

ARTICLE IV GENERAL PROVISIONS

SECTION 401 ACCESSORY USES AND STRUCTURES

- A. **Attached structures.** A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- B. **Non-attached structures.** An accessory structure, including utility sheds, standing apart from a principal structure, is permitted between the rear wall of the principal structure and the rear property line but must be at least 10 feet from the principal structure. No apartment(s) or living quarters may be located in an accessory structure. For all other requirements, a nonattached structure is considered the same as a principal building.
- C. **Fences and walls.** No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than 3 feet in a front yard area and more than 6 feet in any other yard area. In an I-G Zone, a fence may be extended to 8 feet in height in any yard area, but no higher. The above fencing height restrictions apply universally, except as modified in ARTICLE VI of this Ordinance.
 - 1. Fences may be located up to but shall not be located on the lot line.
 - 2. No fencing may be erected which inhibits sight distance at a street intersection.
 - 3. In the case of a fence or wall erected adjacent to a driveway in any zone, the maximum height of such fence or wall or portion thereof shall be such that adequate sight distance between the driveway and the street is provided.
- D. **Satellite dish antennas.** Television receiver dishes and similar apparatus are subject to the following constraints:
 - 1. Such devices shall not be placed in any required setback area.
 - 2. Such devices must be located to the rear of the dwelling unit on any residential lot.
 - 3. No dish antenna on a residential lot shall exceed an overall height of 15 feet above the ground or an overall diameter of 12 feet.
 - 4. No more than one (1) dish antenna is permitted per lot.
 - 5. Such devices must be appropriately screened or fenced so as not to be an eyesore to neighboring properties.

SECTION 402 OUTDOOR SWIMMING POOLS

- A. Every outdoor swimming pool shall conform to all applicable requirements of state law.
- B. An outdoor swimming pool is permitted only in a side or rear yard area. The outermost protruding part of any outdoor swimming pool structure must be at least 3 feet from the side lot lines, and 10 feet from the rear lot line. No other setback regulation or provision shall apply to an outdoor swimming pool. This setback shall not apply to any deck or walkway surrounding an outdoor swimming pool.
- C. Every outdoor swimming pool, spa or hot tub, if not covered by a rigid, secure cover, which eliminates potential access by children and unauthorized persons, must be completely surrounded by a fence or wall that has a height of not less than 4 feet above the ground. The fence or wall shall be constructed so as not to have openings, holes or gaps larger than 2 inches in any dimension. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- D. An outdoor aboveground pool which has a water-containing wall of a minimum of 4 feet in height which is to serve in lieu of the fencing requirement in Subsection C above shall have access by a removable or retractable ladder, which must be removed or retracted when not in use. In the event that an outdoor swimming pool which has a part or all of its water-containing wall or barrier above the level of the surrounding ground and does not have a retractable or removable ladder, i.e., is accessible at ground level at a height less than 4 feet or has a fixed ladder or steps, said wall or barrier shall not be construed to satisfy fencing requirements and a separate fence meeting all of the requirements of Subsection C above must be provided. In such cases the fence may be affixed to or upon the water-containing wall of a swimming pool or may be entirely separate from it so long as all other requirements of this section are met.
- E. Water shall not be discharged from any swimming pool onto any adjoining property.

SECTION 403 UNENCLOSED STORAGE

- A. **Vehicle storage.**
 - 1. Except as provided in SECTION 606 of this Ordinance, in all zones, dismantled or partially dismantled or abandoned automobiles, tractors, recreational vehicles, trailers and trucks must be parked or stored within an enclosed building.
 - 2. In a residential zone, any vehicle which exceeds 8 feet in height and/or exceeds 21 feet in length, when not placed within an enclosed building, shall be placed between the front wall of the principal building and the rear setback line. Such vehicles may not be placed within a side setback area.

