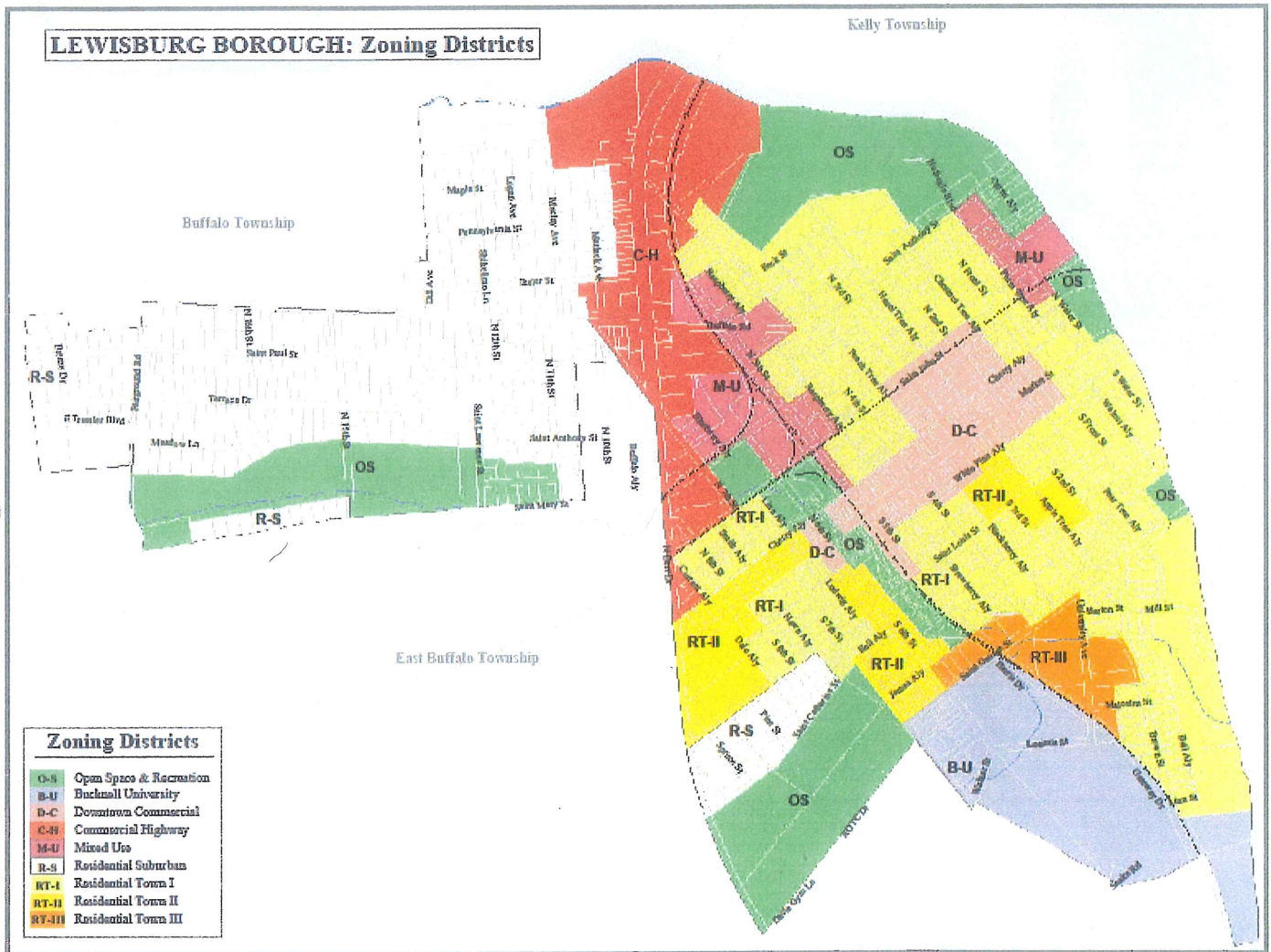
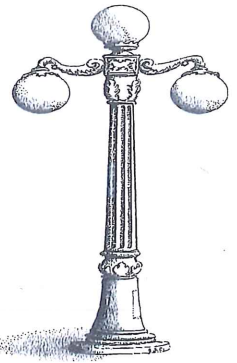
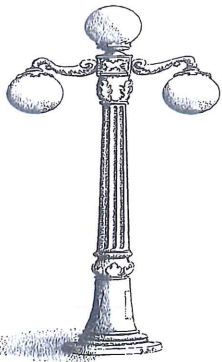


# LEWISBURG MUNICIPAL ZONING ORDINANCE



## Borough of Lewisburg, PA

Incorporated: March 21, 1822

Adopted by: Lewisburg Borough Council  
Prepared by: Lewisburg Planning Commission

Enacted by Ordinance No. 1010  
Effective Date: December 20, 2011

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## Chapter 360

### Zoning

#### Article I

#### Title, Application and Purpose

##### §360-1. Title and Short Title.

- A. Title — An Ordinance establishing regulations and restrictions for the location and use of lots, land, buildings and other structures, the height, number of stories and bulk of buildings and structures, the density of population, requirements for design and architectural standards, off-street parking and similar accessory regulations, in the Borough of Lewisburg, Union County, Pennsylvania, and for said purposes dividing the municipality into districts and prescribing certain uniform regulations for each district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.
- B. Short Title — This Ordinance shall be known as, and may be cited as, the Lewisburg Borough Zoning Ordinance of 2011.

##### §360-2. Application of Ordinance.

Except as hereinafter provided, no building, structure, land or parts thereof shall be used or occupied, erected, constructed or assembled, moved, enlarged or structurally altered unless in compliance with the provisions of this Ordinance or superseded by the Uniform Construction Code or applicable state or federal building code standard.

##### §360-3. Purpose.

This Zoning Ordinance, including the provisions, requirements and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the Lewisburg Borough Comprehensive Plan, and is intended to promote health, safety and the general welfare by achieving, among others, the following purposes for development:

- A. To promote, protect and facilitate the proper density of population, emergency management preparedness and operations, the provisions of adequate light and air, access to direct sunlight, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural and/or industrial use.
- B. To promote, protect and facilitate the preservation of the natural features of the Borough, including wetlands, aquifers and floodplains.



- C. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- D. To preserve the historic architectural character of the building stock of the Borough of Lewisburg.
- E. To provide for the use of land within the Borough of Lewisburg for residential housing of various dwelling types.
- F. To accommodate growth, both residential and commercial, in those areas suitable for development and/or redevelopment.
- G. To lessen congestion on the roads and highways.
- H. To avoid population densities in excess of the natural and/or physical capacity of the various sections of the Borough of Lewisburg.
- I. To encourage the most appropriate use of land, based upon the suitability of the proposed development site, to accommodate a proposed use.
- J. To conserve the value of land and buildings.

**§360-4. Minimum Standards.**

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

**§360-5. Community Development Objectives.**

The basis for this Ordinance is the Lewisburg Borough Comprehensive Plan, as adopted and/or amended by the Borough Council, and issues arising during the meetings during the revision of the Ordinance. The Community Development Objectives enumerated to achieve local desired goals and objectives are:

**A. General Objectives**

- (1) Plan for change in the Borough of Lewisburg in a manner that will protect, preserve, enhance and balance the economic, social, cultural and aesthetic values desirable of an urban center in a rural setting.
- (2) Ensure safe, orderly and efficient growth and/or development consistent with the preservation of sensitive uses and areas within the Borough through land use controls.
- (3) Clarify, review and update existing zoning and subdivision ordinances to evaluate their need and to create greater understanding and compliance by the residents of the Borough.
- (4) Promote greater inter-municipal cooperation in planning.

- (5) Promote realistic opportunities for commercial and residential development/redevelopment consistent with zoning, building and housing ordinances.
- (6) Promote municipal fiscal responsibility.
- (7) Promote the retention of traditional architectural styles in residential and nonresidential reuse and conversions.
- (8) Promote the integration of various community characteristics, including the historic structures, the streetscape and land uses.

B. Housing Objectives

- (1) Continue to provide and support suitable areas for a variety of housing choices in type, scale and size (single-family dwellings, double dwellings, multi-family dwellings and townhouses).
- (2) Continue to provide and encourage areas for higher density development, where appropriate.
- (3) Continue to provide low-density housing opportunities where they are appropriate.
- (4) Continue to preserve historic properties by private or public means.
- (5) Facilitate cooperation with other municipalities and agencies in Union County whenever possible in order to address major issues related to housing.
- (6) Promote the retention of traditional residential architectural styles in residential rehabilitation and conversion activities, and in the re-development of residential districts.

C. Industrial and Commercial Objectives

- (1) Promote the redevelopment and reuse of light-industrial uses within the areas that already contain such uses.
- (2) Promote and support pedestrian-oriented commercial development and redevelopment in existing downtown area.
- (3) Promote and support vehicle-oriented commercial development and redevelopment in existing highway-commercial area.
- (4) Ensure the preservation of a healthy downtown commercial district.

D. Transportation Objectives

- (1) Encourage and promote cooperation with surrounding municipalities, as well as the Commonwealth, in the development of transportation planning, including pedestrian and bicycle transportation, for the greater Lewisburg area.

- (2) Promote the downtown business area through improved signage on Route 15.
- (3) Encourage the Commonwealth to undertake a regional traffic systems study to identify any necessary improvements to hazardous intersections and the congestion created by Routes 15 and 45.
- (4) Examine on-street parking designs and uncoordinated traffic signals that may hinder traffic flow.
- (5) Encourage a circulation system designed to permit ease and safety of pedestrian movement.
- (6) Ensure that roads and highways comply with Pennsylvania Department of Transportation standards.
- (7) Ensure that transportation projects are not detrimental to the environment.

E. Environmental Objectives

- (1) To preserve the unique character of the Borough of Lewisburg by continuing to concentrate commercial, industrial and residential development in areas in which it already exists.
- (2) Discourage development on environmentally sensitive lands including, but not limited to, irreplaceable wetlands and floodplains.
- (3) Provide for compatible uses in floodplain areas (open space, parks and recreation, etc.).
- (4) Improve stormwater management planning and control.
- (5) Initiate energy use practices that promote beneficial results regarding conservation, efficiency and renewable and sustainable energies.
- (6) Continue to support and improve current recycling efforts.

F. Recreation and Open Space Objectives

- (1) Continue to provide an adequate amount of recreational area for the residents of the Borough of Lewisburg.
- (2) Continue to preserve an appropriate portion of the Borough as open space accessible to the general public.
- (3) Ensure that recreational and open space areas are not detrimental to the environment or a nuisance to Borough residents.

Article II  
Definitions

**§360-6. Words and terms defined.**

For the purpose of this Ordinance, certain terms, phrases and words are defined as follows:

- A. Tense, Gender and Number — Words used in the present tense include the future; words used in the masculine gender include the feminine and the neuter; and words used in the plural include the singular.
- B. General Terms — The words "shall" and "must" are always mandatory; the word "may" is permissive. The words "used for" include "designed for," "arranged for," "intended for," "maintained for" or "occupied for." The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The words "person or persons" include "individual," "profit or nonprofit organization," "partnership," "company," "incorporated association" or other similar entities.
- C. Terms, Phrases and Words Not Defined — When terms, phrases, or words are not specifically defined, they shall have their ordinarily accepted dictionary meanings or the meaning that the context may imply.

**ABANDONMENT** — The relinquishment of property or a cessation of the use of the property by the owner or lessee without any evidence of the rights to the property being transferred to another owner or of an attempt to resume the use of the property by the lessee or owner.

**ACCESSORY STRUCTURE** — A structure which is subordinate to and detached from a principal building located on the same lot and whose use is customarily incidental to the principal building or use. Accessory structures include but are not limited to garages, storage sheds, detached decks, swimming pools, cabanas, gazebos, and freestanding satellite dishes over eighteen (18) inches in diameter and similar antennae typically for residential reception.

**ACCESSORY USE** — A use of land or a building or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**ADULT ENTERTAINMENT CABARET** — Any public or private establishment serving food or beverages or licensed to serve alcoholic beverages, which features topless dancers, strippers or similar entertainers.

**ADULT BOOK STORE** — An establishment that offers for sale, rent, lease, view on property or loan books, magazines, pictures, photographs, drawings, sculptures, films or video, sound recordings or any other printed or visual representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

**ADULT MASSAGE PARLORS** — Any place of business where any person, partnership, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating parts of the body relating to "Specified Sexual Activities" or "Specified Anatomical Areas," with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oil or other such items.

**ADULT THEATER** — An enclosed building used to present motion picture, video or similar media distinguished or characterized by a major emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

**ADULT USE OR FACILITY** — Any establishment having ten (10) percent or more of its displayed stock or twenty (20) percent of the occupied area or twenty-five (25) percent or more of its sales in trade or service distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas." Such uses or facilities include but are not limited to any of the following: "Adult Book Stores," "Adult Motion Picture Theaters," "Adult Entertainment Cabaret," "Adult Video Cassette Rental and Sales Outlet," "Adult Massage Parlors" or "Other Adult Uses."

**AGRICULTURE** — The production, keeping or maintenance of plants and vegetables for sale or personal use, including forage and sod crops; grains and seed crops; fruits of all kinds including grapes and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. For the purposes of this Ordinance the term agriculture excludes the production, keeping or maintenance of livestock, poultry, dairy, swine, goat and other grazing animals.

**AIR RIGHTS** — The right to use space above ground level.

**AISLE** — Traveled way by which vehicles enter and depart parking spaces, usually between rows of parking spaces within a parking lot.

**ALLEY** — A public thoroughfare providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**ALTERATION** — Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

**ANIMAL or VETERINARY HOSPITAL** — A building in which small domestic animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

**ANIMAL BOARDING, COMMERCIAL** — A facility for the boarding of animals, the breeding of dogs and/or cats or the boarding, grooming, sale or training of dogs and/or cats for which a fee is charged.

**ANIMAL BOARDING, NON-COMMERCIAL** — Any establishment where dogs and/or cats are kept within or adjoining a private residence for the non-commercial purpose of hunting or exhibition in shows or field trials or obedience training. Surplus offspring bred at such kennels to enhance or perpetuate any given breed, recognized by the American Kennel Club, may be sold at such kennels and shall not be considered a commercial activity for the purpose of this Ordinance. All animals kept or maintained in said kennel must be owned by the individual or family residing upon the lot upon which the kennel is located.

**ANTENNA** — An electrical device that sends or receives radio, television or other digital, electromagnetic or microwave signals.

**APPLICANT** — A person submitting an application for development.

**AQUIFER** — A geologic formation that contains a supply of water.

**AQUIFER PROTECTION AREA** — A designated area of land identified in an approved wellhead protection, aquifer protection or water supply plan, and mapped in said plan. Aquifer protection areas shall be overlay maps to the Zoning Map and regulations applicable for aquifer protection areas shall be applicable in all districts where such aquifer protection areas exist.

**AQUIFER RECHARGE AREA** — The outcropping part of the aquifer through which water enters the aquifer.

**ATTIC** — A room or space that is immediately below the roof of a building.

**AWNING** — A structure made of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retracted from a projecting position to a flat position against the building.

**BASEMENT or CELLAR** — Any area of a building having its floor below ground level.

**BED-AND-BREAKFAST ESTABLISHMENT or INN** — An owner-occupied single-family detached residence which contains not more than six (6) bedrooms used to provide overnight accommodations to the public. If the establishment offers dinner to the overnight guests it shall be considered an Inn.

**BEDROOM** — A room not less than seventy (70)-square-feet of net floor area that, because of limited access and separation from the living areas, is intended or may be used for sleeping.

**BLOCK** — A tract of land bounded by streets, or by a combination of streets, alleys, public parks, cemeteries, railroad rights-of-way, waterways or any municipal boundary.

**BOARDING HOUSE** — A dwelling, other than a membership club, fraternity or sorority, dormitory, motel or hotel, in which lodging is provided on a weekly or monthly basis without meals for one (1) or more persons in addition to the family occupying said dwelling.

**BOROUGH** — The Borough of Lewisburg, Union County, Pennsylvania.



**BOROUGH COUNCIL** — The Borough Council of the Borough of Lewisburg.

**BROADCAST TRANSMISSION FACILITY** — Any tower, antenna or structure designed or intended for the commercial transmission or relay of any digital, electronic, radio, television or microwave signal via the atmosphere.

**BUFFER AREA** — A portion of a site intended to provide a visual barrier between different land uses or to shield, block or provide other protection from noise, light or nuisance between adjacent parcels of land to lessen the impacts of incompatible land uses.

**BUILDING** — A combination of materials forming any structure that is erected on the ground and permanently affixed thereto, that has a roof supported by columns or walls and that is designed, intended or arranged for the shelter, enclosure, housing or structural support of persons, animals, process, equipment, goods or materials of any kind. The term "Building" shall not include driveways, parking spaces or parking lots.

**BUILDING COVERAGE** — The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

**BUILDING, DETACHED** — A building surrounded by open land on all four (4) sides within the same lot.

**BUILDING HEIGHT** — The vertical distance measured from the average finished grade level of the land contiguous to the external walls of the house to the top of the highest roof point, not including chimneys, cupolas and other accessory structures such as weather vanes. (See §360-23B.)

**BUILDING LINE** — A line parallel to the street or right-of-way line touching that part of the building closest to the street.

**BUILDING MASS** — The height, width and depth of a structure.

**BUILDING SCALE** — The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

**BUILDING, SEMI-DETACHED** — A building that has one (1) wall in common with an adjacent building.

**BULK REGULATIONS OR REQUIREMENTS** — Standards and controls that establish the maximum size of buildings and structures on a lot and the area in the lot within which the buildings can be located, including coverage, setbacks, height and floor area ratio requirements.

**CALIPER** — The diameter of a tree trunk four (4) feet above grade.

**CAMPGROUND** — Land used for the purpose of providing a space or spaces for six (6) or more tents or two (2) or more trailers or recreational vehicles for temporary (180 days or less) purposes, regardless of whether or not a fee has been charged for the leasing, renting or occupancy of the space.

CANOPY — A structure made of metal, aluminum or other material intended to be freestanding or affixed to a building and that serves as an overhang intended to shield persons from the elements.

CELLAR — See BASEMENT.

CERTIFICATE OF ZONING COMPLIANCE — A document issued by the zoning officer certifying that the use, building or structure for which a zoning permit was issued has complied with all terms and conditions of said zoning permit and allowing occupancy.

CENTRAL WATER OR SEWER — A water or sewer distribution system that serves facilities or a community on an area-wide or regional basis. The facility company must be approved by and/or licensed by the appropriate state or federal agencies.

CHANGE OF USE — Any use that substantially differs from the previous use of a building or land.

CHILD CARE CENTER — A State-licensed and/or registered facility in which care is provided or is intended to be provided for seven (7) or more children of any age at any time.

CHILD CARE HOME — A State-licensed and/or registered facility that is a single-family dwelling in which child care is provided by the residents at any time for not more than six (6) children under the age of twelve (12), including any children under the age of twelve (12) who are residents of the dwelling.

CHURCH — See HOUSE OF WORSHIP.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the streets. (See §360-23A.)

COMMERCIAL USE — Activity involving the sale of goods or services for profit.

COMMISSION — The Planning Commission of the Borough of Lewisburg.

COMMON OPEN SPACE — A parcel or parcels of land, an area of water or a combination of land and water within a development site that is designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities. Common Open Space shall be deeded to an association of property owners, a nature and/or land conservancy or the Borough.

COMMUNITY ASSOCIATION OR HOMEOWNERS' ASSOCIATION — An organization whose purpose is to own, maintain and/or operate common facilities and to enhance and protect the common interests of the organization's members.

COMMUNITY LIVING ARRANGEMENT — The use of a lawful dwelling unit to provide a living environment for unrelated residents who operate as the functional equivalent of a family, and where supervision and care by supportive staff may be necessary to meet the emotional, physical and social needs of an aged person, a disabled

or handicapped person, a developmentally disabled person, a mentally ill person, and/or a child as defined in the appropriate federal or state statutes, provided that such person cannot reasonably be considered a threat to the physical safety of others, and/or was not previously convicted of a sexual offense committed against a minor.

**COMPLETELY DRY SPACE** — A space within a structure which is designed and constructed to remain totally dry during flooding and to prevent the passage of water and water vapor into said structure and which will remain totally dry during flooding.

**COMPREHENSIVE PLAN** – The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of the Borough of Lewisburg, as amended from time to time.

**CONDITIONAL USE** — A use that may not be appropriate in a particular zoning district as a whole but that may be suitable in certain locations within the district when specific conditions and factors described within this Ordinance for such uses are met. Conditional Uses are permitted only by the Lewisburg Borough Council.

**CONDOMINIUM** — A form of ownership in which units of property, such as dwelling units or offices, in a building or group of buildings on a parcel of land, are owned by individual owners and the parcel, the structure of the building(s), the common areas and the facilities are owned jointly by all the unit owners; also, refers to one such unit or the building or group of buildings under such form of ownership.

**CONSTRUCTION** — The building, rebuilding, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes and/or mobile homes.

**CONTIGUOUS** — Next to, abutting or touching and having a boundary, or portion thereof, that is coterminous.

**CONVERSION** — A change in the use of land or structure that includes an increase in the number of dwelling units.

**COUNTY** – County of Union, Pennsylvania.

**COVENANT OR RESTRICTIVE COVENANT** — A restriction on the use of land usually set forth in the deed or on a recorded plan.

**CURB** – The raised edge of a pavement confining surface water to the pavement and protecting the abutting land from vehicular traffic.

**CURB CUT** — The opening along the curb at which point vehicles or pedestrians may enter or leave the roadway.

**DECISION** — Final adjudication of matters subject to any land use ordinance by the Zoning Hearing Board or Lewisburg Borough Council, which has been granted jurisdiction under the land use ordinance(s) to make such adjudication, either by reason of the grant of exclusive jurisdiction or by reason of appeals from official determinations.

Decisions shall be appealable to the Court of Common Pleas of Union County, Pennsylvania.

**DECK** — An above ground platform which is not covered by a roof or permanent awning and is designed, intended or used for outdoor living purposes as an accessory use to a structure.

**DENSITY** — The number of families, individuals, dwelling units, households or structures per unit of land.

**DESIGN STANDARDS** — Guidelines defining parameters to be followed in site and/or building design and development.

**DETERMINATION** — Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereof. Determinations shall be appealable only to the board(s) designated as having jurisdiction for such appeal.

**DEVELOPER** — A landowner, agent of such landowner or tenant with the permission of such landowner who causes to be made any subdivision of land or land development.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining, dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**DISTRICT, ZONING** — A part, zone or geographic area within the Borough and indicated on the Zoning Map within which certain development or zoning regulations apply as spelled out in this Ordinance.

**DORMITORY** — A building owned or operated by a university or institution and designed for or used as sleeping quarters for the residents of that university or institution; includes academic interest houses.

**DRIVEWAY** — A private roadway by means of which ingress and egress to a parking lot, a parking space or parking spaces, dwelling, garage or other structure is obtained and which intersects with a public roadway.

**DRIVE-IN or DRIVE-THROUGH** — A structure or use whose design and/or physical facilities through which the service is provided encourages or permits customers to receive service, obtain goods or be entertained while remaining in their motor vehicles.

**DWELLING** — A building or structure designed for living quarters for not more than one (1) family. In terms of this ordinance a dwelling shall not be deemed to include hotel, motel, dormitory, fraternity or sorority house, or bed-and-breakfast establishment.

**DWELLING, APARTMENT** — A dwelling unit in a multi-family or mixed-use structure.

**DWELLING, EFFICIENCY** — A dwelling unit that is occupied by not more than two (2) occupants and that has a clear floor area of not less than two hundred twenty (220) sq. ft. or a dwelling occupied by not more than three (3) occupants and that has a clear floor

area of not less than three hundred twenty (320) sq. ft.. The clear floor area shall not include the kitchen area consisting of a kitchen sink, cooking appliance and refrigeration facilities each having a clear floor space of not less than thirty (30) inches in front, and shall not include a separate bathroom, consisting of a water closet, lavatory and bathtub or shower.

DWELLING, MANUFACTURED HOME — A mobile home or manufactured housing, as defined herein.

DWELLING, MULTI-FAMILY— A building on a single lot with three (3) or more dwelling units.

DWELLING, SEASONAL — A dwelling unit not used as a principal residence.

DWELLING, SINGLE-FAMILY DETACHED — A free-standing dwelling.

DWELLING, SINGLE-FAMILY SEMI-DETACHED — A dwelling attached to one other dwelling by a common vertical wall and located on a separate lot. For determining setbacks and other requirements, each dwelling is understood to have only a single Side Yard.

DWELLING, TWO-FAMILY — A building on a single lot with two (2) dwelling units.

DWELLING UNIT — Two (2) or more rooms including cooking, sleeping and sanitary facilities for the use of not more than one (1) family.

EASEMENT — A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

EASEMENT, CONSERVATION — The grant of a property right stipulating that the described land will preclude any future or additional development.

ENGINEER — A professional engineer registered by the Commonwealth of Pennsylvania.

ESTABLISHMENT — An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

EXCAVATION — Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation from water or land, on or beneath the surface thereof, whether exposed or submerged. It shall include the conditions resulting from such activity.

EXISTING GRADE or ELEVATION — The vertical location of the ground surface prior to excavating or filling.

EXISTING USE — The use of a lot or structure at the time of the enactment of this Ordinance.

EXTENSION — An increase in the floor area beyond the existing exterior wall.

EXTERIOR WALL — Any wall that defines the exterior boundaries of a building or structure.

**FAMILY** — Any individual; two (2) or more persons related by blood, marriage, legal adoption, foster placement, guardianship or other domestic bond; members of a Community Living Arrangement; or a group of not more than a total of three (3) persons not related by blood, marriage, legal adoption, foster placement, guardianship, other domestic bond or Community Living Arrangement who live together as a single household. "Family" shall not be deemed to include tenants of a Boarding, Rooming or Lodging house, nor Group Care Facility, fraternity, sorority or Hotel occupants.

**FAMILY DAY CARE HOME** — A residence offering child day care and/or adult day care services by the residents of the premises to a maximum of six (6) persons unrelated by birth or marriage who are not permanent residents of the household.

**FENCE** — An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

**FENCE, SOLID** — A fence with less than a five (5) percent open area, including gates, concealing the activities conducted on a property from adjacent properties and rights-of-way.

**FLOOD** — A temporary inundation of normally dry land areas.

**FLOOD, ONE-HUNDRED (100)-YEAR** — A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

**FLOOD ELEVATION, ONE-HUNDRED (100)-YEAR** — The water surface elevations of the one hundred year (100)-year flood.

**FLOOD FRINGE (FF)** — The portions of land within the one hundred (100)-year floodplain that are outside of the floodway in those areas where detailed study and profiles are available and that are identified as an AE Zone in the Flood Insurance Rate Map.

**FLOODPLAIN AREA** — The area specifically identified as being inundated by the one hundred (100)-year flood, including areas identified as Floodway (FW) and Floodway Fringe (FF). Identification of such an area is determined by a study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the State Department of Environmental protection or a licensed professional registered by Commonwealth of Pennsylvania to perform such a study.

**FLOOD PRONE AREA** — A relatively flat or low land area that 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.

**FLOOD PROOFING** — Any combination of structural and nonstructural additions, changes or adjustments to structures that reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.



**FLOODWAY (FW)** — The channel of a watercourse and portions of the adjoining floodplains that are reasonably required to carry and discharge the one hundred (100)-year frequency flood and that are identified as Floodway in the Flood Insurance Study and accompanying maps prepared by the FEMA and dated September 28, 2007 or the most recent revision thereof; or, in an area where the boundary of the Floodway of the one hundred (100)-year frequency flood is not identified, are assumed to be, absent evidence to the contrary, those areas that are within fifty (50) feet of the top of the bank of any stream.

**FLOOR AREA, GROSS (GFA)** — The sum of the gross horizontal areas of all the enclosed floors of a building or structure from the exterior face of the exterior walls, or from the center line of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

**FLOOR AREA, HABITABLE** — The aggregate of the horizontal area of all rooms used for habitation, such as living room, dining room, kitchen and bedroom(s) but not including hallways, stairways, cellars, service rooms, utility rooms, bathrooms, closets, unheated areas such as enclosed porches nor rooms without at least one (1) window or skylight opening onto an outside yard or court. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of the room where ceiling height is less than five (5) feet shall not be considered part of the "habitable floor area."

**FLOOR AREA, NET** — Gross floor area minus fifteen (15) percent.

**FLOOR AREA RATIO** — The gross floor area of all buildings or structures on a lot divided by the total lot area.

**FOOTCANDLE** — A standard measurement of illuminance.

**FOOTCANDLE, INITIAL** — The amount of illuminance, measured in footcandles, produced by lamps and luminaires when they are new.

**FORESTRY** — The management of forested and wooded open space when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes.

**FRATERNITY or SORORITY HOUSE** — Any building or part thereof officially recognized and designated by a college or university as a residence for the members and alumni of a fraternity or sorority and/or their social, scholastic, professional and extracurricular activities.

**FREEBOARD** — An additional amount of height above a flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or flood proofed to be in accordance with floodplain management regulations.

**FRONTAGE** — That side of a lot abutting on a street that serves as the front lot line. The front lot line shall be identified by the official U.S. postal address of any structure on the lot.

**FULL CUTOFF** — Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than ten (10) percent of the lamp's intensity is emitted at or above an angle ten (10) degrees below that horizontal plane, at all lateral angles around the fixture.

**FULLY SHIELDED** — Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

**GARAGE, PRIVATE** — An enclosed structure for the storage of one or more private motor vehicles incidental to the primary use of the premises, provided that no business, occupation or service is conducted therein.

**GARAGE, PUBLIC** — A structure or portion thereof, other than a private garage, used for the storage of motor vehicles for a fee.

**GARAGE, REPAIR** — A building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

**GARDEN APARTMENT HOUSE** — A multi-family dwelling, not exceeding three (3) stories in height, containing three (3) or more dwelling units on a lot that is held in single and separate ownership having yards in common but that may also have other shared facilities and services.

**GASOLINE SERVICE STATION with or without a CONVENIENCE STORE** — A structure, building or area of land or any portion thereof that is used for the sale of gasoline or other motor vehicle fuel and oil and/or other lubricating substances that may or may not include facilities for sale of accessories or for lubricating, washing and otherwise servicing motor vehicles, but not including the painting thereof. Sale of non-automotive items is permitted.

**GLARE** — Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

**GOVERNING BODY** — The Borough Council of the Borough of Lewisburg.

**GRADE** — The average elevation of the land around a building; the percent of rise or descent of a sloping surface. The slope expressed in a percent that indicates the rate of change in elevation in feet per hundred feet.

**GRADE, FINISHED** — The final elevation of the ground level after development.

**GRADE, NATURAL** — The elevation of the ground level in its natural state, before construction, filling or excavation.

**"GRANDFATHER (ED, ING)"** — A term that refers to the legal principle that nonconformities existing at the time of enactment of an Ordinance or its subsequent amendment shall be permitted to continue to exist unaltered despite their designation as nonconformities.

**GREENWAY** — A linear open space established along a corridor, either natural or man-made, such as a watercourse or ridgeline overland along a right-of-way converted to recreational use; a canal, a scenic road or other route; any natural or landscaped course for pedestrian or bicycle passage; an open space connector linking parks, natural reserves, historic features, cultural features, scenic views or aesthetic features with each other and with populated areas; and, locally, certain strip or linear parks designated as a parkway or greenbelt.

**GROUP CARE FACILITY** — A facility providing food, shelter and personal guidance, with supervision, to persons who require assistance, temporarily or permanently, in order to live in the community. Such facilities shall include group homes, halfway houses, intermediate care facilities, supervised living arrangements, domestic abuse shelters, congregate residences or long-term care facilities. Group Care Facilities shall not house more than fifteen (15) residents.

**HABITABLE ROOM** — A room or enclosed floor space arranged for living, eating or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers or communicating corridors.

**HAZARDOUS SUBSTANCE** — A substance that because of its quantity, concentration or physical, chemical, radioactive, reactive, flammable or infectious characteristics may cause, or significantly contribute to, an increase in mortality or serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of or otherwise managed.

**HEALTH CARE FACILITY** — A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

**HEIGHT OF A BROADCAST TOWER** — The vertical distance measured from ground level to the highest point on a Broadcast Tower, including antennas mounted on the tower.

**HEIGHT OF SIGNS** — The vertical distance measured from the average finished grade at the front of the structure to which the sign is affixed to the highest point of the sign, including any supporting structure.

