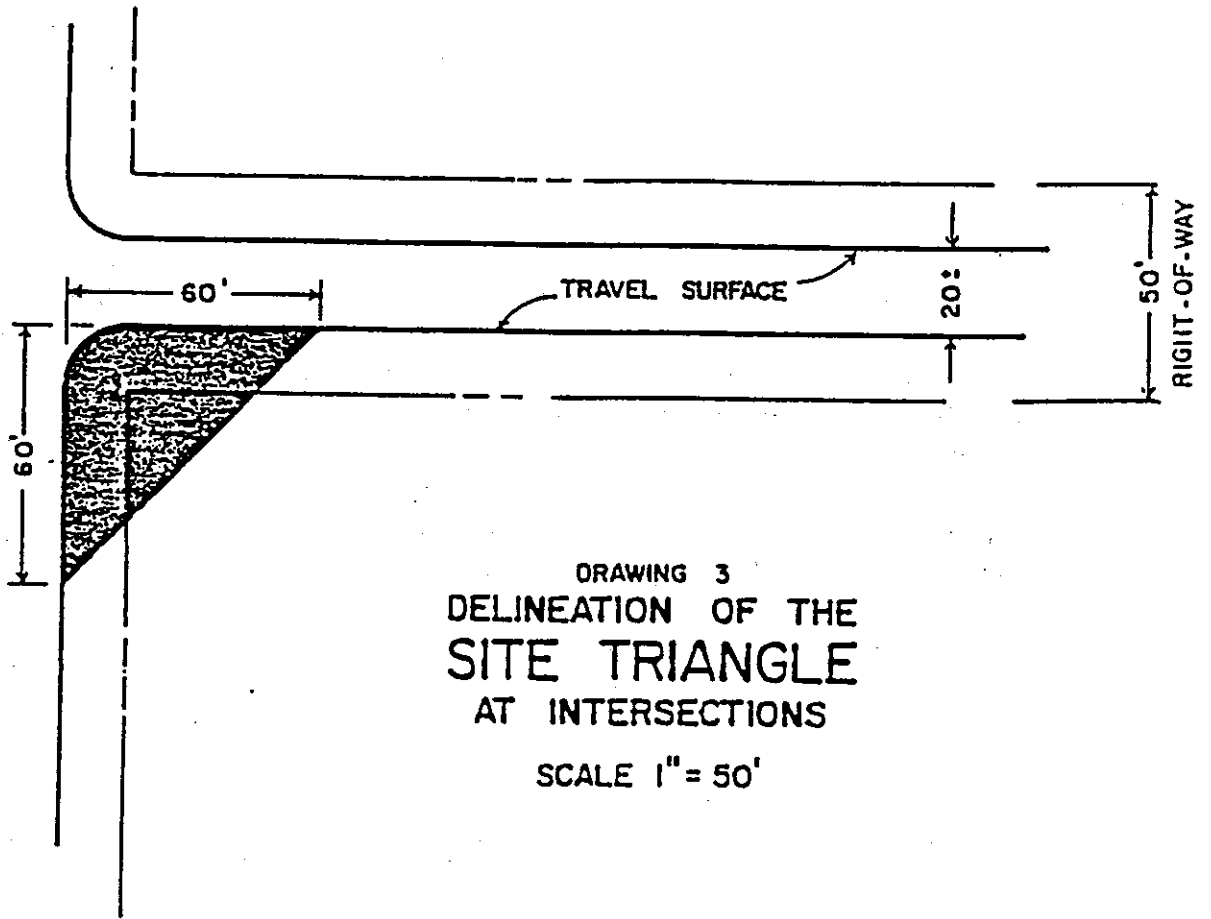
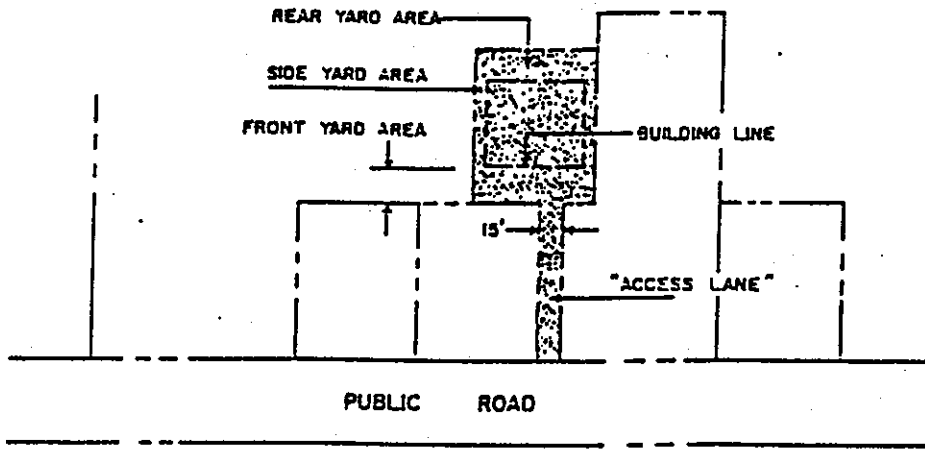
❖ Section 608 Access Drives and Off-Street Parking Areas

Access drives and off-street parking areas shall be planned and constructed in a manner so that vehicles preparing to leave the site may conveniently turnaround on the said site. Vehicles shall re-enter the public right-of-way from a forward position. This requirement is applicable to access drives from all public roads classified as minor arterial, major collector and minor collector roads in the Borough's Comprehensive Plan adopted February 4, 1997. See Appendix A.

❖ Section 609 Access to Lots

No building development shall hereafter be erected on a property unless there is direct access to the building through an open space, which is part of the same property, to a public street or highway or to a private street constructed and maintained that vehicles of all kinds may readily pass on it or abut on the street. Minimum lot widths are established for the various zoning districts which are part of this Ordinance and lot widths are measured at the street right-of-way line. However, this Ordinance does permit the use of an "access lane" to the public street as shown on **Drawing 2** where the minimum width of such "access lane" shall be 15 feet. In instances where the "access lane" is used the lot width, lot area and yard requirement shall be established for the property beginning at the location where the "access lane" terminates and the bulk of the property begins as shown on **Drawing 2**.

DRAWING 2
LOT SERVED BY AN "ACCESS LANE"



❖ **Section 610 Clear Site Distance at Corner Lots**

At all street intersections, no obstructions to vision shall be placed or erected in the area of the "site triangle" as hereinafter defined. Obstructions shall be considered any objects which have (or will have) sufficient bulk to block vision such as buildings, landscape plantings, sign boards, etc. Objects whose surface bulk lies below 3 feet and above 10 feet, as measured from the centerline elevation of adjacent streets, shall not be considered obstructions under the terms of this Ordinance, unless the Zoning Officer interprets them as obstruction due to a unique set of circumstances peculiar to a particular site or development application.

610.1 Site Triangle in the B-1, B-2, T, M, and I Districts The site triangle in the B-1, B-2, T, M and I Districts shall be formed by the edges of the travel surfaces of the intersecting roads abutting a property and a line drawn between the two points along the edges of travel surfaces each 60 feet distant from the point of intersection of the edges of the travel surfaces. See **Drawing 3**.

610.2 Site Triangle in All Districts Except the B-1, B-2, T, M and I Districts The site triangle in all districts other than the aforementioned Districts shall be formed by the edges of the travel surfaces of the intersecting roads abutting a property and a line drawn between the two points along the edges of the travel surfaces each forty (40) feet distance from the point of intersection of the edges of the travel surfaces.

❖ **Section 611 Buffer Areas**

Buffer areas are utilized to ameliorate possible nuisances among adjacent land use activities which are markedly different in character; properly used buffer areas can promote compatible relationships among different land uses where negative characteristics are presented, e.g. a great amount of vehicular circulation and/or off-street parking; the presence of outdoor work and storage areas which are unattractive and/or noisy, very dissimilar and/or unattractive in building styles, etc. The following requirements are applicable where designated in this ordinance. These requirements may be utilized in special exception and conditional use applications.

611.1 Buffer Area Techniques. Buffer area techniques shall include:

- a) fencing and walls a minimum of 5 1/2 feet high consisting of a solid material that will effectively block views; and/or
- b) plant materials providing they are dense and high enough; plant materials may include, but are not limited to, small deciduous trees where many lateral branches emerge from the main stem or those with multiple stems near ground level (for example the hawthorn, the crabapple);

evergreen trees and shrubs (for example the hemlock, the spruce, the yew, the arbor vitae); deciduous shrubs (for example the privet, the honeysuckle); and, where space is adequate, shade trees (for example the maple, the ash); the type, amount and spacing for the planting will depend on the space available and the nature of the activities requiring the buffer areas where plant materials are used for the buffering techniques the Zoning Hearing Board or the Borough Council may require that the desired effect of these plant materials as a screening agent be immediate and that the screening shall be effectively perceived throughout all seasons of the year. Should immediate effectiveness not be necessary this condition shall be made a part of the record of the public review of the application.

c) and/or landscape forms such as a mound of earth a minimum of 5 1/2 feet high; and or

d) minimum amounts of space between uses.

611.2 Buffer Area Requirements.

a) Where the distance between the area of an activity, carried out either on the open land or in a structure, and the adjoining property line is less than 20 feet, or where the distance between the area of an activity, carried out either on the open land or in a structure, and an adjacent building on an adjoining property used in whole or part as a residence, is less than 40 feet the Borough may require fence and/or wall techniques to be used to form a buffer. Where the activity is permitted as a matter of right the zoning officer shall decide whether a fence and/or wall shall be required. The uses of plant materials or land forms to achieve the buffer effect would not be mandatory in these instances but usually are recommended as supplementary to the fence or wall. Vehicular access ways and off-street parking are considered land use activities as are outdoor work and storage areas.

b) Where the distance between the area of a land use activity, carried out either on the open land or in a structure, and an adjoining property line is 20 feet or greater, or where the distance between the area of a land use activity, carried out either on the open land or in a structure, and an adjacent building used in whole or in part as a residence is 40 feet or greater, fence and/or wall techniques are not required; the buffer effect may be achieved through the use of plant materials or land forms.

❖ **Section 612 Air Pollution**

Any activity which releases smoke, particulate matter, gases or contaminants into the atmosphere shall comply with all appropriate federal and state regulations.

❖ **Section 613 Glare**

Exterior lights shall be shielded so that they do not cast direct light beyond the property line.

❖ **Section 614 Hazardous Materials and Wastes**

All activities shall comply at a minimum with all local, state, and federal regulations as well as the appropriate County Emergency Management measures and City and County fire department regulations for hazardous materials and wastes.

614.1 Waste Products

Any activity which discharges material or liquids into sanitary sewers or storm sewers shall conform with all federal, state and local discharge and release regulations. City and County sanitation ordinances may also apply. All storage areas, waste disposal areas and trash handling facilities shall be designed to prohibit wind blown debris from leaving the site. The drainage (other than through appropriate sewers) of waste or stored materials onto adjacent properties or directly into creeks and watercourses is prohibited.