- B. **Outdoor stockpiling.** In a residential zone, tire stockpiles, metal pipes, automobile parts and similar objects and materials must be stored in a garage or an enclosed storage structure. In a commercial zone, such items must be stored in a garage or enclosed storage structure or be completely shielded by landscaping, walls or fencing so as to screen the object(s) in all seasons of the year from the street or adjoining properties. Dumpsters and other commercial trash receptacles must be similarly screened. All such storage must be accessory to an existing principal building except as provided in SECTION 606 of this Ordinance.
- C. **Trash or junk.** Except as provided in SECTION 606 of this Ordinance or in other Borough Ordinances, the accumulation of trash or junk out-of-doors for a period in excess of 15 days is prohibited in all zones.
- D. **Front yard.** In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted between the front wall of the principal building and the street line.

SECTION 404 SETBACK MODIFICATIONS

- A. **Front setbacks of buildings on built-up streets.** Where at least two (2) buildings are:
 - 1. Fronting on the same side of a street as the lot in question;
 - 2. Within the same block as the lot in question;
 - 3. Set back a lesser distance than required; and
 - 4. Not more than 100 feet from the lot in question, the average of the lesser setbacks shall become the required minimum front setback for the lot.
- B. **Sight distance.**
 - 1. Proper sight lines must be maintained at all street intersections. On a corner lot, no fence, wall or other obstruction is permitted within a 25 foot corner triangle except as follows:
 - a. Obstructions or plantings less than 3 feet in height as measured from the grade of the roadway.
 - b. If not obstructing the view of traffic, post columns and trees shall be permitted.
 - 2. The corner triangle is the area within a triangle created by the following points: the point of intersection of the street right-of-way lines and the two (2) points along the right-of-way lines at the given distance from the intersection.
- C. **Setback on corner lots, double frontage, reverse frontage and triple frontage lots.** In the case of corner, double frontage and reverse frontage lots, two (2) front setbacks and two (2) side setbacks shall be provided. In the case of a triple frontage lot, a front setback shall be provided from each street and the remaining setback shall be a side setback.

D. **Accessory or appurtenant structures and architectural features.** The setback regulations do not apply to the following, provided that they are not located within the corner sight triangle as noted in Subsection B above and do not otherwise create a sight distance hazard:

1. Student shelters at school bus stops; telephone booths; minor utility structures.
2. Cornices, eaves, chimneys, steps, canopies and similar extensions, including unenclosed and uncovered porches, decks and patios.
3. Open fire escapes.
4. Articles of ornamentation or decoration.
5. Retaining walls.

SECTION 405 HEIGHT MODIFICATIONS

The height regulations do not apply to the following projections and structures, provided that the height of any such projection or structure above its base or the average grade level, if self-supporting, shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line.

- A. Structures such as chimneys, water towers, standpipes, flagpoles, television antennas, radio towers or cranes and other support structures and/or devices.
- B. Structures on buildings such as clock towers, cupolas, water tanks and other mechanical appurtenances if such structures, at any level, do not cover more than 25% of the roof on which they are located.
- C. Parapet walls or cornices solely for ornamental purposes if not in excess of 4 feet in height.
- D. Farm buildings and structures.

SECTION 406 MINIMUM HABITABLE FLOOR AREA

All dwelling units must conform to the minimum habitable floor area as follows; provided, however, that each unit shall provide at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet of habitable floor space for each additional occupant.

- A. **For each single-family detached dwelling or two-family dwelling:**
800 square feet per dwelling unit.
- B. **For each semi-detached, attached or multi-family dwelling:**
600 square feet per dwelling unit.