**HISTORIC DISTRICT** — A mapped overlay district within the Borough that contains buildings and structures of historic and/or architectural significance where additional standards and regulations apply.

**HISTORIC STRUCTURE** — Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (3) Listed individually on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior.
- (4) Listed individually on the Pennsylvania Historical and Museum Commission building inventory of historic places in Lewisburg with historic preservation programs certified by an approved state program as determined by the Secretary of the Interior.

**HISTORICAL AND ARCHITECTURAL REVIEW BOARD (HARB)** — A seven (7) member committee appointed by the Lewisburg Borough Council responsible for reviewing plans for new construction and changes to the exterior of a structure within the Historic District and making recommendations to the Borough Council on whether a Certificate of Appropriateness should be issued. A Certificate of Appropriateness is required to obtain a building or zoning permit before making exterior changes visible from the street.

**HOME OCCUPATION** — Any occupation, other than a No-Impact, Home-Based Business as defined in this Ordinance, that is permitted under the provisions and conditions of this Ordinance, that is conducted on a residential property by a member of the family residing on said property, and that is clearly secondary and incidental to the use of the property for residential purposes and does not exceed twenty-five (25) percent of the habitable floor area of the structures on the property. (See §360-21G.)

**HOSPITAL** — Unless otherwise specified, includes a sanitarium, clinic, rest home, nursing home and/or any other building for the diagnosis, treatment or care of ailments.

**HOTEL** — Any building that contains six (6) or more sleeping units used, or intended or designed to be used, occupied, rented or hired out on a daily basis for sleeping purposes by guests, that may include dining facilities and that is licensed under applicable laws.

**HOUSE OF WORSHIP** — A building or structure, or a group of buildings or structures, that by design and construction is primarily intended for organized religious services and associated accessory uses.

**HOUSEHOLD** — A group of people living together in a single dwelling unit, with common access to and common use of all living, eating and food preparation areas within the dwelling unit.

**ILLUMINANCE** — Quantity of light, measured in footcandles.

**IMPERVIOUS COVERAGE** — That portion of a lot, expressed as a percentage, that does not absorb precipitation. See IMPERVIOUS SURFACE.

**IMPERVIOUS SURFACE** — Any material that prevents absorption of stormwater into the ground. All buildings, structures, parking areas, roads, sidewalks, driveways, and other areas in concrete, asphalt, packed stone or other similar materials shall be

considered impervious surface. Surfaces with a uniform spacing of openings for absorption of stormwater into the ground, such as decorative gravel areas, decks, pervious paving blocks and dry-laid masonry, shall be considered partially pervious. In determining total impervious coverage on a lot, partially pervious surfaces will be included in the calculation at fifty percent (50%) of their actual coverage

**INDOOR RECREATION FACILITY** — A structure or building containing facilities for recreational activities, such as tennis, platform games, swimming, exercise rooms, handball and similar activities.

**INDUSTRIAL USE** — A use that involves the extracting, manufacturing, compounding, processing, assembling or treatment of materials, articles or merchandise. Industrial uses include mining, construction, manufacturing, transportation, communication, electric, natural gas services, sanitary services and wholesale trade.

**INN** — See **BED-AND-BREAKFAST ESTABLISHMENT**.

**INSTITUTION** — A nonprofit, religious or public use, such as a church, library, public or private school, hospital, or government-owned or operated building, structure or land used for public purpose.

**LAND DEVELOPMENT** — Any of the following activities:

A. 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 (2) or more residential dwelling units or nonresidential buildings, whether the improvement is proposed initially or cumulatively, excluding the conversion of an existing single family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units or a rooming or lodging house; or a single nonresidential building, excluding an accessory building, including farm buildings, subordinate to an existing principal building, on a lot or lots regardless of the number of occupants or tenure; or
- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or

B. A subdivision of land.

**LAND DEVELOPMENT PLAN** — The graphic and narrative documentation for land development.

**LAND USE REGULATIONS** — Ordinances duly adopted by the Borough, pursuant to applicable Commonwealth enabling statutes, including but not limited to the Zoning Ordinance, the Subdivision and Land Development Ordinance, Building Codes, Property Maintenance Codes, Historic District Ordinance, Stormwater Management Ordinance and Floodplain Management Ordinance.

**LANDSCAPE ARCHITECT** — A landscape architect registered by the Commonwealth of Pennsylvania.

**LIGHT TRESPASS** — Light emitted by a lighting fixture or installation which is cast beyond the boundaries of the property on which the lighting installation is sited.

**LOADING SPACE OR BERTH** — Any off-street space on the same lot with a building or contiguous to a group of buildings for temporary parking (less than twenty-four (24) hours) of a commercial vehicle while loading or unloading merchandise or materials.

**LOGO** — A name, symbol or trademark designed for easy and definite recognition.

**LOT** — A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, that is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term lot shall also mean parcel, plot, site, tract or any similar term.

**LOT AREA, GROSS** — The area of land contained within the limits of the property lines bounding that area.

**LOT, CORNER** — A lot at the point of intersection of and abutting on two (2) or more intersecting streets that has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. The front lot line shall be identified by the official U.S. postal address of any structure on the lot.

**LOT DEPTH** — The distance measured from the front lot line to the rear lot line.

**LOT LINE** — Any boundary line of a lot. Where a lot line is irregular, its mean alignment shall be the determining measurement under this ordinance.

**LOT OF RECORD** — A lot whose boundaries are established by deed and/or plot plan recorded in the Office of Register and Recorder.

**LOT WIDTH** — The distance measured at the building setback line between side lot lines and parallel to the front lot line. When there is only one (1) side lot line, as in the case of single family semi-detached or some single family attached dwellings, the lot width shall be measured between the side lot line and the centerline of the party wall. In no case shall the street frontage be less than one-half (1/2) of the required lot width in the particular zoning district.

**LOWEST FLOOR** — The lowest floor of the lowest fully enclosed area (including basement/cellar). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the National Flood Insurance Program and this Ordinance.

**LUMEN** — A standard unit of measurement of the perceived power of light.



**LUMINAIRE(S)** — A complete lighting unit, consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

**MAJOR EXPANSION** — An expansion of a use either due to a physical expansion of an existing facility by more than twenty-five (25) percent of the existing gross floor area, and/or a structural alteration to the exterior of the structure, and/or a change or improvement that increases vehicular traffic flow and/or circulation in relation to that of the prior use.

**MANUFACTURED HOUSING** — Factory built structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

**MARQUEE** — A permanent, roof-like structure supported by a wall of a building but having no relationship to the building's roof structure and usually at the entrance of a theater or arena.

**MEAN** — The average of a series of numbers.

**MEMBERSHIP CLUB OR CLUB HOUSE** — A nonprofit social organization with formal membership requirements, bylaws and with the objective of promoting the interests of its members.

**METHADONE TREATMENT FACILITIES** — Drug treatment facilities employing the use of methadone and subject to locational regulations as outlined in Section 621 of the Pennsylvania Municipalities Planning Code.

**MINERALS** — Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MINOR EXPANSION** — The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to or alteration of replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**MIXED-USE** — Use of a building or land for more than one use.

**MIXED-USE STRUCTURE** — A building or structure housing a variety of uses such as, but not limited to, residential, office, retail, public or entertainment.

**MOBILE HOME (COMMERCIAL)** — A transportable manufactured single-family detached dwelling 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. A mobile

home shall remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term does not include recreational vehicles or travel trailers. Also see MANUFACTURED HOME.

MODEL HOME — A residential building erected on a lot situated within an approved subdivision owned or developed by the owner of said structure and intended to serve as a representation of the kind or type of residential building the owner/developer intends to erect within said subdivision. Said building shall be used for demonstration purposes and shall include sales offices only for that period of time that the owner/developer is actively marketing the lots in said subdivision.

MOTEL — See HOTEL

MUNICIPAL BUILDING — Any building owned, leased or used by the Borough of Lewisburg or any agency or authority created by the Borough of Lewisburg.

MUNICIPALITY — The Borough of Lewisburg.

MUNICIPALITIES PLANNING CODE (MPC) — The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted from time to time.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the date of the enactment of this ordinance, including any subsequent improvements thereto.

NO-IMPACT, HOME-BASED BUSINESSES — A business or commercial activity administered and conducted as an accessory use clearly secondary to the residential use of the dwelling and that meets the following requirements:

- A. The business requires no vehicular or pedestrian customer, client or patient traffic;
- B. The business use requires no pickup, delivery or removal functions to or from the premises in excess of those normally associated with the residential use of the district in which it is to be located;
- C. The business activity shall be compatible with the residential use of the property and surrounding residential uses;
- D. The business shall employ only residents of the dwelling;
- E. The business shall not involve the display or sale of retail goods on premises;
- F. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights;
- G. The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electronic or electrical interference, including interference with radio or television reception that is detectable in the neighborhood;

- H. The business activity may not generate any solid waste or sewage discharge in volume or type that is not normally associated with residential uses in the neighborhood;
- I. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor space.

**NONCONFORMING BUILDING OR STRUCTURE** — A building or structure, or part of a structure, that does not comply with the applicable provisions of this Ordinance or amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment or amendment of this Ordinance or prior to the application of this Ordinance or amendments thereto to the structure's location by reason of annexation.

**NONCONFORMING LOT** — A lot whose area or dimension was lawful prior to the adoption or amendment of this ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NONCONFORMING USE** — A use, whether of land or structure, that does not comply with the applicable use provisions in this ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or amendment, or prior to the application of this Ordinance or amendment thereto to the use's location by reason of annexation.

**NUISANCE** — An interference with the enjoyment and use of property, capable of being documented by surveys, observations or measurements.

**NURSING HOME** — A building containing sleeping rooms where persons are housed or lodged and furnished with meals and nursing care and is operated by a corporation licensed and approved for such use by the Pennsylvania Department of Public Welfare.

**OCCUPANCY PERMIT** — A permit that is issued by the Code Compliance Officer after it has been determined that the required work allowing the use of any building or structure has been satisfactorily completed.

**OFFICE** — A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, communication equipment, etc.

**OFFICE CENTER** — A group of office establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site.

**OFF-STREET PARKING** — The transient storage of motor vehicles as an accessory use located upon the same lot as a permitted principal use to serve the parking requirements and needs of the principal use.

**OFF-STREET PARKING SPACE** — A parking space for one (1) motor vehicle provided in a parking lot, parking structure or private driveway and excluding driveways, passageways and maneuvering space appurtenant thereto.

**ON-LOT STORMWATER MANAGEMENT** — The control of runoff from precipitation on the same lot where the runoff was generated. Devices used to control the runoff shall be constructed using Best Management Practices as identified in the Pennsylvania Handbook of Best Management Practices for Developing Areas. Applicants should consult with the Union County Conservation District and a professional engineering consultant for guidance in the selection of appropriate Best Management Practices.

**OPEN SPACE** — Unoccupied space open to the sky and on the same lot with the principal use. Open space shall usually be in a natural state, but may include planting beds, planting islands, landscaped buffers and screens, lawn areas, woods and hedgerows, decorative stone not less than four (4) inches in size, stepping stones no larger than 2 feet x 3 feet (separated at least 8 inches between stones) and natural mulch ground cover materials. Open space may not be underlain by impervious surface or material.

**PARENT TRACT** — A parcel or parcels of land from which additional lots are created.

**PARKING AREA** — Any public or private area designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets.

**PARKING LOT** — Any off-street area or structure that is designed solely for the transient storage of motor vehicles and includes the driveways, passageways and maneuvering space appurtenant thereto.

**PARKING, OFF-SITE** — A parking area required to meet the parking requirements of this Ordinance located within two hundred (200) feet of the parcel containing the permitted principal use.

**PARKING PLAN or PARKING SITE PLAN** — A graphic and/or narrative description provided by an applicant to meet the off-street parking requirements established in this Ordinance. This plan shall be submitted with the application for a zoning permit.

**PATIO** — An area intended for outdoor living purposes that is paved or covered with brick or similar material, is flush with the ground and is unenclosed except for any side that may adjoin a structure or any fences, walls, shrubs or hedges.

**PEDESTRIAN** — A person traveling on foot; mobility device such as stroller, wheelchair or scooter; or human powered conveyance such as bicycle, skateboard or roller skates.

**PERMITTED USE** — Any use not requiring special action by the Zoning Hearing Board or the Borough Council before the Zoning Officer may grant a zoning permit.

**PERSON** — An individual or any other legal entity recognized by law as the subject of rights and duties.

**PLANT NURSERY or NURSERY** — Land or greenhouses used to raise flowers, shrubs and plants for sale.

**PORCH** — A roofed or unroofed structure projecting from the front, side or rear wall of a building. A porch becomes a room when the enclosed space is heated or air-conditioned and/or when the percentage of window area to wall area is less than fifty (50) percent.

**PRINCIPAL STRUCTURE** — A structure housing the main or principal use of the lot on which the structure is situated.

**PRINCIPAL USE** — The primary or predominant use of any lot or parcel.

**PROFESSIONAL OFFICE** — The office of a practitioner of a calling or occupation, professional in character by virtue of specialized knowledge, training, education and/or experience required for the practice of said calling or occupation. Said professions shall include, but not be limited to, law, medicine, chemistry, ministry, architecture, accounting, engineering, writing and education.

**PUBLIC GROUNDS** — Includes parks, playgrounds, picnic areas, swimming pools, trails, paths, recreational areas, schools or scenic or historic sites owned and operated by a governmental body or a nonprofit agency created by a governmental body.

**PUBLIC HEARING** — A formal meeting held pursuant to public notice by the governing body, the Planning Commission or the Zoning Hearing Board, intended to inform and obtain public comment prior to taking action in accordance with this Ordinance.

**PUBLIC MEETING** — A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84, as amended), known as the "Sunshine Act."

**PUBLIC MEMORIAL or MONUMENT** — A permanent and lasting memorial stone, structure or building requiring little or no maintenance, erected in remembrance of a person, persons, site or event of particular interest to the Borough of Lewisburg and its past, present and future residents and visitors.

**PUBLIC NOTICE** — Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of a public hearing or meeting and the particular nature of the matter to be considered at said hearing or meeting. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of said hearing or meeting.

**PUBLIC PARKS, RECREATION AREA AND/OR RECREATION FACILITY** — See PUBLIC GROUNDS.

**PUBLIC USE** — Uses, buildings or structures designed, intended or arranged for the use of or provision of service to the general public by a governmental agency or any agency, authority or organization created by a governing body or a group of governing bodies. Fees and conditions for such use may be determined and regulated by the operator thereof. Such uses shall include, but not be limited to, federal, state, county and municipal offices, sewage treatment facilities, water distribution facilities, recreation facilities, public safety facilities, human service facilities and other similar uses. Such uses shall not include privately owned facilities.

**PUBLIC UTILITY TRANSMISSION TOWER** — A structure, owned and operated by a public utility company and regulated by the Pennsylvania Public Utility Commission, designed and used to support electricity transmission lines.

**PUBLIC WAY** — Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**RECREATION, ACTIVE** — Leisure time activities, usually organized and performed with others, requiring equipment and taking place at prescribed sites or fields.

**RECREATION AREA, OUTDOOR** — An area for recreational activities, free of structures except for comfort facilities, equipment storage, play equipment, necessary maintenance and open-air pavilions for leisure time activities, either of a formal, active or inactive nature such as, but not limited to, sports fields or courts, playgrounds, trails, bike paths, picnicking, table games and similar activities not taking place in a building.

**RECREATION, PASSIVE** — Outdoor leisure activities not requiring equipment, not involving participation in an organized sport, not taking place at a prescribed site or field and/or not considered active.

**RECREATIONAL VEHICLE** — A vehicle that is built on a single chassis, is designed to be self-propelled or permanently towable by a light-duty truck and is not designed for use as a permanent dwelling but is intended as temporary living quarters for recreational, camping, travel or seasonal use.

**REPORT** — Any letter, review, memorandum, compilation or any other similar written document made by any agency, board, council, officer or consultant other than a solicitor to any other agency, board, council, officer or consultant for the purpose of assisting the recipient of the report in rendering any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient agency, board, council, officer or consultant, nor shall any appeal lie therein. Any report used, received or considered by the agency, board, council, officer or consultant rendering a determination or a decision shall be made available for inspection to any party to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RESIDENTIAL DWELLING LOT** — A lot upon which a residential unit is located or is to be located.

**RIGHT-OF-WAY** — A segment or strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, sidewalk, crosswalk, railroad, trail, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

**RIGHT-OF-WAY, PUBLIC** — A right-of-way under the control or ownership of the Borough, the Commonwealth of Pennsylvania, the United States of America and/or agencies and authorities of these governmental units.



**ROOMING HOUSE OR LODGING HOUSE** — A converted single family dwelling, other than a membership club, fraternity or sorority, dormitory, Community Living Arrangement, motel or hotel, in which lodging is provided on a monthly basis without meals for four (4) or more unrelated persons.

**SALE: GARAGE, YARD, BASEMENT OR OTHER TEMPORARY OR ISOLATED** — Transactions classified as "isolated," per the PA Department of Revenue sales tax rules and regulations. That is, sales which last for no more than three (3) days in a row and which are held for no more than seven (7) total days in any calendar year.

**SATELLITE DISH** — A dish antenna used to receive and transmit signals relayed by satellite.

**SCREENING** — A method of visually shielding or obscuring one abutting or nearby structure or use from another by means of fencing, walls, berms or densely planted vegetation.

**SEMI-PUBLIC USE** — A use owned or operated by a nonprofit, religious or educational institution and providing educational, cultural, recreational, religious or other similar public services or programs. This term does not include Houses of Worship.

**SETBACK** — A line within a property defining the minimum distance as established by this Ordinance between any structure to be erected or altered and an adjacent right-of-way, street or property line. The setback line shall be measured at right angles and run parallel to the adjacent street, right-of-way or property line.

**SHOPPING CENTER, SHOPPING MALL or SHOPPING PLAZA** — A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site and provision for delivery of goods separated from customer access.

**SIDEWALK** — A usually paved walk for pedestrians at the side of a street.

**SIGN** — Any object, display or structure, or part thereof, that is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination or projected images. The term "sign" includes "billboard". "Sign" does not include any work of art that in no way identifies a product or business, nor scoreboards located on athletic fields, and does not include the flag of the United States of America or the Commonwealth of Pennsylvania, or any federal, state or municipal traffic or directional sign or other official federal, state, county or municipal government signs.

**SIGN, AWNING** — A sign painted on or attached to an awning.

**SIGN, BUSINESS** — A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment event offered, on the premises where the sign is located.

**SIGN, COMMERCIAL or OFFICE CENTER** — A directory used to identify specific enterprises that are located within the commercial or office center.

**SIGN, FACE** — The area of a sign that contains words, letters, figures, design symbols or projected images and is oriented in a distinct direction.

**SIGN, FREESTANDING** — A self-supporting sign in a fixed location and not attached to any building structure.

**SIGN, GROSS ALLOWABLE AREA** — The entire area within a single continuous perimeter enclosing the extreme limits of the face of a sign.

**SIGN, INSTRUCTIONAL** — An on-premises sign designed to guide vehicular and/or pedestrian traffic.

**SIGN, INTERIOR** — Any sign placed within a building, excluding window signs as defined in this Ordinance.

**SIGN, INTERNALLY ILLUMINATED** — A sign illuminated by artificial light projecting through its entire surface.

**SIGN, MARQUEE** — A sign painted on, attached to or consisting of an interchangeable copyreader on a marquee attached to the face of a building.

**SIGN, NEON** — An electrically powered sign that employs tubes of inert gas including but not limited to neon, which give off a luminous glow.

**SIGN, OFF-PREMISES** — A sign that draws attention to, provides direction or communicates information about a business, service or commodity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

**SIGN, PROJECTING** — A sign, other than a wall sign, that is attached to and projects from a building face or wall, or from a structure whose primary purpose is other than the support of the sign.

**SIGN, TEMPORARY** — Any sign that is not permanently affixed. Daily special temporary signs display that day's menu or other information uniquely pertinent to the day on which the sign is displayed.

**SIGN, TRADEMARK** — A sign advertising a brand, style or line of goods, products and/or services, usually protected by copyright, having a design or logo immediately recognizable to the general public, intended for sale to regional or national audiences.

**SIGN, WALL** — A sign fastened to or painted on the wall of a building or structure in such a manner that it does not project more than four (4) inches from such building or structure and that the wall becomes its supporting structure or forms the background surface of the sign.

**SIGN, WINDOW** — A sign affixed to the surface of a window, or within two (2) feet of the window, with its message visible to and readable from the public right-of-way.

**SPECIAL EXCEPTION PERMIT** — A permit issued by the Zoning Officer, after authorization by the Zoning Hearing Board, before any special exception use can be constructed or operated.

**SPECIAL EXCEPTION USE** — A use requiring approval from the Zoning Hearing Board, after a public hearing, and meeting the requirements established for said use in this ordinance.

**SPECIFIED ANATOMICAL AREAS** — Less than completely and opaquely covered-human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

**SPECIFIED SEXUAL ACTIVITIES** — These activities include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy and fondling or other erotic touching of the human genitalia, pubic region, buttocks or female breast.

**STORY** — The portion of a building included between the surface of any floor and surface of the floor next above it or, if there is no floor above it, the space between any floor and the ceiling next above it. Each level of a split level building shall be considered one-half (1/2) story. Basement/Cellar shall be excluded from determining the maximum number of stories.

**STORY, HALF** — Any living space immediately below and within the roof framing where the clear height of not more than seventy-five (75) percent of the space has structural headroom of seven (7) feet or greater.

**STREET** — A public or private right-of-way built to approved municipal standards, excluding driveways and alleys, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The word "street" shall apply to thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, road or similar terms. Streets shall not be used for right angle parking where the Borough Council determines it will interfere with traffic movement. Streets are functionally classified as follows:

- (1) **Arterials:** Limited-access, multi-lane or other important highways, supplementing the Interstate System, that connect principal urbanized areas, industrial centers and serve the national defense.
- (2) **Collectors:** Provide land access and traffic circulation within residential neighborhoods, commercial and industrial areas, and downtown city centers, connecting local roads and streets with arterials.
- (3) **Local:** Roads and streets that provide a high level of access to abutting land but limited mobility.

**STRUCTURE** — Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds and manufactured homes. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land. See **PRINCIPAL AND ACCESSORY STRUCTURE**.

**STRUCTURAL ALTERATION** — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

**SUBDIVISION** — The division or redivision of a lot, tract or parcel of land by any means into two (2) 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.

**SUBSTANTIAL DAMAGE** — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure, (i) before the improvement or repair is started; or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SURVEYOR** — An individual registered with the Commonwealth of Pennsylvania as authorized to measure the boundaries of tracts of land, establish locations and perform the requirements of a survey.

**SWIMMING POOL, PRIVATE OR RESIDENTIAL** — An accessory structure used for swimming containing water at a depth of forty-two (42) or more inches or exceeding 5,000 gallons of water, either in ground or above ground. All decks, walkways, ladders, stairs, surrounds and fencing appurtenant to such an accessory structure shall be included for all measurement purposes.

**THERAPEUTIC MASSAGE ESTABLISHMENT** — Any place of business where any person, partnership, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oil or other such items.

**TOWNHOUSE** — A single-family dwelling that is one of between three (3) and eight (8) such dwellings of similar construction, attached to each other so that there is a common un-pierced vertical wall between adjacent dwellings. (Each dwelling unit shall have exposure to light and air and entrances on at least two (2) sides.)

**UNIFORM CONSTRUCTION CODE (UCC)** — The statewide building code, adopted by the Pennsylvania General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code

adopted the International Residential Code (IRC) and International Building Code (IBC) of 2003, by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**USABLE OPEN SPACE** — An unenclosed portion of the area of a lot not devoted to driveways, parking spaces or principal and accessory structures. Usable open space may include common buildings such as shelter, pavilions or recreational structures that are centrally located and accessible to the occupants of the building or buildings.

**USE** — The specific purpose for which land or a sign, structure or building is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation that may be carried on. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use. Nonconforming uses are legal only if they meet the definition of "grandfathered." See **PRINCIPAL USE AND ACCESSORY USE**.

**UTILITY NETWORK** — Underground or overhead gas, electrical, communication, steam or water transmission; waste disposal systems or public safety apparatus erected, constructed, altered or maintained by public utilities, private companies or municipal or other governmental agencies. System components include poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone control office buildings and telephone booths, and other similar equipment and accessories in connection therewith that are reasonably necessary for the furnishing of adequate service by such public utilities, private companies, municipalities or other governmental agencies for the public health, safety or general welfare. System components exclude Broadcast Transmission Facilities and supportive buildings as defined herein.

**VARIANCE** — A deviation from the terms and conditions of this Ordinance authorized by the Zoning Hearing Board in cases in which literal enforcement would create unnecessary hardship as a result of peculiar or unique conditions or circumstances pertaining only to the lot in question, and when the authorizing of such deviation would not be contrary to the public interest and would maintain the spirit and intent of this Ordinance.

**WAREHOUSE** — A commercial structure for storage of goods.

**WASTE** — Any garbage, refuse or other waste or discarded material including solid, liquid, semi-solid or gaseous material resulting from the operating of residential, municipal, commercial, industrial or institutional establishments including, but not limited to, sludge/septage, construction/demolition, infectious/chemotherapeutic, leaf/yard, residual, hazardous and/or nuclear wastes as defined by federal and/or state statutes and regulations.

**WASTE DISPOSAL** — The discharge, deposit, injection, dumping, spilling, leaking, incineration or placing of any waste on the land or in the water so that such waste or any constituent or residue thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

**WASTE PROCESSING** — Any method, technique or process designed to change the physical, chemical or biological character or composition of any wastes, including neutralization, incineration, stabilization, solidification and other similar processes.

**WASTE STORAGE** — The actual or intended containment of waste for a period not to exceed thirty (30) calendar days in a manner that does not constitute disposal or treatment.

**WASTE TREATMENT** — Any method, technique or process, including landfill, incineration, stabilization, solidification or neutralization, designed to change the physical, chemical or biological character or composition of any waste material. Any method, technique or process intended to neutralize any hazardous substance or to render any hazardous substance nonhazardous, safer for transport, suitable for recovery, suitable for storage or reduced in volume.

**WATERCOURSE** — A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WETLAND** — Areas that under normal, inundated or saturated circumstances, by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas, and subject to regulation by state and federal agencies.

**WHOLESALE ESTABLISHMENT** — A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use. Such commodities shall be limited to durable goods, sundries, dry goods and non-perishable items.

**YARD, FRONT** — The area between the public right-of-way line and a line drawn parallel thereto at the nearest wall of the actual or proposed principal structure, extending the full width of the lot. The front yard on a corner lot shall be considered to be the official U.S. postal address of any structure on the lot.

**YARD, REAR** — The area between the rear lot line and a line drawn parallel thereto at the nearest wall of the actual or proposed principal structure, extending the full width of the lot.

**YARD, SIDE** — The area between any side lot line and a line drawn parallel thereto at the nearest wall of the actual or proposed principal structure, extending from the front yard line to the rear yard line.

**ZONING HEARING BOARD** — The Zoning Hearing Board of the Borough of Lewisburg. (See §360-43.)

**ZONING MAP** — A map, approved by the governing body, delineating the various zoning districts in the Borough.

**ZONING OFFICER** — The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

**ZONING ORDINANCE** — The ordinance in effect as adopted or amended that controls or regulates land use in the Borough.

**ZONING PERMIT** — A document issued to indicate that a proposed use or structure is in compliance with the provisions of this ordinance or with a decision by the Zoning Hearing Board or Borough Council and authorizing the applicant to proceed with establishing such use, building or structure but not occupying it until such time as a Certificate of Zoning Compliance shall be obtained.

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Article III

**Zoning Map**

**§360-7. Adoption of Zoning Map.**

The municipality is hereby divided into zones or districts as shown on the Zoning Map, that together with explanatory materials thereon is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

- A. Identification of Zoning Map - The Zoning Map shall be identified by signature of the governing body and attested to by the Secretary of the Borough, together with the date of enactment of this Ordinance.
- B. Changing the Zoning Map.
  - (1) If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters portrayed on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been made by the governing body.
  - (2) No changes of any nature shall be made on the Zoning Map, or matter shown thereon, except in conformity with the procedures set forth in this Ordinance or any state law, if applicable. All changes shall be noted on the Zoning Map by date with a brief description of the nature of the change.
- C. Location of Zoning Map - The Zoning Map shall be prominently displayed in the offices of the Borough and an official copy shall be prominently displayed in the offices of the Borough Zoning Officer. The Zoning Map shall be the final authority as to the current zoning status of land and water areas in the Municipality, regardless of the unofficial copies that may have been made or published from time to time.
- D. Replacement of Zoning Map - In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the governing body may, by resolution, adopt a new Zoning Map that shall supersede the prior Zoning Map.
  - (1) The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof.
  - (2) The new Zoning Map shall be identified by the signatures of the governing body and attested to by the Secretary of the Borough, and shall bear the following words: "This is to certify that this Zoning Map supersedes and replaces the Zoning Map adopted December 19th, 2000, as part of Ordinance No. 928 of the Borough of Lewisburg, Union County, Pennsylvania."

- (3) Unless the prior Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

#### **§360-8. Classes of Districts**

For the purpose of this Ordinance, the municipality is hereby divided into districts that shall be designated as follows:

- A. Residential Suburban (RS) — This district is intended to provide residential development on lots of ten thousand (10,000) sq. ft. or greater.
- B. Residential Town One (RT1) — This district is intended to be primarily a residential district of single-family detached and two-family dwellings.
- C. Residential Town Two (RT2) — This district is intended to provide higher density residential uses as well as certain light-density commercial uses and professional offices that retain the historic residential appearance of existing structures.
- D. Residential Town Three (RT3) — This district is intended to provide residential development on lots of five thousand (5,000) sq. ft. or greater. This district also includes structures and lands owned by or operated by Bucknell University, not located within the Bucknell University District.
- E. Highway Commercial (HC) — This district is designed to allow for more intense commercial development, such as restaurants, large-scale retail and high-traffic generators, including office complexes, motels and convenience stores. This district is intended to include lots or parcels that contain frontage on Route 15.
- F. Downtown Commercial (DC) — This district is designed to accommodate traditional commercial uses such as retail, office, banks, restaurants and services.
- G. Mixed-Use (MU) — This district provides an area for a mixture of uses, including compatible light industrial uses, to exist within reasonable proximity to each other and to Routes 15 and the railroad.
- H. Bucknell University (BU) — This district is designed specifically for structures and lands owned, operated by or associated with Bucknell University that form the contiguous campus area.
- I. Open Space (OS) — This district provides designated areas for active and passive recreation, wildlife habitat and flood protection. This district shall include lands within the floodways and sections of the floodplain as identified in the most recent Floodplain Mapping produced by the U.S. Department of Housing and Urban Development as part of the Borough Flood Insurance Study, as well as lands that are primarily open space or recreation areas in the Borough.
- J. Historic District (HD) — This district is composed of land located within the mapped historic district of the Borough and is listed in the National Register of Historic Places. This district shall be an overlay district to the Zoning Map, and regulations applying to the underlying district shall be applicable to all lands

situated in the district.

- K. Floodplain District — See Article VI and refer to the applicable Flood Insurance Study prepared by the Federal Insurance administration dated October 16, 2009 or the most recent revision thereof. This district shall be an overlay district to the Zoning Map, and regulations applying to the underlying district shall be applicable to all lands situated in the district.

**§360-9. Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- A. Designation of District Boundaries — Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, watercourses, existing lot lines or municipal boundary lines shall be construed as to follow such features indicated. Where a district boundary line does not follow such a feature, its position is indicated on said Zoning Map by a specific dimension expressing its distance, in feet, from a street right-of-way line or other boundary line as indicated and running parallel thereto.
- B. Determination of the Location of Boundaries — Where physical or cultural features existing on the ground differ with those shown on the Zoning Map, or if uncertainty exists as to the true location of a distance boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto, in accordance with the procedures established in this Ordinance.

Article IV  
**District Requirements and Related Standards**

**§360-10. General Requirements**

- A. Only those uses identified herein as Permitted Uses are allowed by right. Conditional Uses and Special Exception Uses identified for each District must be considered and approved under the provisions of Article VII of this Ordinance.
- B. All proposed uses shall comply with the applicable requirements contained in Article V.
- C. All proposed Conditional uses and Special Exception uses shall comply with the applicable requirements contained in §360-21 of this Article.
- D. All proposed uses shall comply with all other applicable federal, state, county and municipal statutes, regulations and Ordinances including Land Development, Subdivision and the Floodplain Management Ordinance.
- E. Where impervious coverage requirements provide for an increase in the percentage of coverage if on-lot stormwater management is used, a Stormwater Management Plan, in compliance with all of the Borough's Stormwater Management Ordinance(s), shall be submitted to the Zoning Officer and approved by a professional engineer retained by the Borough.
- F. In all districts where Houses of Worship are allowed by special exception or conditional use, maximum height of principle structure shall be thirty-five (35) feet, with an additional forty-five (45) feet maximum height for the steeple.