❖ **Section 615 Fire, Explosion and Storage of Flammable Materials**

All activities shall comply with the Fire Codes of the appropriate jurisdiction.

ARTICLE 7

SIGN REGULATIONS

Section 700 General Regulations

It is recognized that signs serve an important function; yet reasonable regulation of their display is desirable. The provisions herein are intended to promote the public safety and welfare, to protect property values and to enhance the physical appearance of the community. It is the general intent of this Ordinance to prohibit signs of a commercial nature from districts in which commercial activities are prohibited.

700.1 Permits. Zoning permits shall be required for the installation of all new signs except those listed as exempted.

700.2 Signs in Public Right-of-Ways

a) No flashing, rotating, oscillating signs or signs that emit noise shall be located on the site attached or independent of buildings shall be permitted. Any sign, by its nature, which would interfere with or be mistaken for traffic signals shall not be permitted.

b) No signs other than those erected by public officials in order to identify streets and guide the public in the use of the street system (official traffic signs or signals) to control and render traffic safe shall be placed in any public road right-of-way or sidewalk unless authorized by Borough or state officials.

c) Notwithstanding the other provisions of this ordinance no sign shall be located so as to obstruct the line of sight of a motorist or pedestrian proceeding along a public street or road or when entering or leaving a parking lot or driveway.

700.3 Illuminated Signs. Where permitted, signs may be illuminated only by a steady, stationary (except for indicators of time and temperature), shielded light source directed solely at the sign, or internal to it, without causing glare, distraction or confusion for motorists, pedestrians or neighboring premises.

700.4 Painted Signs. Painted signs on building surfaces shall be considered as wall signs and permitted according to the provisions of this Ordinance.

700.5 Materials. All signs shall be constructed of durable material, maintained in good condition and not permitted to become dilapidated. Where mounted on a building, as a wall sign, signs shall be firmly secured against wind.

700.6 Computing Sign Surface Area. the total sign area shall be considered to include all framing members as well as the display area.

700.7 Pole and freestanding signs. these signs shall be considered an accessory use and are required to meet the front, side and rear setback requirements required for accessory uses.

700.8 Non-conforming Uses. All non-conforming uses shall be permitted signs as though they were conforming uses.

700.9 Roof Signs. No sign shall be erected on the roof or above the roof line of the building to which it is oriented or attached.

700.10 Removal of Signs. All signs shall be removed when the purpose or circumstances leading to their erection or placement are no longer applicable.

Section 701 Signs permitted in all zoning districts without zoning permits

701.1 Governmental Signs. All signs erected and maintained pursuant to and in discharge of any governmental function are permitted. These are also to be considered "public signs."

701.2 Political Signs. Signs announcing or supporting candidates for public office, ballot issues or matters of general public concern containing not more than twelve (12) square feet of surface area.

701.3 Mechanic's/Artisan's/Painter's Signs. Signs of mechanics, painters, carpenters, and other such artisans during the period such persons are performing such work on a residential premises providing that any such sign is not in excess of nine (9) square feet.

701.4 Privacy Signs or "No Trespassing". No trespassing signs and other signs not exceeding four (4) square feet of surface area indicating the private nature of a driveway or property and provided that not more than two (2) such signs shall be located on any one premises.

701.5 Signs directing and guiding traffic and parking on private property and bearing no advertising matter.

701.6 Temporary signs.

a) Signs announcing the birth of a child, birthday, commemoration, marriage, graduation or similar event in the life of a householder shall be permitted (not exceeding 30 days) provided such signs do not exceed thirty-two (32) square feet.

b) One (1) sign advertising the sale or rental of the premises upon which it is erected (not exceeding 30 days) shall not have more than twelve (12) square feet of surface area advertising the sale, lease or development of any premises or advertising the sale of tangible personal property, not in the regular course of business, such as estate auctions and sales of the type commonly known as garage sales or yard sales. When any such premises has frontage on more than one public street or road, one such sign shall be permitted which is visible from each street or road.

701.7 Directional Signs. Signs providing information for the convenience of the public such as restrooms, exits, public telephone, and similar directional or informational signs placed for the benefit of the public or building tenants shall have not more than two (2) square feet of surface area.

701.8 The following signs are also do not require zoning permits: name signs; temporary 'For Sale' signs; directional signs on private property; governmental signs; enclosed signs; artisans' signs, and special event signs.

Section 702 Signs permitted in the R-1, R-2, and I districts with a permit

702.1 Home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that only 1 such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed 4 square feet.

702.2 Sign, bulletin board, announcement board or identification signs for churches, schools, hospitals, multi-family dwellings, subdivisions, allotments or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed thirty-two (32) square feet and not more than one such sign shall be erected on any one street frontage. Such signs shall only be illuminated by indirect means.

Section 703 Signs permitted in the B-1, B-2, M, and T districts with a permit

703.1 Overhanging Signs. There shall be no more than one overhanging sign for each principal activity. There shall be no more than twenty (20) square feet in area per sign surface and project from the building no more than 6 feet.

703.2 Ground Signs. There shall be one ground sign permitted for each principal activity. The maximum area displayed through ground signage shall be forty-five (45) square feet. There shall be one ground sign permitted for a shopping center or industrial park development in addition to the signage permitted each principal activity present in these developments. The maximum area permitted for this sign shall be one hundred (100) square feet.

703.3 Freestanding Signs. There shall be one freestanding sign permitted for each principal activity. The maximum area of which shall be forty-five (45) square feet.

703.4 Wall Signs. Wall signs shall cover no more than 25% of the surface area of the facade of a building.

703.5 Awnings. Awnings projecting from commercial buildings containing signage advertising the name of firm, goods or services provided on the premises shall be permitted provided that they project no more than 6 feet from the building facade

Section 704 Non-Point-of-Sale Signs. Non-point-of-sale signs require permits and shall only be permitted in B-1, B-2 and M Zoning Districts of the Borough subject to the following requirements:

704.1 These signs shall comply with all other requirements of this Ordinance.

704.2 The surface area of any such sign shall be no greater than one hundred eighty (180) square feet.

704.3 The sign shall be set back a minimum of twenty-five (25) feet from any public road right-of-way, a minimum of two hundred (200) feet from the nearest residential building, and a minimum of fifty (50) feet from all other property lines.

ARTICLE 8 PARKING AND LOADING REQUIREMENTS

Section 800 Loading Requirements

Every building which requires the receipt or distribution by vehicles of materials or merchandise shall provide off-street loading berths. Loading spaces shall be not less than 14 feet wide, 60 feet long, and 14 feet high. The loading requirements shall be in accordance with the following table:

GROSS FLOOR AREA	# OF LOADING SPACES REQUIRED
10,000 to 24,999	1
25,000 to 39,999	2
40,000 to 59,999	3
Over 60,000	4 plus one loading space for each additional 50,000 sq. ft. of gross floor area

Section 801 Parking Requirements

The number of off street parking spaces required is set forth in the table below. Where the use of the premises is specifically not mentioned, requirements for a similar use shall apply as determined by the Zoning Officer.

RESIDENTIAL USES	REQUIRED PARKING SPACES
Single-family Dwelling	2 per dwelling unit
Multi-family Dwelling	1 ½ per dwelling unit
Boarding House	1 per bedroom

COMMERCIAL USES	REQUIRED PARKING SPACES
Animal Hospital, Kennel	1 for each kennel, minimum 3 spaces
Automobile Sales, Service Garage	1 for each 400 sq. ft. of floor area
Banks and Professional Offices	4 spaces per professional (1 for the doctor or lawyer, 1 for support staff, and 2 spaces for clients)
Bowling Alleys	2 spaces for each bowling lane
Car Washes	1 space for each employee.
Funeral Homes, Mortuaries	10 for first parlor, 5 for each additional parlor

Furniture Stores	1 for each 400 sq. ft. of floor area
Hotel, Motel	1 for each unit plus 1 for each employee on maximum shift
Restaurant, Tavern, Private Club	1 for each 2 ½ seats
Retail Stores, Grocery Stores, Supermarkets	1 for each 150 sq. ft. of floor area
Service Stations	4 for each service bay

INDUSTRIAL USES	REQUIRED PARKING SPACES
Manufacturing Plants, Wholesale Establishments	1 for each employee on maximum shift

OTHER USES	REQUIRED PARKING SPACES
Churches, Schools, Theaters, Assembly Halls	1 for each 4 seats in an auditorium or sanctuary
Community Buildings and Social Halls	1 for each 50 sq. ft. of floor area
Nursing Homes, Personal Care Homes	1 for each 3 beds

801.1 Size. The minimum parking space size for private single or multi family dwellings is 9 feet wide by 18 feet long and shall be no less than 162 sq. ft. The minimum parking space size for all other uses shall be 10 feet wide by 18 feet long and shall be no less than 180 sq. ft.

801.2 Access. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets.

801.3 Location. Required parking spaces shall be located on the same lot with the principal use. The Zoning Officer may permit parking spaces to be dedicated and located on other lots provided that they are no more than 200 feet from the lot of principal use and in the same zoning district and that the parking spaces are controlled by the owner through ownership, a lease arrangement or private covenant.

801.4 Screening and Landscaping. The Screening and Landscaping requirements for off-street parking areas are outlined in the Cambridge Springs Subdivision and Land Development Ordinance.

801.5 Minimum Distance and Setbacks. Parking areas may be no less than 5 feet from any property lines.

ARTICLE 9

NON-CONFORMITIES

Section 900 Intent

Within the districts established by this ordinance or amendments that may be later adopted there exists lots, structures, uses of land, uses of structures, and characteristics of use which were lawful before this ordinance was adopted or amended, but which are or would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments to this ordinance. These uses of structure and/or land may exist, and may be sold, leased, or otherwise legally transferred and the new owner may continue such lawful non-conforming uses. It is the intent of this ordinance to permit these non-conformities to continue until they might be removed and, under certain conditions as set forth in this Article, to permit these structures and uses of land to expand to a limited degree.

Section 901 Single, Separate, Non-conforming Lots Of Record

In any district any lot or parcel of record existing at the effective date of this ordinance, which lot or parcel is held in separate ownership, and not part of a continuous ownership with other adjacent lots or parcels, may be used for the erection of a structure conforming to the use regulations of the district in which it is to be located, even though lot area and lot width requirements, or both, are less than the minimum required in this ordinance. Variance of other yard requirements shall be obtained only through action of the Zoning Hearing Board; providing, however, for the aforementioned lots of record the Zoning Officer shall exercise the authority to grant side and rear lot yard variances for single family dwelling development proposals in the following instances, (1) for side yards to a total of 15 feet wherein one of the side yards shall be a minimum of 10 feet and wherein no side yard shall be less than 5 feet, and (2) for accessory uses in rear yards to 5 feet from the property line.