SECTION 407 SIGNS

- A. Signs permitted and extent of use.** For a lot 100 feet in width or less, one (1) outdoor sign is permitted on each street frontage for each establishment, occupancy or purpose as below. For a lot over 100 feet in width, one (1) outdoor sign is permitted on each street frontage for each establishment, occupancy or purpose as below for every 100 feet of street length or major fraction of this length. However:
1. For business signs, any number of signs are permitted as long as their total area does not exceed the maximum specified in Subsection A7 of SECTION 407.
 2. An advertising sign and business sign must be at least 60 feet apart.
 3. No sign exceeding 30 square feet in area may be located within 75 feet of a residential zone.
 4. The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs, the space between such letters, figures and designs shall be included.
 5. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and at no point more than 3 feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area or as the area of the larger face if the two faces are of unequal size.
 6. Signs must be located so that they do not interfere with or obstruct vision in any clear sight triangle as defined in SECTION 404 of this Ordinance or the Dallastown Borough Subdivision Regulations.
 7. Type, location and size of sign.

TYPE OF SIGN	ZONES PERMITTED	MAXIMUM SIZE
Traffic	All zones	---
Home Occupation	Zone where use is permitted	2 sq.ft.
Trespassing	All zones	2 sq.ft.
Utility	All zones	2 sq.ft.
For sale, for rent, sold and rented	All zones	6 sq.ft.
Work sign for builders, painters and other artisans performing work on the premises	All zones	6 sq.ft.
Directional	C-S, C-H, I-G & S	6 sq.ft.
Identification and information of churches, schools and other nonprofit institutions	All zones	20 sq.ft.
Temporary	All zones	12 sq.ft.
Apartment bulletin board	Zone where use is permitted	10 sq.ft.
Sale of agricultural and horticultural products	C-S, C-H, I-G & S	20 sq.ft.
Business, except for agricultural and horticultural products	C-S, C-H, I-G & S	C-S Zone= 60 sq.ft. C-H, I-G Zone= 160 sq.ft.
Advertising	C-H & I-G	300 sq.ft.
Industrial park, subdivision, shopping center, tourist	Zone where use is permitted	160 sq.ft.
Nameplates	All zones	2 sq.ft.

- B. **Freestanding signs.** No freestanding sign may be more than 25 feet in height above the street level nor, except for a sign less than 6 feet in height, be closer than 25 feet to a street right-of-way line. Double-facing signs are permitted. A freestanding sign may be illuminated only by backlighting or by direct lighting if the lighting is so screened that it:
1. Is not directed or reflected toward any adjacent residence within 100 feet; and
 2. Does not cast any glare upon any adjacent street.
- C. **Buntings and pennants.** Buntings and pennants are permitted only to announce the opening of a new business or industry and must be removed after seven (7) days.
- D. **Projection of signs.** No sign shall project:
1. Over a public sidewalk area within 4½ feet of the curb;
 2. Over a public street unless specifically authorized by other borough or state regulations; or
 3. Above the roof of a building.
- E. **Illumination of signs.**
1. Flashing, rotating and intermittent lights are permitted only in the I-G Zone.
 2. R-T, R-O and C-S Zones: All signs permitted in these zones may be illuminated only by indirect lighting.
 3. A sign may be illuminated only if the lighting is screened so the light from the sign is not directed toward any adjacent property and does not obstruct the vision of motorists.
 4. Near highway traffic lights: Signs in the colors red, green or amber that are used in direct illumination or in high reflection by the use of special preparations such as fluorescent paint or glass may not be located within a radius of 100 feet of a highway traffic light or similar safety device.
- F. **Construction, maintenance and permits.** Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- G. **Termination of enterprise.** Upon termination of a commercial, industrial or other use, all signs pertaining to the enterprise must be removed.
- H. **Temporary signs.**
1. A temporary sign for a construction project may be erected and maintained for as long as the project is under construction.
 2. A temporary sign such as those advertising activities of churches and nonprofit organizations may be erected for a period not exceeding sixty (60) days.
- I. **Signs within a building.** None of the subsections above shall be construed to include signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a window announcing a sale or similar features. Such signs shall be permitted in addition to any of the specific signs noted in this section.