**§360-11. Residential Suburban (RS)**

- A. Permitted Uses, pursuant to the provisions of §360-20 and 360-23 of this Ordinance.
  - (1) Single-Family Detached Dwellings
  - (2) Community Living Arrangement
  - (3) No Impact Home Based Businesses
  - (4) Accessory Uses and Structures
  - (5) Forestry
  - (6) Agriculture
- B. Special Exceptions, pursuant to the provisions of §360-21 and 360-45B of this Ordinance.
  - (1) Bed-and-Breakfast Establishments or Inns
  - (2) Public and Semi-Public Uses and Buildings

- (3) Home Occupations not meeting the definition of No-Impact-Home-Based Businesses
- (4) Houses of Worship
- C. Conditional Uses, pursuant to the provisions of §360-21 and 360-45C of this Ordinance.
  - (1) Group Care Facilities
  - (2) Nursing Homes
- D. Bulk, Area and Density Standards.
  - (1) Minimum Lot Area
    - (a) Residential Uses
      - [1] Single-Family Detached Dwellings - 10,000 sq. ft.
    - (b) Nonresidential Uses
      - [1] Public and Semi-Public Use, Group Care Facilities and Nursing Homes - 22,000 sq. ft.
      - [2] Houses of Worship - 44,000 sq. ft.
  - (2) Minimum Lot Width (measured at the Front Yard Setback)
    - (a) Residential Uses
      - [1] Single-Family Detached Dwellings - 75 ft.
    - (b) Nonresidential Uses
      - [1] Public and Semi-Public Uses, Group Care Facilities and Nursing Homes - 100 ft.
      - [2] Houses of Worship - 200 ft.
  - (3) Setbacks
    - (a) Residential and Nonresidential Uses
      - [1] Front Yard - 25 ft. or the average of the two (2) adjoining lots
      - [2] Each Side Yard: Principal Structure - 8 ft.; Accessory Structure - 8 ft.
      - [3] Rear Yard: Principal Structure - 30 ft.; Accessory Structure - 14 ft.
  - (4) Impervious Coverage and Height Requirements
    - (a) Maximum Impervious Coverage - 30% of total gross lot area (40% if on-lot stormwater management is utilized)

- (b) Maximum Building Height
  - [1] Principal Structure - 35 ft.
  - [2] Principal Structure of Houses of Worship - 35 ft., including steeple - 80 ft.
  - [3] Other Accessory Structures - 15 ft.
  - [4] Private Garage – 35 ft.
- (5) Design and Architectural Guidelines — All structures must have appropriate scale and building massing, be coordinated with existing street and utility networks, be context sensitive and otherwise fit the fabric of the existing neighborhood. Borough Council, with the advice of the Zoning Officer and of HARB, shall have the final authority to judge whether these guidelines have been followed.

**§360-12. Residential-Town I (RT1)**

- A. Permitted Uses, pursuant to the provisions of §360-20 and 360-23 of this Ordinance.
  - (1) Single-Family Detached Dwellings
  - (2) Single-Family Semi-Detached Dwellings
  - (3) Two-Family Dwellings
  - (4) Community Living Arrangements
  - (5) No-Impact, Home-Based Businesses
  - (6) Accessory Structures
  - (7) Forestry
- B. Special Exception Uses, pursuant to the provisions of §360-21 and 360-45B of this Ordinance.
  - (1) Public and Semi-Public Uses
  - (2) Bed-and-Breakfast Establishments or Inns
  - (3) Houses of Worship
  - (4) Home Occupations not meeting the definition of No-Impact, Home-Based Businesses
- C. Conditional Uses, pursuant to the provisions of §360-21 and 360-45C of this Ordinance.
  - (1) Townhouses, not to exceed four (4) units per building
  - (2) Multi-Family Dwellings, not to exceed four (4) units

(3) Off-Site Parking, pursuant to §360-26C

D. Bulk, Area and Density Standards.

(1) Minimum Lot Area

(a) Residential Uses

[1] Single-Family Detached Dwellings and Community Living Arrangements - 5,197 sq. ft. (Note: 5,197 sq. ft. is the most common lot size in that section of the Borough located east of Route 15.)

[2] Single-Family Semi-Detached Dwellings - 5,197 sq. ft.

[3] Two-Family Dwellings - 2,598 sq. ft. per dwelling unit

[4] Townhouses - 2,598 sq. ft. per dwelling unit

[5] Multi-Family Dwellings - 1,800 sq. ft. per dwelling unit

(b) Nonresidential Uses

[1] Public and Semi-Public Uses - 10,394 sq. ft.

[2] Houses of Worship - 10,394 sq. ft.

(2) Minimum Lot Width (measured at the Front Yard Setback)

(a) Residential Uses

[1] Single-Family Detached Dwellings - 33 ft.

[2] Single-Family Semi-Detached Dwellings - 33 ft.

[3] Two-Family Dwellings - 33 ft.

[4] Multi-Family Dwellings - 66 ft.

(b) Nonresidential Uses - 66 ft.

(3) Setbacks

(a) Residential and Nonresidential Uses

[1] Front Yard - The predominant setback of the buildings located on the same side of the street between the two nearest intersections

[2] Each Side Yard: Principal Structures (except Townhouses as approved) - 4 ft.; Accessory Structures (excluding Swimming Pools.) - 4 ft.; Swimming Pool - 8 ft.

[3] Rear Yard: Principal Structures - 20 ft.; Accessory Structures (including Swimming Pools) - 10 ft.

- (4) Impervious Coverage and Height Requirements
  - (a) Maximum Impervious Coverage (Single and Two-Family Dwellings) - 40% (55% if on-lot stormwater management is used) of gross lot area
  - (b) Maximum Impervious Coverage (Multi-Family Dwellings) - 60% of gross lot area
  - (c) Maximum Impervious Coverage (Nonresidential Uses) - 60% of gross lot area
  - (d) Minimum usable open space on lot - 30% of gross lot area
  - (e) Maximum Building Height
    - [1] Principal Uses - 35 ft.
    - [2] Private Garage - 35 ft.
    - [3] Other Accessory Structures - 15 ft.
- (5) Design and Architectural Guidelines — All structures must have appropriate scale and building massing, be coordinated with existing street and utility networks, be context sensitive and otherwise fit the fabric of the existing neighborhood. Borough Council, with the advice of the Zoning Officer and of HARB, shall have the final authority to judge whether these guidelines have been followed.

**§360-13. Residential Town Two (RT2)**

- A. Permitted Uses, pursuant to the provisions of §360-20, 360-22 and 360-23 of this Ordinance.
  - (1) Single-Family Detached Dwellings
  - (2) Single-Family Semi-Detached Dwellings
  - (3) Two-Family Dwellings
  - (4) Class I Commercial Uses (listed in Table 360-22 of this Article) not requiring alterations to existing buildings
  - (5) Community Living Arrangements
  - (6) No-Impact, Home-Based Businesses
  - (7) Accessory Structures
  - (8) Forestry



- B. Special Exception Uses, pursuant to the provisions of §360-21 and 360-45B of this Ordinance.
  - (1) Home Occupation not meeting the definition of No-Impact, Home-Based Businesses
  - (2) Bed-and-Breakfast Establishments or Inns
  - (3) Houses of Worship
  - (4) Public or Semi-Public Uses
  - (5) Mixed-Use Structures
  - (6) Class II Commercial Uses
- C. Conditional Uses, pursuant to the provisions of §360-21, 360-22 and 360-45C of this Ordinance.
  - (1) Multi-Family Dwellings, not exceeding four (4) units per structure
  - (2) Class I Commercial Uses requiring alterations to existing buildings
  - (3) Public or Private Schools
  - (4) Funeral Homes
  - (5) Boarding House
  - (6) Rooming or Lodging House(s)
- D. Bulk, Area and Density Standard.
  - (1) Minimum Lot Area
    - (a) Residential Uses
      - [1] Single-Family Detached Dwellings and Community Living Arrangements - 5,197 sq. ft.
      - [2] Single-Family Semi-Detached Dwellings - 5,197 sq. ft.
      - [4] Two-Family Dwellings - 2,598 sq. ft. per dwelling unit
      - [5] Multi-Family Dwellings - 2,000 sq. ft. per dwelling unit
    - (b) Nonresidential Uses – 5,197 sq. ft.
  - (2) Minimum Lot Width (measured at the Front Yard Setback)
    - (a) Residential Uses
      - [1] Single-Family Detached Dwellings - 33 ft.
      - [2] Single-Family Semi-Detached Dwellings - 33 ft.
      - [3] Two-Family Dwellings - 33 ft.

- [4] Multi-Family Dwellings- 66 ft.
- [5] Conversions of Single-Family Dwellings into two (2) or more dwelling units - 33 ft. per dwelling unit
- (b) Nonresidential uses - 33 ft.
- (3) Setbacks
  - (a) Residential and Nonresidential Uses
    - [1] Front Yard - The predominant setback of the buildings located on the same side of the street between the two nearest intersections.
    - [2] Each Side Yard: Principal Structures - 4 ft.; Accessory Structures (excluding Swimming Pools) - 4 ft.; Swimming Pool - 8 ft.
    - [3] Rear Yard: Principal Structures - 20 ft.; Accessory Structures - 10 ft.
- (4) Impervious Coverage and Height Requirements
  - (a) Maximum Impervious Coverage (Single-Family and Two-Family Dwellings) - 40% (55% if on-lot stormwater management is used) of gross lot area
  - (b) Maximum Impervious Coverage (Multi-Family Dwellings) - 60% of gross lot area
  - (c) Maximum Impervious Coverage (Nonresidential Uses) - 60% of gross lot area
  - (d) Minimum usable open space on lot - 30% of gross lot area
  - (e) Maximum Building Height
    - [1] Principal Structures - 35 ft.
    - [2] Private Garages - 35 ft.
    - [3] Other Accessory Structures - 15 ft.
- (5) Design and Architectural Guidelines — All structures must be of a coherent and compatible style, have appropriate scale and building massing, be coordinated with existing street and utility networks, be context sensitive and otherwise fit the fabric of the existing neighborhood. Borough Council, with the advice of the Zoning Officer and of HARB, shall have the final authority to judge whether these guidelines have been followed.

**§360-14. Residential Town Three (RT3)**

- A. Permitted Uses, pursuant to the provisions of §360-20 and 360-23 of this Ordinance.
- (1) Single-Family Detached Dwellings
  - (2) Single-Family Semi-Detached Dwellings
  - (3) Two-Family Dwellings
  - (4) Community Living Arrangement
  - (5) No-Impact, Home-Based Businesses
  - (6) Accessory Structures
  - (7) Forestry
- B. Special Exception Uses, pursuant to the provisions of §360-21 and 360-45B of this Ordinance.
- (1) Home Occupations, not meeting the definition of No-Impact, Home-Based Businesses.
  - (2) Bed-and-Breakfast Establishments or Inns
  - (3) Professional Offices, provided: (1) the exterior design of such new structures conforms with design and architectural guidelines; or (2) renovations to existing buildings require no exterior alterations.
  - (4) Public and Semi-Public Uses
  - (5) Houses of Worship
  - (6) Uses permitted in the Bucknell University District
- C. Conditional Uses, pursuant to the provisions of §360-21 and 360-45C of this Ordinance.
- (1) Multi-Family Dwellings
- D. Bulk, Area and Density Standards.
- (1) Minimum Lot Area
    - (a) Residential Uses
      - [1] Single-Family Detached Dwellings - 5,197 sq. ft. (Note: 5,197 sq. ft. is the average lot size in that section of the Borough located east of Route 15.)
      - [2] Single-Family Semi-Detached Dwellings - 5,197 sq. ft.

- [3] Two-Family Dwellings - 2,598 sq. ft. per dwelling unit
- [4] Multi-Family Dwellings - 2,000 sq. ft. per dwelling unit
- (b) Nonresidential Uses
  - [1] Public or Private Schools - 10,000 sq. ft.
  - [2] University Uses - 22,000 sq. ft.
  - [3] Houses of Worship - 40,000 sq. ft.
  - [4] Public Uses and Semi-public Uses - 25,000 sq. ft.
  - [5] Professional Offices - 10,394 sq. ft.
- (2) Minimum Lot Width (measured at the Front Yard Setback)
  - (a) Residential Uses - 33 ft.
  - (b) Nonresidential Uses - 66 ft.
- (3) Setbacks
  - (a) Residential and Nonresidential Uses.
    - [1] Front Yard - The predominant setback of the buildings located on the same side of the street between the two (2) nearest intersections.
    - [2] Each Side Yard: Principal Structures - 4 ft.; Accessory Structures (excluding Swimming Pools) - 4 ft.; Swimming Pools - 8 ft.
    - [3] Rear Yard: Principal Structures - 20 ft.; Accessory Structure - 10 ft.; Swimming Pools - 10 ft.
- (4) Impervious Coverage and Height Requirements
  - (a) Maximum Impervious Coverage (Single-Family and Two-Family Dwellings) - 40% (55% if on-lot stormwater management is used) of gross lot area
  - (b) Maximum Impervious Coverage (Multi-Family Dwellings) - 60% of gross lot area
  - (c) Maximum Impervious Coverage (Nonresidential Uses) - 60% of gross lot area
  - (d) Minimum usable open space (Residential Uses) - 40% of gross lot area
  - (e) Minimum usable open space (Nonresidential Uses) - 20% of gross lot area

- (f) Maximum Building Height
  - [1] Principal Structures - 35 ft.
  - [2] Private Garages – 35 ft.
  - [3] Other Accessory Structures - 15 ft.
- (5) Design and Architectural Guidelines — All structures must be of a coherent and compatible style, have appropriate scale and building massing, be coordinated with existing street and utility networks, be context sensitive and otherwise fit the fabric of the existing neighborhood. Borough Council, with the advice of the Zoning Officer and of HARB, shall have the final authority to judge whether these guidelines have been followed.

**§360-15. Bucknell University (BU)**

- A. Permitted Uses, pursuant to the provisions of §360-20 and 360-23 of this Ordinance.
  - (1) University Buildings for Classroom, Laboratory, Administrative, Maintenance, Cultural or related uses
  - (2) University Owned or Operated Student Housing
  - (3) Fraternity, Sorority Houses and Academic Interest Houses
  - (4) University Owned and Operated Housing
  - (5) Recreation or Athletic Fields or Buildings
  - (6) Golf Courses and Club Houses
  - (7) Agriculture
  - (8) Forestry
  - (9) Accessory Structures
- B. Special Exception Uses, pursuant to the provisions of §360-21 and 360-45B of this Ordinance.
  - (1) Houses of Worship
- C. Conditional Uses, pursuant to the provisions of §360-21 and 360-45C of this Ordinance.
  - (1) Multi-Family Dwellings
  - (2) Permitted Commercial Uses
  - (3) Boarding House
  - (4) Rooming or Lodging houses

- (5) Townhouses, not to exceed four (4) units per building

D. Bulk, Area and Density Standards.

(1) Minimum Lot Area

- (a) Residential Uses — none
- (b) Nonresidential Uses — none

(2) Minimum Lot Width (Measured at the Front Yard Setback)

- (a) Residential Uses — none
- (b) Nonresidential Uses — none

(3) Setbacks

(a) Residential Uses

[1] Front Yard - 75 ft. from the center line of any public road or 50 ft. from the edge of any public right-of-way, whichever is greater

[2] Rear and Side Yard — none

(b) Nonresidential Uses — none

(4) Impervious Coverage and Height Requirements

- (a) Maximum Impervious Coverage (50% of the total land area owned by the University within the boundaries of the Borough within this District)
- (b) Maximum Building Height (No structure shall exceed 60 ft. above the existing natural grade)

**§360-16. Highway Commercial (HC)**

A. Permitted Uses, pursuant to the provisions of §360-20, 360-22 and 360-23 of this Ordinance.

- (1) Class I Commercial Uses
- (2) Class II Commercial Uses
- (3) Class III Commercial Uses
- (4) Accessory Structures
- (5) Public and Semi-Public Uses
- (6) Forestry

B. Special Exception Uses, pursuant to the provisions of §360-21 and 360-45B of this Ordinance.

- (1) Accessory Uses not located on the same lot as the principal permitted use, with the exception of off-site parking

- (2) Adult Uses
  - (3) Mixed-Use Structures
  - (4) Methadone Treatment Facilities
  - (5) Multi-Family Dwellings
  - (6) Group Care Facilities
  - (7) Drug and Alcohol Residential Treatment Facilities
- C. Conditional Uses, pursuant to the provisions of §360-21 and 360-45C of this Ordinance.
- (1) Shopping Centers or Malls
  - (2) Off-site Parking
  - (3) Broadcast Transmission Facilities
- D. Bulk, Area and Density Standards.
- (1) Minimum Lot Area
    - (a) Residential Uses — none
    - (b) Nonresidential Uses
      - [1] Shopping Centers or Malls - five (5) acres
      - [2] Other uses - 20,000 sq. ft.
  - (2) Minimum Lot Width (measured at the Front Yard Setback)
    - (a) Residential Uses — none
    - (b) Nonresidential Uses - 100 ft.
  - (3) Setbacks
    - (a) Residential Uses (Principal and Accessory):
      - [1] Front Yard - 40 ft.
      - [2] Each Side Yard - 20 ft.
      - [3] Rear Yard - 40 ft.
    - (b) Nonresidential Uses (Principal and Accessory):
      - [1] Front Yard - 40 ft.
      - [2] Each Side Yard - 20 ft.
      - [3] Rear Yard - 40 ft.

- (4) Impervious Coverage and Height Requirements
  - (a) Maximum Impervious Coverage (Multi-Family Dwellings) - 60% of gross lot area
  - (b) Maximum Impervious Coverage (Other Uses) - 75% of gross lot area
  - (c) Maximum Building Coverage - 50%
  - (d) Maximum Building Height:
    - [1] Principal Uses - 35 ft.
    - [2] Accessory Structures - 15 ft.

E. Additional Use Requirements.

- (1) Off-Street Parking and Loading
  - (a) All off-street parking and loading facilities shall comply with the provisions of §360-26 of this Ordinance.
  - (b) No more than 50% of any required setback depth may be used for off-street parking or loading.
  - (c) No off-street parking shall be permitted within 10 ft. of a right-of-way of any arterial or collector street.
  - (d) Screening shall be provided in accordance with §360-30 of this Ordinance.
- (2) Multi-Family Dwellings shall only be permitted on collector or local streets. No multi-family dwellings shall be permitted on arterial roads.
- (3) Mixed-Use Structures
  - (a) Only permitted in existing structures.
  - (b) All structures shall be treated as nonresidential structures for the purposes of this Section.
  - (c) Residential use shall not be permitted at the level abutting the street or in the basement/cellar.

F. Access and Traffic Controls.

- (1) Depressed curb cuts shall be required as a condition of approval.
- (2) All means of ingress and egress shall be located at least fifty (50) feet from any street intersection.
- (3) The purchase and erection of any traffic control or safety structures or devices required to handle the increased traffic caused by a development shall be at the developer's expense.



- (4) The Borough Council may attach additional conditions based upon the "Traffic Impact Study" that may be required to be submitted with the Land Development Plan.
  - (5) Access roads and shared driveways shall be encouraged.
  - (6) Increased traffic caused by development shall not impact residential streets.
- G. Use and Maintenance of Setback Areas - All required setback areas not necessary for screening or parking and loading areas shall be kept clear of obstructions and shall be planted in grass, landscaping and/or trees.

**§360-17. Downtown Commercial (DC)**

- A. Permitted Uses, pursuant to the provisions of §360-20, 360-22 and 360-23 of this Ordinance.
- (1) Class I Commercial Uses
  - (2) Class II Commercial Uses
  - (3) Single-Family Detached Dwellings
  - (4) Single-Family Semi-Detached Dwellings
  - (5) Two-Family Dwellings
  - (6) Bed-and-Breakfast Establishments or Inns
  - (7) Mixed (Residential/Class I and Class II Commercial) Uses
  - (8) Accessory Structures
  - (9) Forestry
- B. Special Exception Uses, pursuant to the provisions of §360-21 and 360-45B of this Ordinance.
- (1) Home Occupations not meeting the definition of No-Impact, Home Based Businesses
  - (2) Multi-Family Dwellings
  - (3) Public or Semi-Public Uses
  - (4) Houses of Worship
  - (5) Accessory uses not located on the same lot as a permitted principal use.

- C. Conditional Uses, pursuant to the provisions of §360-21 and 360-45C of this Ordinance.
  - (1) Off-site parking, pursuant to §360-26C.
  - (2) Boarding House
  - (3) Rooming or Lodging houses
- D. Bulk, Area and Density Standards.
  - (1) Minimum Lot Area
    - (a) Residential Uses - 5,000 sq. ft.
    - (b) Nonresidential Uses - 5,000 sq. ft.
  - (2) Minimum Lot Width (measured at the Front Yard Setback)
    - (a) Residential Uses - 33 ft.
    - (b) Nonresidential Uses - 33 ft.
  - (3) Setbacks
    - (a) Residential Uses (Principal and Accessory);
      - [1] Front Yard - The predominant setback of the existing buildings on the same side of the street between the two (2) nearest intersections
      - [2] Each Side Yard - none
      - [3] Rear Yard: 15 ft.
    - (b) Nonresidential (Principal and Accessory);
      - [1] Front Yard - The predominant setback of the existing buildings on the same side of the street between the two (2) nearest intersections
      - [2] Each Side Yard - none, except when adjacent to a residential use or district, a minimum of 10 ft. shall be required
      - [3] Rear Yard: 15 ft.
  - (4) Impervious Coverage and Height Requirements
    - (a) Maximum Impervious Coverage - 85% of gross lot area
    - (b) Maximum Building Height - 45 ft.
  - (5) Design and Architectural Guidelines — All structures must be of a coherent and compatible style, have appropriate scale and building massing, be coordinated with existing street and utility networks, be context sensitive and otherwise fit the fabric of the existing neighborhood. Borough Council, with the advice of the Zoning Officer and of HARB, shall have the final authority to judge whether these guidelines have been followed.

**§360-18. Mixed-Use (MU)**

- A. Permitted Uses, pursuant to the provisions of §360-20, 360-22 and 360-23 of this Ordinance.
  - (1) Wholesale Commercial Uses conducted within an enclosed building
  - (2) Warehouses
  - (3) Industrial Uses conducted in an enclosed building
  - (4) Class I and II Commercial Uses
  - (5) Public and Semi-Public Uses
  - (6) Accessory Structures - The storage of any materials for the above permitted uses must be enclosed within a building or screened in accordance with §360-30.
  - (7) All Residential Uses
  - (8) Forestry
- B. Special Exception Uses, pursuant to the provisions of §360-21 and 360-45B of this Ordinance.
  - (1) Accessory Uses not located on the same lot as the principal permitted use, with the exception of off-site parking.
  - (2) Adult Uses
  - (3) Houses of Worship
  - (4) Bed-and-Breakfast Establishment or Inn
  - (5) Recreation Uses
  - (6) Class III Commercial Uses
  - (7) Research, Development and Testing Laboratories
- C. Conditional Uses, pursuant to the provisions of §360-21 and 360-45C of this Ordinance.
  - (1) Off-site Parking, pursuant to §360-26C.
  - (2) Broadcast Transmission Facilities
  - (3) Waste Storage, Treatment, Processing and/or Disposal Facilities
- D. Bulk, Area and Density Standards.
  - (1) Minimum Lot Area
    - (a) Residential Uses

- [1] Single-Family Detached Dwellings and Community Living Arrangements - 5,197 sq. ft. (Note: 5,197 sq. ft. is the most common lot size in that section of the Borough located east of Route 15.)
  - [2] Single-Family Semi-Detached Dwellings - 5,197 sq. ft. per dwelling unit
  - [3] Two-Family Dwelling - 2,598 sq. ft. per dwelling unit
  - [4] Townhouses - 2,598 sq. ft. per dwelling unit
  - [5] Multi-Family Dwellings - 1,800 sq. ft. per dwelling unit
- (b) Nonresidential Uses - 10,000 sq. ft.
- (2) Minimum Lot Width (measured at the Front Yard Setback)
- (a) Residential Uses
    - [1] Single-Family Detached Dwellings - 33 ft.
    - [2] Single-Family Semi-Detached Dwellings - 33 ft.
    - [3] Two-Family Dwellings - 33 ft.
    - [4] Multi-Family Dwellings - 66 ft.
  - (b) Nonresidential Uses - 66 ft.
- (3) Setbacks
- (a) Residential Uses (Principal and Accessory):
    - [1] Front Yard - 10 ft.
    - [2] Each Side Yard (except Townhouses) - 10 ft.
    - [3] Rear Yard - 20 ft.
  - (b) Nonresidential (Principal and Accessory):
    - [1] Front Yard - 10 ft.
    - [2] Each Side Yard - 10 ft., except when adjacent to a residential district; then the setback shall be a minimum of 50 ft.
    - [3] Rear Yard - 20 ft., except when adjacent to a residential district; then the setback shall be a minimum of 50 ft.
    - [4] A buffer area shall be required in accordance with the provisions of §360-30.

- (4) Impervious Coverage and Height Requirements
  - (a) Maximum Impervious Coverage (Single-Family and Two-Family Dwellings) - 40% (55% if on-lot stormwater management is used) of gross lot area
  - (b) Maximum Impervious Coverage (Multi-Family Dwellings) - 60% of gross lot area
  - (c) Maximum Impervious Coverage (Nonresidential Uses) - 70% of gross lot area
  - (d) Minimum usable open space on lot - 20% of gross lot area
  - (e) Maximum Building Height - 45 ft.

**§360-19. Open Space (OS)**

This district may include lands within the floodways and sections of the floodplain, as identified in the most recent Floodplain Mapping produced by the U.S. Department of Housing and Urban Development as part of the Borough Flood Insurance Study, as well as lands that are primarily recreation areas in the Borough.

- A. Permitted Uses, pursuant to the provisions of §360-20 and 360-23 of this Ordinance.
  - (1) Agriculture and Horticulture
  - (2) Water-related Uses such as docks, piers, wharves and bridges.
  - (3) Passive Recreation, including trails, bike paths, open space and nature walks
  - (4) Forestry
- B. Special Exception Uses, pursuant to the provisions of §360-21 and 360-45B of this Ordinance.

\*Not applicable to this District\*
- C. Conditional Uses, pursuant to the provisions of §360-21 and 360-45C of this Ordinance.
  - (1) Public Memorials and Monuments
  - (2) Outdoor Public Recreational Facilities and Accessory Uses or Structures
  - (3) Cemeteries
  - (4) Active Recreation

D. Bulk, Area and Density Requirements.

- (1) Minimum Lot Area
  - (a) Residential Uses — none
  - (b) Nonresidential Uses — none
- (2) Minimum Lot Width (measured at the Front Yard setback) — none
- (3) Setbacks - 10 ft. all sides (front, side and rear)
- (4) Impervious Coverage and Height Requirements
  - (a) Maximum Impervious Coverage - 40% of gross lot area
  - (b) Maximum Building Height - 15 ft.

E. Additional Safeguards.

- (1) No part of any on-lot sewage disposal system shall be constructed in any lands situated in the OS District.
- (2) All uses in the floodway shall conform to the requirements of the Lewisburg Borough Floodplain Ordinance.

**§360-20. Overlay Districts**

This district shall be an overlay to the Zoning Map of the Borough. All underlying district regulations shall apply, where applicable.

- A. Historic District - All buildings, structures, signs and uses shall comply with the provisions of the Lewisburg Borough Historic District Ordinance Chapter 186 of the Lewisburg Borough Code of Ordinances.
- B. Floodplain District - See Article VI and refer to applicable Flood Insurance Study prepared by the Federal Insurance Administration dated October 16, 2009, or the most recent revision thereof.

**§360-21. Criteria for Specific Special Exception and Conditional Uses**

- A. Adult uses, as defined in this Ordinance, provided they comply with all other requirements of this Ordinance and meet the provisions listed below:
  - (1) No adult use shall be located within 200 feet of any residential use or district, as measured in a straight line from the lot lines of both the subject parcel and any residential use or district.
  - (2) No adult use shall be located within 500 feet of any public park or playground, community center, school or church, as measured in a straight line from the lot lines of the subject parcel and any public park or playground, school or church.

- (3) No adult use shall be located within 500 feet of any other adult use, as measured in a straight line from the lot lines of both the subject parcel and any other adult use.
- (4) No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or related to specified sexual activities or specified anatomical areas from any public way or from any property not permitted as an adult use. This provision shall apply to any display, decoration, sign, show window, door or other opening.
- (5) No adult use shall be conducted in any manner that violates any of the provisions of this Ordinance or any other federal, state, county or municipal regulation.
- (6) The entire perimeter of any lot containing an adult use shall be landscaped with natural plant material in accordance with §360-30, except for parking lot entrance and exit.
- (7) For purposes of compliance with off-street parking requirements a minimum of one (1) off-street parking space per 100-square-foot of gross floor area, plus one (1) off-street parking space per employee, shall be required.
- (8) The setbacks for adult uses shall be as follows:
  - (a) Front Yard - 50 ft.
  - (b) Each Side Yard - 20 ft.
  - (c) Rear Yard - 50 ft.
- (9) Sign Regulations applicable to all adult uses shall be as follows:
  - (a) Maximum area for any sign shall be twenty-four (24) sq. ft.
  - (b) No sign shall be internally illuminated
  - (c) No projecting signs shall be allowed for such uses
  - (d) No freestanding signs shall be allowed for such uses
  - (e) No off-premises directional signs related to any adult use shall be permitted.
- (10) If employees or patrons of an adult use promote, solicit, allow or engage in acts of prostitution on the premises, as charged by appropriate law enforcement authorities, then the zoning permit shall be suspended. Should said employees or patrons be convicted or plead guilty to said charges of prostitution as described above, then the zoning permit shall be revoked.
- (11) Any proposed adult use shall submit the necessary Impact Study Requirement as described in §360-21L of this Ordinance.

B. Bed-and-Breakfast Establishments and Inns.

- (1) Such uses shall serve as both a home for its owners and a lodging establishment.
- (2) The bed-and-breakfast or inn is intended only as a secondary use of the dwelling and shall not alter the residential appearance or nature of the neighborhood.
- (3) One (1) parking space per guest room will be required in addition to the two (2) required for the residence.
- (4) Signage is limited to two (2) sq. ft. and may be illuminated only by shielded lighting.
- (5) The establishment may be used to host family events such as weddings and reunions as well as small business meetings.

C. Broadcast Transmission Facilities including towers, antennas and broadcast transmission equipment buildings, except satellite receivers less than (39") inches in diameter and transmission facilities required for public safety.

- (1) Building-mounted broadcast transmission antennas shall not be located on any single-family or two-family dwelling.
- (2) Building-mounted broadcast transmission antennas shall be permitted to exceed the height limitations of the applicable zoning district by not more than twenty (20) feet. Broadcast transmission antennas co-located on existing permitted antennas shall not exceed the height established by Borough Council.
- (3) Omni-directional or whip antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- (4) Directional or panel broadcast transmission antennas shall not exceed five (5) feet in height and three (3) feet in width.
- (5) Any applicant proposing broadcast transmission antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- (6) Any applicant proposing broadcast transmission antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings, indicating how the antennas will be mounted on the structure, for review by the Borough Code Enforcement Officer to ensure compliance with the Borough's Building Code and other applicable laws.
- (7) Any applicant proposing broadcast transmission antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which



the antennas are to be mounted so that installation and maintenance of the antennas and Broadcast Transmission equipment building can be accomplished.