Section 902 Multiple And Contiguous Non-conforming Lots Of Record

If two or more lots or parcels or a combination of lots and portions of lots or parcels are contiguous and in single ownership and are of record on the effective date of this ordinance, or amendments thereto, and if all or part of the lots or parcels with no building thereon do not meet the requirements established for lot width and area, the lands involved shall be considered to be a single undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this

ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

Section 903 Non-conforming Uses Of Land

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance the uses may be continued and shall be subject to the following additional provisions:

903.1 A non-conforming use of land may be enlarged or extended to occupy an area which is greater by 50% than the area occupied at the effective date of adoption of this ordinance or an amendment thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.

903.2 A non-conforming use of land may be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this ordinance or amendment thereto providing that such use shall not be enlarged or extended except as permitted in Section 904.1, and providing such move is permitted as a special exception by the Zoning Hearing Board.

903.3 In the event a non-conforming use of land ceases or is abandoned, for whatever reason, for a period of more than 12 months, any subsequent use of the land shall conform to the regulations specified by this ordinance for this district in which such land is located.

Section 904 Non-conforming Uses Of Structures Or Of Structures And Premises In Combination

Where at the time of adoption of this ordinance a lawful use of structure or of structures and premises in combination exists which would not be permitted by the regulations imposed by this ordinance the use may be continued and shall be subject to the following additional provisions:

904.1 A non-conforming use of part of a building may be extended throughout the building if no exterior structural changes are made and no additional floor area is added to the building.

904.2 A non-conforming use of a whole building may be enlarged or extended to occupy additional building area which is greater by 50% than the area occupied at the effective date of adoption of this ordinance or an amendment thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.

904.3 A non-conforming building may be altered or reconstructed providing such work does not extend the area of the nonconformity.

904.4 A non-conforming use may be changed to another non-conforming use providing this change is permitted as a special exception by the Zoning Hearing Board. In considering such an action the Zoning Hearing Board shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

a) Nothing in this ordinance shall be interpreted to prohibit the replacement of a non-conforming mobile home with another mobile home of substantially the same floor area. Such a replacement shall be permitted as a matter of right; providing, however, such action shall be in compliance with any other applicable Borough ordinances. Should the applicant desire to enlarge the mobile home floor area, Section 904.2 is applicable.

904.5 Where a non-conforming use is superseded by a permitted use, the permitted use shall thereafter conform to the district regulations and the non-conforming use may not thereafter be resumed.

904.6 A non-conforming use which has been damaged or destroyed by fire, windstorm, explosion or similar cause, which was no fault of the owner, may be rebuilt on the same foundation providing, however, the rebuilding is initiated no later than one year after the event of the destruction .

904.7 In the event a non-conforming use of building or building and premises in combination ceases or is abandoned, for whatever reason, for a period of more than 12 months such non-conforming use, building or building and premises in combination, shall not be reconstructed and any future use shall be in conformity to the district regulations.

904.8 For non-conforming structures located in the Floodplain Overlay District see Section 610 for requirements in connection with any proposed modifications, alterations, reconstruction or improvements of any kind.

Section 905 Repairs And Maintenance

On any non-conforming structures and premises work may be done on ordinary repairs, maintenance of all walls and support elements, replacement of heating systems, wiring, or plumbing, providing that the cubic content of the nonconformity shall not be increased except as provided herein. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any public official charged with protecting the public health and safety.

Section 906: Conditional Uses and Non-Conformities

Where an existing use of premises, or of a building, or of premises and building in combination was permitted under this ordinance as a conditional use, such use shall in no way be considered non-conforming.

ARTICLE 10

CONDITIONAL USES, SPECIAL EXCEPTIONS AND VARIANCES

Section 1000 Special Exceptions

A Special Exception is a permission or approval granted an applicant to use land in a district for a purpose other than that generally permitted outright in that district. Special Exception Uses are specifically listed in Article 6 Establishment, Purpose and Regulations of Zoning Districts. The Special Exception is granted by the Zoning Hearing Board in accordance with the standards outlined in Section 1002 and 1003 of this Ordinance.

1000.1 Application for Special Exceptions An application for a Special Exception shall be filed with the Zoning Officer. At a minimum the application shall contain the following information:

- a) Name, address and phone number of applicant
- b) Legal description of property
- c) Description of existing use
- d) Present zoning district
- e) Description of proposed use
- f) A plan of the proposed site for the special exception showing the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscape treatment on all surfaces, refuse and service areas, utility services, signs, yard areas and such other information as the Zoning Hearing Board may require to determine if the proposed use meets the requirements of this ordinance.
- g) A narrative statement: (a) evaluating the effect of such elements as noise, glare, odor, fumes, and vibrations on adjoining property; (b) discussing the general compatibility with other properties in the district; and (c) explaining the relationship of the proposed use to the Borough's Comprehensive Plan.

h) Any such other materials as may explain how the proposed use will comply with the requirements established in Section 1002 and 1003 of this ordinance.

1000.2 Procedure For Approval Of Special Exceptions Three copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by Borough Council. The Zoning Officer shall as soon as possible refer one application to the Zoning Hearing Board.

The Board shall conduct a hearing in accordance with the procedures listed in Section 1202.3 of this Ordinance within 60 days of the date that the application was filed. In granting special exception permits the Board shall prescribe the basis for which such permit is sought will not be injurious to the neighborhood, not be inconsistent with the objectives of this ordinance as established in Article 2, not be inconsistent with the character of the surrounding neighborhood or otherwise detrimental to the public health and welfare, and that the use will not substantially impair an adequate supply of light and air to adjacent properties or overcrowd the land, or create undue concentration of population or substantially increase congestion in the streets, or create hazardous traffic conditions or increase the danger of fire. The Board shall render a decision no more than 45 days following the hearing.

Upon approval by the Board, the application shall be appropriately signed and all development, construction and use shall be in accordance with the approved application and accompanying plan unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this ordinance. In initially approving a Special Exception, where not in conflict with other provisions of this ordinance, and where supported by appropriate documentation, future expansions of the use may be included in the Board's approval.

1000.3 Expiration Of Special Exception Permit A Special Exception permit shall be considered to authorize only one particular use as approved by the Zoning Hearing Board and if the improvements described in the permit have not begun within one year from the date of approval the permit shall expire. If, for any reason, the Special Exception shall cease or be abandoned for 1 year or more, it shall no longer be considered as authorized unless a new application is filed and approved.

Section 1001 Conditional Uses

A Conditional Use is similar to a Special Exception except that it falls under the jurisdiction of Borough Council. Like Special Exceptions, Conditional Uses are specifically listed in Article 6 Establishment, Purpose and Regulations of Zoning Districts. Generally Conditional Uses are those uses that would have a direct affect upon the lives of all persons within the Borough.

1001.1 Application For Conditional Use Application requirements for Conditional Uses are the same as those for Special Exceptions, outlined in Section 1000.1 of this Ordinance.

1001.2 Procedure For Approval Of Conditional Uses Three copies of the complete application shall be filed with the Zoning Officer. An application fee shall be paid in the amount set by Borough Council. The Zoning Officer shall as soon as possible refer immediately one application to the Borough Planning Commission and one application to Borough Council. The Planning Commission shall review the proposal and forward its recommendations to Council. The Planning Commission shall forward its recommendation within 45 days of the date the application was accepted by the Zoning Officer as complete; failure to act within this allotted time shall be considered a favorable recommendation.

Within 50 days of the date the application was accepted by the Zoning Officer as complete the Borough Council, after giving public notice, shall hold a hearing on the proposal. Council, within 30 days after the termination of the hearing, shall render a decision. The decision shall be accompanied by findings of fact and conclusion.

Upon approval by Borough Council the application shall be appropriately signed and all development, construction and use shall be in accordance with the approved application and accompanying plan unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this ordinance. In initially approving a conditional use, where not in conflict with other provisions of this ordinance, and where supported by appropriate documentation, future expansions of the use may be included in Council's approval.

1001.3 Expiration Of Conditional Use Permit A conditional use permit shall be considered to authorize only one particular use as approved by Borough Council and if the improvements described in the permit have not begun within one year from the date of approval the permit shall expire. If, for any reason, the conditional use shall cease or be abandoned for 1 year or more, it shall no longer be considered as authorized unless a new application is filed and approved.

Section 1002 Standards Applicable To All Special Exceptions and Conditional Uses

In addition to specific requirements for conditional uses as may be specified elsewhere in this ordinance the Borough shall review the particular facts and circumstances of each proposed conditional use and special exception in terms of the following standards and shall permit said use after finding adequate evidence showing that such use at the proposed location:

1002.1 Proposed use is in accordance with the community development objectives set forth in Article 2;

1002.2 Proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general areas in which the use is located;

1002.3 Proposed use will be served adequately by public facilities and services such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated in relation to the proposed use;

1002.4 Proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

1002.5 Proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, vibrations, smoke, dust, fumes, glare or odors; and more specifically the uses shall meet the following standards

- a) There shall be no undue pollution of the air by dust, dirt, fumes, smoke or odor which will cause damage to human health, animals, vegetation or other property, or which will soil property and be perceptible beyond the boundary or lot line of the proposed use.
- b) There shall be no direct or reflected glare or heat perceptible by the average person beyond the boundary or lot line of the proposed use.
- c) There shall be no discernible vibration perceptible without instruments beyond the boundary or lot lines of the proposed use.
- d) There shall be no noise which produces radio-activity.

e) There shall be no electrical disturbances adversely affecting the operation of equipment, such as radio and television apparatus, at any point beyond a line 10 feet outside of the boundary or lot lines of the proposed use.

f) There shall be no noise which is normal to the use and which is considered objectionable, because of its volume, frequency or beat, to the average person's sense of hearing perceptible at any point beyond a line 10 feet outside the boundary or lot lines of the proposed use.

g) There shall be no emissions and/or discharges into the air or water which do not meet the standards established by the Pennsylvania Department of Environmental Protection.

h) In its review of the application Borough Council may seek the opinion of specialists in the Pennsylvania Department of Environmental Protection or other qualified experts of their choice to advise them regarding compliance with the above listed standards.

1002.6 Proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance and significance.

1002.7 Proposed use demonstrates compliance with the Buffering provisions in Section 516.2 of this ordinance in the following cases:

a) When the impacts of outdoor service, storage, operational and parking activities are such that unsightly views shall be exposed to adjacent uses in such a way as to cause, in the judgment of the reviewing officials, property devaluation.

b) When the proposed use is adjacent to residential properties.

Section 1003 Supplementary Requirements/Prerogatives For Specific Special Exceptions and Conditional Uses

In addition to the requirements outlined in Section 1002 the additional standards are set forth for Special Exceptions and Conditional Uses for the following uses.