J. **Portable signs.** Portable signs shall be permitted in the C-H and C-S Zones subject to the following requirements:

1. A sign permit must be obtained from the Borough Zoning Officer.
2. The sign shall be illuminated only by indirect lighting when located in the C-S Zone.
3. The sign shall not be located on the lot for more than thirty (30) days within a ninety-day (90) period.
4. Only one portable sign shall be permitted per lot.
5. The maximum size permitted shall be 32 square feet; such area shall not be included in the computation of maximum surface area for any other type of permitted sign.
6. The placement of such signs shall not interfere with traffic or sight distance at street intersections or access to a public right-of-way.

K. **Sidewalk signs.** Sidewalk signs shall be permitted in the commercial (C-S and C-H) and the industrial (I-G) zones, provided that the following provisions are satisfied:

1. The sign must be associated with a commercial or industrial establishment on the premises where such sign is located.
2. Only one (1) sidewalk sign is permitted per street frontage.
3. The maximum size permitted shall be 6 square feet; such area shall not be included in the computation of maximum surface area for any other type of permitted sign.
4. The sign shall be placed in such a manner so as not to extend more than 3 feet from the building face and be not more than 4 feet in height. In any event, a minimum 4½ foot pedestrian area must be maintained from the curb to the sign so as not to obstruct pedestrian traffic.
5. The signs shall be temporary in nature and only displayed during business hours.

L. **Parallel signs.** Parallel signs shall be included in the measurement of the total sign area permitted. Advertising painted upon or displayed directly upon a building or structure which promotes the use on which such advertising is located shall be considered a part of the permitted sign area for the use occupying that lot. Otherwise, such advertising shall be regarded as an advertising sign and the regulations pertaining thereto shall apply.

SECTION 408 PARKING

A. **Size of parking space.** Each parking space must have an area of not less than 200 square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five (5) or more parking spaces are required, the total parking area including passageways and driveways must average 300 square feet per required parking space.

B. **Spaces required.**

1. Off-street parking spaces must be provided for each building erected, converted or enlarged in accordance with the following schedule:

Type of Use	Minimum of One Parking Space for Each
Residential dwelling	½ dwelling unit (i.e., 2 spaces per dwelling unit)
Rooming house	Bedroom
Hotel, motel	Guest sleeping room
Office building	300 square feet of gross floor area
Shopping center, shopping mall, shopping plaza	180 square feet of gross floor area
Retail store or shop	200 square feet of gross floor area
Restaurant	4 seats, plus 1 for each employee in the largest shift
Billiard room	½ table (i.e., 2 spaces per table)
Bowling alley	½ lane (i.e., 2 spaces per lane)
Other recreational establishments	100 square feet of gross floor area
Automobile repair, service station	400 square feet of gross floor area and ground area devoted to repair and service facilities
Professional office of physician, dentist	150 square feet of gross floor area
Other commercial buildings	400 square feet of gross floor area
Hospital	½ bed (i.e., 2 spaces per bed)
Convalescent home or nursing home	bed (i.e., 1 space per bed), plus 1 space for each employee on the largest shift
Auditorium, church, theater and other such places of public assembly	200 square feet of gross floor area, but not less than 1 space per each 4 seats
Industrial and heavy commercial establishments	2 employees on major shift, but at least 1 space for each 5,000 square feet of gross floor area
Outdoor sales, vehicle sales	20% of sales area to be reserved for customer parking
Funeral home	100 square feet of gross floor area
Clubs, lodges and other similar places	100 square feet of gross floor area
Schools	Staff member, plus 1 space per classroom in an elementary or junior high school and 1 space per 5 students of projected building capacity in a senior high school or college