- (8) Broadcast transmission antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (9) Broadcast transmission antennas shall not cause radio frequency interference with other broadcast transmission facilities located in the Borough.
- (10) Broadcast transmission antennas shall be setback 200 feet from any residence in an abutting zoning district.
- (11) A broadcast transmission equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure. Broadcast Transmission equipment housed in underground vaults shall be exempt from setback requirements.
- (12) The owner and/or operator of broadcast transmission antennas shall be licensed by the Federal Communications Commission to operate such antennas.
- (13) The applicant shall supply documentation to the Borough demonstrating the need for the broadcast transmission facilities and efforts to secure co-location; a visual impact assessment and neighborhood impact assessment of the proposed facilities; and scale drawings showing the proposed placement, spacing, construction and/or modification of the broadcast transmission antennas and related facilities.
- (14) As a condition of issuance of the permit, applicants for broadcast transmission facilities shall be required to supply the following:
  - (a) Financial security in the amount of \$100,000 shall be placed with the Borough to ensure compliance with the provisions of this Ordinance. The form of security shall be subject to the Borough's approval and shall be maintained until the removal of the facility.
  - (b) Public liability insurance for personal injuries, death and property damage in the amount of \$2,000,000 per occurrence. The Borough shall be listed as an additional insured, and the policy shall contain an endorsement that gives the Borough 30-day notice prior to policy cancellation. A copy of said policy shall be delivered to the Borough upon issuance.
  - (c) All documentation applicable to the facility including its operation and any enforcement/activities by other agencies.

- D. Conversion of a single-family dwelling into a rooming or lodging house.
- (1) Such use must conform to the Light, Ventilation and Occupancy Limitations defined in Chapter Four (4) of the 2009 International Property Maintenance Code or most current Code, as applicable.
  - (2) Such use shall provide bedroom area for each bedroom that is a minimum of 70 sq. ft. per person.
  - (3) Such use shall comply with all applicable off-street parking requirements as listed in §360-26 of this Ordinance.
  - (4) Such use shall meet all required building and fire protection codes.
  - (5) Such use shall comply with all development, performance and protection standards listed in §360-31 and §360-32 of this Ordinance.
  - (6) Such use shall meet all other required federal, state, county and/or municipal regulations.

E. Commercial Uses

- (1) Such use shall comply with all applicable off-street parking requirements as listed in §360-26 of this Ordinance.
- (2) Such use shall meet all required building and fire protection codes.
- (3) Such use shall comply with all development, performance and protection standards listed in §360-31 and §360-32 of this ordinance.
- (4) Such use shall meet all other required federal, state, county and/or municipal regulations.

F. Group Care Facilities.

- (1) Such uses shall be licensed or meet all requirements of licensing or certification by the appropriate departments and/or agencies of the Commonwealth of Pennsylvania. Said license and/or proof of all approved required documentation shall be submitted prior to commencement of use.
- (2) No such uses shall be located within 500 feet of any school, playground, residential dwelling, childcare facility or house of worship unless permitted by a majority vote of Borough Council. At least fourteen (14) days prior to this vote, one or more public hearings regarding the proposed facility location shall be held at a location within the Borough following public notice and written notice to all owners of real property located within 500 feet of the proposed location at least thirty (30) days prior to said public hearings.
- (3) For purposes of determining required off-street parking, such facilities shall be classified as "Medical clinics".

- (4) One sign, a maximum of two (2) sq. ft., is permitted.
  - (5) Such uses shall be manned during all hours of operation by personnel with credentials as required by the Pennsylvania Department of Health.
  - (6) Such uses shall submit the required Impact Study as specified in §360-21L of this Ordinance.
  - (7) The Zoning Officer shall have the authority to continue the conditional use as long as proofs of required annual licensing and certification are provided to the Borough when such documentation is received by the provider.
- G. Home Occupation(s) not meeting the definition of No-Impact, Home-Based Business shall be subject to the following criteria and any additional conditions attached to the required special exception as approved by the Zoning Hearing Board.
- (1) No more than one (1) home occupation may be located in any dwelling unit.
  - (2) Such home occupations shall be conducted by the resident(s) of that dwelling unit, who shall not employ more than one (1) full-time or two (2) part-time employees.
  - (3) No evidence of a home occupation shall be reflected in the exterior appearance of the dwelling structure that shall be maintained in its residential character, other than a sign not exceeding two (2) sq. ft. in area.
  - (4) No home occupation shall involve display windows, require truck deliveries, other than that by delivery courier services normally associated with residential use, or produce offensive noise, smoke, glare, vibration, dust, odors or excessive heat.
  - (5) Permitted home occupations shall include:
    - (a) Sculpturing; pottery and woodworking; arts and crafts workshops; television, radio or electronic repair shops; furniture making and repair; antique shops or similar activities.
    - (b) Training and/or tutoring of no more than six (6) persons in small classes.
    - (c) Child care or family day care home.
    - (d) Custom dressmaking, millinery or tailoring.
    - (e) Photographic studios, graphic design studios or artist workshops.
    - (f) Professional offices.
    - (g) Beauty salons, hairdressers, barbershops or similar activities.
  - (6) Home occupations in all districts shall have access to a public street.

- (7) The number of spaces required for a home occupation (in addition to those for the residence) shall be determined by the Zoning Hearing Board when ruling on the request for a special exception permit and after considering the amount of traffic the home occupation is projected to generate.
- (8) Home occupations shall not adversely impact the residential character of the neighborhood.
- (9) Home occupations shall not occupy more than twenty-five (25) percent of the gross floor area of the dwelling unit.
- (10) Upon approval of a home occupation, the Zoning Officer shall issue a permit that may be revoked upon a site inspection by the Zoning Officer that determines non-compliance with this ordinance and/or any permit conditions.
- (11) The Zoning Officer shall provide an annual report to the Borough Council listing all permitted home occupations.

H. Methadone Treatment Centers.

- (1) Such facilities shall be licensed by the Pennsylvania Department of Health.
- (2) Such facilities shall not be established or operated within 500 feet of any existing school, playground, public park, residential housing area, childcare facility, community center or house of worship unless permitted by a majority vote of Borough Council. At least fourteen (14) days prior to this vote, one or more public hearings regarding the proposed facility location shall be held at a location within the Borough following public notice and written notice to all owners of real property located within 500 feet of the proposed location at least thirty (30) days prior to said public hearings.
- (3) One sign, a maximum of two (2) sq. ft., is permitted.

I. Public or private schools.

- (1) Private schools shall include but not be limited to day schools, nursery schools, schools for the blind, mentally or physically handicapped, and shall meet state and federal guidelines applicable to the institution or school.
- (2) Maximum hours of operation per day are limited to twelve (12).
- (3) Shall have direct access to a public street.
- (4) Shall comply with the off-street parking requirements contained in §360-26 of this Ordinance.

J. Public and Semi-Public Uses, Houses of Worship.

- (1) Permanent landscaping and screening shall be required, in conformance with the provisions of §360-30 of this Ordinance and the Borough Subdivision and Land Development Ordinance.
- (2) A land development plan shall be submitted with the application.

- (3) All sites, lots, facilities, buildings, structures and appurtenances shall have access by way of an internal street system and shall have adequate emergency vehicle and equipment access. All such uses shall comply with the off-street parking requirements contained in §360-26 of this Ordinance.
- (4) Sewage disposal and water supply facilities in accordance with state regulations shall be provided by the applicant for all structures to be occupied or used by human beings.
- (5) Stormwater Management Facilities constructed in accordance with an applicable Stormwater Management Plan or Ordinance shall be installed.
- (6) The need for the proposed use or facility shall be documented.

K. Waste Storage, Treatment, Processing and Disposal Facilities.

- (1) No facilities considered for a Special Exception under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency and such other Federal or State Agencies as required under applicable enabling statutes.
- (2) All facilities considered for Special Exception under this section shall submit the required Impact Study as specified in §360-21L of this Ordinance.
- (3) All facilities considered for Special Exception under this section shall submit the following information for the site:
  - (a) A description of the specific types of waste the applicant proposes to accept for storage, treatment, processing or disposal at the site.
  - (b) A description of the specific technology and procedures the applicant proposes to treat, process and dispose of at the facility.
  - (c) Preliminary specifications and architectural drawings of the proposed facility.
  - (d) An approved site or land development plan.
  - (e) A statement of qualifications to operate a waste disposal facility.
  - (f) A complete compliance history for any and all facilities owned and/or operated by the Applicant, any parent, subsidiary or cooperative owner/operator of waste treatment, processing or disposal facilities, as per PA-DEP Form HW - C, Compliance History and Instructions.
  - (g) Any and all information supplied to the PA Department of Environmental Protection or the U.S. Environmental Protection Agency regarding the proposed site and/or facility.
  - (h) The names and addresses of any person, corporation or partnership having any financial interest in the construction, permitting, operation or

closure of such facility.

- (i) Any and all royalty and/or contingent payment agreements related to citing, permitting or operation of such facility.
- (j) All documents required by federal and/or state law regarding registered lobbyist(s) acting on behalf of the applicant or any related party.
- (k) All insurance policies, closure accounts and/or documents relating to self-insurance for the subject application.
- (l) A proposed citing agreement specifying the terms, conditions and provisions under which the facility shall be constructed, maintained and operated, including but not limited to the following terms, conditions and provisions:
  - [1] Facility construction and Maintenance Procedures.
  - [2] Operating procedures and practices, the design of the facility and its associated activities.
  - [3] Monitoring procedures, practices and standards necessary to ensure and continue to demonstrate that the facility will be operated safely.
  - [4] The services to be offered by the applicant to the community.
  - [5] The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provisions.
  - [6] Provisions for renegotiation of any term, condition, or provision of the citing agreement or of the entire agreement.
  - [7] Provisions for resolving any disagreements in the construction and interpretation of the citing agreement that may arise between the parties.
  - [8] Provisions for compensation to be paid to abutting landowners, residents, occupants or impacted communities, landowners, residents or occupants.
  - [9] Provision for direct monetary payments to the Borough and special services to be provided for demonstrable adverse impact.
  - [10] Provision to assure health, safety, comfort, convenience and social and economic security of the residents and businesses in the Borough.
  - [11] Provision to assure the continuing economic viability of the project.

- [12] Provision to assure the protection of environmental and natural resources.
  - [13] Provision to provide landowners, residents, occupants, businesses and industries for adverse economic impacts demonstrably attributable to the facility.
  - [14] Provision to compensate the Borough, the county and/or other agencies for the review costs incurred due to the applicant's proposal.
  - [15] Provision to provide site access to any and all Borough, county, state, federal employees and/or their consultants regarding review of the proposal or the site.
- (4) The adequacy of all applicant submissions shall be determined by the Professional Engineer and/or Consultant as designated by the Borough Council.
  - (5) All applicants for special exception under this section shall include the following certification: "I, the undersigned, under the pains and penalties of perjury, certify that I have personally examined and am familiar with the information submitted in the attached documents supporting the application, prepared by or under the direction of the developer, and that the information contained in the application and the supporting documents is true, accurate and complete." The above application is to be signed by the Chief Executive Officer of the Application Entity.
- L. Impact Study Requirements - Any use required to submit a land development plan or designated as a Special Exception or Conditional Use may be required to submit a "Community and Environmental Impact Analysis." The requirement for the Analysis will be made by the Borough Council or the Zoning Hearing Board and shall be completed by professionals acceptable to the Borough, but paid for by the applicant. The Analysis may be required to include any or all of the following information related to the proposed development or use:
- (1) Acoustics Study: The Acoustics Study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The report shall contain measures of existing ambient measurements, estimates or the noise measurements to be anticipated from the type of operations and equipment that are proposed for the use, and if there are any significant increases in those noise levels. The report shall also contain specific proposals intended to reduce noise levels emanating off the site. The study shall be based upon actual sound level measurements and estimates of potential noise impact at the property lines of the site proposed for the proposed use.
  - (2) Air Quality Study: An Air Quality Study shall be prepared and submitted with the Application that shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust and pollutants at the site.

The study shall contain the sources of the information, the data and background tests that were conducted, and conclusions and recommendations as to what would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use.

- (3) Community Character Impact Analysis, including visual and aesthetic impacts of the proposed facility on adjacent properties and the community as a whole.
- (4) Economic Impact Analysis: This analysis will focus on the impacts of the proposed facility on the local and regional economy, including the following:
  - (a) Changes to the tax base directly due to the proposed facility, including property and earned income taxes.
  - (b) Number of new full- and part-time employment positions created and/or retained by the facility.
  - (c) Number of temporary construction jobs created by the facility; and
  - (d) Other effects of the facility on the local and regional economy.
- (5) Emergency Management and Public Safety Impacts: This analysis will focus on new and/or special public safety and emergency needs created by the facility. Consideration should be given to fire protection, police service and emergency medical and/or management needs directly associated with the proposed facility.
- (6) Geologic Analysis and Information: The geological analysis will include an analysis of the geology of the area underlying the proposed facility.
- (7) Hydrologic and Hydrogeologic Analysis and Information. This analysis will focus on the following:
  - (a) An identification of water resources in the area affected by the proposed facility and an analysis of the projected impacts of the proposed facility on ground-water, surface-water, wetlands and floodplains.
  - (b) Evaluation of the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies where such historical data, in the judgment of the Planning Commission, is inadequate. The Study shall identify groundwater discharge and recharge areas that may be affected by the proposed use, map the groundwater table and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality.
  - (c) Sources and destinations of surface water runoff, pre- and post-development runoff volumes and rates, analysis of chemical additives, erosion and sedimentation control plans, stormwater management facilities for the 2, 5, 10, 25, 50 and 100 year frequency storms to prevent any increase in runoff volumes or rates.



- (d) Existing and proposed impervious ground cover and the extent and type of existing and proposed vegetative ground cover.
  - (e) Existing wetlands and the changes or steps proposed that would modify or protect the existing wetlands and their continued viability.
  - (f) Existing and proposed elevations and contours, areas of slope in excess of 15%, and proposals to prevent erosion and damage to such steep slope areas.
- (8) Land Use Impact Analysis: This study will focus on the present, past and adjacent land uses in the area affected by the proposed facility, and the impacts on and to these land uses by the facility
- (9) Soils Analysis and Information: This study will identify the soils classifications in the area affected by the facility, along with an analysis of the limitations posed by these soils in relation to proposed activities.
- (10) Transportation and Traffic Impacts. This study will focus on the following:
- (a) A description of the Transportation and Traffic Impact Area, including its major roads and potential traffic generation rates to be determined by current acceptable traffic generation references. The impact area shall incorporate all roads to be used by vehicles that will either originate or have a destination at the proposed facility. Existing 24-hour and peak-hour traffic volume data will be provided for all streets that provide access to the proposed facility and for all of the collector and arterial streets that will serve the facility, as well as any major intersections within the impact area.
  - (b) Estimates of the total number of vehicle trips to be generated by the proposed use for a typical 24-hour period, typical A.M. and P.M. peak periods, and maximum 24-hour and peak-hour periods, and the assignment of future 24-hour and peak-hour volumes to the road network and other streets that will serve the proposed facility based upon the projection of increased traffic volumes with the impact area.
  - (c) Projected 24-hour and peak-hour turning movements for all access points to the proposed facility at any major intersection used by traffic originating or destined for the proposed facility.
  - (d) A capacity and level of service analysis on the major intersections and roadways to be impacted by the additional volumes generated by the proposed use.
  - (e) Accident analysis of all intersections and roadways within the impact area, categorized by accident type at each location.
  - (f) Structural analysis of intersections and roadways to be used by traffic originating at or destined for the proposed facility, including designation of areas of inferior design and inadequate maintenance, and the analysis

of the ability of the existing roads to carry traffic of the volumes and weights that will be using the roadway for access to or from the proposed facility.

- (g) A description of any street or road improvements that would be required to avoid problems or traffic congestion, traffic safety or deterioration to existing streets and roads because of increased traffic volume or weight of traffic, and the cost estimates of any proposed improvements that may be required.
  - (h) Description of any action proposed or offered by the applicant to correct or alleviate the impact of the proposed facility on the transportation network.
  - (i) The source of the standards used, a description of the procedures and analysis undertaken and the recommendations and conclusions of the professionals who prepared the report.
- (11) Utility Capacity Analysis: An analysis of the capacity of existing public utility systems, including sanitary sewer, water supply, electricity, storm drainage, telecommunications, natural gas and other utilities required. The analysis shall determine capacities of any improvements and documentation from the respective utilities that service is available.
- (12) Other Critical Resources Analysis: The study shall identify other critical impact areas on-site or off-site that may be impacted by the proposed facility, including:
- (a) The impact on natural vegetation, wildlife, archaeological, cultural and historic resources.
  - (b) The protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation.

#### **§360-22. Classification of Commercial Uses**

- A. All Commercial Uses shall be classified according to Table 360-22 (Use Classification Table). Should an applicant propose a use that is not listed in the "Classification Table" the Zoning Hearing Board shall determine the appropriate use classification.
- B. Use Classification Table - Where a question exists as to whether a proposed use falls within a General Use Category or a Specific Use, the Zoning Officer shall request an advisory recommendation from the Zoning Hearing Board.

**Table 360-22: Classification Table**

<b>General Use Category: Commercial</b>	<b>Specific Use</b>	<b>Classification</b>	<b>Notes</b>
Adult Use or Facility		Class III	§360-21A
Ambulance Service		Class III	
Animal Sales/Service	Animal Sales	Class II	
	Animal Boarding	Class III	
	Animal Grooming	Class II	
	Animal Training	Class II	
	Animal Supplies	Class II	
	Veterinary Office or Hospital	Class III	
Antique and Craft Shops	Sale of collectible and craft goods	Class I	Not to exceed 2,500 square ft. in gross floor area
Antique and Craft Shops	Sale of collectible and craft goods	Class II	In excess of 2,500 square ft. in gross floor area
Artist Studio		Class I	
Automobile Sales	Sale of new/used motor vehicles	Class III	
Broadcast Transmission Facility (unmanned)	Broadcast Transmission Towers	Class III	§360-21C
Building and Construction Materials or Service		Class III	
Catering Service		Class I	
Commercial Filming		Class I	
Commercial Recreation and Entertainment	Bowling Alley	Class III	
	Concert Facilities (outdoor)	Class III	
	Electronic Game Center	Class II	

<b>General Use Category: Commercial</b>	<b>Specific Use</b>	<b>Classification</b>	<b>Notes</b>
Commercial Recreation and Entertainment (cont'd)	Golf Course (public or private)	Class III	
	Skating Rinks	Class III	
	Tennis and Racquet Ball Courts	Class III	
	Theaters (indoor)	Class II	
	All other Commercial Recreation and/or Entertainment	Class III	
Communication Facility (manned)	Radio and Television Stations, Internet Facilities	Class II	§360-21C.
Commercial Stores (not classified elsewhere)		Variable	As per review and action by the Zoning Hearing Board
Eating/Drinking Establishments	Restaurant, General	Class II	
	Restaurant, Fast Food	Class III	
	Tavern/Supper Club	Class II	
	Membership Clubs	Class I	
Financial Institutions		Class II	
Food and Beverage Sales		Class II	
Funeral / Internment Service		Class I	
Hair Styling Salon/ Barber Shop		Class I	
Home and Business Service		Class I	
Group Care Facility		Class I	
Hardware Store		Class II	
Horticulture		Class I	
Laboratories		Class II	

<b>General Use Category: Commercial</b>	<b>Specific Use</b>	<b>Classification</b>	<b>Notes</b>
Maintenance and/or Repair Service		Class I	Not to include repair and/or maintenance of internal combustion engines
Maintenance and/or Repair of Internal Combustion Engines		Class III	
Mall and/or Shopping Center		Class III	
Mini-storage	Self and mini-storage	Class III	
Model Home (Commercial)		Class III	
Nursing Home		Class III	
Offices	Medical/Dental	Class I	
	Professional Offices	Class I	
	Office Center	Class III	
Pawnshop		Class III	
Personal Improvement Service	Health Club, Spa	Class II	
	All Other	Class I	
Professional Service		Class II	
Public Garage		Class II	
Retail Sales/Rentals	Furniture, Appliance, and Other Large Consumer Goods	Class II	
	Convenience Store	Class II	
	Retail Sales	Class II	
Therapeutic Massage Establishment		Class II	
Travel Service		Class I	

General Use Category: Commercial	Specific Use	Classification	Notes
Vehicle / Equipment Sales and Service	Car rental	Class III	
	Car Wash	Class III	
	Service Station	Class III	
	Repair	Class III	
	Sales/Rentals	Class III	
	Storage	Class III	
Visitor Accommodations	Motels	Class III	
	Hotels and Inns	Class II	
	Bed and Breakfast	Class I	
Waste Storage, Treatment, Processing and/or Disposal Facilities	Mixed-Use District Only	Class III	§360-21K

Article V  
Supplemental Regulations

**§360-23. General Supplemental Requirements**

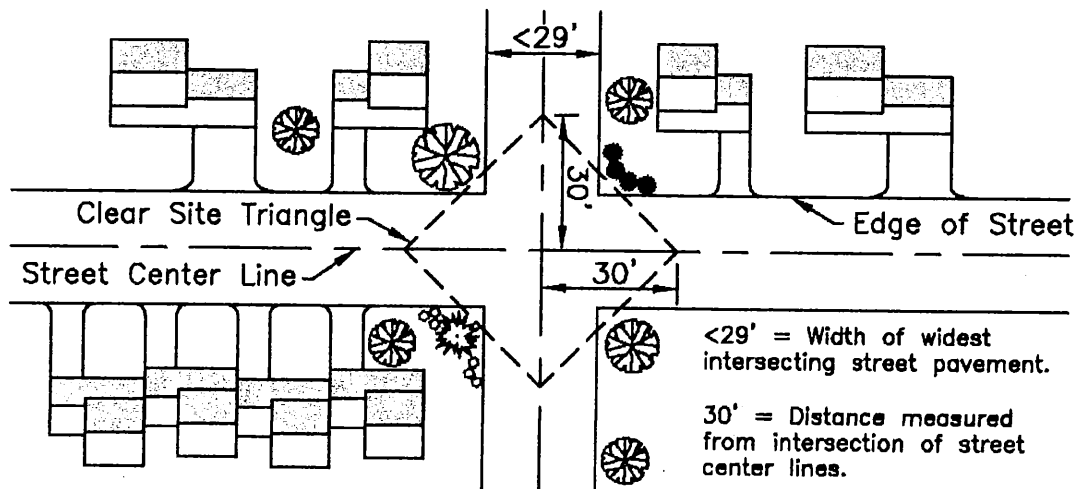
These Supplemental Regulations shall apply in all districts except where otherwise specified herein. Compliance with these regulations is the responsibility of the applicant, subject to verification by the Zoning Officer.

- A. **Visibility at Intersections:** No obstruction to vision (except street signs, utility poles or traffic signs approved by the Borough, and existing buildings, posts, columns or trees) shall be erected, placed, planted or allowed to grow in a manner that would impede vision between a height of thirty-six (36) inches and eight (8) feet above the grades of the intersecting streets. This area of unobstructed vision (i.e., Clear Sight Triangle) shall be determined by lines of sight between points that are a certain distance (as specified in Table 360-23A) from the center point of the intersection along the center line of both intersecting streets (see example in Figure 360-23A). Distance from the street intersection shall be determined, as follows:

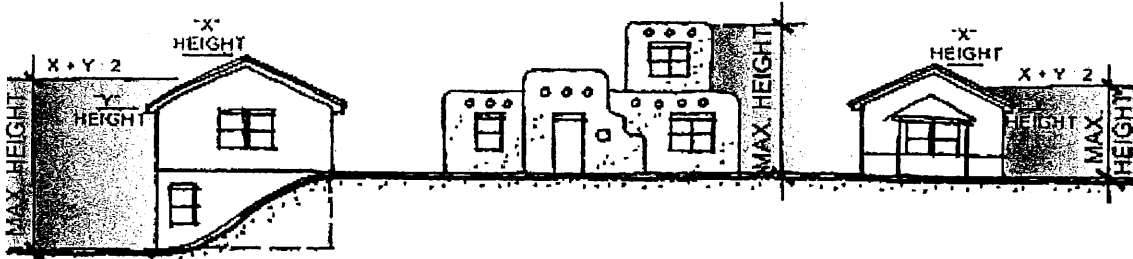
**Table 360-23A: Determination of Clear Sight Triangle**

Width of Pavement of the Wider Intersecting Street	Distance Along Center Line From Intersection
Less than 29 feet	30 feet
30 feet to 39 feet	40 feet
40 feet to 49 feet	50 feet
50 feet to 59 feet	60 feet
60 feet to 69 feet	70 feet

**Figure 360-23A**



- B. Modifications to Height Regulations: Chimneys, water tanks, solar panels or other similar types of appurtenances usually required to be placed above the roof level and not intended for human occupancy, shall be allowed to exceed maximum height regulations by 10 feet in all districts. Appurtenance heights exceeding this allowance must be approved by variance.



**Measurement of Height**

- C. Buildings to Have Access: All buildings hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Borough Council. All buildings shall be located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking, per §360-26.
- D. Corner Lot Restriction: On all corner lots there shall be provided the minimum front yard setback, and a minimum of one hundred fifty (150%) percent of the required side yard setback for the Zoning District in which the corner lot is situated.
- E. Lots in Two or More Districts: Where a district boundary line(s) divides any lot in single or joint ownership at the time such line is established, the more restrictive district regulations shall apply.
- F. Lot Area and Lot Width for Lots Not Served with Public Water and/or Sanitary Sewers: Any lot not served by a public water supply and/or sanitary sewer system, and where Municipal, County, State or Federal Regulations require a higher standard for lot area or lot width than is provided for in this Ordinance, shall be subject to the more restrictive standards.
- G. Right-of-Way Line: For purposes of measuring front yard setback requirements, the right-of-way line shall be established by actual deed or plan description. If no deed or plan description exists, said right-of-way line shall be established in all districts at a distance of twenty-five (25) feet from the center line of the road or street or one-half (1/2) of the road or street right-of-way, whichever is greater.
- H. Through Lots: Where a lot extends from a street to an alley, the property shall be deemed to front upon the street. Where a single lot under individual or joint ownership extends from one (1) public street to another parallel or nearly parallel public street, the front lot line shall be identified by the official U.S. Postal Address of any structure on the lot.



- I. Changes to Conforming Uses or Buildings: Any conforming use or building may be repaired, maintained, restored or rebuilt to the same dimensions existing at the time that use or building was originally constructed or started. Any enlargement or addition to any conforming use must comply with all area, setback, bulk, impervious coverage and other requirements of this Ordinance.
- J. Applicability of Additional Standards and Requirements: Applications involving subdivisions, land development, changes in use and major expansions are subject to the applicable sections of the Lewisburg Subdivision and Land Development Ordinance.
- K. Projections into Setback Areas: Exceptions to the setback area requirements in Article IV of this Ordinance shall be permitted only in the following instances:
  - (1) Canopies, eaves, uncovered first floor steps or landings, pergolas, arbors, trellises or other architectural landscaping features not required for structural support may project into required side, rear or front yard setback areas, but by no more than three (3) feet, as measured from the wall of the structure;
  - (2) Porches may project into the required front yard setback areas in all residential districts a maximum of three (3) feet, and into the rear yard setback areas of all residential districts a maximum of ten (10) feet;
  - (3) Fire escapes and stairs may project into the side or rear yard setback areas no more than twenty (20) feet but must include a minimum four (4) square foot landing which is within all lot lines;
  - (4) Off-street parking areas as required in §360-26 of this Ordinance;
  - (5) Room air conditioning units may project into the required setback areas by no more than eighteen (18) inches.
- L. Restrictions for Solid Waste Disposal: Owners and/or operators of facilities for the disposal of wastes subject to municipal, county, state and/or federal regulations shall verify that all methods and practices of solid waste disposal comply with all applicable municipal, county, state or federal statutes, regulations or Ordinances.
- M. Restrictions for Sewage and Liquid Waste Disposal: Owners and/or operators of facilities generating sewage and/or liquid waste subject to municipal, county, state and/or federal regulations shall verify that all sewage and liquid waste disposal practices comply with all applicable municipal, county, state or federal statutes, regulations or Ordinances.
- N. Restrictions for Air Pollution: Owners and/or operators of facilities generating or potentially generating emissions subject to municipal, county, state and/or federal regulations shall verify that all sources of air pollution shall comply with all rules and regulations as defined and established by any municipal, county, state or federal statute, regulation or Ordinance.

O. Forestry.

- (1) These provisions shall not apply to the harvesting of trees for personal use or the clearing of trees for non-commercial uses.
- (2) Forestry uses shall not adversely impact Jurisdictional Wetlands.
- (3) Applicants for a Zoning Permit for forestry uses shall be required to provide documentation that such operations will not adversely impact plants or animals listed as rare, threatened or endangered in the Pennsylvania Natural Diversity Index.
- (4) Applicants for a Zoning Permit for forestry shall be required to provide documentation that such operations will not adversely impact plants or animals deemed worthy of protection listed in the Natural Areas Inventory for Union County.
- (5) Applicants for a Zoning Permit for forestry shall provide copies of a Forestry Plan prepared by a professional forester and reviewed and approved by the Union County Conservation District.

**§360-24. Accessory Buildings, Structures and Uses**

- A. All accessory structures shall conform to the bulk, area, height and setback requirements established in each individual zoning district.
- B. Accessory structures are only permitted in the side or rear yards. Structures accessory to any residential use or structure shall not be erected less than ten (10) feet from any portion of the principal structure.
- C. Swimming Pools: Private non-commercial swimming pools that are designed to contain a water depth of twenty-four (24) inches or more shall have a continuous childproof barrier or fence not less than four (4) feet in height above the ground or deck level to surround the pool or yard in which the pool is located. Access to the pool shall be regulated by a lockable access way. Swimming pools with less than twenty-four (24) inches shall be exempt.
- D. Antenna and Satellite Dishes: Any free standing antenna or satellite dish on a mast over 12 feet in height and any satellite dish greater than (39") inches in diameter shall be considered an accessory structure. Any antenna or satellite dish to be erected in the historic district shall require a zoning permit and will be subject to HARB review, if visible from the public right-of-way.
- E. Solar Panels or Other Energy Generating Devices: Any free standing solar array or other energy generating device shall be considered an accessory structure. Any such energy generating device erected in the Historic District shall be subject to HARB review, if visible from the public right-of-way.

- F. Prohibited Accessory Uses: The following are specifically excluded as accessory uses, as noted:
- (1) Stationary or static trailers used primarily for storage or signage;
  - (2) Outdoor storage of equipment, supplies or other bulk materials, unless buffered by screening and/or enclosure.
- G. Other Accessory Uses: Nothing in this section shall be construed to limit other accessory uses not mentioned, so long as such uses are demonstrably accessory to the principal permitted use of the lot and do not create a threat to the public health, safety and welfare.

### **§360-25. Sign Regulations**

The purpose of this section is to regulate signage of all types visible from a public right of way for the following ends: to protect public safety by reducing potential hazards associated with signage, to protect and enhance property values, to preserve the residential character of neighborhoods, to protect open space, to create a more attractive business climate, and to protect and enhance the overall character of the Borough as an historic community.

- A. Only permanent and temporary signs as specified in this section are permitted. New signs may require a permit issued by the zoning officer, the cost of which shall be fixed by the Borough Council from time to time.
- B. Prohibited Signs
- (1) Flashing, intermittent, rotating, scrolling or motorized signs.
  - (2) Signs that make use of the words "stop," "look," "danger" or other words, phrases, symbols or characters in a manner that would tend to interfere with, mislead or confuse traffic or persons.
  - (3) String lights having a bulb size in excess of three-quarter (3/4) inch X one-quarter (1/4) inch used in connection with commercial premises for commercial purposes other than traditional decorations associated with holidays.
  - (4) Any display that makes use of spinners, balloons, searchlights, pinwheels and/or streamers.
  - (5) Off-premise signs other than general directional signs or commercial center signs as defined in this Ordinance, including advertisements for garage, yard or other neighborhood sales.
  - (6) Vehicles and/or trailers, including those signs which may be transported to the site on wheels or a truck, not used for normal day-to-day operations of a business or not regularly moved for business purposes and parked on private property in public view for the purpose of serving as a sign or displaying advertising.

- (7) Trademark signs in the Downtown Commercial (DC) and Bucknell University (BU) Districts, unless they are a corporate logo for the business conducted on the premises where the sign is located.
- (8) Internally illuminated signs and facade treatment, including those with electronic or video display, intended to draw attention to the structure or use, except as hereinafter specifically permitted.
- (9) Inflatable signs exceeding forty-eight (48) hours in any ninety (90) day time period.

C. Exempt Signs

- (1) Official highway route number signs, street name signs, directional, or other Official government (federal, state, county or borough) signs.
- (2) Public service signs, such as those advertising the availability of restrooms, telephones or similar public conveniences, and signs advertising meeting times and places of nonprofit service or charitable clubs, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods or services and do not exceed four (4) sq. ft. in area.
- (3) Government flags or insignias not exceeding eighty (80) sq. ft.
- (4) Vending machines bearing the brand name of the product being sold and/or price of such product.
- (5) Signs that are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided that the letters are not made of a reflective material nor contrast in color with the building.
- (6) A single revolving barbershop pole sign provided that it does not exceed thirty-six (36) inches in height.