1003.1 Service Stations and Auto Repair Businesses.

a) Fuel pumps shall be no less than 20 feet from the front lot line and 30 feet from each side lot line.

b) No vehicle may be parked and stored along the front lot line for more than 12 hours.

c) There shall be no outdoor storage of new or used parts, unlicensed vehicles, or vehicles without current State inspection stickers. The overnight parking of customer's vehicles and the placement of PennDEP or Federal EPA approved waste containers shall be permitted in side or rear lot areas.

d) Canopy structures providing shelter for gas pumps shall be no more than 20 feet from the front and side lot lines.

1003.2 Churches.

a) The minimum lot width of the site must be 100 feet and the minimum lot size must be 10,000 square feet.

b) Where a manse, rectory, or parsonage or other building for a minister's residence is to be erected on the same site as the church, the combined area of the site shall not be less than 15,000 square feet.

c) The design and landscaping shall be compatible with, and preserve the character of any adjoining residential land uses.

1003.3 Automobile Retail Businesses

a) No vehicles shall be parked along the front lot line. Automobiles may parallel the front lot line, but must be set back at least 15 feet from the front lot line.

b) There shall be no outdoor storage of new or used parts, unlicensed vehicles, or vehicles without current State inspection stickers. The overnight parking of customer's vehicles and the placement of PennDEP or Federal EPA approved waste containers shall be permitted in side or rear lot areas.

1003.4 Drive-in Establishments.

a) Separate entrance and exit driveways must be provided, and shall be limited to one of each on each abutting street. The entrance and exit driveways shall be no less than 30 feet apart at the street right-of-way.

b) Entrance and exit driveways shall be located no less than 50 feet from the intersecting right-of-way lines of the nearest street intersection.

c) Transaction window for drive-in establishment shall be situated such as to allow stacking capacity for no less than six automobiles on the site.

1003.5 Hotels and Motels.

a) No hotel or motel shall have a lot area of less than 21,600 square feet.

- b) Motel buildings or accessory structures shall be placed no closer than 30 feet to any lot line.
- c) Swimming pools shall at a minimum comply with Section 503.6 of this Ordinance.
- d) Rooms shall not be rented for a period of less than 12 hours.

1003.6 Bed and Breakfasts.

- a) The person operating the Bed and Breakfast must also be the owner and occupant of the premises.
- b) There shall be, in addition to the residential parking requirements, one off-street parking space provided for each guest room. Non-residential off-street parking spaces must be located in the rear of the property.
- c) One sign may be displayed identifying the name and use of the Bed and Breakfast. The sign shall not exceed six square feet in area.
- d) The residential character of the premises shall not be altered.

1003.7 Day Care Centers.

- a) All outdoor play areas shall be fenced by a fence of at least four feet in height.
- b) An area shall be provided to drop off and pick up children that is off-street. Sufficient turn-around area shall be provided to eliminate the need to back into a public street.
- c) The operator shall secure and keep current all applicable Commonwealth or local licenses.
- d) One parking space per employee shall be provided.

1003.8 Public Utility Structures

- a) All public utility structures shall be landscaped to present a minimum intrusion upon the neighborhood.
- b) Structures shall be enclosed by a security fence. Notwithstanding any other section of this Ordinance, the height of the fence shall be adequate to provide proper security for the structure.
- c) No outdoor storage shall be permitted

- d) Public utility structures may be sited on lots smaller than those required in the bulk regulations of the applicable zoning district.

1003.9 Limited Retail Business.

- a) Total commercial use size shall not exceed 2,000 square feet.
- b) Signage and exterior displays shall be limited to one sign no larger than 16 square feet. Illumination of the sign is permitted only by indirect means.
- c) There shall be no exterior display of merchandise.
- d) If a conversion of a residential structure, the residential character of the building and site shall be maintained.
- e) No outdoor sound transmission shall be permitted.

1003.10 Kennels.

- a) Actual kennels must be located at least 50 feet from any neighboring property line.
- b) Outdoor runs and facilities for animal keeping and care shall be constructed for easy cleaning and shall be adequately screened from neighboring properties.

1003.11 Home Occupations

- a) Home occupations shall be limited to those uses which may be conducted on a residential grounds (in the building where the dwelling unit is established and/or in a structure which is accessory to the principal building or structure) without altering its basic residential character.
- b) A home occupation, once approved, is transferable to a new residents on the premises providing there is no change in the nature of the use of any of the requirements under which the use was approved to operate.
- c) The sale of goods not produced or fabricated on the premises shall not constitute either by volume or by dollar amount, more than ½ of total sales.
- d) There shall be no more than two persons engaged at any one time in the home occupation activity in addition to family members living on the premises who participate in whole or in part in said activity.
- e) Normally, there shall not be more than six vehicular trips generated by the use to and from the premises at the busiest hour of the normal operating day.

f) There shall be, in addition to the residential parking requirements, one parking space for each person working on the premises at any one time who is not a member of the family plus one additional space for customers. Off-street parking spaces for non-residential use shall not be located in the front yard as defined in this Ordinance.

g) Outdoor work, service and storage areas, if any, where readily visible from adjoining properties and from the abutting road shall be effectively screened. Screening may be accomplished by walls, fencing, plantings and/or terrain or landscaped features.

h) There shall be no electrical disturbance off the premises that would create visual or audible interference in radio or television receivers.

i) There shall be no noise, odor, dust, fumes, glare, or flashing lights which normally are considered objectionable, perceptible without instruments more than 10 feet from the boundaries of the premises.

1003.12 Personal Care Homes.

a) The residential character of the structure and site shall be maintained

b) Signage and exterior displays shall be limited to a 4 square foot sign noting the name of the home and its use. Illumination of the sign is permitted only by indirect means.

c) The home shall have a minimum of three parking spaces available on site. If no parking spaces are available on site than the parking provision in section 801.3 applies.

1003.13 Nursing and Convalescent Homes.

a) The structures and landscaping must be consistent with the surrounding residential areas.

b) Signage must be limited to one sign no more than 16 square feet in area for each abutting street. Illumination of the sign is permitted only by indirect means.

Section 1004 Variances

When it is alleged that this Ordinance, strictly applied, inflicts an unnecessary hardship upon the applicant, a variance may be granted by the Zoning Hearing Board modifying the requirements in this Ordinance that inflict the hardship. A variance constitutes legal permission by the Zoning Hearing Board to use a property for a permitted use in a particular zoning district, but to do so with some modification in the regulations applicable to that district. A variance applies only to that particular piece of property for which it is granted.

A variance action does not, in most circumstances, involve modifications of the permitted uses within the zoning district.

1004.1 The Zoning Hearing Board may grant a variance, provided that all of the following findings are made by the Board:

- a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or exceptional topographic or other physical conditions peculiar to the property and that the unnecessary hardship is due to these conditions and not due to circumstances or conditions generally created by the provisions of the zoning ordinances;
- b) That because of such physical circumstances there is no possibility that the property can be developed in strict conformity with the provisions of this ordinance;
- c) That such unnecessary hardship has not been created by the applicant;
- d) That the variance, if authorized will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use of adjacent property nor be detrimental to the public welfare;
- e) That the variance, if authorized, will represent the minimum variances that will afford relief and will represent the least modification possible of the regulations in issue.

1004.2 Furthermore in considering requests for variances the following principles shall apply:

- a) Non-conforming uses of neighboring lands, or certain types of structures in the same district and permitted or non-conforming uses of land or structures in other districts shall not be considered grounds for the issuance of variances.
- b) The Board shall not permit variances which allow a use not permissible under the terms of this ordinance in the district involved unless the Board finds that the applicant cannot make a reasonable use of his land.

1004.3 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. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this ordinance and punishable under Section 1307

1004.4 Procedure for Variances. The procedure for a variance shall follow the Zoning Hearing Board Procedures outlined in Section 1202.3.

ARTICLE 11 ZONING ORDINANCE AMENDMENTS

Section 1100 Zoning Amendments

Whenever the public necessity and convenience, the general welfare, or good zoning practices require it, Borough Council may, subject to the procedures and requirements set forth herein, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property established in this ordinance.

Section 1101 Initiation Of Zoning Amendments

Amendments to this ordinance may be initiated through proper application in the following ways:

1101.1 By resolution of Borough Council;

1101.2 By resolution of the Borough Planning Commission; and

1101.3 By a landowner who desires to challenge on substantive grounds the validity of this ordinance claiming that the provisions of this ordinance prohibit or restrict the use or development of land in which he has an interest. An amendment proposed in this manner shall be known as a curative amendment and shall be heard and decided upon as provided for in this ordinance and in Sections 609.1, 609.2 and 916.1 of the Pennsylvania Municipalities Code, Act 247 as amended.

Section 1102 Contents Of Zoning Amendment Application

The application for an amendment shall contain at a minimum the following:

1102.1 Name, address and phone number of applicant.

1102.2 Specific language or proposed amendment to the text, and/or the legal description of any district or boundary change.

1102.3 The present use and zoning district.

1102.4 The proposed use and zoning district.

1102.5 An accurate map at a reasonable scale showing property lines, streets, existing and proposed zoning and other items that may clarify the application and/or may be required by the Zoning Officer.

1102.6 Where applicable a listing of all property owners within, contiguous to, and directly across the road from the parcel proposed to be rezoned. Also all other property owners that may have a substantial interest in the proposed amendment shall be listed.

1102.7 A narrative (illustrated with mapped information where applicable) explaining the applicant's viewpoint of how the proposed change will impact (1) the community's public facilities, (2) the natural features of the site and its surroundings and (3) the land use patterns in the vicinity of the proposed change.

1102.8 A statement on how the proposed amendment relates to the Borough's Comprehensive Plan.

1102.9 A fee as may be established by Borough Council.

Section 1103 Procedures For Zoning Amendments

1103.1 In the instance of the initiation of a zoning amendment by a landowner the application shall be filed with the Zoning Officer. Before a proposed amendment may be voted on by Borough Council opportunities shall be offered the Borough Planning Commission and the Crawford County Planning Commission to review the amendment. Borough Council shall hold a public hearing on the proposed amendment pursuant to public notice before taking action.

1103.2 The Borough shall submit each proposed amendment to the Cambridge Springs Borough Planning Commission and the Crawford County Planning Commission at least 30 days prior to the scheduled public hearing soliciting their recommendations. Comments by the planning commissions should be in writing and should be in the hands of Borough Council no later than the date of the scheduled public hearing.

1103.3 If the proposed amendment involves a zoning map change, a notice of the scheduled public hearing shall be conspicuously posted by the Borough at points deemed significant by the Borough along the perimeter of the tract of land which is the subject of the zoning amendment in order to notify potentially interested

citizens. This posting shall be done at least one week prior to the date of the hearing.