2. In the case of an addition or enlargement of a building existing on the date of adoption of this Ordinance, parking spaces must be provided to the extent to which the required spaces of the altered or enlarged building exceed those applicable to the original building or use.
- C. **Location.** The parking area must be on the same premises for all residential uses and on the same or nearby premises for all other uses. If on nearby premises:
1. The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: 200 feet in the case of a commercial use and 300 feet in the case of an industrial or any other nonresidential use.
 2. When parking spaces for a use are located off-site, as noted in Subsection C 1 above, parking spaces must be allocated as specified in Subsection 408 B above exclusively for the use that said spaces are intended to serve.
 3. Parking areas must be a minimum of 3 feet from all property lines.
- D. **Layout.** Parking areas must be arranged so there will be no need for motorists to back over public rights-of-way, except in the case of single-family and two-family uses accessing local streets, i.e., streets other than those classified as collectors or arterials in the Borough's Comprehensive Plan.
- E. **Separation from streets and sidewalks.** For multi-family and non-residential uses where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, sidewalk or walkway, a pipe railing, post and chain barricade, raised curbs or equally effective devices must line the public right-of-way, sidewalk or walkway except at access points so that parked vehicles will not extend into the street right-of-way, sidewalk or walkway.
- F. **Paving.** A parking area for more than four (4) vehicles must be paved with concrete or bituminous paving material.
- G. **Drainage.** All parking lots shall be drained so as to prevent damage to other properties or public streets. All parking lots shall be designed to prevent the collection of standing water on any portion of the parking lot surface. All parking lots must comply with the Borough's stormwater management regulations where applicable.
- H. **Marking of parking spaces.** Each parking space for a multi-family, commercial or industrial use in a parking area or lot shall be clearly marked by a permanent, durable, contrasting material.
- I. **Lighting.** Adequate lighting shall be provided if the parking lot is to be used at night. Such lighting shall be arranged so as not to reflect or glare on adjoining properties or streets.

SECTION 409 LOADING

- A. **Spaces required.** Any building erected, converted or enlarged for any non-residential use shall provide adequate off-street areas for loading and unloading of vehicles. Such areas shall be provided in addition to and independent of any parking area requirements.

Off street loading spaces must be provided in accordance with the following schedule:

Type of use	Number of Loading Spaces
Commercial	One (1) for a gross floor area of 5,000 to 25,000 square feet and one (1) additional for each 40,000 square feet of gross floor area in excess of the first 25,000 square feet
Office, financial institution, theatre, auditorium, hotel, hospital or other institution, bowling alley or other indoor recreational establishment	One (1) for a gross floor area of 10,000 to 100,000 square feet and one (1) additional for each 100,000 square feet in excess of the first 100,000 square feet
Industry or manufacturing	One (1) for a gross floor area of 2,000 to 25,000 square feet and one (1) additional for each 20,000 square feet of gross floor area in excess of the first 25,000 square feet
Wholesale, storage or warehousing (excluding mini-storage facilities for which no loading spaces are required)	One (1) per establishment and one (1) additional for each 40,000 square feet in excess of the first 10,000 square feet

- B. **Size.** The following table lists required minimum loading space sizes:

Use	Length (feet)	Width (feet)	Height if Covered or Obstructed (feet)
Industrial, wholesale and storage uses	60	12	15
All other uses	40	12	15

- C. **Surfacing.** All loading areas must be surfaced with a bituminous or concrete paving material.
- D. **Location.** The loading area must be arranged so that there will be no need for vehicles to back over public rights-of-way or cause the stacking of vehicles upon a public street. Except in the I-G Zone, no loading area shall be located between the front wall of a principal building and the street line. Where possible, off-street loading facilities shall be located on the side of a building which does not face adjoining land in a residential zone.
- E. **Drainage.** All loading areas shall be drained so as to prevent damage to other properties or public streets. All loading spaces shall be designed to prevent the collection of standing water on any portion of the loading area surface.
- F. **Lighting.** Adequate lighting shall be provided if the loading area is to be used at night. Such lighting shall be arranged so as not to reflect or glare on adjoining properties or streets.