D. Maximum Sign Area Permitted

(1) Per Individual Sign

- (a) Where a sign has more than one face, all faces that can be viewed simultaneously from any single vantage point shall be considered in determining the sign area.
- (b) When identifying letters, symbols, designs or characters are attached to or painted on a building, wall or window without an identifiable border or background, the area of such signs shall be calculated or computed based upon the smallest geometric shape that encompasses all of the letters, symbols, designs or characters.
- (c) When measuring the sign area of any freestanding sign, such measurement shall include all frames or structures to which the sign is attached, with the exception of a supporting pole or poles.

- (d) No single sign shall exceed sixty-four (64) sq. ft. in gross area, even though the building frontage may allow larger signs.
- (2) Per Structure or Lot
  - (a) Maximum gross area is determined by building frontage, one (1) square foot of sign area being permitted for each linear foot of building frontage, except in the Highway Commercial (HC) District. In the Highway Commercial (HC) District, two (2) sq. ft. of signage for each linear foot of building frontage shall be allowed. See the accompanying tables in this section for each district to determine the maximum area permitted for each type of permitted sign.
  - (b) Where a principal structure fronts on more than one (1) street, the gross sign area for the lot shall be determined by the smallest building frontage.
- E. Quantity: There shall be no more than three (3) individual signs permitted for any use. Credit card decals or signs less than twelve (12) square inches are exempt from this requirement except they may not number more than ten (10).
- F. Placement
  - (1) Permanent signs shall not be located in any public right-of-way.
  - (2) No sign shall be erected in such a manner that, in the opinion of the zoning officer, it creates an unsafe condition for motor vehicles, bicycles or pedestrian traffic.
    - (a) No sign shall be erected that in any manner obstructs free and clear vision at any intersection.
    - (b) No sign shall be erected where, by reason of size, position, shape or color, it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
  - (3) No sign shall obstruct the free ingress or egress to or from any door, window, fire escape or other exit; obstruct a window, door or other opening providing light or air; or interfere with the normal functioning of any building.
  - (4) No sign shall be erected upon the roof of any building, nor shall any sign extend above the height of the building measured at the lowest part of the roof or beyond the ends of the wall or surface to which it is attached.
  - (5) No sign shall be painted on rocks, trees or other natural features.
  - (6) No sign shall be attached to any government sign post, utility pole or fence.
  - (7) For purposes of this Ordinance, signs shall be exempt from front yard setbacks.
- G. Sign Safety: Every sign permitted by this Ordinance must be constructed of durable materials and kept in good condition or repair.

## H. Illumination

- (1) Signs may be lighted with non-glaring lights or may be illuminated by shielded floodlights. No sign shall have illumination that is flashing, moving or intermittent nor shall it be erected so that by reason of its location, brilliance, shape or color might be confused with or obstruct the view of any official traffic sign, signal or traffic marking. All electrically illuminated signs shall conform to the requirements of the Borough Building Code and Borough Electrical Code.
- (2) Individual design elements of signs, such as lettering, may be internally illuminated upon recommendation by the Historical and Architectural Review Board and approval by the Borough Council.
- (3) Decorative string lights on commercial premises shall be UL-listed exterior lights and shall have a weatherproof cover on the exterior outlet.

## I. Regulations Pertaining to Specific Types of Signs.

- (1) Address Signs and/or Nameplates: In addition to the street number required to be affixed to any structure, by Ordinance §120-1 of the Code of the Borough of Lewisburg, not more than one (1) sign displaying the street number and/or name of the occupant of the premises upon which it is erected, shall be allowed without permit.
  - (a) Such sign may be attached to a post not more than six (6) feet in height and at least three (3) feet from any right-of-way line.
  - (b) Such sign shall not exceed two (2) sq. ft. in area.
  - (c) Such sign may be in addition to such other signs as are permitted by the provisions of this section and shall be in addition to the maximum allowable sign area as established herein.
- (2) On-site Instructional Signs: Instructional signs that are on premises and designed to guide or direct vehicular and/or pedestrian traffic (with words such as "Entrance," "Exit," "Parking," "One Way" or similar instructions) are permitted without restriction as to number. Such signs shall not include any advertising copy, although the name or logo of the business is permitted. Such signs also shall not exceed two (2) sq. ft. in area, and the top of such sign shall be no greater than three (3) feet in height above the grade of the public street abutting or adjacent to said sign.
- (3) Freestanding Signs: There shall be only one (1) freestanding sign per frontage, with the exception of instructional signs. Freestanding signs shall have no more than two (2) faces.
- (4) Historical Tablets: Historical tablets are allowed, with permission of the HARB, provided that such tablet does not exceed four (4) sq. ft.

- (5) Marquee Signs
  - (a) Such signs may be painted on or attached flat against the surface of the marquee, but may not extend or project beyond the marquee or be attached to the underside thereof.
  - (b) Letters or symbols on such signs shall not exceed sixteen (16) inches in height.
  - (c) The bottom of such signs shall have a minimum clearance of nine (9) feet above the sidewalk.
- (6) Municipal Signs: None of the regulations or provisions set forth in this section shall apply to or in any way affect the authorized municipal signs of the Borough, including but not limited to traffic, parking and street maintenance signs.
- (7) Projecting Signs
  - (a) No sign(s) shall project beyond four (4) feet from the building or structure to which it (they) are attached.
  - (b) All projecting signs shall allow a minimum nine (9) foot clearance from finish grade.
  - (c) All signs overhanging any public right-of-way (including sidewalks) shall be covered by a liability insurance policy with a company authorized to conduct business in the Commonwealth of Pennsylvania.
- (8) Temporary Signs
  - (a) Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization are allowed without a permit, provided such signs shall not exceed thirty-two (32) sq. ft. in area and shall not be erected more than fourteen (14) days prior to the start of said campaign, drive or event, and shall be removed one (1) day after the completion of said campaign, drive or event.
  - (b) Temporary signs in residential districts intended to advertise yard, garage or neighborhood sales shall be allowed on-site for a period of no more than three (3) days in any month, without permits. Such signs shall not exceed nine (9) sq. ft. in area.
  - (c) Temporary over-the-street banners are allowed with a permit, as allowed by PennDOT and approved by the Borough Council.
  - (d) Temporary signs for contractors, developers, architects, engineers, builders, artisans and lenders erected and maintained on the premises where the work is being performed shall be allowed without a permit. The area of such a sign shall not exceed six (6) sq. ft. and shall be removed within fifteen (15) days of the completion of said work. There shall be no more than a total of two (2) such signs allowed, at any given

time, on the premises where the work is being performed.

- (e) Signs offering the sale or rental of the premises upon which the sign is erected shall be allowed without a permit. The area of such a sign shall not exceed six (6) sq. ft. and there shall not be more than one (1) such sign erected on the premises to be sold or rented, unless such premises fronts on more than one street, in which case, one sign may be erected on each street frontage. No "For Sale" or "For Rent" signs shall be located off-premises. No "For Sale" or "For Rent" signs shall be allowed to remain after the sale or rental of such premises.
  - (f) Signs indicating no trespassing or private use of a road, driveway or premises and signs controlling fishing or hunting on the said premises shall be allowed without a permit. The area of such signs shall not exceed two (2) sq. ft..
  - (g) Signs designed, intended or designated to influence the action of voters for either the passage or defeat of a law, statute, Ordinance, amendment, rule, regulation or other measure, or of a candidate for nomination or election to public office in a national, state or local election shall be allowed without a permit. Such signs shall not be erected prior to thirty (30) calendar days before a scheduled primary or general election or vote of a legislative or governing body and shall be removed within five (5) calendar days immediately following said election or vote. They are prohibited at all other times. They shall not be located in or upon public property, and they shall not be erected in such a manner that they will or reasonably may interfere with, obstruct, confuse, or mislead vehicular traffic. Such signs shall not exceed four (4) sq. ft. and a maximum of two (2) such signs per candidate are allowed for each lot.
  - (h) Each business shall be allowed one (1) Daily Special temporary sign in the Downtown Commercial, Highway Commercial and Mixed-Use districts with a permit. The sign shall only be displayed on-site on the days for which specials are being advertised and only during the business hours of operation. Such signs shall not exceed six (6) sq. ft..
  - (i) Each business shall be allowed one (1) Other Temporary sign in Downtown Commercial, Highway Commercial and Mixed-Use districts with an annual permit for a period of no more than one hundred four (104) days within any one-year period. The sign shall only be displayed during business hours of operation. Such signs shall not exceed six (6) sq. ft. in area in the Downtown Commercial and Mixed-Use districts and eighteen (18) sq. ft. in the Highway Commercial district.
- (9) Wall Signs: No wall sign shall project more than four (4) inches from the building surface, nor extend beyond the ends of the wall to which it is attached.



- (10) Window Signs: The total area of any window sign shall not exceed thirty (30) percent of the total glass area of that window and such sign shall advertise only on-premise use, activity, goods, services or products.
  - (11) Signs or bulletin or announcement boards for schools, houses of worship, hospitals, clubs or Multi-Family dwellings of more than ten (10) units are allowed with a permit. Such sign shall be on the same lot therewith and shall not exceed twenty (20) sq. ft. in area. No more than one (1) such sign shall be erected on any one street frontage.
  - (12) Neon signs.
    - (a) Neon signs may be permitted in the Downtown Commercial District upon recommendation by the Historical and Architectural Review Board and approval by the Borough Council. Council shall take the following into account in the consideration and action on neon signs in the DC District:
      - [1] Age and architectural style of the building in relation to the use of neon;
      - [2] Use of the building in relation to the historic use of neon.
    - (b) In the determination of the appropriate use of neon, Council shall require the submission of documentation by the applicant addressing items in this subsection.
    - (c) Neon signs (i.e., lighting) shall be permitted in the Highway Commercial (HC) District according to §360-29D(5)(e).
  - (13) In the case of a group of business uses, other than a shopping, office or commercial center, one free-standing sign shall be permitted that includes individual panels identifying the specific establishments at that location. Such signs shall not exceed the maximum sign area(s) provided for in Table 360-25N and Table 360-25O of this Ordinance, whichever might be applicable.
  - (14) Shopping, Office or Commercial Center Signs: Permitted are one (1) sign identifying the shopping, office or commercial center and one (1) directory sign identifying the establishments at that location. In addition, each occupant is permitted one (1) sign proximal to the entrance to each business or the common entrance. Total square footage of all signs must meet the permitted gross sign area for the building.
- J. Nonconforming Signs: Any sign legally permitted at the time of passage of this Ordinance that does not conform to the standards contained in this Ordinance shall be considered a nonconforming use and may continue until such time as the sign is replaced or relocated, the structure or size of the sign is altered in any way, or there is a change of use.

K. Removal of Signs

- (1) All signs and/or sign messages shall be removed from the premises within thirty (30) days of the date when the use advertised is no longer conducted.
- (2) When any sign becomes unsecure, in danger of falling or is otherwise unsafe, the zoning officer shall order the removal of said sign. If it is the determination of the zoning officer that the sign poses an imminent danger to the public the zoning officer shall have the power to remove the sign immediately, and the cost of the removal shall be borne by the owner of the property on which the sign was located.
- (3) Temporary or off-premise signs in the public right-of-way may be removed at any time without notice or approval of the governing body.
- (4) The zoning officer shall store any removed sign for ten (10) days, after which said sign shall be discarded if not claimed by the sign owner. Removal, storage or destruction shall be at the sign owner's expense.

L. Sign Regulations applicable in Residential Districts (RS, RT1, RT2 and RT3).

<b>Table 360-25L</b>					
<ul style="list-style-type: none"> <li>• <i>SF = Sq. ft.</i></li> <li>• <i>LF = Linear Feet</i></li> </ul>		Maximum Gross Area per Sign	Maximum Number per Property	Notes	Permit Required
<b>AWNING</b>		Not Allowed			
<b>FREESTANDING</b>					
	Address	2 SF	1	See §360-25I(1)	No
	Bulletin or Announcement Boards	20 SF	1 per street frontage		Yes
<b>MARQUEE</b>		Not Allowed			
<b>PROJECTING</b>					
	Bed-and-Breakfast	2 SF	1	See §360-25I(7)	Yes
	Home Occupation	2 SF	1	See §360-25I(7)	Yes
<b>TEMPORARY</b>					
	Non-Political Campaign, Drive or Event of a Civic, Philanthropic, Educational or Religious Organization	Not Allowed			
	Site and Project-Related Signs (Contractor, Engineer, Architect, Lenders, etc.)	6 SF	2	Removed within 15 days of the completion of work	No
	Sale or Rental/ Real Estate	6 SF	1 per street frontage	Removed immediately upon sale or rental of property	No
	Political	4 SF	2 per candidate	See §360-25I(8)(g)	No
	No Trespassing, Private Use of Road Driveway, Signs Controlling Fishing or Hunting	2 SF			No

<b>Table 360-25L</b>					
	<ul style="list-style-type: none"> <li>• <i>SF = Sq. ft.</i></li> <li>• <i>LF = Linear Feet</i></li> </ul>	Maximum Gross Area per Sign	Maximum Number per Property	Notes	Permit Required
<b>TEMPORARY – cont'd</b>					
	Advertisement for Garage, Yard or Neighborhood Sale	9 SF		No more than 3 days in any month	No
	Daily Special Temporary Signs		Not Allowed		
	Other Temporary Signs		Not Allowed		
<b>WALL</b>					
	Address	2 SF	1	See §360-25I(1)	No
	Bed-and-Breakfast	2 SF	1		Yes
	Bulletin or Announcement Boards	20 SF	1 per street frontage		Yes
	Home Occupation	2 SF	1		Yes
<b>WINDOW</b> Not Allowed (except for Political Signs and For Sale/ Rent signs)					

M. Sign Regulations applicable to the Mixed-Use (MU) District.

<b>Table 360-25M</b>					
<ul style="list-style-type: none"> <li>• <i>SF = Sq. ft.</i></li> <li>• <i>LF = Linear Feet</i></li> </ul>		<b>Maximum Gross Area per Sign</b>	<b>Maximum Number per Property</b>	<b>Notes</b>	<b>Permit Required</b>
<b>AWNING</b>		1 SF per LF of building frontage		6'9" Clearance	Yes
<b>FREESTANDING</b>					
	Address and/ or Nameplate	2 SF	1	See §360-25I(1)	No
	One use	2 SF	1	Maximum height: 9 ft above finish grade to top of sign	Yes
	Two or more distinct and separate uses	4 SF	1		
<b>MARQUEE</b>		1 SF per LF of building frontage		§360-25I(5)	Yes
<b>PROJECTING</b>		9 SF		§360-25I(7)	Yes
<b>TEMPORARY</b>					
	Non-Political Campaign, Drive or Event of a Civic, Philanthropic, Educational or Religious Organization	32 SF	1	Erected no more than 14 days prior to event. Removed one (1) day after completion of event	No
	Site and Project-Related Signs (Contractor, Engineer, Architect, Lenders, etc.)	6 SF	2	Removed within 15 days of the completion of work	No
	Sale or Rental/ Real Estate	6 SF	1 per street frontage	Removed immediately upon sale or rental of property	No
	Political	4 SF	2 per candidate	See §360-25I(8)(g)	No

<b>Table 360-25M</b>				
<b>Type</b>	<b>Maximum Gross Area per Sign</b>	<b>Maximum Number per Property</b>	<b>Notes</b>	<b>Permit Required</b>
<ul style="list-style-type: none"> <li>• <i>SF = Sq. ft.</i></li> <li>• <i>LF = Linear Feet</i></li> </ul>				
<b>TEMPORARY – cont'd</b>				
No Trespassing, Private Use of Road Driveway, Signs Controlling Fishing or Hunting	2 SF			No
Advertisement for Garage, Yard or Neighborhood Sale	9 SF		No more than 3 days in any month	No
Daily Special Temporary Signs	6 SF	1		Yes
Other Temporary Signs	6 SF	1	No more than 104 days in any one-year period	Yes Annually
<b>WALL</b>	1 SF per LF of building frontage	1	See §360-25I(9)	Yes
Address	2 SF	1	See §360-25I(1)	No
Bed-and-Breakfast	2 SF	1		Yes
Bulletins or Announcement Boards	20 SF	1 per street frontage		Yes
Home Occupation	2 SF	1		Yes
<b>WINDOW</b>	30% of glass area		§360-25I(10)	No

N. Sign Regulations applicable to the Downtown Commercial (DC) District.

<b>Table 360-25N</b>					
<ul style="list-style-type: none"> <li>• <i>SF = Sq. ft.</i></li> <li>• <i>LF = Linear Feet</i></li> </ul>		<b>Maximum Gross Area per Sign</b>	<b>Maximum Number per Property</b>	<b>Notes</b>	<b>Permit Required</b>
<b>AWNING</b>		1 SF per LF of building frontage	1	6'9" Clearance	Yes
<b>FREESTANDING</b>					
	Address	Not Allowed			
	One use	2 SF	1	Maximum height: 9 ft above finish grade to top of sign	Yes
	Two or more distinct and separate uses	4 SF	1		
<b>MARQUEE</b>		1 SF/LF of building frontage	1	See §360-25I(5)	Yes
<b>PROJECTING</b>		9 SF	1	See §360-25I(7)	Yes
	Bed-and-Breakfast	2 SF	1	See §360-25I(7)	Yes
<b>TEMPORARY</b>					
	Non-Political Campaign, Drive or Event of a Civic, Philanthropic, Educational or Religious Organization	32 SF	1	Erected no more than 14 days prior to event. Removed one (1) day after completion of event	No
	Site and Project-Related Signs (Contractor, Engineer, Architect, Lenders, etc.)	6 SF	2	Removed within 15 days of the completion of work	No
	Sale or Rental/ Real Estate	6 SF	1 per street frontage	Removed immediately upon sale or rental of property	No
	Political	4 SF	2 per candidate	See §360-25I(8)(g)	No

<b>Table 360-25N</b>					
<ul style="list-style-type: none"> <li>• <i>SF = Sq. ft.</i></li> <li>• <i>LF = Linear Feet</i></li> </ul>		Maximum Gross Area per Sign	Maximum Number per Property	Notes	Permit Required
Type					
<b>TEMPORARY – cont'd</b>					
No Trespassing, Private Use of Road Driveway, Signs Controlling Fishing or Hunting		2 SF			No
Advertisement for Garage, Yard or Neighborhood Sale		9 SF		No more than 3 days in any month	No
Daily Special Temporary Signs		6 SF	1		Yes
Other Temporary Signs		6 SF	1	No more than 104 days in any one-year period	Yes Annually
<b>WALL</b>		1 SF per LF of building frontage	1	See §360-25I(9)	Yes
Address		2 SF	1	See §360-25I(1)	No
Bed-and-Breakfast		2 SF	1		Yes
Bulletin or Announcement Boards		20 SF	1 per street frontage		Yes
Home Occupation		2 SF	1		Yes
<b>WINDOW</b>		30% of glass area		See §360-25I(10)	No



O. Sign Regulations applicable to the Highway Commercial (HC) District.

<b>Table 360-250</b>					
<ul style="list-style-type: none"> <li>• <i>SF = Sq. ft.</i></li> <li>• <i>LF = Linear Feet</i></li> </ul>		Maximum Gross Area per Sign	Maximum Number per Property	Notes	Permit Required
<b>AWNING</b>		1 SF per LF of building frontage		6'9" Clearance	Yes
<b>FREESTANDING (No Frontage on Route 15)</b>					
	Address	2 SF	1	See §360-25I(1)	No
	One or two Distinct and Separate Uses	30 SF	1	Maximum height: 9 ft above finish grade to top of sign	Yes
	Three or more Distinct and Separate Uses	60 SF	1	Maximum height: 15 ft above finish grade to top of sign	Yes
<b>FREESTANDING (Frontage on Route 15)</b>					
	Address	2 SF	1	See §360-25I(1)	No
<b>MARQUEE</b>		2 SF per LF of building frontage		See §360-25I(5)	Yes
<b>PROJECTING</b>		9 SF		See §360-25I(7)	Yes
<b>TEMPORARY</b>					
	Non-Political Campaign, Drive or Event of a Civic, Philanthropic, Educational or Religious Organization	32 SF	1	Erected no more than 14 days prior to event. Removed one (1) day after completion of event	No
	Site and Project-Related Signs (Contractor, Engineer, Architect, Lenders, etc.)	6 SF	2	Removed within 15 days of the completion of work	No
	Sale or Rental/ Real Estate	6 SF	1 per street frontage	Removed immediately upon sale or rental of property	No
	Political	4 SF	2 per candidate	See §360-25I(8)(g)	No

Table 360-250					
Type	<ul style="list-style-type: none"> <li>• <i>SF = Sq. ft.</i></li> <li>• <i>LF = Linear Feet</i></li> </ul>	Maximum Gross Area per Sign	Maximum Number per Property	Notes	Permit Required
<b>TEMPORARY – cont'd</b>					
No Trespassing, Private Use of Road Driveway, Signs Controlling Fishing or Hunting		2 SF			No
Advertisement for Garage, Yard or Neighborhood Sale		9 SF		No more than 3 days in any month	No
Daily Special Temporary Signs		6 SF	1		Yes
Other Temporary Signs		18 SF	1	No more than 104 days in any one-year period	Yes Annually
<b>WALL</b>		2 SF per LF of building frontage			Yes
Address		2 SF	1	See §360-25I(1)	No
<b>WINDOW</b>		30% of glass area		See §360-25I(10)	No

P. Sign Regulations applicable to the Bucknell University (BU) District.

<b>Table 360-25P</b>					
<ul style="list-style-type: none"> <li>• <i>SF = Sq. ft.</i></li> <li>• <i>LF = Linear Feet</i></li> </ul>		<b>Maximum Gross Area per Sign</b>	<b>Maximum Number per Property</b>	<b>Notes</b>	<b>Permit Required</b>
<b>AWNING</b>		1 SF per LF of building frontage		6'9" Clearance	Yes
<b>FREESTANDING</b>					
	Address	2 SF	1	See §360-25I(1)	No
	One or two Distinct and Separate Uses	15 SF	1	Maximum height: 9 ft above finish grade to top of sign	Yes
	Three or more Distinct and Separate Uses	24 SF	1		
<b>MARQUEE</b>		1 SF per LF of building frontage		See §360-25I(5)	Yes
<b>PROJECTING</b>		9 SF		See §360-25I(7)	Yes
<b>TEMPORARY</b>					
	Non-Political Campaign, Drive or Event of a Civic, Philanthropic, Educational or Religious Organization	32 SF	1	Erected no more than 14 days prior to event. Removed one (1) day after completion of event	No
	Site and Project-Related Signs (Contractor, Engineer, Architect, Lenders, etc.)	6 SF	2	Removed within 15 days of the completion of work	No
	Sale or Rental/ Real Estate	6 SF	1 per street frontage	Removed immediately upon sale or rental of property	No
	Political	4 SF	2 per candidate	See §360-25I(8)(g)	No

<b>Table 360-25P</b>				
<ul style="list-style-type: none"> <li>• <i>SF = Sq. ft.</i></li> <li>• <i>LF = Linear Feet</i></li> </ul> <b>Type</b>	<b>Maximum Gross Area per Sign</b>	<b>Maximum Number per Property</b>	<b>Notes</b>	<b>Permit Required</b>
<b>TEMPORARY – cont'd</b>				
No Trespassing, Private Use of Road Driveway, Signs Controlling Fishing or Hunting	2 SF			No
Advertisement for Garage, Yard or Neighborhood Sale	9 SF		No more than 3 days in any month	No
Daily Special Temporary Signs	Not Allowed			
Other Temporary Signs	Not Allowed			
<b>WALL</b>	1 SF per LF of building frontage			Yes
Address	2 SF	1	See §360-25I(1)	No
<b>WINDOW</b>	30% of glass area		See §360-25I(10)	No

**§360-26. Off-Street Parking and Loading Areas**

The purpose of this section is to reduce traffic congestion on public streets by requiring that all new development activities provide off-street parking and loading areas. The following regulations are intended to guide the design of more efficient off-street parking facilities and load areas, to improve emergency access, to minimize development problems with neighboring uses and to provide for special parking needs for handicapped drivers, bicycles and motorcycles.

**A. General Parking Impositions and Prohibitions**

- (1) When applying for a zoning permit to construct, remodel, occupy or change any structure or any use on a parcel or of a structure, a parking site plan must accompany the zoning application.
- (2) Property owners and residents shall conform at all times to the parking requirements and/or parking plan that is part of the approved land development or zoning application.

- (3) With the exception of parking spaces for single- and two-family residential units with fewer than four (4) spaces per property, off-street parking areas and access drives shall be of a weather proof and cohesive surface comprised of concrete, bituminous pavement, bricks, pavers or other materials, as approved by the zoning officer or required by the Borough Subdivision and Land Development Ordinance, as applicable.
  - (4) The repair or maintenance of vehicles of any kind, except for emergency repairs, shall not be permitted in any public parking space or public lot.
  - (5) Unless a permitted use in the respective district, only emergency repairs or repairs made to vehicles owned by the property occupant shall be permitted in any parking area or accessory structure.
  - (6) All vehicles which require state licensing and inspection - including but not limited to cars, trucks, motorcycles, boats and trailers- and which are not currently licensed and inspected shall not be parked or stored on any public street or on any lot in any residential district or in residential use unless said vehicle is in a completely enclosed building.
  - (7) Existing uses and buildings approved prior to the enactment of this Ordinance shall be exempt from the requirements of §360-26. If a use is changed, altered or expanded, or the number of residential uses is expanded, such changes will automatically terminate all exemptions to the requirements of this Ordinance and any subsequent amendments.
  - (8) All uses containing drive-in/ drive-through uses shall contain a stacking or waiting lane, in conformance with §360-26F and Table 360-26F(1) of this Ordinance.
  - (9) Off-street parking for nonresidential uses in the Downtown Commercial District is not required.
  - (10) All parking facilities shall be adequately maintained.
- B. Determination of Required Number of Off-Street Parking Spaces
- (1) The required number of off-street parking spaces for specific uses shall be calculated using Table 360-26B of this Ordinance.

<b>Table 360-26B — Parking Requirements</b>	
<b>Type of Use *</b>	<b>One (1) Space for Each</b>
Offices, retail businesses and customer service establishments	300 sq. ft. of floor area plus one (1) per employee**
Restaurants, taverns, nightclubs	3 seats
Professional offices	Employee** plus three (3) spaces, or five (5) total spaces, whichever is greater In the RT-3 District a minimum of three (3) off- street parking spaces in addition to those required for the residence(s)
Motels, hotels	Sleeping room plus one (1) for each employee**
Inns, Bed-and-Breakfast establishments	Sleeping room in addition to those required for the residence(s)
Cinemas, theaters and auditoriums	Five (5) seats, based on maximum capacity
Elementary and secondary public, private, and religiously affiliated schools	Employee** plus three (3) for each classroom
Technical and commercial schools	5 classroom seats plus one (1) for each employee**
Child and adult day care centers	Employee** plus three (3) spaces, in addition to those for the residence, where applicable
Social halls, club, and lodges	200.0 sq. ft. of floor area
Recreation Facilities and Community Centers	200.0 sq. ft. of floor area plus one (1) per employee**
Bowling alleys	Two (2) alleys plus one (1) per employee**
Open-air markets	300 sq. ft. of utilized outdoor space
Hospitals, assisted living and nursing care facilities	2 beds, plus one (1) per employee**
Group care facilities	Employee** plus three (3) spaces
Independent living units that are part of a nursing care complex or retirement community	Independent living unit
Funeral homes	5.0 seats, based on maximum capacity
Rooming or Lodging houses	Rental bedroom
Boarding houses	Rental bedroom, plus those for the residence
Dormitories and fraternities	Three (3) persons in residence
Manufacturing plants and laboratories	Employee**, but in no case shall the parking area be less than twenty-five (25) percent of the floor area

Type of Use *	One (1) Space for Each
Wholesale establishments and warehouses	Employee**, plus one additional space for each one thousand (1,000) feet of floor area
Houses of worship	5 seats, based on maximum capacity
Automotive, building supply and/or equipment sales	1,500 sq. ft. of indoor and outdoor sales area
Medical clinics	250 sq. ft. of gross floor area

NOTES:		
	*	Off-street parking requirements for nonresidential uses are waived in the Downtown Commercial District.
	**	Includes owner(s)/operator(s)

- (2) Parking for Residential Uses not Specified in Table 360-26B.
- (a) For single- and two-family dwellings there shall be two (2) spaces per dwelling unit.
  - (b) For other residential densities there shall be one (1) space for each two hundred (200) sq. ft. of habitable floor area in the unit, documented by floor plans supplied by the applicant.
  - (c) The required number of spaces for home occupations shall be determined by the Zoning Hearing Board when considering the Special Exception Use application per §360-21.C.
  - (d) For all other uses not specified in Table 360-26B, the zoning officer shall apply the off-street parking standard specified for the listed use that is deemed by the zoning officer to be most similar to the proposed use.
- (3) Other Requirements
- (a) All references to floor area in Table 360-26B shall be defined as gross floor area and shall involve gross floor area of the structure containing the use, or in the case of outdoor uses the gross area of where the use occurs.
  - (b) For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.
  - (c) Buildings and parcels containing more than one (1) use shall provide parking spaces equal to the sum of the spaces required by all the uses of that parcel or in that building, unless the applicant documents that spaces may be shared due to different operational hours. The number of spaces

required shall be determined by the use requiring the highest number of spaces.

- (d) Where off-street parking requirements are specified by Special Exception requirements (§360-21 of this Ordinance), those requirements shall take precedence over Table 360-26B.
- (e) Designated Parking for Physically Handicapped Persons: A portion of the total number of required off-street parking spaces in each public off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking requirements. The minimum number of handicapped spaces to be provided shall be determined from Table 360-26B(2).

<b>Total Parking Spaces Provided</b>	<b>Minimum Number of Accessible Spaces</b>	<b>Minimum Number of Van-Accessible Spaces</b>	<b>Minimum Number of Car-Accessible Spaces</b>
6 — 12	1	1	
13 — 35	2	1	1
36 — 50	3	1	2
51 — 75	4	1	3
76 — 100	5	1	4
101 — 150	6	1	5
151 — 200	7	1	6
201 — 300	8	2	6
301 — 400	9	2	7
401 — 500	10	2	8

- C. Off-Site Parking: To meet the required number of parking spaces, off-site or remote parking may be permitted as a Conditional Use by the Borough Council. All applicants for off-site or remote parking shall meet the following standards.
  - (1) Off-site or remote parking facilities shall be located within two hundred (200) feet of the parcel containing the principal use.
  - (2) The designated walking path between a use and an off-site parking site shall not cross streets except at designated cross walks. In the interest of public safety, no walking path to a principal use shall cross U.S. Route 15.
  - (3) The person applying for the Conditional Use of off-site parking shall provide a copy of the written contract with the owner of the off-site parking space(s) that rents or otherwise gives the applicant use of said space(s). The Conditional Use permit expires with the expiration or cancellation of the contract or if Borough monitoring identifies a pattern of abuse by intended



users.

D. General Design Standards for Off-Street Parking and Accesses

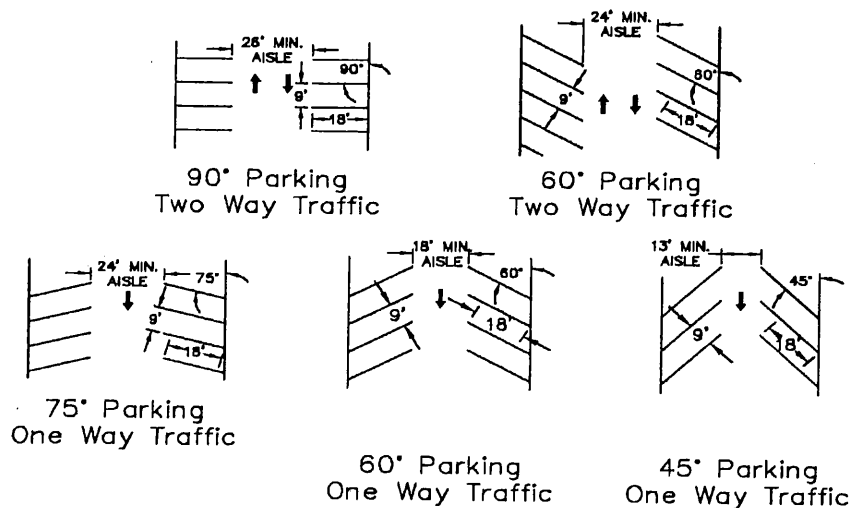
(1) Location and Setbacks for Off-Street Parking

- (a) Privately owned parking areas shall be located on the same lot as the principal use to which they are accessory, except as permitted in §360-26C.
- (b) Off-street parking shall be permitted only in the area behind the principal structure, except in the Residential Suburban (RS) and Highway Commercial (HC) districts, where this restriction does not apply, and in the Residential Town districts (RT1, RT2, and RT3) where curb cuts for parking to the side of the principal structure exist at the time of the enactment of this Ordinance.
- (c) In all districts the setback for parking areas with five (5) or more spaces shall be a minimum of five (5) feet from property lines, eight (8) feet from alleys and fifteen (15) feet from public streets.