1103.4 If, after a public hearing is held on an amendment, the proposed amendment is revised to include land previously not affected by the proposal, or, if substantial alterations are made in the text of the ordinance, the Council shall hold another public hearing, pursuant to public notice, and shall provide for reviews as established in Section 1103.3 before proceeding to a decision on the amendment.

1103.5 Contents Of Public Notice - Public notices of proposed zoning amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place in the municipality where copies of the proposed amendment may be examined. The time and place of the hearing also shall be indicated.

1103.6 If the amendment is adopted, within 30 days after the enactment a copy of the amendment shall be forwarded to the Crawford County Planning Commission.

Section 1104 Mediation

As permitted in Act 247 as amended the Borough offers a mediation option as an aid to amending this ordinance should the above stated process not prove to be satisfactory for the applicant and should the Borough and the mediating parties both agree on the use of this technique. Section 908.1 of Act 247 as amended provides the guidelines for the mediation option .

ARTICLE 12.

ADMINISTRATION

Section 1200 Zoning Officer

A Zoning officer shall be appointed by Borough Council. The Zoning Officer shall administer this ordinance. He may not hold any elective office in the Borough. The Zoning Officer shall have the following duties:

1200.1 Receive applications for zoning permits including sign permits and issue same; shall administer the zoning ordinance in accordance with its literal terms; and shall not have the power to permit any construction, any use, or change of use which does not conform to this ordinance;

1200.2 Identify and register all non-conforming uses and structures existing in the Borough at the effective date of this ordinance;

1200.3 Assure permitted development complies with the approved application; the issuance of a certificate of occupancy is optional;

1200.4 Maintain a permanent file of all applications for zoning permits, certificates of occupancy and all other actions as he is required to perform under this ordinance;

1200.5 Inspect premises as may be necessary;

1200.6 Order the action necessary to correct any violation of this ordinance where violations are found to exist;

1200.7 Order discontinuance of illegal uses of land, buildings, or structures, removal of illegal structures, and discontinuance of any illegal work;

1200.8 Institute civil enforcement proceedings as a means of enforcing this ordinance when acting within the scope of his employment; and

1200.9 As authorized, utilize proceedings before district magistrates to enforce the provisions of this ordinance.

Section 1201 The Planning Commission

The Cambridge Springs Borough Planning Commission shall have the following duties:

1201.1 Review all proposed conditional use applications and amendments to this ordinance and make recommendations to the Borough Council thereon;

1201.2 From time to time as needs arise, propose to the Council's amendments to this ordinance;

1201.3 Conduct other reviews and make recommendations as required by the provisions of this ordinance.

Section 1202 Zoning Hearing Board

The Borough Council shall create a Zoning Hearing Board. The Board shall consist of three members appointed by Council. Each member shall be a resident of the Borough. The term of office of the members shall be three years and shall be so fixed that the terms of office of one member shall expire each year. The Board shall promptly notify 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, except that no more than one member of the Board may also be a member of the Planning Commission. As provided for in the Pennsylvania Municipalities Planning Code, the Borough Council may appoint at least one but no more than three residents of the Borough to serve as alternate members of the Zoning Hearing Board.

1202.1 Organization of Zoning Hearing Board. The Board shall elect from its own membership a Chairman and a Secretary who shall serve annual terms as such and may succeed themselves. The Board may make and alter rules and forms for its procedures, consistent with laws of the Borough and the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to Council once a year. For the conduct of any hearing and the taking of action, a quorum shall be not less than a majority of all members of the Board; but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, in which case the decision shall be made by Board; providing however, the appellant or the applicant, as the case may be, in addition to the members of the Board and interested parties, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. Interested parties shall be any person affected by the application who has made timely appearances of record before the Board and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered interested parties enter

appearances in writing on forms provided by the Board for that purpose. Within the limits of funds appropriated by Council, the Board may employ or contract for a secretary, clerk, and as legal counsel.

1202.2 Functions Of Zoning Hearing Board A public notice shall be given for all hearings of the Zoning Hearing Board. In addition to the public notice, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

a) The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or the determination made by the Zoning Officer in the administration of this ordinance.

b) The Board shall hear challenges to the validity of the Zoning Ordinance and/or map and any parts thereof, except those brought before the Borough Council pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.

c) The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance, strictly applied, inflict unnecessary hardship upon the applicant. The Board may vary the application of any requirements of this ordinance wherein strict enforcement would result in practical difficulty or unnecessary hardship that would deprive the applicant of a reasonable use of his land or building. A variance may be granted if it meets the requirements listed in Section 1004.

d) The Board shall review and issue special exception permits for any of the uses requiring such permits under the terms of this ordinance. The Board shall hear and decide requests in accordance with the established standards and criteria.

1202.3 Zoning Hearing Board Procedures The hearing procedure of the Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code (Act 247) as amended and such rules, not inconsistent therewith, as the Board may adopt. The Board or if such be the case, the hearing officer, shall conduct the hearings and make decisions in accordance with the following requirements.

a) Any appeal for a variance from the strict requirements of the zoning ordinance or an appeal for an order, decision or interpretation of the Zoning Officer shall be taken by filing a notice of appeal with the Zoning Officer who shall as soon as possible transmit said notice of appeal to the Zoning Hearing Board. The Zoning Officer shall transmit to the Board all of the documentary material constituting the record upon which the action for appeal was taken.

- b) The appellant shall, at the time of filing this appeal, pay the Zoning Officer a fee as determined by the Borough Council to defray or help defray the cost of the appeal, including advertising.
- c) Each appeal shall be tried on its merits at a public hearing. Public notice of such appeal shall be given. The Board also shall give notice to the applicant, the Zoning Officer and such other persons as the Council may designate by ordinance. Notices shall be given at such time and in such manner as shall be prescribed by ordinance, or, in the absence of ordinance provisions, by rules of the Board. The Board may adjourn any hearing for the purpose of giving further notice.
- d) The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.
- e) The Chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers.
- f) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- g) The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an equal opportunity to be present.
- h) The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings, and copies of graphic or written material received in evidence shall be made available to any party at cost. Proceedings may be taped.
- i) The Board shall hold the required hearing within 60 days from the date of the applicant's request for the hearing. The Board shall render a written

decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.

j) Where the Board fails to hold the required hearing within the time limit required and/or where the Board fails to render a decision within the time period required the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

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

l) No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development has been approved by an appropriate Borough official, agency, or body if such procedure is designed to secure the reversal or to limit the approval in any manner unless such person alleges and proves that they had no notice, knowledge, or reason to believe that such approval had been given.

Section 1203 Relationships Among the Zoning Officer, the Zoning Hearing Board, and Borough Council

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Officer and that such questions shall be presented to the Zoning Hearing Board only on appeal from the decision of the Zoning Officer, and that recourse from the decisions of the Zoning Hearing Board shall be in the courts as provided by law. It is further the intent of this ordinance that the duties of the Council shall not include hearing and deciding questions of interpretation and enforcement that may arise.

ARTICLE 13

ENFORCEMENT

Section 1300 Actions Requiring Zoning Permits

No structure, as defined in Article 3 of this ordinance, shall be constructed, erected, moved, added to, or altered; nor shall any structure, or land use be established or changed in use, except that a zoning permit is lawfully obtained in full compliance with the provisions of this ordinance; providing, however, that, (1) structures such as sidewalks, steps, driveways, terraces, patios, flagpoles, doghouses, and lawn furniture such as benches, birdbaths, and sundials shall not require a zoning permit, and (2) alterations to building interiors not affecting the external form and size of a building, and alterations involving shingling and siding where no substantial change is made to the building form or size shall not require a zoning permit although such alterations, where the value of the improvement exceeds \$1,000, shall require a zoning permit.

1300.1 Linkage with State Permitting Actions. Where the state Bureau of Labor and Industry has regulatory authority under the Fire and Panic Law, Act 299, and regulates places of public assembly, commercial, institutional and industrial buildings, apartment buildings of two or more dwelling units, a zoning permit shall not be issued to an applicant until the state has approved the applicant's plans and given them a file number which number shall be noted on the zoning application.

Section 1301 Zoning Permit Application Requirements

The application for the zoning permit shall be signed by the owner, or applicant, or his authorized agent attesting to the truth and exactness of all information supplied on the application. The permit shall expire and may be revoked if the work has not begun within one year of issuance. At a minimum the application shall contain the following information:

1301.1 Name, address and phone number of applicant

1301.2 Legal description of property

1301.3 Existing use of property

1301.4 Proposed use of property

1301.5 Description of work contemplated

1301.6 Zoning District

1301.7 Plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact size and location of an existing building on the lot, if any; the location and dimensions of the proposed building(s) or alterations; and the location of drives and drive entrances

1301.8 Building heights

1301.9 Number and location of off-street parking spaces, and loading spaces here applicable

1301.10 Number of dwelling units where applicable

1301.11 Estimated cost

1301.12 Such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

Section 1302 Approval of Zoning Permit

Within 15 days after receipt of an application the Zoning Officer shall either approve or disapprove the application; providing, however, the Zoning Officer may take an additional 15 days in rendering his decision in which case he shall notify the applicant of this fact before the initial 15 day period has elapsed. One copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copy either approved or disapproved and attested to same by his signature. One copy of the plans, similarly marked shall be retained by the Zoning Officer. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use, structure or alteration is in conformance with the provisions of this ordinance.

The Zoning Officer also shall provide one copy of the complete, approved application for a zoning (building) permit to the Crawford County Assessors Office in the Courthouse so that the Assessors property files can be kept updated and for purposes of maintaining county records of development activity.

Section 1303 Expiration of Zoning Permit

If the work described in the zoning permit application has not begun within one year from the date of issuance, the permit shall expire. The Zoning Officer shall revoke it, and

written notice thereof shall be given to the applicant. If the work described in any zoning permit has not been substantially completed within 3 years of the date of issuance of said permit shall expire and shall be revoked by the Zoning Officer; written notice thereof shall be given to the applicant, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or an extension of time granted. Where a zoning permit has expired or is about to expire the applicant may request an extension of time. The Zoning Officer may grant an extension of time where, in his judgment, the request is reasonable and does justice in the circumstance. Where the Zoning Officer denies an extension of time, his decision may be appealed to the Zoning Hearing Board.

Section 1304 Assurance Of Compliance (Certificate of Occupancy)

It shall be the responsibility of the Zoning Officer to assure that the applicant has performed the development activities as established in the approved permit application including any additional requirements fixed by the Zoning Hearing Board or Borough Council where special exception and conditional uses are approved. In performing this function the Zoning Officer may issue a certificate of occupancy. The certificate of occupancy, if issued, indicates that the building and/or proposed use is in compliance with the zoning permit as issued and is in compliance with the provisions of this ordinance. Where the applicant is not in compliance he shall be so notified by a written statement indicating reasons for the non-compliance. Continuing non-compliance shall be considered a violation of this ordinance and shall be prosecuted as provided for herein.