SECTION 410 DRIVEWAYS

- A. **Width.** Within 10 feet of the street right-of-way, driveways may not exceed 20 feet in width.
- B. **Number.** The number of driveways may not exceed two (2) per lot on any one (1) street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.
- C. **Offsets.** No part of a driveway may enter a public street:
 - 1. Within 40 feet of the street right-of-way line of any intersecting street.
 - 2. Within 5 feet of a fire hydrant.
 - 3. Within 25 feet of another driveway on the same property.
 - 4. Within 3 feet of an adjoining property line.
- D. **Sight distances.** A driveway must be located in safe relationship to sight distance and barriers to vision.
- E. **Slope.** The driveway may not exceed a slope of 12% within 25 feet of the street right-of-way line. However, at the point where a driveway crosses a sidewalk, the slope of the driveway shall not exceed 6%.
- F. **Paving.** The portion of a driveway within a street right-of-way and for a distance of 25 feet beyond that right-of-way shall be paved with a concrete, bituminous paving material unless another suitable paving material is approved by the Borough.
- G. **Cuts.** Where a driveway enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed 50% in slope within 25 feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed 3 feet within 10 feet of the roadway.
- H. All lots must have a separate driveway located on the lot which that drive serves, i.e., one driveway may not serve more than one (1) lot, except for pre-existing landlocked lots of record.

SECTION 411 ACCESS DRIVES

- A. **Width.** Access drives shall require a 24 foot right-of-way. The minimum pavement width for access drives shall be 24 feet (two 12-foot traffic lanes).
- B. **Number.**
 - 1. The number of access drives may not exceed one (1) per lot on any one (1) street frontage. The Zoning Hearing Board may grant permission by special exception for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
 - 2. Where access from an arterial or collector street may be necessary for several adjoining lots, the Borough may require that such lots be served by one (1) or more combined access drives in order to limit possible traffic hazards on such streets.
- C. **Location, design.** Access drives shall have the following characteristics:
 - 1. The vertical and horizontal alignments of access drives shall conform to the specifications for minor streets as stated in the Borough Subdivision and Land Development Ordinance, if applicable. However, at the point where an access drive crosses a sidewalk the slope of the access drive shall not exceed 6%.
 - 2. No part of an access drive shall enter a public street within 3 feet of a property line.
 - 3. At its intersection with a street, no part of any access drive shall be nearer than 50 feet to the right-of-way line of any intersecting street.
- D. **Paving.** All access drives shall be paved with concrete or a bituminous paving material unless another suitable paving material is approved by the Borough. The minimum specifications shall be an 8-inch-thick compacted, crushed aggregate base and 3 inches of bituminous, concrete or other approved paving material; however, if special conditions warrant, the Borough may require more stringent provisions.

SECTION 412 SCREENS AND BUFFERS

- A. Where an industrial or commercial use is proposed in the C-H or I-G Zone and that use abuts a residential zone or use, except for street or alley frontage, a fence and/or screen planting acceptable to the Borough is required to be erected to screen from view the industrial or commercial use.
- B. The space along a lot line in the C-H or I-G Zone abutting a residential zone for 25 feet in depth may not be used for commercial or industrial operations. This area must be naturally landscaped and maintained; however, parking is permitted within the interior 10 feet of the 25 foot buffer strip.
- C. Existing buildings in the I-G or C-H Zones shall not be prohibited from being occupied by any permitted use due to the lack of a sufficient buffer. However, screening and/or buffering shall be provided in such cases to the extent possible to protect neighboring properties and uses.