(2) Parking Space Dimensions

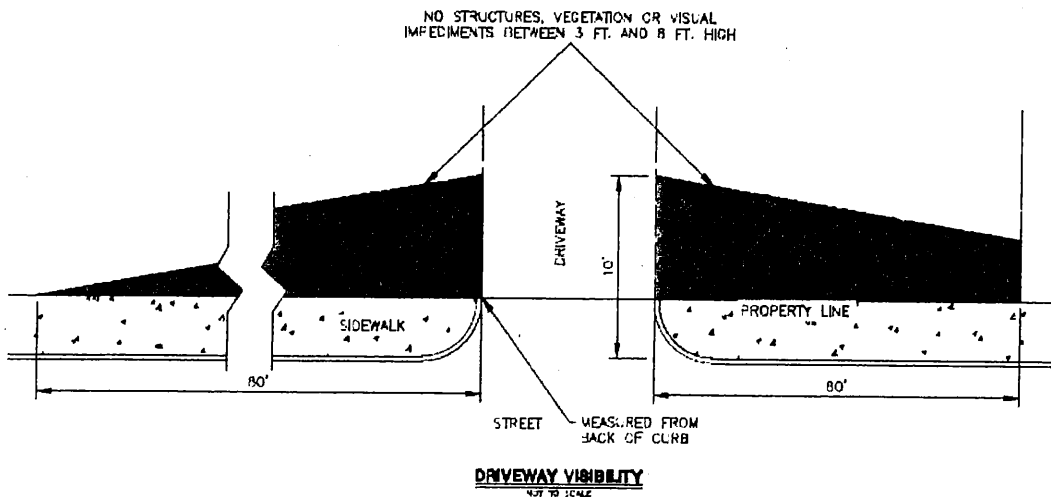
- (a) Angle spaces shall be a minimum of nine (9) feet by eighteen (18) feet.
- (b) Parallel spaces shall be a minimum of ten (10) feet by twenty (20) feet and perpendicular spaces shall be a minimum of nine (9) feet by eighteen (18) feet.

- (3) Parking Lot Aisles: Aisles shall be wide enough to allow for both the safe and orderly flow of traffic and the safe and orderly movement of vehicles into and out of parking spaces. Depending on the angle of the parking spaces, the aisle widths shall be as illustrated in the drawings below:



(4) Access to Parking Areas

- (a) All off-street parking facilities shall have accesses that extend between well-defined points. No off-street parking facility shall occupy the full width of the lot along any street from which it derives its access. Accesses shall be designed to insure safety for adjoining or nearby uses and pedestrian traffic.
- (b) For any parking lot with five (5) or more spaces, the width of its access(es) at the point of intersection with a public right-of-way shall not be less than ten (10) feet for one-way traffic or twenty (20) feet for two-way traffic, but in no case shall the width be more than twenty-two (22) feet.
- (c) For accesses, including driveways, comprising fewer than five (5) parking spaces, the width at the point of intersection with a public right-of-way shall not be less than ten (10) feet or greater than twenty-two (22) feet.
- (d) The Borough Council, after consultation with a professional engineer, may require accesses to have widths that exceed those stated in §360-26D(4)(b) and §360-26D(4)(c), where unusual traffic, grade or site conditions exist. In addition, the Borough Council may require accesses to be constructed with full curb returns and handicapped ramps, rather than curb depressions.
- (e) All accesses shall be at least fifty (50) feet from any intersection.
- (f) The visibility from an access shall not be blocked between a height of thirty six (36) inches and eight (8) feet above the grades of the intersecting streets for a depth of ten (10) feet from the face of the curb. This visibility zone shall extend for at least eighty (80) feet in each direction along any public right-of-way.



- (g) For all nonresidential uses and for all parking lots with five (5) or more spaces, each off-street parking space shall have its own access onto an aisle or driveway.
  - (h) In parking lots with five (5) or more spaces that permit two-way traffic, paved accesses shall have directional arrows and a traffic separation stripe the length of the access.
  - (i) For additional regulations concerning driveways see Chapter 158 of the Borough's Code of Ordinances.
- (5) Designated Parking for Physically Handicapped Persons
- (a) All parking spaces reserved for persons with disabilities shall comply with the most current revision of the Uniform Construction Code (UCC) or this section, whichever is more restrictive. Such spaces shall comply with parking space dimension standards of this section, in addition to which there shall be provided boarding areas abutting such spaces in the following dimensions:
    - [1] Car-Accessible Spaces: Car-accessible spaces shall have at least a five (5) foot wide boarding area. Two (2) such spaces may share a boarding area where both are contiguous and parallel to the boarding area.
    - [2] Van-Accessible Spaces: Van-accessible spaces shall have at least an eight (8) foot wide boarding area. Two (2) such spaces may share a boarding area where both are contiguous and parallel to the boarding area.
  - (b) Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path and, where feasible, without crossing traffic lanes.
  - (c) Required spaces for persons with disabilities shall have signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking spaces at a height of no less than forty-two (42) inches and no more than seventy-two (72) inches above pavement level.
- (6) Markings
- (a) Where there are five (5) or more parking spaces, the spaces shall be identified by surface markings, which shall be arranged to provide for the orderly and safe loading, unloading and parking, as well as free circulation of vehicles.
  - (b) All markings for parking, including striping, directional arrows, lettering on signs and in handicapped-designated areas and field color, are required to be maintained so as to be highly visible.

- (7) Screening and Landscaping Requirements per §360-30
- (8) Miscellaneous Standards
  - (a) All parking facilities containing five (5) or more spaces shall be required to provide bumper blocks, not exceeding six (6) inches in height, for all spaces if concrete curbing is not utilized.
  - (b) All parking facilities containing five (5) or more spaces shall be lighted in compliance with the provisions of §360-29 of this Ordinance.
  - (c) All stormwater management facilities, including but not limited to basins, ponds, swales and drainage piping, shall comply with the Borough's Stormwater Management Ordinance and the applicable watershed stormwater management plan.
  - (d) No parking facility shall be designed so that parked vehicles overhang any sidewalks.

E. Passenger Drop-Off Areas and Pick-Up Areas

- (1) All schools and public or private institutional and recreational uses shall provide an on-site area for drop-offs and pick-ups.
- (2) A traffic circulation plan shall be submitted to the zoning officer for approval prior to the issuance of any permits for the use.
  - (a) The plan shall describe proposed measures for ensuring safe and efficient traffic circulation on-site and in the area surrounding the subject site.
  - (b) The plan shall also include information about the number of enrollees or users; the hours of operation and peak loading and unloading times; the projected number of vehicles that will be using the loading and unloading area; plans for directing traffic within the area and other safety measures; and other information deemed necessary by the zoning officer.
- (3) Required drop-off and pick-up areas for schools (public or private) that do not provide or utilize bus transportation on a regular basis shall be three (3) twelve (12) foot by twenty (20) foot spaces for every thirty (30) students. Schools that do provide or utilize bus transportation on a regular basis shall provide, in addition to the aforementioned spaces, one (1) school bus space for every thirty (30) students, but no more than nine (9) school bus spaces are required. Drop-off and pick-up spaces shall not be counted when determining the number of required off-street parking spaces.
- (4) Drop-off and pick-up areas may be adjacent to a roadway, primary access or aisle, but they shall be located far enough off the roadway access or aisle that they do not disrupt the flow of traffic on the roadway.

- (5) Minimum widths for drop-off areas shall be twelve (12) feet for one-way traffic and twenty-four (24) feet for two-way traffic.
- (6) Any drop-off and pick-up areas shall be a minimum of fifty (50) feet from any intersection.
- (7) Passenger drop-off areas shall be paved in a manner acceptable to the Borough and shall be graded and drained so as to comply with all applicable stormwater management regulations.

F. Stacking spaces. Certain nonresidential uses dependent on vehicular traffic shall require vehicle stacking areas. The vehicle stacking standards of this subsection shall apply unless otherwise expressly approved by the professional engineer retained by the Borough. Stacking spaces shall not be counted in determining the number of required off-street parking spaces.

- (1) Minimum Number of Spaces - Off-street stacking spaces shall be provided as specified in Table 360-26F(1).

<b>Table 360-26F(1) - Stacking Requirements</b>		
<b>Activity Type</b>	<b>Minimum Stacking Spaces</b>	<b>Measured From</b>
Bank Teller Lane	4	Teller or Window
Automated Teller Machine	3	Teller Machine
Restaurant Drive-Through	6	Order Box
Restaurant Drive-Through	4	Order Box to Pick-Up Window
Car Wash Stall, Automatic	6	Entrance
Car Wash Stall, Self-Service	3	Entrance
Gasoline Pump Island	2	Pump Island
Other (as determined by Borough)	Determined by parking study supplied by applicant.	

- (2) Required stacking spaces are subject to the following design and layout standards.
  - (a) Stacking spaces must be a minimum of eight (8) feet by twenty (20) feet in size.

- (b) Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.
- (c) Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Borough for traffic movement and safety.

G. Off- Street Loading Spaces

(1) General Requirements

- (a) Loading docks shall be provided for all uses specified in Table 360-26G for uses that require the loading of any truck requiring a CDL, unless proof is provided that the specific use does not require a loading dock.

<b>Table 360-26G - Loading Space Requirements</b>	
<b>Type of Use</b>	<b>Number of Loading Spaces per Sq. ft. of Total Floor Area</b>
Commercial, including warehouses	1 space per 10,000 sq. ft. GFA* or fraction thereof
Industrial, Transportation	1 space per 20,000 sq. ft. GFA* or fraction thereof
Public and Recreational Uses**	1 space per 40,000 sq. ft. GFA* or fraction thereof (unless under 10,000 sq. ft. GFA in which case no loading space is required)

*	See Article II — Definitions: Floor Area, Gross (GFA)
**	In calculating the number of spaces required for public and recreational spaces the square footage of roofed structures, not of open fields, needs to be considered.

- (b) No repair work or servicing of vehicles, except for emergency repairs, shall be conducted in a loading space.
- (c) If more than one (1) use is located on a parcel or lot, the number of loading spaces provided shall be equal to the sum of the requirements prescribed in Table 360-26G for each use.
- (d) In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements.
- (e) In no case where a building is being erected, converted or enlarged for commercial, manufacturing or business purposes shall a public right-of-way be used for loading or unloading materials.

(2) Location and Design Standards

- (a) All off-street loading spaces shall be located on the same parcel or lot as the use they are intended to serve.

- (b) Loading spaces shall not be located within any front, side or rear setbacks; however, rear or side setbacks may be used for maneuvering.
- (c) Each loading space shall not be less than forty-five (45) feet in length and twelve (12) feet in width and shall have an overhead clearance of not less than fourteen (14) feet, except that for mortuaries, cemeteries, columbarium's, and crematories a loading berth used exclusively for hearses shall not be less than twenty-four (24) feet in length and ten (10) feet in width and shall have an overhead clearance of not less than eight (8) feet.
- (d) Each loading space shall have unobstructed access from a street, alley or service drive.
- (e) Sufficient room for turning and maneuvering vehicles shall be provided on the side of the loading space, except that not more than one (1) loading space per site may be located in a manner that would necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.
- (f) If loading spaces are illuminated, they shall comply with the provisions of §360-29 of this Ordinance.
- (g) All loading spaces shall be screened in accordance with the provisions of §360-30 of this Ordinance.
- (h) Loading spaces and their accesses shall be paved in a manner acceptable to the Borough and shall be graded and drained so as to comply with all applicable stormwater management regulations.

### **§360-27. Fences and Walls**

- A. Fences may be erected, altered and maintained along property lines if the adjoining property owner provides a written agreement of concurrence. If there is no agreement with the adjoining property owner the fence must be placed a minimum of six (6) inches from property line.
  - (1) Determining the site of a fence is the responsibility of the applicant and the Borough assumes no responsibility in relation to actual property lines.
  - (2) The applicant is advised to take into consideration future maintenance needs when determining the site of a fence.
  - (3) Fences shall not impede access by emergency services personnel.
- B. Fence or wall heights shall be measured from finished grade to the top of the fence or wall at its highest point. Unless expressly provided otherwise in this Ordinance, fences and walls shall comply with §360-23A, as well as the following general standards.

- (1) The maximum height of a fence or wall in a residential zoning district shall be six (6) feet, except in required front setbacks, where the maximum height of a fence or wall shall be forty-eight (48) inches.
  - (2) The maximum height of a fence or wall in all other zoning districts shall be eight (8) feet.
- C. Solid fences are permitted in side and rear yards only. Barbed wire and razor wire fences are prohibited in all districts.
- D. In locations where potential health or safety hazards may arise, a secure fence which prevents access is required to be erected and maintained.
- E. Fences and walls in the Historic Overlay District are under the purview of the Historical and Architectural Review Board. Construction, demolition or major alteration of fences and walls in the Historic District requires HARB review.

### **§360-28. Residential Protection Standards**

- A. Operational Compatibility Standards: Upon the recommendation of the Zoning Officer, the Borough Council shall be authorized to impose conditions of approval of any permit for any nonresidential use located adjacent to a residential use or district to reduce or minimize any potentially adverse impacts on residential property unless said permit requires a special exception. In this case the Zoning Hearing Board shall be authorized to impose conditions. Such conditions may include but shall not be limited to the following:
- (1) Hours of operation and deliveries;
  - (2) Location on a site of activities that generate potential adverse impacts on adjacent uses such as noise, dust, odor, glare, etc.;
  - (3) Placement of trash receptacles;
  - (4) Lighting location, intensity and hours of illumination;
  - (5) Placement and illumination of outdoor vending machines, telephones and similar outdoor services and activities;
  - (6) Additional landscaping and buffering;
  - (7) Additional height restrictions to preserve light, air rights, privacy and views of significant features from public property and rights-of-way;
  - (8) Preservation of natural lighting and solar access;
  - (9) Ventilation and control of odors, fumes and gases;
  - (10) Additional dust control paving.
- B. Setbacks: Any new nonresidential structure in a nonresidential district shall maintain fifty (50) foot side and rear setbacks from any adjacent existing residential use.



**§360-29. Outdoor Lighting**

The purposes of this section are to set and require minimum standards for outdoor lighting practices and installations that provide for safety and security, promote energy conservation, minimize adverse impacts of outdoor lighting, such as glare and light trespass, and protect and retain the intended visual character of the various Borough districts.

**A. General Requirements**

(1) Outdoor off-street lighting shall meet the applicable standards as follows:

<b>Table 360-29A - Outdoor Area Lighting Standards</b>			
<b>Zoning District</b>	<b>Maximum Permitted Illumination (footcandles) at the Property Line</b>	<b>Maintain Minimum Illumination (footcandles) in Parking and Pedestrian areas</b>	<b>Maximum Permitted Height of Luminaire</b>
Highway Commercial (HC)	0.5 (0.1 where adjoining a private property line in a Residential District)	0.2	20 feet
Downtown Commercial (DC)	0.5 (0.1 where adjoining a private property line in a Residential District)	0.2	20 feet
RS, RT1, RT2, RT3	0.1	0.2 (commercial parking areas only)	12 feet
Bucknell University District (BU)	0.5 (0.1 where adjoining a non-campus residential property)	0.2	12 feet
Mixed Use District (MU)	0.5 (0.1 where adjoining a private property line in a Residential District)	0.2	20 feet
Open Space (OS)	0.5 (0.1 where adjoining a private property line in a Residential District)	0.2 (in parking areas only)	At the discretion of Borough Council
Note 1.	The maximum permitted illumination is measured in footcandles at the property lines at ground level.		
Note 2.	Lights illuminating the living space of balconies of multi-story buildings shall not be subject to the twelve (12) foot height limitation. Such lighting shall not include flood, spot or directional lighting and shall be shielded so that neither light trespass nor glare occurs.		

- (2) Except where noted in §360-29E(3) and §360-29E(4), all luminaires used in outdoor lighting installations primarily intended for illumination of horizontal surfaces shall be cutoff luminaire types.
    - (a) Such installations shall include, but not be limited to, the following:
      - [1] Pole-mounted luminaires
      - [2] Luminaires mounted on the exterior of buildings and structures
      - [3] Luminaires mounted on or within exterior canopies of buildings or in freestanding canopies
      - [4] Pedestal or bollard-mounted luminaires
    - (b) Cutoff luminaires shall not be installed or subsequently placed in a canted or tilted position that permits candlepower distribution above the horizontal plane of the luminaire.
  - (3) All outdoor lighting fixtures maintained on public or private property shall be turned off between 11:00 p.m. (E.S.T.) and sunrise, except in the following cases:
    - (a) When commercial, industrial or governmental uses are operational during these hours, but only while the business is being conducted
    - (b) Security lighting as approved by the zoning officer
    - (c) When safety or security lighting is needed for closed businesses during these hours, as approved by the zoning officer. During these hours the lighting intensity levels shall not exceed twenty-five (25) percent of the levels normally permitted by this section.
    - (d) Motion-activated lighting
    - (e) When supervised activities are taking place in parks, playgrounds or recreation areas.
- B. Nonconforming Lighting. Outdoor luminaires and lighting systems existing prior to the effective date of this Ordinance are protected and may continue as nonconforming structures or uses, except as noted below (§360-29B(1), (2) and (3)). Such lighting shall also conform to the regulation in §360-29A(3). Nonconforming luminaires and lighting systems may be maintained and repaired. Maintenance and repair means replacement of burnout or inoperative lamps and/or replacement or repair of damaged or inoperative luminaire components like ballasts, ignitors, lenses, reflectors, refractors, sockets or photocell controls.
- (1) Nonconforming luminaires that pose a safety hazard to pedestrian or vehicular traffic shall be shielded or redirected to eliminate the hazard.

- (2) Nonconforming luminaires that cause light trespass in excess of the limits given in Table 360-29A shall, if possible, be shielded or redirected to eliminate the trespass.
  - (3) When nonconforming luminaires are replaced with new luminaires or when nonconforming lighting systems are expanded or extended, such replacement, expansion or extension shall be done in accordance with all applicable provisions of this section.
- C. Exempt Lighting. The following luminaires and/or lighting installations are exempt from the requirements of this section.
- (1) Federal- and state-required security lighting and air travel safety lighting
  - (2) Temporary holiday and special event lighting, except that non-cutoff luminaires shall not exceed 2300 lumens and shall be situated to prevent glare and light trespass.
  - (3) Municipal streetlights, except that the maximum height of the luminaire shall be twenty-five (25) feet.
  - (4) Temporary lighting used by fire, police, rescue or repair personnel for emergencies or road repair work
  - (5) Lighting for municipal parking lots
- D. Specific Applications
- (1) Outdoor Canopy: The provisions in this section apply to (1) all canopies associated with service stations and convenience stores, (2) all canopies over store and office fronts, (3) all marquees and projecting overhangs, (4) exterior canopies over driveways and building entrances and (5) pavilions and gazebos.
    - (a) Luminaires mounted beneath canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is cut-off at less than ninety (90) degrees.
    - (b) Luminaires shall not be mounted on the top or sides (fascias) of the canopy and the sides (fascias) of the canopy shall not be illuminated.
  - (2) Service Station/Convenience Store Lighting
    - (a) The average illuminance in the area directly below the canopy shall not exceed twenty (20) initial footcandles and the maximum shall not exceed thirty (30) initial footcandles.
    - (b) Pole-mounted luminaires shall not exceed seven (7) initial footcandles average illuminance and the maximum shall not exceed ten (10) initial footcandles.

- (c) Horizontal lamp mounting and flat glass lens are preferred over vertical lamp mounting. "Sag" or "drop" lenses are prohibited.
- (3) Parking Lots
- (a) In all cases, the light standard and luminaires shall not detract from the visual character of the surrounding district.
  - (b) Illumination shall not exceed four (4) initial footcandles.
- (4) Security Lighting. Security lighting sometimes requires the use of non-cutoff luminaires. Non-cutoff luminaires will be permitted provided that the luminaires used meet the following requirements:
- (a) All luminaires shall be shielded and aimed so that the candlepower distribution is directed toward the area being secured or protected. Luminaires shall not be directed toward property lines in such a direction as to cause light trespass;
  - (b) Security lighting shall not be used to illuminate vertical surfaces that are higher than eight (8) feet above grade;
  - (c) Security lighting shall not be mounted on poles that are located farther than ten (10) feet from the perimeter of the designated secured area;
  - (d) Security lighting used to illuminate a perimeter such as a fence line shall have motion sensors.
- (5) Building Facade and Landscape Lighting Requirements
- (a) In nonresidential districts, cutoff luminaires may be mounted on walls or under roof overhangs to illuminate building facades, provided that their direct light is confined to the surface of the building. In residential districts, only the facades of public buildings of historic or symbolic significance, such as schools or churches, may be so illuminated, with the same restrictions applying. In both cases the maximum illuminance level at the fixture shall not exceed four thousand (4000) lumens.
  - (b) In nonresidential districts, spotlights, floodlights or other non-cutoff luminaires may be used to illuminate building facades, provided the lamps are shielded and aimed toward the functional area being illuminated on the facade. The maximum illuminance level, at the fixture, shall not exceed 4000 lumens.
  - (c) Spotlights, floodlights or other non-cutoff luminaires may be used to illuminate landscaping in all districts, provided the lamps are shielded and aimed toward the landscape area intended to be illuminated. The maximum illuminance level of the fixture shall not exceed 4000 lumens. The maximum permitted illuminance at the property line must comply with the standards set forth in Table 360-29A.

- (d) Non-cutoff luminaires using globes or period style fixtures may be installed on walls or otherwise situated to illuminate only first level facades, provided that the maximum illuminance level at the fixture does not exceed two thousand (2000) lumens in nonresidential districts, or seven hundred fifty (750) lumens in residential districts, and the mounting height does not exceed ten (10) feet above grade.
- (e) Neon lighting used to decorate or highlight a building shall be permitted only in the HC district under the following requirements:
  - [1] The cumulative length of neon light tubing that shall be permitted on the exterior of the building shall be limited to the amount determined by multiplying the linear length of all sides of the building parallel to and facing a street or alley by two (2) and in no case shall the cumulative length of such neon lighting exceed two hundred (200) linear feet of light tubing per building. .
  - [2] Neon lighting shall not be located higher than twenty-five (25) feet above grade.
  - [3] The maximum diameter of neon tubing shall not exceed one (1) inch.
- (6) Outdoor Facility and Event Lighting (applies but is not limited to lighting installations for ball fields, ballparks, stadiums, tennis courts, soccer fields, golf courses, driving ranges, amphitheaters and other recreational fields)
  - (a) Non-cutoff luminaires may be used, provided such luminaires are equipped with glare shields, visors, barn doors or other shielding. To the extent possible, the illumination shall be restricted to the playing field, stage or other surface upon which an event actually occurs.
  - (b) Only cutoff luminaries shall be used to illuminate areas beyond the playing field, stage or other surface upon which an event actually occurs.
  - (c) The primary light source for all activities shall be turned off within sixty (60) minutes of the end of the event, but under no circumstances shall be on past midnight (12:00 a.m.)

E. Additional Regulations

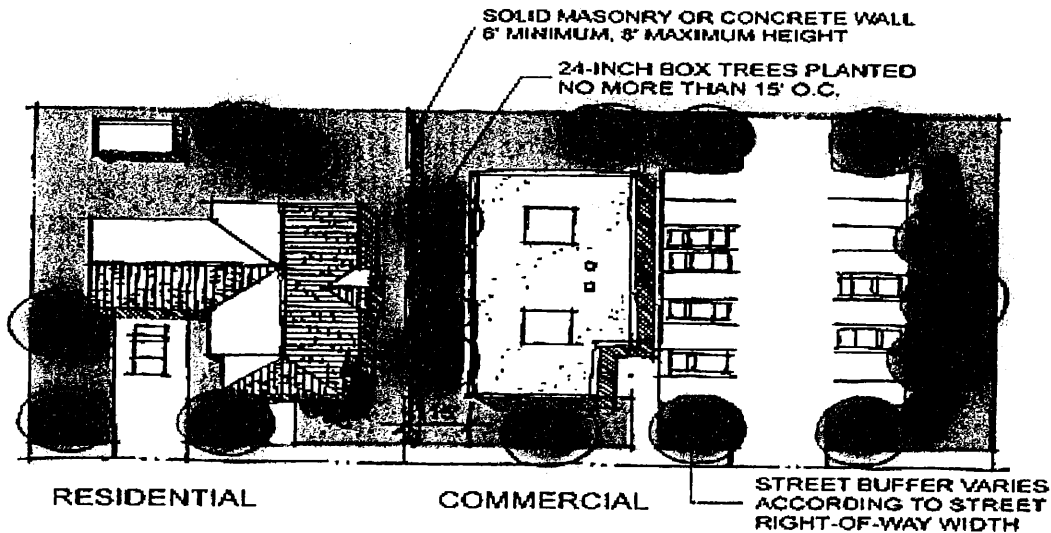
- (1) All floodlights and spotlights used for any purpose whatsoever shall be aimed and/or equipped if necessary with glare shields, visors, barn doors or other shielding to prevent glare and light trespass across property lines.
- (2) Sweeping laser and searchlight beams are permitted only for emergency situations or special events that are approved by Borough Council.
- (3) All applications for a major expansion, land development, change in land use or subdivision of land of or to commercial uses or Multi-Family residential uses, or

for residential uses that require the construction of new roads, must include a lighting plan, superimposed on the site plan, showing location, type, height and lumen output of all proposed outdoor lighting. The applicant shall provide enough information to verify that the proposed lighting conforms to the provisions of this section.

- (4) All residential lighting of seventeen hundred fifty (1750) lumens (approximate brightness of a one hundred (100) watt incandescent light bulb) or more shall be shielded or aimed so that neither light trespass nor glare occurs.
- (5) Outdoor Commercial Lighting may be provided by various luminaire types but shall have a Kelvin temperature (light color) of 4000 degrees or higher.

### §360-30. Buffers, Screening and Landscaping

- A. General Buffer Regulations: Buffer areas act to integrate development with its surroundings and to separate incompatible land uses.



#### Landscape Buffers

- (1) When a buffer area is required, it shall be a continuous pervious planting bed consisting of trees and shrubs, as well as grass or ground cover, of not less than eight (8) feet in depth along the property line between the incompatible uses.
- (2) For every one hundred (100) linear feet of buffer, the following minimum quantities and types of plant material shall be required: one (1) canopy tree; two (2) ornamental trees; two (2) evergreen trees; and ten (10) shrubs. The required plant material shall be distributed over the entire width of the buffer area.
- (3) The requirements above are minimum standards; additional plant material, berms or architectural elements may be included in the buffer area at the applicant's discretion.

- (4) Existing healthy trees, shrubs or woodland may be substituted for part or all of the required plant material.
  - (5) The buffer areas may be included within required setbacks but must not encroach upon clear sight triangle areas required for unobstructed views at street intersections and driveways.
  - (6) Parking is not permitted in the buffer area.
  - (7) Fences and other accessory structures do not relieve requirements for landscaped buffers.
  - (8) A buffer that contains a variety of native plant material arranged in informal groupings that reflect a naturalistic arrangement is encouraged.
- B. General Screening Regulations: Screens are intended to provide an effective visual barrier.
- (1) Suitable types of screening include solid fences and dense evergreen hedges. A solid fence shall be a minimum of four (4) feet and a maximum of eight (8) feet in height, be constructed of durable and visually attractive materials and must comply with the requirements of §360-27. Plants selected for screening shall be a minimum of three (3) feet in height at the time of planting and shall be arranged in such a manner as to provide at least a five (5) foot visual barrier within three (3) years after planting. This plant screen shall not exceed eight (8) feet in height at maturity.
  - (2) The screen shall be located as close as possible to the object to be screened without impeding the function of, or encroaching upon any clear sight triangles.
  - (3) Any combination of walls, fences, hedges, shrubs or evergreen trees may be used to screen the site element as long as it is demonstrated that the element will be fully screened from view, as required.
  - (4) Screening should be selected and located where it will not contribute to conditions hazardous to public safety. Locations that would be hazardous include, but are not limited to, underground and above ground utilities and sight triangle areas required for unobstructed views at street intersections.
- C. General Planting Regulations: The following standards shall apply to all plant materials or transplanted trees, as required under this Ordinance.
- (1) Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, underground and above-ground utilities and clear sight triangle areas required for unobstructed views at street intersections.
  - (2) Plant Maintenance
    - (a) Required plant material shall be maintained for the life of the project to achieve the required visual effect of the buffer or screen. It shall be the

ultimate responsibility of successive property owners to insure that the required plantings are properly maintained. Dead or diseased plant material shall be removed or treated by the property owner and replaced as necessary at the next growing season.

- (b) Any plant material that could endanger safety, such as unstable limbs, shall be removed and the plant material replaced if necessary. It shall be the responsibility of the property owner to maintain all plantings and architectural elements to ensure a safe environment.
- (c) Required plant material shall be maintained to achieve the intended visual effect of the buffering or screening, so long as the identified use requires said screening or buffering.

D. Land Uses Requiring Buffers

- (1) Nonresidential uses shall require a buffer area when adjoining a residential use or residential district.
- (2) Multi-Family uses shall require a buffer area when adjoining a single-family or two-family residential use.
- (3) An industrial, warehouse or waste storage, treatment, processing and/or disposal use shall require a twenty (20) foot buffer area when adjoining any non-industrial commercial use, residential use or public right-of-way.

E. Site elements requiring screening from roads and surrounding land uses

- (1) Dumpsters, trash disposal or recycling areas.
- (2) Service or loading docks.
- (3) Outdoor storage.
- (4) Vehicle storage (not to include vehicle sales).
- (5) Sanitary sewer and water pump stations.
- (6) Utility apertures and exposed machinery, in conformance with §360-31F(6).

F. Buffer, Screening and Landscape Requirements for Off-Street Parking

- (1) All off-street parking areas with five (5) or more parking spaces shall require a minimum eight (8) foot buffer area within the setbacks from streets and alleys, as specified in §360-26D(1)(c).
- (2) All off-street parking areas with five (5) or more parking spaces shall be screened from adjoining residential uses or districts. Screening shall be located within the setback area specified in §360-26D(1)(c). Screening may be accomplished by the placement of buildings, a solid fence, a maintained hedge or any combination thereof.



- (3) Interior landscaping which meets the following requirements shall be provided for parking areas containing more than six thousand (6,000) sq. ft. of paved area or more than twenty (20) vehicular parking spaces, whichever is less. Interior landscaping is required in addition to required buffers and screening.
  - (a) For every ten (10) parking spaces, the applicant shall provide not less than two hundred (200) sq. ft. of interior landscaped parking lot areas containing at least one deciduous tree with a minimum caliper of two (2) inches and two (2) shrubs.
  - (b) If interior landscaping requirements cause a shortfall in the number of parking spots required for the use, as specified in Table 360-26B, each two hundred (200) sq. ft. of area designated for landscaping may be counted as one (1) parking space.
  - (c) To assure that landscaped areas are properly dispersed, and to break up large expanses of parking pavement, no individual landscape area shall be larger than five-hundred (500) sq. ft..
  - (d) Curbs or wheel stops shall be provided to prohibit bumpers and bodies of parked vehicles from overhanging an interior landscape area by more than two and one-half (2 1/2) feet.
  - (e) To retain visibility, trees shall have a clear trunk of at least five (5) feet above the ground. Shrubs and other landscape material shall not exceed three (3) feet in height.
- (4) The location of any landscaping shall not interfere with the illumination of the parking area.
- (5) Parking lot buffers shall be broken only at points of vehicular or pedestrian access.
- (6) Parking lot screening and landscaping shall meet all applicable provisions of Article VI. Any deciduous tree proposed to be located in any public right-of-way shall require a shade tree permit issued under and pursuant to the provisions of the Borough's Shade Tree Ordinance (Chapter 332)

### **§360-31. Performance Standards**

No land or building in any district in the Borough shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by this Ordinance or any federal or state agency.