Section 1305 Construction and Use to Be As Provided In Application, Plans, Permits, And Certificates

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Officer authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Uses, arrangements, or construction at variance with that authorized shall be deemed a violation of this ordinance.

Section 1306 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Zoning Officer who shall investigate the matter and take action thereon as provided by this ordinance.

Section 1307 Penalties For Violations

1307.1 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this ordinance shall be paid over to the Borough.

1307.2 The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

1307.3 Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

Section 1308 Fees

Borough Council may establish a schedule of fees for zoning permits, certificates of occupancy, appeals, amendments and other matters pertaining to this ordinance. Until all applicable fees, charges, and expenses have been paid no action need to be taken on any application or appeal.

Section 1309 Municipal Liability

The granting of a Zoning Permit for the erection and/or use of a building or lot shall not constitute a representation, guarantee, or warranty of any kind or nature by the municipality, or an official or employee thereof, of the safety of any structure or use and shall create no liability upon, or a course of action against, such public official or employee for any damage that may result pursuant thereto.

ARTICLE 14

CLUSTER DEVELOPMENTS

Section 1400 Purpose

This ordinance provides for cluster development for the following reasons:

1400.1 To encourage innovations in residential development and to foster greater variety in the type, design and siting of dwellings;

1400.2 To provide a creative alternative to the conventional development which occurs on a lot by lot basis subject to traditional zoning regulations; and

1400.3 To provide residents with greater access to common open space and recreation facilities than would be possible under the more conventional land development process.

1400.4 To provide a technique and a process which accommodates building proposals not readily adaptable to zoning district regulations, which are geared to the conventional subdivision method of development. Lot size and yard requirements, use restrictions and normal methods for the provision of street, park and utility maintenance may be set aside where the identical ends sought through conventional regulations can be achieved under the cluster development technique through the superior designs of dwellings, site relationships and land parcelization, and through the establishment of a special arrangement for community organization and management which fixes additional responsibilities on residents for maintenance of common areas and community services and utilities. The provisions of this article are based upon and are intended to be in harmony with the Pennsylvania Municipalities Planning Code Act 247 as amended, specifically Article VII, Planned Residential Development.

Section 1401 Relationship to Other Articles of This Ordinance

Because of the special characteristics of cluster developments a different process and different requirements shall govern development. Whenever there is a conflict between the provisions of this article and other articles of this ordinance, or between the provisions of this article and the Cambridge Springs Borough Subdivision and Land Development Ordinance, the provisions of this article shall prevail.

Section 1402 General Requirements

The following general requirements shall be met in order to process a development under the provisions of this article:

1402.1 Ownership. Throughout the planning and approval process land to be developed under the provisions of this article shall be in single ownership, and satisfactory evidence shall be presented indicating that the development will have a single, responsible administrative organization which can act for the multiple ownership. Upon approval of the development dwellings may be sold in fee simple or through a cooperative or condominium arrangement; or the dwellings may be managed as rental properties. In any event a satisfactory administrative structure shall be established by the developer to maintain common areas designated in the development plan and site improvements or utilities that are not accepted for public maintenance.

1402.2 The tract of land shall be located in a zoning district, which permits the cluster development.

Section 1403 Permitted Uses

A cluster development may include all housing types and uses normally ancillary thereto, recreation uses serving the development, and nonresidential uses supportive to residences. More specifically the following uses are among those permitted: single family dwellings in detached, semidetached and attached forms; two-family detached dwellings; seasonal dwellings; multifamily dwellings including multistory apartment and townhouse apartments; prefabricated homes including mobile homes in the double wide, stacked and expandable forms; churches, schools, nonprofit or philanthropic institutions, commercial uses, including offices, if such uses are ancillary and supportive to the residential uses in the cluster development; and facilities necessary for providing the public utilities serving the development.

Section 1404 Minimum Size and Density of Development

Cluster developments shall have a minimum gross area of 1.5 contiguous acres. Using the cluster development technique the applicant may increase the residential density of the development by 20% over what would normally be allowed based upon the bulk regulations established in the applicable district.

Section 1405 Processing Procedures

Applications shall be processed in 2 steps: (1) preliminary plan review which is termed tentative plan approval in the Pennsylvania Municipalities Planning Code and (2) final plan review. In its review of the application Borough Council may seek the opinions of qualified experts of their choice to advise them regarding compliance with required standards. Any expense associated with obtaining expert advice from qualified experts may be charged to the applicant.

1405.1 Pre-Application Conference. At the pre-application conference the applicant discusses all aspects of the proposed development, including rough sketches of site and building plans, with members of the Planning Commission and Borough Council. This conference enables the developer to obtain the views of the Borough officials before more expensive engineering and architectural work is begun. Scheduling a pre-application conference is handled through the Zoning Officer.

1405.2 Administrative Responsibilities, The Preliminary Plan. The preliminary plan shall be filed with the Zoning Officer. Within 60 days of the acceptance of the plans as completed by the Zoning Officer: (1) the Planning Commission shall review the application, (2) the Council, after public notice is given, shall hold a public hearing on the application, (3) the application shall be sent to the Crawford County Planning Commission which shall have 45 days in which to review and make recommendations on the proposal as required in the Pennsylvania Municipalities Planning Code. Within 30 days following the public hearing the Council shall notify the applicant by letter of its approval, denial, or approval subject to the specific conditions. All pertinent review comments shall be included in this letter.

1405.3 Recording Of Final Development Plan. The original site development plan drawing, or a reproducible and equally excellent copy thereof, shall be in the hands of the Council before its final action on these plans. Upon approval of this plan it shall be recorded in the office of the County Recorder at the applicant's expense.

1405.4 Cluster Development Involving Subdivision Plat. Where a subdivision is involved in the development it shall be processed as required in the Borough subdivision regulations and shall be given its final approval and recorded concurrent with when the final development plan as approved for the cluster development.

Section 1406 Plan Requirements

1406.1 Preliminary Plan Review. The following items of information shall be submitted to the Zoning Officer for preliminary plan review. Additional information may be submitted where appropriate. An engineer, landscape architect, and/or architect under appropriate seal shall submit plans.

- a) Information on all pertinent existing conditions;
- b) General site plan and various detailed plans as appropriate showing all proposed housing types, all proposed structures, uses (residential and nonresidential), circulation systems, all utility systems, and common open space;
- c) Architectural plans showing the intent of the development for typical buildings;
- d) Statement of intent regarding ownership and maintenance of required common open space and of the development's improvements including its utility systems;
- e) Schedule of stages of development where applicable.

1406.2 Final Plan Review. The following items of information shall be submitted to the Zoning Officer for final plan review. Additional information may be required where it is deemed essential to the public review. An engineer, landscape architect, and/or architect under appropriate seal shall submit plans.

- a) A general site development plan legibly prepared on tracing film or equal material at the scale not smaller than one hundred feet to one inch showing boundaries (distances, bearings and monumentation), streets, walks, parking areas, all buildings and uses of lands, and common open space. Certification statements as required by the Borough shall be fixed on this plan.
- b) Engineering plans detailing the construction of the required improvements as listed in Section 1408, following.
- c) All supporting material including information submitted at preliminary review including but not limited to plans, maps, sketches, elevations, cross sections, reports and narrative.
- d) Evidence of approvals by appropriate public authorities, or agencies where applicable.

- e) Evidence of the organizational structure of a resident's association where this form of management will be used to maintain common open space and other such private systems.

Section 1407 Design Standards

The developer should be free to create a more physically integrated, aesthetic, and functional living environment using design skills and the latest achievements in building technology.

1407.1 Performance Requirements. The development plan shall indicate how adequate privacy, light, air, and protection from noise shall be achieved through building design, street layout, screening, plantings, and the special siting of buildings.

1407.2 Public And Private Streets. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or a residents' association. Private streets shall meet Borough standards regarding subgrade preparation, base and subsurface construction. Off-street parking areas may be integrated with public street design and construction providing maintenance responsibilities are mutually agreed upon.

1407.3 Common Open Space. A minimum of 20% of the net acreage shall be reserved for common open space. Where staged construction is utilized, at no time shall the total area of dedicated open space be less than 20% of the area of the project approved for development.

Section 1408 Required Improvements

The developer shall make satisfactory provision for the community improvements necessary to the proper functioning of the development. These include, but are not limited to, survey and boundary monuments, streets, street signs, water supply, sewage disposal, storm water runoff devices and structures, and open space improvements. All water supply and sewage disposal facilities shall be planned, designed, and approved in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

1408.1 Common Open Space. Where areas of common open space are proposed for improvements they shall be improved by the developer. Unless the Borough agrees to a public dedication of the open space and to its maintenance, the developer shall formulate an acceptable method for maintaining this land.

1408.2 Assurances. Before the final plan is approved by Borough Council required public improvements (distinguished from private improvements to be maintained by the developer or a residents' association) shall be:

- a) Licensed under Public Utility Commission regulations and procedures, where applicable, and
- b) Constructed by the developer and approved by the Borough, or
- c) Insured under a performance bond approved by Council, or
- d) Covered under some agreement mutually satisfactory to both the developer and the Council, or
- e) Covered under any combination of the above methods as listed b. through d.
- f) In addition the developer shall demonstrate that he has completed all of the organizational requirements necessary to the functioning of the residents' association where this entity will be used. The articles of incorporation and the bylaws of this association shall be recorded in the office of the County Recorder along with the site development plan.

Section 1409 Relationship to the Planned Residential Development

In carrying out the approval process for the cluster development there may be some processing requirements which are not elaborated as fully as desired by the participants. For extra detail in this regard please refer to Article VII (Planned Residential Development) of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The cluster development is similar to the planned residential development but instead of being introduced into the Borough in a separate ordinance as required for the planned residential development it is permitted as a land use and development option in the zoning ordinance.

Section 1410 Amendments

Major revisions to the approved final plan, such as changes in land use, major realignment of streets, major changes in the common open space systems, major changes in building locations, shall be considered as amendments to the final plan and shall be processed as set forth in Section 1405.2, 1405.3, and 1405.4 of this ordinance. All other changes to the approved plan shall be submitted to Council and, with Council concurrence that such changes are minor in nature, shall be filed in the Borough records as approved normal, non-substantial changes to the final cluster development plan. All proposed changes submitted to the Borough shall be delineated graphically on plans, as applicable, with accompanying text as needed.