SECTION 413 DRAINAGE

- A. **Adequate drainage required.** No principal building may be erected, structurally altered or relocated on land:
 - 1. Which is not adequately drained at all times, i.e., no building is permitted in areas where standing water is evidenced on a permanent or seasonal basis.
 - 2. Which is subject to periodic flooding.
- B. **Building restricted adjacent to drainage channels and watercourses.** No building may be erected, structurally altered or relocated:
 - 1. Within 20 feet of the ordinary high water line of any surface water drainage channel or natural watercourse.
 - 2. So that its lowest floor is less than 3 feet above the high water line.
- C. **Lot drainage.** Lots shall be laid out and graded to provide positive drainage away from new and existing buildings and to prevent the collection of stormwater in pools.
- D. **Nearby existing facilities.** Where adequate existing storm sewers are readily accessible, the developer must connect his stormwater facilities to these existing storm sewers.
- E. **Open drainageways.** When open drainageways are used for the disposal of stormwater, the Borough Engineer shall review the design of such open drainageways in relation to the following:
 - 1. Safety: Steep banks and deep pools shall be avoided.
 - 2. Erosion: Adequate measures shall be taken, such as seeding, sodding, paving or other measures as necessary to prevent the erosion of banks and the scouring of the channel.
 - 3. Stagnation: Design of open drainageways shall not create stagnant pools or swampy areas.
 - 4. Approval: Whenever the evidence available to the Borough indicates that natural surface drainage is inadequate, the developer shall install a stormwater sewer system in accordance with approved plans and profiles. The system shall be designed by a registered engineer and be approved by the Borough Council upon the recommendation of the Borough Engineer.
- F. **Drainage upon streets.** In order to prevent improper surface water drainage upon streets, each building erected, structurally altered or relocated, and its driveways, must be at a grade in satisfactory relationship:
 - 1. With the established street grade; or
 - 2. With the existing street grade where none is established. Satisfactory evidence to this effect must be presented to the Borough Engineer.

G. Drainage upon adjoining properties; slopes.

1. In order to protect adjoining property owners and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would:
 - a. Result in a slope of more than 30% within 20 feet of a property line (height divided by length equals percent of slope).
 - b. Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.
2. In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

H. Obstruction to drainage prohibited. The damming, filling or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Borough Council upon recommendation of the Borough Engineer and after submitting copies of permits required by state or federal agencies.

SECTION 414 ILLUMINATION

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

SECTION 415 DEMOLITION

Demolition of any structure must be completed within ninety (90) days of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting debris from the lot. Wood, asphalt, shingles and similar building materials shall not be buried or used as fill at the demolition site but must be disposed of at an approved solid waste disposal facility certified to dispose of such materials. A structure may be partly demolished only if a usable structure or building remains and the demolition of the part is completed as required in the previous sentence. All evidence of the structure which was demolished must be removed from the exterior surfaces of the remaining structure or building. Proof of performance bond and liability insurance must be shown for work of one-thousand dollars (\$1,000) or more.

SECTION 416 BUILDINGS AND STRUCTURES UNDER CONSTRUCTION

A building or structure, the foundation of which was completed before the effective date of this Ordinance, may be constructed without being bound by the requirements of this Ordinance, provided that the construction is completed within one (1) year after the effective date of this Ordinance. In like manner, a building or structure, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

SECTION 417 DIVISION OF BUILT-ON-LOTS

No lot may be formed from part of a lot occupied by a building unless each newly created lot will meet all the applicable provisions of this Ordinance and the Borough Subdivision and Land Development Ordinance, if applicable.

SECTION 418 LOTS OF RECORD

On a lot held in single and separate ownership on the effective date of this Ordinance, or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use, provided that the setback requirements are not less than the minimum specified herein for the zone in which the lot is located.

SECTION 419 NON-CONFORMITIES

A. Continuance.

1. Except as otherwise provided in this section, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued, although such use of land or building does not conform to the use regulations specified by this Ordinance for the zone in which such land or building is located.
2. Any non-conforming lot or structure lawfully existing at the date of the adoption of this Ordinance may be continued.

B. Expansion/alteration.

1. Upon application for a special exception and in accordance with the provisions of SECTION 504 and SECTION 632, the Zoning Hearing Board may approve the expansion of a use of land or building which is not in conformance with the provisions of this Ordinance.
2. Any alteration that will reduce the extent of an existing non-conformity shall not require special exception approval.