#### **A. Storage of Potential Contaminants**

- (1) All outdoor bulk storage for fuel, chemicals, industrial wastes and other hazardous or toxic materials must be on impervious pavement and shall be

completely enclosed by an impervious barrier high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a fifty (50) year storm event of twenty-four (24) hour duration.

- (2) Storage tanks for home heating oil and diesel fuel that do not exceed two-hundred seventy five (275) gallons in size, and containers of fuels or chemicals kept in ANSI-ASTM certified containers, shall be exempted from this requirement, provided there is no seasonal high water table (within four (4) feet of the surface), and that rapidly permeable sandy soils are not present on the site.
- B. Toxic Materials - No emission of toxic or noxious materials that are demonstrably injurious to public health and safety or animal and plant life will be permitted at or beyond the boundaries of any lot. Where such an emission may result from an accident or equipment malfunction, adequate precautions for mitigation and safe utilization in the future shall be taken.
  - C. Dust, fumes, vapors, gases and odors - Emission of dust, dirt, flyash, fumes, vapors or gases that could be injurious to human health, animals, or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or that could soil or stain persons or property, at any point beyond the lot line of the use generating such emission, shall be prohibited. In addition, no land use or establishment shall be permitted to produce harmful, offensive or bothersome odors, scents or aromas (such as, but not limited to, those produced by manufacturing process, commercial food preparation, food processing, fish sales, rendering, fermentation process, decaying organic matter, and incinerators) perceptible beyond their lot lines, either at ground or habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents or aromas shall be shown on the plan submitted for a zoning permit, with a description of the source materials.
  - D. Glare - No land use or establishment shall be permitted to produce a strong, dazzling light, or reflection of that light, beyond its lot lines onto neighboring properties, or onto any public way, so as to impair the vision of any driver of a vehicle upon that public right-of-way. All such activities shall also comply with applicable federal and state regulations.
  - E. Noise - Between the hours of 10:00 p.m. and 7:00 a.m., noise shall be required to be muffled so as not to exceed fifty-five (55) decibels beyond the property line of the use generating said noise.
  - F. Compliance with other regulations - Applicants shall conform to the following:
    - (1) Refuse Disposal: All applicants shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner;
    - (2) Stormwater Run-off: Surface water run-off shall be minimized and detained on-site if possible or practicable, in accordance with the Borough Stormwater Management Ordinance;

- (3) Erosion Control: Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing "best management" practices, as approved by the Union County Conservation District;
- (4) Floodplain Control: Any proposed use or structure to be located in any floodplain shall comply with the Borough Floodplain Management Ordinance, prior to any zoning permit being issued;
- (5) Excavation: All excavation activities shall comply with the Pennsylvania One-Call Regulations;
- (6) Electrical/Utility Apertures: All electrical/utility apertures shall be installed, protected and screened in accordance with the installing utility's rules and regulations

### **§360-32. Development Standards**

All applicants should attempt to conform to the illustrations in Figure(s) 360-32A and 360-32B for the uses specified in this section. However literal conformance to the illustrations shall not be mandatory, except for applications involving subdivisions, land developments, major expansions, changes in use or when the Historical and Architectural Review Board (HARB) shall mandate it.

Figure 360-32A

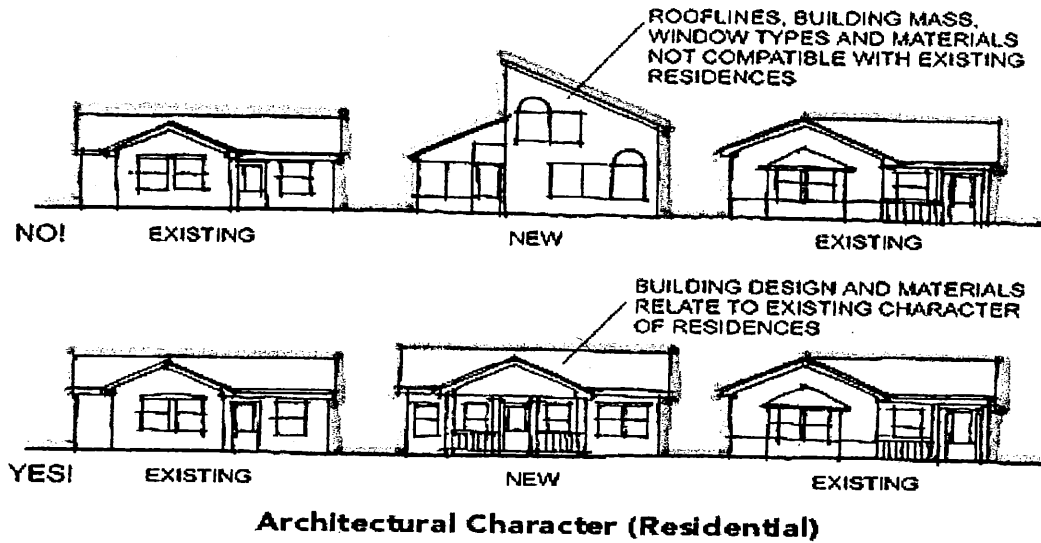
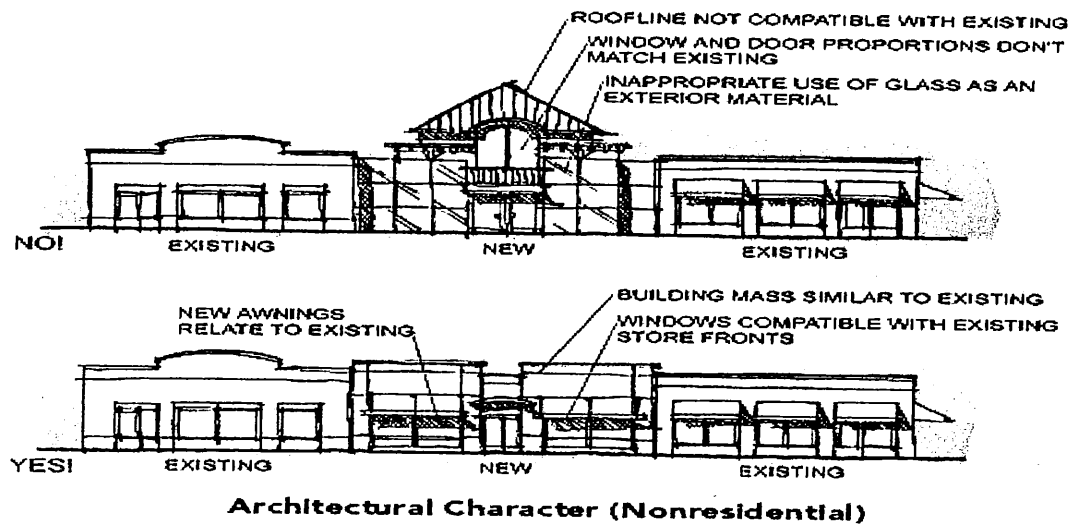


Figure 360-32B



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Article VI  
Floodplain Management

**§ 360-33. Interpretation.**

The provisions in this article are based on The Pennsylvania Floodplain Management Act (Act 166 of 1978), the National Flood Insurance Act of 1968, Section 1361, and the National Flood Insurance Program Section 60.3(d), 44 CFR 59 and have been designed to satisfy state and federal floodplain management requirements and to provide protection from flood hazards. In any conflict between the provisions herein and those of the aforementioned acts and programs, whichever is more restrictive shall prevail.

**§360-34. General**

- A. Purpose: The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
- (1) regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
  - (2) restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding;
  - (3) requiring all those uses, activities and developments that do occur in flood prone areas to be elevated and/or flood proofed against flooding and flood damage.
- B. Applicability: These provisions shall apply to all lands within the jurisdiction of the Borough's Zoning Ordinance that are identified as being subject to the one hundred (100)-year flood as shown on the maps prepared for the Borough by the Federal Insurance Administration.
- C. Coordination with the Uniform Construction Code: The standards and specifications contained in the Pennsylvania Uniform Construction Code, PA Act 45 of 1999 and 34 Pennsylvania Code Chapters 401-405, as from time to time reauthorized and amended, shall apply to activities regulated under this Ordinance section to the extent they are more restrictive and/or supplement the requirements of this Ordinance.
- D. Warning and Liability Disclaimer: 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; flood heights may increase due to man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, 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 result from reliance on this Ordinance or any administration decision lawfully made thereunder.

- E. Flood Boundary Interpretation: Where interpretation is needed concerning the exact location of any boundary of any floodplain, the Zoning Officer shall make the initial determination. The Zoning Hearing Board shall make final determinations. The person questioning or contesting the location of the boundary and/or the Zoning Officer's decision shall be given a reasonable opportunity to present his/her case to the Zoning Hearing Board and to submit his/her own technical evidence if he/she so desires.

### **§360-35. Identification of Floodplain Areas**

- A. For the purpose of this Ordinance, floodplain areas within the Borough shall be those areas identified as being subject to the one hundred (100)year flood, as designated in the Flood Insurance Study (FIS) prepared for the Borough of Lewisburg by the Federal Insurance Administration, dated September 28, 2007, or the most recent revision thereof. A map showing all areas considered to be subject to the one hundred (100)-year flood is available for inspection at the Lewisburg Borough Building, 55 South Fifth Street, Lewisburg, Pennsylvania.

This Floodplain District shall be an overlay to the existing underlying zoning districts as shown on the official Zoning Ordinance Map. As such, the provisions for this district shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provision or requirements for the Floodplain District and those of any underlying district, the more restrictive provisions pertaining to the floodplain shall apply.

- B. Description of Floodplain District areas. For the purposes of this article, the following nomenclature is used in referring to the various floodplain areas:
  - (1) FW (Floodway Area): The areas identified as "Floodway." The FW (Floodway Area) shall include that portion of the floodplain area required to carry and discharge the waters of the one hundred (100)-year flood. The channel of the watercourse and portions of the adjoining floodplains reasonably required to carry and discharge the one hundred (100)-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA, dated September 28, 2007, or the most recent revision thereof. In an area where no FEMA maps or studies have defined the boundary of the one hundred (100)-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to fifty (50) feet from the top of the bank of the stream.
  - (2) FF (Flood Fringe Area): The areas identified as "Flood Fringe." The FF (Flood Fringe Area) shall include that portion of the one hundred (100)-year floodplain not included in the floodway. The basis for the outermost boundary of this area shall be the one hundred (100)-year flood elevation contained in

the flood profiles of the Flood Insurance Study (FIS) and the accompanying maps.

- C. Changes in Floodplain Area Delineations: The identified floodplain area may be revised or modified by the Borough Council upon the recommendation of the Planning Commission and borough engineer, where studies or information provided by a qualified agency or person documents the need or possibility for such revision. No modification or revision of any floodplain area identified in the FIS shall be made without prior approval from the Federal Emergency Management Agency (FEMA).
- D. Disputes: Should a dispute arise concerning the identification of any floodplain area or boundary, an initial determination shall be made by the Zoning Officer. Any party aggrieved by such decision or interpretation may appeal to the Zoning Hearing Board, which shall have jurisdiction to issue a final determination. The burden of proof shall be on the appellant.

### **§360-36. Permits**

- A. Issuance of Zoning and Building Permit: Prior to the issuance of permits for any activities regulated under this section, the Zoning Officer shall review the application to determine if all other necessary governmental permits or approvals required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act, P.L. 1535, No. 537, January 24, 1966, P.S. § 750.1 - et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania; the Dam Safety and Encroachment Act, P.L. 1375, No. 325, November 26, 1978, 32 P.S. § 693.1 - et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania; the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1334; and the Pennsylvania Clean Streams Act, P.L. 1987, No. 394, June 22, 1937, 35 P.S. § 691.1 - et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. No permit shall be issued until this determination has been made.
- B. Application Procedures and Requirements
  - (1) To insure that the flood damage controls required herein are being employed in all new construction, development and substantial improvement within any designated floodplain area, including use of fill, the applicant or developer shall obtain a Zoning and Building Permit prior to the commencement of any such activity. Any proposed construction or development located entirely or partially within any identified floodplain area shall provide the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
    - (a) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and Ordinances;



- (b) All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (2) Applicants shall file the following minimum information, plus any other pertinent information (e.g., any or all the technical information contained in §360-37F(3) as may be required by the Zoning Officer to make the above determination:
- (a) A completed and signed zoning permit application form;
  - (b) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - [1] North arrow, scale and date;
    - [2] Topographic contour lines;
    - [3] All property and lot lines, including dimensions, and the site expressed in acres or sq. ft.;
    - [4] The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;
    - [5] The location of all existing streets, drives, other accessible ways and parking areas, with information concerning widths, pavement types and construction, and elevations;
    - [6] The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting or affected by the proposed activity or development, identified floodplain areas, and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.
  - (c) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale, showing the following:
    - [1] The proposed lowest floor elevation of any proposed building, based upon National Geodetic Vertical Datum in the most recent Flood Insurance Study (FIS) (North American Vertical Datum)
    - [2] The elevation of the one hundred (100)-year flood, as designated in the Flood Insurance Study (FIS);

- [3] Information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100)-year flood;
- [4] Detailed information concerning any proposed flood proofing measures;
- [5] Supplemental information as may be necessary under 34 PA Code Chapter 401-405, as amended, and Sec. 1612.5.1 Section 104.7 and 109.3.3 of the 2003 IBC and Sec. R109.1.3 and 104.7 of the 2003 IRC.

(d) The following data and documentation:

- [1] A document, certified by a registered professional engineer or architect, which states that the construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces with the one hundred (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 §360-37E(6) and §360-37F, including:
  - [a] The amount, location and purpose of any materials or substances referred to in §360-37E(6) and F which are intended to be used, produced, stored or otherwise maintained on-site or within structures;
  - [b] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §360-37E(6) and §360-37F during a one hundred (100)-year flood.
- [3] The appropriate component of the DEP's "Planning Module for Land Development;"
- [4] Where any excavation or grading is proposed, a plan meeting the requirements of DEP to implement and maintain erosion and sedimentation control.

C. Review by County Conservation District: A copy of all applications and plans for any proposed construction or development in any identified floodway area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a Zoning Permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

D. Review of Application by Others: A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be

considered for approval shall be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., Borough Council, Borough Planning Commission, County Planning Commission, etc.) for review and comment.

### **§360-37. Technical Provisions**

#### **A. General**

- (1) 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 the Borough and until all required permits or approvals have been first obtained from DEP. In addition, FEMA and the DCED Governor's Center for Local Government Services shall be notified prior to the relocation of any watercourse.
- (2) Any new construction, development, use or activity allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this section and any other applicable codes, Ordinances and regulations.

#### **B. Special Floodway Requirements: Within any FW (Floodway Area), the following provisions apply:**

- (1) Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited;
- (2) No new construction or development shall be allowed in the floodway or within fifty (50) feet landward from the top of bank from any watercourse, unless a permit is obtained from DEP, Bureau of Dams and Waterway Management. However, the issuance of a permit by DEP is not a guarantee of approval and the Borough retains ultimate authority for final approval.

#### **C. Elevation and Flood proofing Requirements.**

- (1) Residential Structures: Within any FW or FF Area, the lowest floor (including basement) of any new or substantially improved residential structures shall be at least one and one-half (1 1/2) feet above the one hundred (100)-year flood elevation.
- (2) Nonresidential Structures
  - (a) Within any FW or FF Area, the lowest floor (including basement) of any new or substantially improved nonresidential structure shall be at least one and one-half (1 1/2) feet above the one hundred (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.
  - (b) Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1 1/2) feet above the one hundred (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 United States Army Corps of Engineers (June 1972, March 1992, as amended) 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.

- (c) The design and construction standards and specifications contained in Sec. 1612.4 of the 2003 IBC and ASCE 24 (Sees. 2.4 and Chap. 7) and 4 PA Code, Chapters 401-405, as amended, shall be utilized.

(3) Space Below the Lowest Floor:

- (a) Fully enclosed space below the lowest floor (including basement) is prohibited.
- (b) Partially enclosed spaces below the lowest floor, which will be used solely for the parking of vehicles and building access in an area other than a basement or cellar, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - [1] A minimum of two (2) openings having a net total of not less than one (1) square inch for every square foot of enclosed space;
  - [2] The bottom of all openings shall be no higher than one (1) foot above grade;
  - [3] Openings may be equipped with screens, louvers, etc. or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters;
  - [4] Consideration shall be given to the requirements of 34 PA Code, Chapters 401-405, as amended, and the 2003 IRC (Sees. 8327.2.1 and 8327.1.4) and the 2003 IBC (Sec. 1612.4 and 1202.3).

D. Special Provisions for Accessory Structures.

- (1) Accessory structures to a principal building which are proposed to be built in any identified floodplain area need not be elevated or flood proofed to remain dry, but shall comply, at a minimum, with the following requirements:
  - (a) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles or to the storage of tools, material and equipment related to the principal use or activity;

- (b) The floor area shall not exceed six hundred (600) sq. ft.;
- (c) The structure shall have a low damage potential;
- (d) The structure shall be located on the site so as to cause the least obstruction to the flow of floodwaters;
- (e) Power lines, wiring and outlets shall be at least one and one-half (1 1/2) feet above the one hundred (100)-year flood elevation;
- (f) Permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, dryers, etc., are prohibited;
- (g) Sanitary facilities shall be prohibited;
- (h) The structure shall be adequately anchored to prevent flotation or movements, and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - [1] A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
  - [2] The bottom of all openings shall be no higher than one (1) foot above grade;
  - [3] Openings may be equipped with screens, louvers, etc. or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.
- (2) Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.

E. Design and Construction Standards: The following standards shall apply for all construction and development proposed within any identified floodplain area:

- (1) Fill: If fill is used, it shall:
  - (a) Extend laterally at least fifteen (15) feet beyond the building line from all points;
  - (b) Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
  - (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
  - (d) Be no steeper than one (1) vertical to three (3) feet horizontal, unless substantiated data justifying steeper slopes are submitted to and approved by the Zoning Officer;

- (e) Be used to the extent to which it does not adversely affect adjacent properties.
- (2) Drainage: Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings, where drainage is the method of conveyance utilized. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
  - (3) Water and Sanitary Sewer Facilities and Systems
    - (a) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
    - (b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
    - (c) No part of any on-site sewage system shall be located within any identified floodplain area.
    - (d) The design and construction provisions of the UCC and 34 PA Code Chapter 401-405, as amended and contained in the 2003 IBC (Appendix G), the 2003 IRC (8327.1.6), the ASCE 24-98 (Sec. 8.3) and FEMA #348 Protecting Building Utilities From Flood Damages, shall be utilized.
  - (4) Other Utilities: All other utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
  - (5) Streets: The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.
  - (6) Storage: All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, and those listed in §360-37(F)(1)(f), shall be stored at or above the regulatory flood elevation and/or within a completely dry space to preclude their causing damage to life or property.
  - (7) 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 shall not increase the height of flood water. The following shall not be placed or caused to be placed in the FW (Floodway Area): fences, except two-wire fences; other structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or

flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the flood-prone areas.

(8) Anchoring

- (a) All buildings and structures shall be firmly anchored, in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
- (b) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- (c) The design and construction requirements of the UCC pertaining to this subsection, as referred in 34 PA Code Chapters 401-405, as amended and contained in the 2003 IBC (1605.2.2, 1605.3.1.2, 1612.4), the 2003 IRC (8301.1, 327.1.1) and ASCE 24-98 (Sec.5.6), shall be utilized.

(9) Floors, Walls and Ceilings

- (a) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
- (b) Plywood used at or below the regulatory flood elevation shall be of a "marine" or water-resistant variety.
- (c) 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.
- (d) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- (e) The provisions of the UCC pertaining to this sub-section and referenced in the 34 PA Code Chapters 401-405, as amended and contained in the IBC (801.1.3, 1403.7), the IRC (R327.1.7, RR501.3) and ASCE 24-98 (Chap. 6) shall be adhered to, to the extent they are more restrictive.

(10) Paints and Adhesives

- (a) Paints or other finishes used at or below the regulatory flood elevation shall be of a "marine" or water-resistant quality.
- (b) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or water-resistant quality.
- (c) All wooden components (doors, trim, cabinets, etc.) below the regulatory flood elevation shall be finished with a "marine" or water resistant paint or other water-resistant finishing material.

- (d) The standards and specifications contained in 34 PA Code, Chapters 401-405, as amended and contained in Sec. 801.1.3 and 1403.7 of the 2003 IBC and Sec.327.1.7 and 8501.3 of the 2003 IRC shall be adhered to, to the extent they are more restrictive.

(11) Electrical Components

- (a) Electrical distribution panels shall be at least three (3) feet above the one hundred (100)-year flood elevation.
- (b) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (c) The provisions pertaining to the above and referenced in the UCC and 34 PA Code Chapters 401-405, as amended and contained in the 2003 IBC (1612.4), the 2003 IRC (8327.1.5) the 2000 IFGC (8301.5 and 81601.3.8) and ASCE 24 Chapter 8), shall be utilized.

(12) Equipment

- (a) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus, shall not be located below the regulatory flood elevation.
- (b) The provisions referenced in the UCC and 34 PA Code Chapters 401-405, as amended and contained in the 2003 IBC (1612.4), the 2003 IRC (8327.1.5) the 2000 IFGC (8301.5 and 81601.3.8) and ASCE 24-Chapter 8), shall be utilized.

(13) Fuel Supply Systems

- (a) All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood infiltration occurs.

F. Development Which May Endanger Human Life

- (1) In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development, as required by the Act, the commencement of any of the following activities, or the construction, enlargement or expansion of any structure used or intended to be used for any of the following activities, shall be prohibited in any Floodway. The same activities are also prohibited in the Flood Fringe, except as permitted in §360-37F(2).
  - (a) Facilities involved with the production, storage or use of any amount of radioactive substances.



- (b) Landfills and solid waste storage, processing and disposal facilities (does not include municipal recycling centers).
- (c) Nursing Homes, orphanages, group homes for the mentally and physically handicapped, day care centers and residential drug and alcohol treatment facilities.
- (d) Jails, prisons, other penal institutions and community correctional centers.
- (e) Schools and universities.
- (f) Facilities involved in the production or storage of any of the following dangerous materials or substances:
  - [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, 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;
  - [19] Infectious biological agents;
  - [20] Explosives;
  - [21] Toxic wastes.

- (g) Any activity requiring the maintenance of a supply of more than five hundred and fifty (550) gallons, or other comparable volume, of any of the dangerous materials or substances listed in Subsection F(1)(f), on the premises.
  - (h) New manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
  - (i) Critical community facilities such as fire, police and ambulance stations, hospitals, health clinics, communication centers, and emergency shelters.
  - (j) Libraries, museums and municipal buildings.
  - (k) Power generation facilities.
  - (l) Campgrounds.
- (2) Where a facility, as described in §360-37F(1), lawfully existed prior to the enactment of these Ordinance provisions, such facility can expand in the Flood Fringe in accordance with this Ordinance, provided that any new construction shall:
- (a) Not be a substantial improvement, as defined in this Ordinance;
  - (b) Be elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2') feet above the one hundred (100)-year flood elevation;
  - (c) Be designed to prevent pollution from the structure or activity during the course of a one hundred (100)-year flood. Any such 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" (United States Army Corps of Engineers, June 1972, as amended March 1992) or with some other equivalent water tight standard;
  - (d) Fully protect the health and safety of the general public and any occupants. At a minimum, all new structures shall be designed, located and constructed so that:
    - [1] The structure will survive inundation by waters of the one hundred (100)-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100)-year flood elevation;
    - [2] The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100)-year flood.

- (e) Receive special approval for jails, prisons, hospitals, nursing homes and manufactured home parks, in accordance with the administrative regulations promulgated by the Department of Community and Economic Development (DCED) to implement the Pennsylvania Floodplain Management Act, P.L. 851, No. 166, October 4, 1978, (32 P. S. § 679.101, et seq.), as hereinafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
- (f) Upon receipt of an application for a jail, prison, hospital, nursing home or manufactured home park, the following procedures shall apply in addition to those prescribed elsewhere in this Ordinance.
  - [1] Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Union County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission for review and comment.
  - [2] If an application is received that is incomplete, the Borough shall notify the applicant, in writing, stating in what respects the application is deficient.
  - [3] If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
  - [4] If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with DCED by registered or certified mail, within five (5) working days after the date of approval.
  - [5] Before issuing the permit, the Borough shall allow DCED thirty (30) days after receipt of the notification to the DCED to review the application and the decision made by the Borough.
  - [6] If the Borough does not receive any communication from DCED during the thirty (30) day review period, it may issue a permit to the applicant.
  - [7] If DCED should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue an approval and/or zoning and buildings permits.
- (3) All applications under §360-37F(2) shall include the following:
  - (a) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations;
  - (b) Elevation of the lowest floor (including basement) and, as required, the

elevation of any other floor;

- (c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100)-year flood;
- (d) Detailed information concerning proposed flood proofing measure;
- (e) Cross section drawings for all proposed streets, drives and vehicular access ways, including existing and proposed grades;
- (f) Plans and profiles of sanitary storm sewer systems, water supply systems and any other utilities and facilities;
- (g) Certification from a registered professional engineer that the proposed construction has been adequately designed to protect against damage from the one hundred (100)-year flood;
- (h) A statement, certified by a registered professional engineer, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100)-year flood, including a statement concerning the effects such pollution may have on human life and the environment.

#### G. Special Requirements for Manufactured Homes

- (1) Within any Floodway Area or Flood Fringe, manufactured homes, mobile homes, park trailers, travel trailers, recreational vehicles and other similar types of homes, buildings and structures shall be prohibited.
- (2) Where legally existing within any Flood Fringe before enactment of this Ordinance, all manufactured homes and any additions thereto shall be placed on a permanent foundation and shall be:
  - (a) Anchored to resist flotation, collapse or lateral movement by providing over-the-top ties and frame ties to ground anchors, in accordance with the American National Standards, as specified in the Standard for Installation of Manufactured Homes, including Manufactured Home Park Requirements (NFPA No. 01A-1974) (ANSI A119.3-1975), as amended, for manufactured homes in Hurricane Zones or other appropriate standards such as the following:
    - [1] Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length;
    - [2] Frame ties shall be provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate

locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length;

- [3] All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds;
- [4] Shall be prohibited within the area measured fifty feet (50) landward from the top of bank of any watercourse;
- [5] Shall be placed on a permanent foundation;
- [6] Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions, as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2003 International Residential Code or the United States Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 Pennsylvania Code Chapter 401-405;
- [7] Consideration shall be given to the installation requirements of the 2003 IBC Appendix G, Sec. 501.1-3 and the 2003 IRC (Sec. 8327.1.8 and Appendix AE 101) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed for installation.

(b) Elevated in accordance with the following requirements:

- [1] The stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be one and one-half (1 1/2) feet or more above the elevation of the one hundred (100)-year flood;
  - [2] Adequate surface drainage is provided;
  - [3] Adequate access for a hauler is provided;
  - [4] Where pilings are used for elevation, the pilings shall be placed in stable soil not more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- (3) An evacuation plan, acceptable to the Borough Emergency Management Coordinator, indicating alternative vehicular access and escape routes, shall be filed with the Zoning Officer of the Borough.

### **§360-38. Existing Structures and Uses in Identified Floodplain Areas**

A structure or use of a structure or premises which lawfully existed in any identified floodplain area prior to the enactment of this Ordinance but is not in conformity with these provisions may continue, subject to the following provisions:

- A. No expansion or enlargement of an existing structure shall be allowed within any identified Floodway that would cause any increase in the elevation of the one hundred (100)-year flood;
- B. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter. The term "substantial improvement" does not, however, include either:
  - (1) Any project for improvement of a structure to comply with any existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
  - (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.

Article VII  
**Administration, Enforcement and Hearings**

**§360-39. Interpretation.**

The provisions in this Article are based on the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as amended. In any conflict between the provisions herein and those of the aforementioned act, whichever is more restrictive shall prevail.

**§360-40. Zoning Officer**

- A. Appointment: A zoning officer shall be appointed by the Borough Council to administer and enforce this Zoning Ordinance. The zoning officer shall not hold any elective office within the Borough.
- B. Duties and Powers of the Zoning Officer: It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance. To carry out this charge, the Zoning Officer shall have all the duties and powers conferred by or reasonably inferred from this Zoning Ordinance, as well as those that may be conferred from time to time by the Borough Council. These powers and duties shall include, but are not limited to, the following:
- (1) Instruct applicants in necessary procedures, receive applications for and issue Zoning Permits, as permitted by the terms of this Ordinance;
  - (2) Keep an official record of all business and activities, including complaints of violation(s) of any of the provisions of this Ordinance, along with photographs of the violation and the action taken consequent to each such complaint. All such records shall be open and available for public inspection. File copies of all applications received, permits issued and reports of inspections made in connection with any structure, building, sign and/or land shall be retained in hard copy in accordance with Borough policies and state requirements;
  - (3) Examine, or cause to be examined, all buildings, structures, signs and/or land or portions thereof for which an application has been filed for the erection, construction, alteration, repair, extension, replacement and/or use of same before issuing any permit. Thereafter, he/she may make such inspections as necessary during the completion of work for which a permit has been issued to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable laws and Ordinances of the Borough. Upon completion of the building, structure, sign and/or change, a final inspection shall be made. The Zoning Officer may also make inspections as otherwise necessary to fulfill her/his duties. In order to make inspections, the Zoning Officer shall have the power to enter upon any property at any reasonable hour in the course of his/her duties. Should any property owner, lessee or other person, prevent access to the property in question, the Zoning Officer shall have the authority, with the approval of the

Borough Manager, to obtain a search warrant for said property;

- (4) Issue permits for special exception uses, conditional uses and/or variances only after applications for such uses and/or buildings have been approved in writing by either the Zoning Hearing Board, in the case of special exceptions and/or variances, or the Borough Council, in the case of conditional uses;
- (5) Issue certificates of zoning compliance in accordance with the provisions of this Ordinance;
- (6) Investigate alleged violations and address violations of this Ordinance;
- (7) Prepare and submit monthly reports to the Borough Council and provide a copy to the Borough Planning Commission;
- (8) Identify and register nonconforming uses and structures created as a result of the adoption of this Ordinance or created as a result of amendments thereto;
- (9) Advertise public hearings related to this Ordinance;
- (10) Perform any other such duties as directed by Borough Council, or as required, to implement and verify compliance with decisions by the Zoning Hearing Board (ZHB) and Borough Council;

#### **§360-41. Administration**

- A. Zoning Permits. No building, structure or sign shall be erected, constructed, moved, added to or structurally altered, nor shall land or any structure be put to any use, nor shall there be a change in use of land or any structure without the obtaining of a Zoning Permit, issued by the Zoning Officer. No Zoning Permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or structure or otherwise violate the provisions of this Ordinance, as determined by the Zoning Officer.
- (1) No permit shall be issued, except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of a special exception or variance, or upon written order from the Borough Council in the form of a conditional use, or upon written order from any Court of competent jurisdiction.
  - (2) Applications for a permit shall be submitted in writing in such form as the Zoning Officer may prescribe. All applicable fees shall accompany all applications and two (2) sets of drawings or plans showing, at a minimum, the following information if applicable:
    - (a) Actual dimensions and shape of the lot to be used;
    - (b) The exact size and location on the lot of buildings, structures or signs, existing and/or proposed, including any extensions thereto;



- (c) The number of dwelling units;
  - (d) Parking plan, indicating the number, size and location of all off-street parking spaces and/or required loading areas;
  - (e) Statement indicating any existing or proposed use(s);
  - (f) Height of any structure, building or sign existing or proposed;
  - (g) The name, address and telephone number of the property owner, the applicant (if different from the owner) and the estimated value of any proposed improvements;
  - (h) Any other information deemed necessary by the Zoning Officer in order to determine compliance with this and any other applicable Ordinances.
- (3) Within thirty (30) days from the date of submission of a complete application, the Zoning Officer shall review the application and the accompanying site plan, shall perform a site visit to confirm compliance of the application with the provisions of this and other applicable Ordinances, and either grant or deny the permit. The Zoning Officer must grant a permit if compliance is confirmed. If the permit is denied, the applicant must receive a written statement of the reasons for denial as well as notification of his/her rights of appeal along with a ZHB hearing application. For applications involving the review and a recommendation by the HARB, the thirty (30) day period begins on the date the Borough Council approves the HARB's final recommendation.
- (4) A Zoning Permit shall expire one hundred and eighty (180) days from the date of issuance if the construction and/or development for which the permit was issued has not begun. If such construction and/or development did begin within this one hundred and eighty (180) day period but is not completed, said permit shall expire after two (2) years from the date of issuance thereof. One (1) year extension(s) shall be granted, at the discretion of the Zoning Officer, for a maximum of two (2) additional years.
- (a) Construction and/or development shall be considered to have started with the preparation of land; land clearing; grading; filling; excavation for basement, footings, piers or foundations; erection of temporary forms; installation of piling under proposed subsurface footings or installation of sewer, gas and water pipes or electrical or other service lines from the street.
  - (b) Time extensions shall be granted only if a written request and applicable fee is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such request.
  - (c) If work is not initiated and/or completed within the time frames noted herein, the application will be considered void. New applications for Zoning Permits, variances, special exceptions or conditional uses, with

all applicable fees as outlined in §360-49, shall be submitted for review and approval before work can proceed on a project whose original application has been voided.