Ordained and enacted into an Ordinance on JANUARY 25, 1999

Joseph Tummuth
Mayor, Borough Council

Attest:

Perry C. Wayne
Perry Wayne
Borough Manager

Journal of 1888

Ordinance Number 721

AN ORDINANCE OF THE BOROUGH OF CAMBRIDGE SPRINGS AMENDING THE CAMBRIDGE SPRINGS BOROUGH ZONING ORDINANCE CHANGING 300.84 HOME OCCUPATION SUBSECTION C ADDING THAT LESS THAN 15% OF FLOOR AREA CAN BE DEVOTED TO HOME OCCUPATION SUBSECTION (B) ALLOWING FOR TWO PERSONS TO BE EMPLOYED OUTSIDE THE HOUSEHOLD'S FAMILY MEMBERS, ADDING 300.159 DEFINING STRUCTURE, TEMPORARY (RESIDENTIAL); AMENDING SECTION 406.1 BY ADDING SUBSECTION K, HOME LOT OCCUPATIONS; AMENDING SECTION 410.2 SUBSECTION C BY ADDING HOME LOT OCCUPATIONS; AMENDING SECTION 602.5 ALLOWING FENCES, WALLS AND HEDGE PLANTINGS WITH NO SET BACK; AMENDING THE ACCESSORY STRUCTURE/USE SET BACKS "TABLE 1", AMENDING SECTION 1003.11 TO ADD HOME AND HOME LOT OCCUPATIONS; AMENDING SECTION 1303 TO MAKE ZONING PERMITS EXPIRE ONE YEAR AFTER ISSUANCE AND TO CORRECT FOUR TYPOGRAPHICAL ERRORS IN THE CURRENT ORDINANCE ADDING SUBSECTION R) LAUNDROMAT AND DRY CLEANING TO 406.1 PERMITTED USES IN TRANSITIONAL DISTRICTS.

The Borough Council of the Borough of Cambridge Springs, Pennsylvania, does hereby Ordain and Enact the following:

SECTION 1. The following sections of the Cambridge Springs Borough Zoning Ordinance are hereby amended as follows:

(1) Section 300.84 shall be amended to read: HOME OCCUPATION. A secondary use of a dwelling unit and/or building accessory thereto for gainful employment, involving the manufacture, provision, or sale of goods and/or services, provided that:

- (a) there is no external storage of goods and materials;
- (b) there are no more than two persons employed other than a member of that family;
- (c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling house or dwelling unit (less than 15% of the floor area can be devoted to any home occupation), nor create or become a public nuisance in particular with regard to noise, traffic, or parking;
- (d) there is no mechanical or other equipment used except that which is customarily employed in dwellings for domestic for household purposes;
- (e) the parking requirements under the General Provision Section shall apply to any home occupational use;

(2) Section 300.159 shall be amended to read: STRUCTURE, TEMPORARY (RESIDENTIAL). All residentially related temporary structures shall not maintain a ground coverage greater than the maximum of eighty (80) square feet.



(3) Section 406.1 shall be amended to read: PERMITTED USES

- (A) Single family dwellings.
- (B) Two family attached dwellings.
- (C) Attached dwellings.
- (D) Multi family dwellings.
- (E) Bed and Breakfasts.
- (F) Churches.
- (G) Family daycare homes.
- (H) Funeral Homes
- (I) Health care facilities
- (J) Home occupations.
- (K) Home Lot Occupations.
- (L) Rooming Houses.
- (M) Parking Lots.
- (N) Personal Care Homes.
- (O) Professional Offices.
- (P) Public Parks and Playgrounds.
- (Q) Accessory Structures/Uses.
- (R) Essential Services.

(4) Section 410.2 shall be amended to read: SPECIAL EXCEPTIONS

- (A) Bed and Breakfasts (SECTION 1002 & 1003.6)
- (B) Home Occupations (SECTION 1002 & 1103.11)
- (C) Home Lot Occupations (SECTION 1002 & 1103.11)
- (D) Personal Care Homes (SECTION 1002 & 1003.12)
- (E) Public Utilities Structures (SECTION 1002 & 1003.8)

(5) Section 602.5 shall be amended to read: PERMITTED PROJECTIONS AND REQUIRED REAR YARD OR REQUIRED INTERIOR SIDE YARDS.

Front, side (interior and exterior) and rear yard requirements are given for each Zoning District in the Borough. Except for specific projections and obstructions listed below, every part of the required yard shall be open and unobstructed to the sky. However, within the R-1 and R-2 Residential Zones the following table (Table 1) outlines the permitted accessory structure/use yard projections into the front, rear and interior side and exterior side yards.

Provided that an accessory structure may be erected and used in the required rear yard and required interior side yard if located to the rear of the main building on the lot, provided that if such accessory structure or use is located in the rear or interior side yard it shall be no closer than five (5) feet from the rear outline or the interior side lot lines. In the case of a corner lot, the exterior side lot set back shall be not less than five (5) feet. In the case of fences, walls, and hedge planting, there are no yard set back restrictions as long as it constructed sufficiently inside the property line to allow for maintenance without any encroachment onto adjacent lots.

(6) "Table One" shall be amended in it's entirety as attached and incorporated



herein on "Exhibit A".

(7) Section 1003.11 shall be amended to read: Home and Home Lot Occupations.

a) Home and home lot occupations shall be limited to those uses which may be conducted on a residential grounds (in the building where the dwelling unit is established and/or in a structure which is accessory to the principal building or structure) without altering its basic residential character.

b) A home and home lot occupation, once approved is transferable to new residents on the premises providing there is no change in the nature of the use or any of the requirements under which the use was approved to operate

c) There shall be no more than two persons engaged in the home or home lot occupation activity in addition to family members living on the premises who participate in whole or in part of said activity.

d) There shall not be more than six vehicular trips generated by the use to and from the premises during any 60 minute period of the operating day.

(Subparagraphs c in original deleted, f, g, h and i remain unchanged).

(8) Section 1002.07 shall be amended in part to read: Proposed use demonstrates compliance with the Buffering provisions in Section 611 (Buffer Areas) of this Ordinance in the following cases: *(Subsections a and b remain unchanged)*.

(9) Section 1003.5 (c) shall be amended to read: Swimming pools shall at a minimum comply with Section 602.6 of this Ordinance.

(10) Section 1201.2 shall be amended to read: From time to time as needs arise, propose to the Borough Council amendments to this Ordinance

(11) Section 1202.2 (c) should read: The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance, strictly applied, inflict unnecessary hardship upon the applicant. The Board may vary the application of any requirements of this ordinance wherein strict enforcement would result in practical difficulty or unnecessary hardship that would deprive the applicant of a reasonable use of his land or building. A variance may be granted if it meets the requirements listed in Section 1004.

(12) Section 1303 is amended to read: Expiration of Zoning Permit. If the work described in the application has not been completed within one (1) year from the date of issuance of the Zoning Permit said permit shall expire and shall be revoked by the Zoning Officer. Written notice of the revocation shall be given to the applicant together with notice that further work shall not proceed unless and until an new zoning permit has been obtained. Prior to the expiration of the permit the Zoning officer may grant one (1) extension of time of up to six (6)

months where, in his judgment, the request is reasonable given the circumstances of the particular project. Where the zoning officer denies an extension of time, his decision may be appealed to the Zoning Hearing Board or the applicant may re-apply for a Zoning Permit.

(13) Section 1301 is amended to read: Zoning Permit Application Requirements. The application for the zoning permit shall be signed by the owner or applicant or his authorized agent attesting to the truth and accuracy of all information. The application will contain at least the following information: *(Subsection 1301.1 - 1301.12 remain unchanged)*.

(14) Section 406.1 Permitted Uses in T Transitional District is amended to add sub-section 401.1(r) Laundromat and Dry Cleaning.

SECTION 2. The remaining sections, parts and provisions of the zoning ordinance remain unchanged and in full force and effect.


SECTION 3. The provisions of this ordinance are severable and if any section, part or provision therein shall be held invalid for any reason, such decision shall not affect the remaining sections, parts or provisions of this ordinance. It is hereby declared to be the intent of Council that this ordinance would have been enacted as if such invalid section, part or provision had not been included therein.

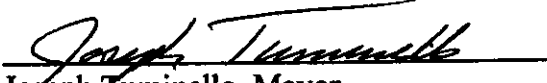
SECTION 4. This ordinance shall take effect and be in force from and after December 8, 1999.

SECTION 5. Any ordinance or part of ordinances conflicting with this ordinance shall be and the same is hereby repealed insofar as the same affects this ordinance.

ORDAINED and ENACTED by the Borough Council of the Borough of Cambridge Springs, this 8th day of November, 1999.

ATTEST:


Peggy L. Lewis, Borough Secretary


Joseph Tuminello, Mayor

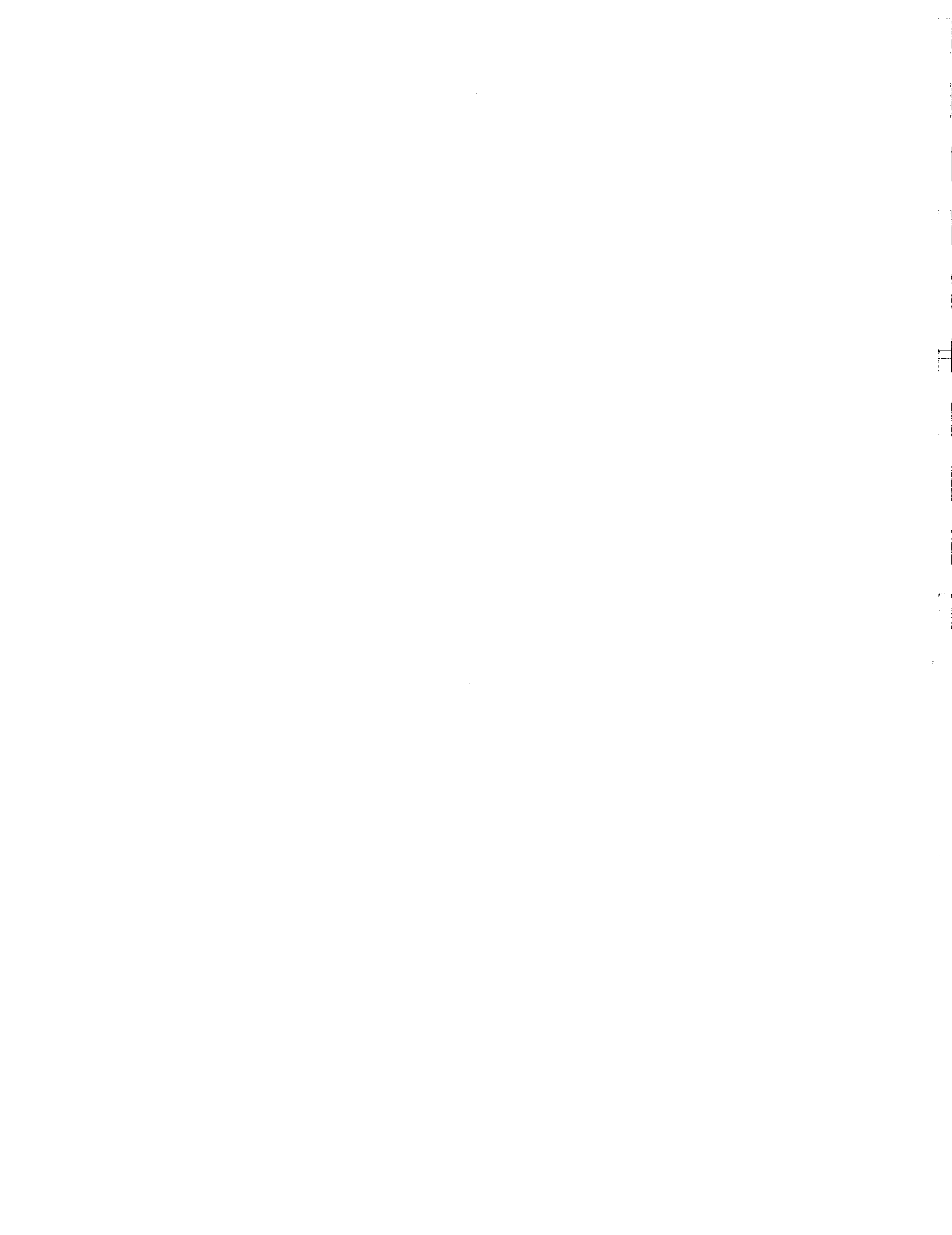
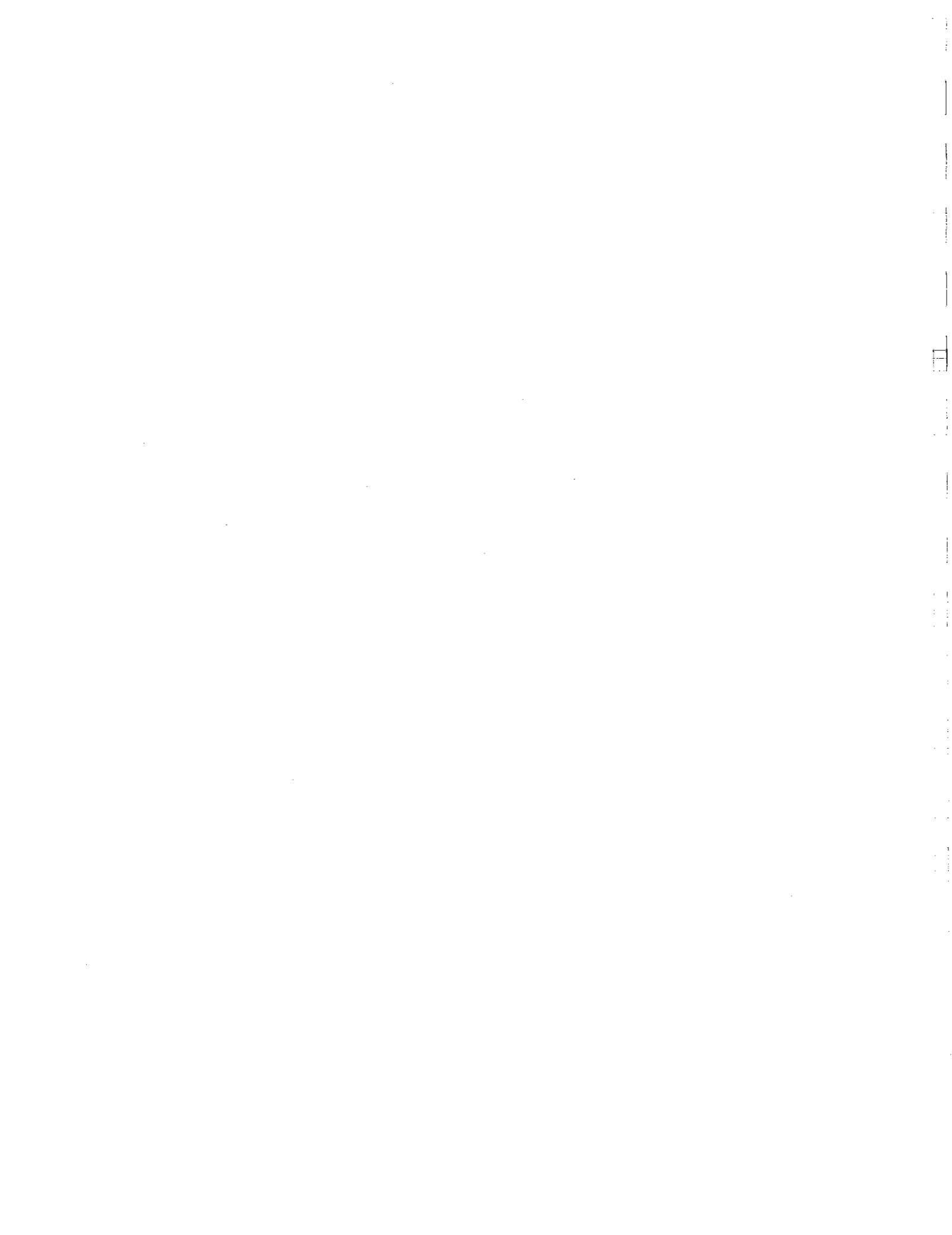


TABLE 1 - PERMITTED ACCESSORY STRUCTURE/USE YARD ENCROACHMENTS

The location and encroachment for permitted accessory structures and uses shall be dependent upon whether it is defined as temporary or permanent. The permitted encroachment for the following accessory structures/uses is outlined below. All permanent, permitted accessory structures/uses shall be located within the minimum yard setback permitted within the specific Zoning Districts, outlined in *Article 4 - Establishment, Purpose and Regulations of Zoning Districts*.

ACCESSORY STRUCTURE/USE	SETBACK TO BE MAINTAINED
Apparatus or architectural structures required for the efficient operation of solar energy systems, including but not limited to overhangs, insulating walls and roofs, solar collectors or reflectors <i>(permanent)</i>	Refer to Section 403
Arbor or trellises (Attached) <i>(permanent)</i>	Refer to Section 403
Arbor or trellises (Free standing) <i>(temporary)</i>	Maintain minimum 5ft setback in all yards*
Air Conditioning Units (ground units) <i>(permanent)</i>	Refer to Section 403
Awnings or canopies for window, porch or doors <i>(permanent)</i>	Refer to Section 403
Balconies, open <i>(permanent)</i>	Refer to Section 403
Chimneys <i>(permanent)</i>	Refer to Section 403
Cornices, eaves, belt courses, sills, one-story bay windows, etc. <i>(permanent)</i>	Refer to Section 403
Fences, walls, and hedge plantings - No yard setback restrictions as sufficiently inside the property line to allow for maintenance without adjacent lots.	long as it is constructed any encroachment onto
Fire Escapes (Open or Enclosed) <i>(permanent)</i>	Refer to Section 403
Flag poles <i>(temporary/permanent)</i>	Maintain minimum 5ft setback in all yards*
Lawn furniture (Benches, sundials, birdbaths, etc.) <i>(temporary)</i>	Maintain minimum 5ft setback in all yards*
Ornamental Light Standards <i>(temporary)</i>	Maintain minimum 5ft setback in all yards*
Playground and Laundry drying equipment <i>(temporary)</i>	Maintain minimum 5ft setback in all yards*
Porches (1 & 1 1/2 story; Open with or without roof) <i>(permanent)</i>	Refer to Section 403
Signs and nameplates (as regulated by Ordinance) <i>(temporary)</i>	Maintain minimum 5ft setback in all yards*
Steps and Landings (Wooden & Concrete) to principle structure, no roof or support posts <i>(permanent)</i>	Refer to Section 403
Terraces and patios (Open) <i>(permanent)</i>	Refer to Section 403
Toolsheds and other similar storage structures (storage of materials accessory to principle permitted use) <i>(temporary and/or permanent)</i>	Temporary Structure- min. 5ft setback in all yards*

* All yards include front, interior and exterior side and rear.



ghzd-ord.ars

CAMBRIDGE SPRINGS BOROUGH
CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NO. 750

AN ORDINANCE OF THE BOROUGH OF CAMBRIDGE SPRINGS TO AMEND THE ZONING ORDINANCE AND OFFICIAL ZONING MAP OF THE BOROUGH OF CAMBRIDGE SPRINGS BY EXPANDING THE EXISTING GENERAL BUSINESS ZONING DISTRICT (B-2) ON THE EAST SIDE OF FOUNTAIN AVENUE TO INCLUDE THE AREA BETWEEN GRAY ALLEY AND THE BOROUGH BOUNDARY LINE ON THE NORTH AND THE SITE OF THE FORMER PRESBYTERIAN HOME ON THE SOUTH SIDE OF GRAY ALLEY PRESENTLY ZONED MULTI-FAMILY RESIDENTIAL, TO ALLOW THE EXPANSION OF COMMERCIAL RELATED USES IN THIS AREA.

Be it Enacted and Ordained, by the Borough Council of the Borough of Cambridge Springs, Crawford County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. The zoning district of the area of land described below, as established by Section 1266.01 of the Codified Ordinances of the Borough of Cambridge Springs is hereby amended to change the area of land described below from Multi-Family Residential (R-2) to General Business (B-2):

An area of land consisting of those lands bordered on the west by North Main Street, on the south by Gray Alley, on the north by the Cambridge Springs Borough boundary line, and on the east by the eastern line of Fountain Street as extended northward to the Borough boundary line; and consisting of those lands being rectangular in shape approximately 94 feet by approximately 188 feet, bordered on the west by North Main Street and on the north by Gray Alley, being identified by tax assessment no. 1606-025, and being the site of the former Presbyterian Home.

The land area affected by this change is shown more particularly on the map, a copy of which is attached hereto and marked Exhibit A.

Section 2. The official zoning map of the Borough of Cambridge Springs as adopted by Section 1266.02 of the Codified Ordinances of the Borough of Cambridge Springs is hereby amended by incorporating the zoning map change shown on the map attached hereto as Exhibit A as a part of the official zoning map of the Borough of Cambridge Springs.


Section 3. Repealer. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 4. Severability. Should any section, part or provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any code of which this Ordinance may be or may be considered to be part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

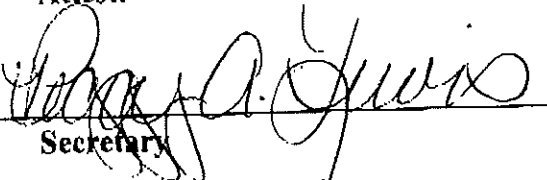
Section 5. Effective Date. This Ordinance shall take effect and be in force from and after it is advertised in accordance with the provisions of the Borough Charter.

Ordained and Enacted by the Borough Council of the Borough of Cambridge Springs this
10th day of March, 2003.

The Borough of Cambridge Springs

By: 
Mayor or Presiding Officer

Attest:

By: 
Secretary

[seal]