C. Replacement. A non-conforming building or structure may be replaced only in conformance with the provisions of this Ordinance. This includes but is not limited to the removal of mobile or modular buildings or structures. If such a non-conforming building or structure is removed, it cannot be replaced unless it conforms to all requirements of this Ordinance.

D. Restoration. If any non-conformity is destroyed in part or in whole by reason of windstorm, fire, explosion or other acts of God or a public enemy, the non-conformity may be rebuilt, restored or repaired to the extent of the nonconformity prior to destruction, provided that restoration is begun within one year following said destruction. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.

- E. **Abandonment.** A non-conforming use shall be deemed to be abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be re-occupied except in conformance with this Ordinance.
- F. **Reversion.** No non-conformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a non-conformity.
- G. **Zone changes.** Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the foregoing provisions shall also apply to any non-conforming uses or dimensional non-conformities existing therein or created thereby.
- H. **Identification and registration.** Non-conforming uses and non-conforming structures may be identified and registered by the Zoning Officer.

SECTION 420 LOT WIDTH MODIFICATION

The minimum lot width for properties abutting the turnaround circle of a cul-de-sac street may be calculated precisely at the required front setback line rather than the street line, but in no case shall the lot width at the street line be less than 40 feet in any zone.

SECTION 421 GARAGE, ETC. SALES

Garage, yard, attic, barn or similar types of sales shall be permitted in all zones by use certificate issued by the Zoning Officer, subject to the following conditions:

- A. The period of the sale shall not exceed four (4) days during two (2) consecutive weeks.
- B. The time of the sale shall begin not earlier than 8:00 a.m. and shall extend not later than 9:00 p.m., prevailing time, on each day thereof.
- C. Only goods and property of the applicant shall be sold.
- D. No household shall receive a permit for more than two (2) sales per calendar year.

SECTION 422 STATUS OF SUBDIVISION OR LAND DEVELOPMENT

From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Borough Subdivision and Land Development Ordinance, if applicable, and while such application is pending approval or disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision on such applications adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provision of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance. When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the Zoning Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval.

SECTION 423 HOME OCCUPATION

- A. Subject to the requirements below, the following home occupations and professions may be authorized in a dwelling unit in any zone upon issuance of a permit by the Borough Zoning Officer: physician, dentist, clergyman, lawyer, engineer, accountant, architect, teacher, artist, licensed insurance or real estate agent, seamstress, barber, beautician and similar service occupations and professions.
- B. Regulations for permitted home occupations and professions:
1. **Employees.** No person other than a resident of the dwelling unit may practice the occupation. No more than one (1) person shall be employed to provide secretarial, clerical or other assistance.
 2. **Pupils.** No more than two (2) pupils may receive instruction at a time.
 3. **Coverage.** Not more than 30% of the ground floor area of the dwelling unit may be devoted to a home occupation or profession.
 4. **Appearance.** The character or external appearance of the dwelling unit must be that of a dwelling. No display of products may be shown so as to be visible from outside the dwelling. A nameplate not larger than 6 square feet in area is permitted and may be illuminated only by indirect lighting.
 5. **Parking.** Garages shall not be considered parking area for home occupations. Besides the required parking for the dwelling unit, additional parking is required as follows:
 - a. Two (2) spaces for the home occupation and one (1) space for the nonresident employee; plus
 - b. Each space shall not have direct access to the street to avoid vehicles backing into the flow of traffic.
 - c. Two (2) additional spaces for a physician, dentist, barber or beauty shop.
 6. **Sales.** There shall be no stock in trade stored nor commodities kept for sale which are not goods produced on the premises or used in connection with a permitted home occupation.

SECTION 424 SALE OF AGRICULTURAL PRODUCTS

In all zones, the sale at retail of agricultural products is permitted on the property where they were produced so long as the sale of such products is clearly accessory to the principal use on that property.

SECTION 425 DISPLAY UNITS AND/OR VENDING MACHINES

No newspaper sales machines, vending machines or any type of product display unit may be placed on a public sidewalk or between the sidewalk and curb.