- (d) Work initiated prior to the issuance of a Zoning Permit shall be subject to fees double those outlined in §360-49.
  - (5) After the issuance of a Zoning 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.
- B. Certification of Zoning Compliance: Zoning compliance shall be certified upon the completion of any work permitted under this Ordinance. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof for which a Zoning Permit has been issued until such certification of zoning compliance has also been issued.
- (1) Applicant shall notify the Zoning Officer in writing, upon completion of the work. The Zoning Officer shall inspect any use, structure, building, sign and/or land or portions thereof and shall determine the compliance therewith to the provisions of this Ordinance and with any conditions listed on the Zoning Permit.
  - (2) Certification of zoning compliance shall be given or refused in writing, within thirty (30) days of notification of completion of work.
    - (a) In the event that certification of zoning compliance is refused, the reasons for said refusal shall be included in the written notice of refusal and a notice of violation may be issued.
    - (b) If the Zoning Officer fails to determine zoning compliance within thirty (30) days of notification of completion of work, the work for which the permit was issued shall be considered compliant.
  - (3) In the case of permits where Performance Standards outlined in §360-31 may pertain, certification of zoning compliance shall be considered provisional until thirty (30) days after the use is fully operational and there has been a determination that such standards have been met.
    - (a) The applicant shall submit documentation of compliance with all relevant performance standards, as requested by the Zoning Officer.
    - (b) Upon completion of the thirty (30) days, if the use is in compliance with all applicable performance standards, the Zoning Officer shall notify the applicant, in writing, as to that finding and that the certificate of zoning compliance is permanent. If within the thirty (30) day period the use is

found not to be fully compliant with the applicable performance standards the applicant will be notified in writing about any standards that still have not been met.

- (c) In the event that the required performance standards are not met within ninety (90) days after the start of operation of said use, the certificate of zoning compliance shall be withdrawn and the use shall be ordered to cease and desist from operations until such time as compliance with the performance standards can be determined by the Zoning Officer.

#### **§360-42. Enforcement**

- A. Enforcement Notice. If the Zoning Officer deems that a violation of this Ordinance or of any detailed statement or plan approved thereunder has occurred, the Zoning Officer shall initiate enforcement proceedings by sending a written enforcement notice to the person, firm, corporation or partnership deemed responsible for the violation and to the owner of record of the parcel on which the violation has occurred.
  - (1) Such written notice, signed by the Zoning Officer, shall be served personally or sent by certified mail or other method requiring signed receipt and shall state at a minimum the following:
    - (a) The party deemed responsible for the violation and the name of the owner of record of the property in question;
    - (b) The date and location of the violation;
    - (c) The specific section of this Ordinance that has been violated;
    - (d) The specific action required to correct such violation;
    - (e) The date by which or the time period within which the violation must be corrected;
    - (f) The right of the party to appeal the decision of the Zoning Officer to the Zoning Hearing Board within the period of time specified in this Ordinance, from receipt of notice of the violation, and the procedures to be followed to file such appeal;
    - (g) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with the possible sanctions clearly described.
  - (2) Any party who wishes to appeal the decision(s) of the Zoning Officer to the Zoning Hearing Board or Borough Council shall follow the provisions set forth in this Ordinance per §360-43, 360-44, 360-45 and 360-46.

- (3) In any appeal of an enforcement notice to the Zoning Hearing Board, the Zoning Officer shall have the responsibility of presenting the Borough's evidence first.
  - (4) Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- B. Causes of Action. If the property owner or other party who has received an enforcement notice fails to bring the property in question into compliance within the time frame specified in the notice and unless the property owner or party has filed an application for a hearing appealing the Zoning Officer's determination within the specified period of time from receipt of the notice of violation, the Zoning Officer shall refer the matter to the Borough Solicitor who may initiate an action or proceeding to prevent, restrain, correct or abate such building, structure, sign, landscaping or land use, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
- (1) Jurisdiction. The district magistrate shall have initial jurisdiction for proceedings brought under this section. Any further subsequent legal action shall be taken to the Union County Court of Common Pleas, in accordance with the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as reenacted and amended.
  - (2) Violation Remedies
    - (a) Any person, partnership or corporation that 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 five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor appeals in a timely way the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.
    - (b) Each day that a violation continues beyond the fifth (5th) day after the judgment shall constitute a separate violation.
    - (c) All judgments, costs and reasonable attorney fees collected by the court for the violation of this Ordinance shall be paid to the Borough.

- (d) The Court of Common Pleas, upon petition, may grant an order of stay upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough Council the right to commence any action pursuant to this section.

**§360-43. Zoning Hearing Board.**

Pursuant to Article IX of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as reenacted and amended, the Borough Council has created a Zoning Hearing Board, herein referred to as the "Board," which shall perform all the duties and have all the powers prescribed by said statute and as herein provided.

**A. Membership of the Board**

- (1) The Board shall consist of three residents of the Borough appointed by the Borough Council.
- (2) The terms of office shall be three (3) years, and the terms shall be so fixed that the term of one (1) member shall expire each year.
- (3) Members of the Board shall hold no other office in the Borough, elected or appointed.

**B. Removal of Members of the Board**

- (1) Any member of the Board may be removed for malfeasance, misfeasance or nonfeasance or for other just cause by a majority vote of the Borough Council.
  - (a) A member shall receive a minimum of fifteen (15) days advance notice of the intent to take such a vote.
  - (b) A public hearing shall be held if the member requests one in writing.
- (2) Vacancies shall be filled by appointment by the Borough Council for the unexpired portion of the vacated term.

**C. Compensation of Members of the Board.** Members shall receive such compensation as shall be fixed from time to time by Borough Council by resolution, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

**D. Organization of the Board**

- (1) The members of the Board shall elect a chairperson and such officers as the Board determines necessary. Such officers shall serve a term of one (1) year and may succeed themselves.

- (2) The solicitor to the Board shall be appointed by the Board and shall not be the solicitor to the Borough.

E. General Conduct of Board Business

- (1) Meetings and hearings of the Board shall be held at the call of the chairperson and at such other times as the Board by majority vote may determine.
- (2) For the conduct of any hearing and the taking of any action, a quorum of not less than a majority of all members of the Board shall be present.
- (3) The Board may make, alter and rescind rules and forms for its procedure, consistent with the Ordinances of the Borough and the laws of Pennsylvania. Upon adoption, such rules as may be established by the Board shall continue in force and effect until amended or repealed by the Board, by municipal Ordinance or by federal or state law.
- (4) The Board shall keep full public records of its business, which records shall be the property of the Borough.
- (5) The Board shall submit a report of its activities to the Borough Council as may be requested by the Borough Council. The Board shall also submit an annual report of its activities to the Borough Council.

F. Expenditures for Services. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical or legal staff.

G. Jurisdiction of the Zoning Hearing Board regarding the Borough's Zoning and other Land Use Ordinances. The Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- (1) Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit or failure to act on the application therefore; the issuance of any cease and desist order; the registration or refusal to register any nonconforming use, structure or lot; the interpretation of any district boundary line or any other official map; compliance with any performance standards, required impact study, or density requirements of this Ordinance.
  - (a) In exercising this power, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, determination or permit appealed from.
  - (b) Nothing in this section shall be construed to deny the appellant the right to proceed directly to court, when appropriate, pursuant to the Pennsylvania Rules of Civil Procedure relating to mandamus.

- (2) Applications for variances from the terms of this Ordinance, including the provisions concerning Floodplain Management (Article VI) or the Stormwater Management Ordinance, pursuant to §360-45A of this Ordinance.
- (3) Applications for special exceptions under this Ordinance pursuant to the special exception criteria in §360-45B of this Ordinance.
- (4) Appeals from the decision by the professional engineer retained by the Borough or the Zoning Officer with reference to the administration of the floodplain management provisions of this Ordinance (Article VI) or the Borough's Stormwater Management Ordinance.
- (5) Appeals from the determination of the Zoning Officer or a professional engineer retained by the Borough in the administration of any land use Ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management, insofar as the same relate to development not involving the Subdivision and Land Development Ordinance.
- (6) Substantive challenges to the validity of any land use Ordinance, except those that are brought before the Borough Council involving a curative amendment.
- (7) Challenges to the validity of a land use Ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal made within thirty (30) days after the effective date of said Ordinance.

**§360-44. Jurisdiction of the Borough Council regarding the Borough's Zoning Ordinance.**

The Borough Council shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- A. Applications for conditional use pursuant to the conditional use criteria in §360-45C of this Ordinance.
- B. Applications for curative amendment to this Ordinance.
- C. All petitions for amendments to this Ordinance, including the floodplain management provisions (Article VI).

**§360-45. Standards and Criteria for Proceedings that Require Hearings.**

- A. Standards and Criteria for Variances.
  - (1) The Board shall, by rule, prescribe the form of application and may require the submission of a preliminary application to the Zoning Officer.
  - (2) The Board may grant a variance, provided that all of the following findings are made where relevant in a given case.

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size and shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances created by the provisions of this Ordinance in the district in which the property is located.
  - (b) That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - (c) That such unnecessary hardship has not been created by the applicant.
  - (d) That the variance will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
  - (e) That the variance will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
  - (f) That no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of land, structure or buildings in other districts, shall be considered grounds for the granting of any variance.
  - (g) That in no case shall a variance be granted solely for reasons of financial hardship or additional financial gain on the part of the applicant.
- (3) When applications for a variance within any identified floodplain area are being considered, the following provisions also apply:
- (a) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, provided that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
  - (b) Variances may not be granted for any construction, development, use or activity within any floodway area that would result in any increase in flood levels during a one hundred (100)-year flood, as certified by a professional engineer retained by the applicant and verified by the Borough Engineer.



- (c) Except for a possible modification of the one-and-one-half (1 1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to §360-37F.
  - (d) In reviewing any request for a variance, the Board shall consider that there is a good and sufficient cause; that failure to grant the variance would result in exceptional hardship to the applicant; and that the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local Ordinances or regulations.
  - (e) If a variance from the floodplain management requirements is granted, the Board shall notify the applicant in writing that the erection, construction, development, alteration, extension, use or activity for which the variance is being granted may result in:
    - [1] Increased premium rates for flood insurance;
    - [2] Increased risk to life and property.
  - (f) Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting a one hundred (100)-year flood, as certified by a professional engineer retained by the applicant and verified by the Borough Engineer.
- (4) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to protect the public health, safety and welfare, and to achieve the purposes of the Ordinance.
  - (5) All applications for variances shall be submitted to the Planning Commission for review and recommendation before application for a hearing is submitted. Lack of recommendation by the Planning Commission shall be deemed as recommended approval of the application for a hearing.
  - (6) 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 with regard to Article VI - Floodplain Management, shall be included in the annual report to FEMA.

B. Standards and Criteria for Special Exceptions.

- (1) The Board may grant a special exception, provided the use meets the following criteria:
  - (a) The special exception use shall be specifically authorized in the zoning district, shall meet the special exception criteria established in Article IV and shall comply with all zoning standards for that district;

- (b) The special exception use shall be consistent with the duly adopted Lewisburg Borough Comprehensive Plan and Article I of this Ordinance, as well as the general purposes and intent of this Ordinance;
  - (c) The special exception use shall not adversely affect the character of the district, the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.
- (2) In reviewing applications for special exceptions within any identified floodplain area, the Board shall consider all the criteria listed above in §360-45B(1), Article VI - Floodplain Management and the following:
- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments in the floodway;
  - (b) The danger that materials may be swept onto other lands or downstream causing injury to others;
  - (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
  - (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
  - (e) The importance of the services provided by the facility to the community;
  - (f) The requirements of the facility for a waterfront location;
  - (g) The availability of alternate locations not subject to flooding for the proposed use;
  - (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - (i) The safety of access to the property in times of flooding by ordinary and emergency vehicles;
  - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
  - (k) Any other factors that are relevant to the purposes of the floodplain management provisions of this Ordinance.
- (3) The Board may attach any reasonable conditions and safeguards as it may deem advisable and appropriate to any special exception permit. Refusal of the applicant to accept such conditions shall result in the revoking of the special exception permit.

- (4) If a special exception use requires a variance from this or any other Ordinance, the special exception use shall not be granted until such time as the variance may be authorized.
- (5) All applications for special exception shall be submitted to the Planning Commission for review and recommendation. Lack of recommendation by the Planning Commission shall be deemed as recommended approval of the application to the Zoning Hearing Board.
- (6) Whenever a special exception use of any land, structure or building has been discontinued and/or not verifiably marketed for a period of one (1) year such use shall thereafter revert to permitted uses of the applicable zoning district.

C. Standards and Criteria for Conditional Uses.

- (1) The Borough Council may grant a conditional use provided the use meets the following criteria:
  - (a) The conditional use shall be specifically authorized in the zoning district, shall meet the conditional use criteria established in Article IV, and shall comply with all zoning standards for that district;
  - (b) The conditional use is compatible with the provisions contained in the duly adopted Lewisburg Borough Comprehensive Plan and Article I of this Ordinance;
  - (c) The conditional use will not detract from permitted uses in the district;
- (2) In reviewing applications for conditional uses within any identified floodplain area, the Borough Council shall consider all the criteria listed above in §360-45C(1), Article VI - Floodplain Management and the following:
  - (a) The danger to life and property due to increased flood heights or velocities caused by encroachments in the floodway;
  - (b) The danger that materials may be swept onto other lands or downstream, causing injury to others;
  - (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
  - (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
  - (e) The importance of the services provided by the facility to the community;
  - (f) The requirements of the facility for a waterfront location;

- (g) The availability of alternate locations not subject to flooding for the proposed use;
  - (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - (i) The safety of access to the property in times of flooding by ordinary and emergency vehicles;
  - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
  - (k) Any other factors that are relevant to the purposes of the floodplain management provisions of this Ordinance.
- (3) The Borough Council may attach to any conditional use permit any reasonable conditions and safeguards it may deem advisable and appropriate to implement the purposes of this Zoning Ordinance.
  - (4) When the Zoning Officer determines that a conditional use requires a variance(s) from the requirements of this or any other Ordinance, the conditional use hearing shall not be scheduled until such time as the necessary variances have been granted.
  - (5) Applications for conditional use shall be submitted to the Planning Commission for review and recommendation prior to the public hearing. Lack of recommendation by the Planning Commission shall be deemed as recommended approval of the application to the Borough Council.
  - (6) Whenever a conditional use of any land, structure or building has been discontinued and/or not verifiably marketed for a period of one (1) year such use shall thereafter revert to permitted uses of the applicable zoning district.

**§360-46. Procedures for Hearings.**

The procedures discussed in this section shall apply to all proceedings before the Board and where applicable shall apply to proceedings before the Borough Council.

- A. All hearings shall be held in strict accordance with the procedures contained in Article IX of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as amended.
- B. Filings
  - (1) All appeals and applications shall be in writing in a form prescribed by the Board. Such applications shall contain at a minimum:
    - (a) The specific Ordinance and provision(s) of said Ordinance involved;
    - (b) The interpretation that is claimed for any challenges to the validity of said Ordinance or of the determination of the Zoning Officer;

- (c) The use for which special exception or conditional use is sought; or,
  - (d) The details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
- (2) All appeals and applications shall be accompanied by all required filing fees as may be established by the Borough Council.
- (3) Time limitations for appeals to the Board.
- (a) No person shall be allowed to file an appeal with the Board later than thirty (30) days after an application has been approved by the Zoning Officer or other municipal official, unless such person alleges and proves that he/she had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his/her interest after such approval, he/she shall be bound by the knowledge of his predecessor in interest.
  - (b) All appeals from determinations adverse to landowners shall be filed by the landowner within thirty (30) days after the determination is issued.
- (4) Stay of proceedings.
- (a) Upon filing of any proceeding referred to in this Article, and while such proceeding is pending before the Board, all activities pursuant to any challenged Ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed unless the Zoning Officer or any appropriate agency or bodies certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order that may be granted by the Board or by a court of competent jurisdiction on petition, after notice to the Zoning Officer or other appropriate agency or body.
  - (b) When an application for development has been duly approved, and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition a court of competent jurisdiction to order such appellant(s) to post bond as a condition to continuing the proceedings before the Board. At the hearing it shall be the burden of the applicant to prove the appeal is frivolous. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall not be subject to appeal. An order directing the responding party to post a bond shall not be subject to appeal.

C. Notice

- (1) Written notice of a hearing shall be provided a minimum of fifteen (15) days prior to the hearing and shall consist of a letter prepared by the Zoning Officer and given to the following: the applicant; Planning Commission secretary; adjoining property owners; persons making a timely request and others as designated by the Board. The written notice of said hearing shall also be conspicuously posted on the affected tract at least one week prior to the hearing.
- (2) Public notice of a hearing shall also be given and shall consist of an advertisement published once per week for two (2) successive weeks in a newspaper of general circulation in the municipality not more than thirty (30) nor less than seven (7) days from the date of said hearing or meeting.
- (3) Notices of hearings shall state the time, place and purpose of the hearing; the location of the lot or structure involved and the nature of the relief sought.
- (4) In the event that more than one hearing is required or a hearing is continued to another date, announcement of the next hearing date at the hearing to be continued shall be deemed adequate notice of said continued hearing. In the event that the date or time of the continued hearing subsequently changed, then public notice must again be provided, as set forth in §360-46C(1) through C(3). If for any reason the continued hearing is not held within forty-five (45) days of the prior hearing, then public notice must be provided, as set forth in §360-46C(1) through C(3).

D. Scheduling of hearings.

- (1) Hearings shall be commenced within sixty (60) days from the date of receipt of the applicant's request, unless the applicant has agreed in writing or on the record to an extension of time.
- (2) Any subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of the case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete the case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on record by the applicant and the Borough, be

granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.

E. Conduct of hearings.

- (1) Hearings shall be conducted by the Board. The Board shall not appoint a member to serve as a hearing officer.
- (2) The parties to any hearing shall be the Borough, the applicant, any person affected by the application who has made timely appearance of record before the Board and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing in a form acceptable to the Board.
- (3) The chairperson or acting chairperson of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and production of relevant documents and papers, including any witnesses and/or documents requested by the parties.
- (4) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to present evidence and argument, to respond and to cross-examine adverse witnesses on all relevant issues.
- (5) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (6) The Board shall keep a stenographic record of the proceeding.
  - (a) The appearance fee for a stenographer shall be shared equally by the applicant and the Borough.
  - (b) The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board.
  - (c) The cost of the transcript shall be paid by any person or party who might appeal from the decision of the Board.
  - (d) Additional copies of the transcript shall be paid for by the person requesting such copy.

F. The Board shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate.

- (1) The Board shall not take notice of any communication, reports, staff memoranda or other materials, except advice from its solicitor, unless the parties are afforded an opportunity to contest the material so noticed.

- (2) The Board shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present.
- G. The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board.
- (1) Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on the provisions of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as from time to time reenacted and amended, or of this Ordinance or of any other Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
  - (2) If the Board finds that a substantive challenge to the validity of any land use Ordinance has merit, the decision of the Board shall include recommended amendments to the challenged Ordinance that will cure the defects found. In making its decision, the Board shall take into consideration the factors listed in §360-53E of this Ordinance.
  - (3) Where the Board fails to render the decision within the required forty-five (45) day period, or fails to hold a hearing within the required sixty (60) day period, or fails to complete the hearing within one-hundred (100) days of the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas or unless no action was taken by the Board due to non-payment by the applicant of the required fees, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.
  - (4) In such case when a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render such decision, as provided in this Ordinance. If the Board should fail to provide such notice, the applicant may do so.
  - (5) Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
  - (6) A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him/her not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the



decision or findings and a statement of the time and place at which the full decision or findings may be examined.

**§360-47. Mediation Option.**

Parties to proceedings authorized in this Ordinance may utilize mediation as an aid in completing such proceedings. Mediation shall supplement, not replace, the procedures delineated in this Article once they have been formally initiated.

- A. In proceedings before the Board, in no case shall the Board initiate mediation or participate as a mediating party.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate.
- C. The Borough shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for: funding the mediation; selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation; completing the mediation, including time limits; suspending time limits otherwise authorized in this Article, provided there is written consent by the mediating parties and by the applicant or Borough Council if either is not a party to the mediation; identifying all parties and affording them the opportunity to participate; subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision making body, pursuant to the authorized procedures set forth in the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as amended.
- D. No offers or statements made in the mediation sessions, excluding the final mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

**§360-48. Appeals from Decisions of the Board.**

Any person aggrieved by any decision of the Zoning Hearing Board may appeal to the Union County Court of Common Pleas under the procedure set forth in Article X-A of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as from time to time reenacted and amended. Appeals must be filed within thirty (30) days after the date upon which the decision was rendered by the Board or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given.

**§360-49. Schedule of Fees, Charges and Expenses.**

- A. The Borough Council shall establish a schedule of fees, charges and expenses for Zoning Permits, Certificates of Zoning Compliance, Zoning Hearing Board Hearings and Conditional Use Hearings and any other matters pertaining to this Ordinance. Fees for hearings may include compensation for Zoning Hearing Board members and notice, advertising and administrative costs but fees shall not include legal expenses, consultant expenses or expert witness costs which shall be borne by the applicant.
- B. The schedule of fees shall be available for inspection in the office of the Zoning Officer and no action shall be taken on any application or appeal until such time as all fees, charges and expenses have been paid in full.
- C. The schedule of fees may be altered or amended by resolution of Borough Council.

**§360-50. Nonconforming Lots, Uses, Structures and Buildings.**

- A. Statement of Intent - Within the zoning districts established pursuant to this Ordinance or subsequent amendments thereto, there exist or will exist certain nonconformities that, if lawful before this Ordinance was enacted or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendments thereto. In order to avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any buildings or structures on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this Ordinance and upon which actual building construction has been diligently carried on.
- B. Nonconforming Lots of Record
  - (1) Undeveloped lots of record existing at the date of adoption or amendment of this Ordinance that do not conform to the regulations of the Zoning District in which they are located may be used for primary structures or dwellings and accessory uses upon application for and approval by the Zoning Hearing Board of a Special Exception. In granting such a Special Exception, the Zoning Hearing Board should specify setback requirements that approximate the predominant setback of the developed lots on the block.
  - (2) If two or more undeveloped lots, or combinations of undeveloped lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption of this Ordinance or amendment thereto, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land shall be considered to be an undivided parcel for the purpose of this Ordinance. No portion of said parcel shall be developed or sold in a manner that diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made

that creates a lot with width or area below the minimum requirements established in this Ordinance.

C. Nonconforming Uses

- (1) The lawful use of land or a building or structure that at the effective date of this Ordinance or as a result of subsequent amendments thereto does not conform to the use requirements contained therein may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:
  - (a) Whenever a nonconforming use of any land, structure or building has been discontinued and/or not verifiably marketed for a period of one (1) year such land, structure or building or any portion thereof shall thereafter be used only in a manner in full compliance with this Ordinance.
  - (b) Voluntary removal or destruction of the structure or building in which any nonconforming use is located shall eliminate the use of the land upon which the structure or building was erected for such nonconforming use. Destruction for the purpose of this subsection is defined as damage to an extent of seventy-five percent (75%) or more of the market value of said structure or building immediately prior to such damage or destruction as appraised for tax assessment purposes utilizing the State Tax Equalization Board (STEB) report. The determination of the extent of damage in terms of percent replacement value due to damage or destruction shall be made by comparing estimates made by two (2) certified appraisers appointed by the Borough and the insurance adjuster's estimate of repair cost. The cost of such appraisals shall be borne by the property owner of the affected property.
  - (c) Should the structure or building in which any nonconforming use is located be destroyed by fire, flood, wind or other means not of the owner's decision, the nonconforming use may be continued in the reconstructed structure or building, but the structure or building shall not be reconstructed in any manner that increases the use's nonconformity, except as provided in §360-50(D)(2). If reconstruction has not commenced within one (1) year of the date of such destruction, reconstruction and subsequent use shall be in full compliance with this Ordinance and all other applicable regulations.
- (2) A nonconforming use may be altered or expanded upon application for and approval by the Zoning Hearing Board of a Special Exception provided that the following conditions are met:
  - (a) Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.

- (b) Extension of any nonconforming use shall be permitted only once and shall not exceed twenty-five (25) percent of the gross floor area of any building or, if an outdoor use, twenty-five (25) percent of the gross land area occupied by said nonconforming use at the time of the adoption and/or amendment of this Ordinance.
  - (c) Provision for building height, building area and impervious surface shall be consistent with the standards required for any permitted structure or building in the zone in which the nonconformity in question is located; however, the existing non-conforming setback may be continued or extended but not increased.
- (3) Any nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use.
  - (4) A nonconforming use may be changed to another nonconforming use upon application for and approval by the Zoning Hearing Board of a Special Exception provided that the Zoning Hearing Board shall find that the proposed use is equally or more appropriate in the Zoning District in which the use is located than the existing nonconforming use and that the proposed use will have no more adverse effect on adjacent properties than the existing nonconforming use in relation to signs and lighting, traffic generation and movement, parking and loading, and any applicable performance standards.

D. Nonconforming Structures or Buildings

- (1) Structures or buildings that at the effective date of this Ordinance or subsequent amendments thereto do not conform to the requirements contained therein by reason of restrictions on area, maximum impervious coverage, height, setbacks, location on the lot or other requirements concerning the building or structure, may be continued to be used, maintained and repaired so long as such structure or building remains otherwise lawful. However, no nonconforming structure or building shall be for any reason moved any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.
- (2) A nonconforming building or structure may be altered or expanded subject to the following provisions:
  - (a) Such alteration or expansion is confined to the lot on which the nonconforming structure is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
  - (b) Such alteration or expansion does not create other or additional nonconformities or further increase existing nonconformities although non-conforming setbacks may be continued or extended.

- (c) Such alteration or expansion is in conformance with the provisions of this Ordinance or only extends any existing nonconformity relative to a setback or setbacks and does not enlarge said nonconformity (an example is if a landowner proposes enlarging his residence along the existing front building line which is setback two feet less than the required twenty (20) feet).
  - (3) There may be additions or improvements to dimensional nonconformities upon application for and approval of a Special Exception by the Zoning Hearing Board provided that the following conditions are met:
    - (a) Such addition or improvement is confined to the lot on which the nonconforming structure is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
    - (b) The addition or improvement shall not create other or additional nonconformities.
    - (c) Appearance is harmonious with surrounding properties.
    - (d) Landscaping and buffer yards in accordance with applicable requirements should be provided to protect neighboring properties.
  - (4) Should a nonconforming structure or building be destroyed by fire, flood, wind or other means not of the owner's decision, it shall not be reconstructed in any manner that increases its nonconformity. If reconstruction has not commenced within one (1) year of the date of such destruction, reconstruction shall be in full compliance with this Ordinance and all other applicable regulations.
  - (5) In cases where two or more uses or principal structures, exclusive of any accessory structures, exist on a single parcel, all such buildings or uses shall comply with all requirements of this Ordinance and subsequent amendments that would normally apply to each building or use if each were on a separate lot. In cases where existing multiple uses and/or primary buildings are nonconforming, any alterations or modifications shall be consistent with §360-50 B and C of this Ordinance.
- E. Registration of Nonconformities: To facilitate the administration of this Ordinance, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all nonconforming uses and structures in all districts. As far as records make possible, any previous permitted extensions of any nonconforming uses should be noted in the listing of those uses. The listing of nonconformities shall be a matter of public record.
- (1) Uses permitted by right, special exception, conditional use and/or variance shall be so noted on a permanent record of the subject parcel.

- (2) All nonconforming uses and structures shall be registered separately and an accurate listing maintained. The Zoning Officer shall submit an annual report to the Planning Commission regarding the status of all nonconforming uses and structures.
  - (3) This listing shall constitute sufficient notice of the nonconforming status of said uses and/or structures and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.
- F. Buildings under construction: Nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or structure of which the construction or use was lawfully begun prior to the effective date of adoption of or amendment to this Ordinance and of which construction or use has been diligently carried on.
- G. Status of Subdivision or Land Development Plan
- (1) From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided for in the Subdivision and Land Development Ordinance (SALDO), and while such application is pending approval or disapproval, no change or amendment of the Zoning Ordinance shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions 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 such an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.
  - (2) When an application for approval of a SALDO plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning 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 years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plan. In the event of an appeal filed by any party from the approval or disapproval of a plan, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired, provided, however, that no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. Where final

approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval.

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Article VIII  
Amendments

**§360-51. Statutory Authority.**

- A. The provisions of this Ordinance and the boundaries of the zoning districts, as set forth on the Zoning Map, may from time to time be amended or changed by the Borough Council, in accordance with the provisions contained in this Article and the provisions of Section 609 of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No.247, as from time to time reenacted and amended.
- B. The provisions of this Article are based on Sections 609 and 610 of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No.247, as from time to time reenacted and amended. In any conflict or discrepancy between the provisions herein and those of the aforementioned act, the provisions of the act shall prevail.

**§360-52. Procedure for Enactment of Any and All Amendments**

- A. Prior to voting on the enactment of any amendment the Borough Council shall hold at least one (1) public hearing.
  - (1) Public notice of this hearing shall be given, as delineated in §360-46C(2) of this Ordinance.
  - (2) For re-zoning, excluding that associated with the comprehensive review and updating of the zoning Ordinance, the following notifications shall also occur:
    - (a) Notice of said public hearing shall be conspicuously posted by the Zoning Officer along the perimeter of the tract(s) to be affected at least seven (7) days prior to the date of the hearing;
    - (b) Written notice shall be provided at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for real property located within the area being re-zoned, as evidenced by real estate tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing.
- B. In the case of an amendment, other than that prepared by the Borough Planning Commission, the Borough Council shall submit such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the planning commission an opportunity to submit recommendations.
- C. All proposed amendments shall be submitted by the Borough Council to the Union County Planning Commission for review and recommendation at least thirty (30) days prior to the public hearing.

- D. If, after any public hearing held upon an amendment the proposed amendment is changed substantially or is revised to include any land not previously affected by it, the Borough Council shall submit said amendment back to the Union County Planning Commission for review and recommendation and hold another public hearing before proceeding to vote on the amendment.
- E. Proposed amendments shall not be enacted unless public notice of proposed enactment is given and the proposed amendment is also made available for public view.
  - (1) Content of Notice. The notice of proposed enactment of an amendment shall include:
    - (a) The time and place of the meeting at which enactment will be considered;
    - (b) A reference to where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost of preparing the copies.
  - (2) Public notice shall be given in a newspaper of general circulation not more than thirty (30) nor less than seven (7) days prior to the date of proposed enactment. Such notice shall be printed a minimum of once a week for two (2) consecutive weeks.
  - (3) Notice shall be conspicuously posted in the Borough building at least two (2) weeks prior to the proposed enactment.
  - (4) In addition to the notice of the enactment, the full text of the proposed amendment or a summary thereof prepared by the Borough Solicitor, shall be published in a newspaper of general circulation not more than sixty (60) nor less than seven (7) days prior to passage pursuant to Section 610 of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No.247, as from time to time reenacted and amended.
  - (5) In the event that amendments being made to the Ordinance are substantial (substantial being defined as amending more than one (1) article of the Ordinance), before voting upon any enactment the Borough Council shall, at least ten (10) days prior to scheduled enactment, re-advertise in one newspaper of general circulation, a brief summary of the amendment setting forth all the provisions in reasonable detail.
- F. Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the Union County Planning Commission.
- G. Zoning amendments shall be incorporated into official Ordinance books by reference with the same force and effect as if duly recorded therein.

**§360-53. Procedure for Landowner Curative Amendments**

- A. A landowner who desires to challenge on substantive ground the validity of this Ordinance or of the Official Map or any provision thereof that prohibits or restricts the use or development of land in which he/she has an interest may choose to submit along with his/her challenge a proposed amendment(s) to cure the alleged defects therein. A written request that such a challenge and proposed curative amendment(s) be heard and decided upon shall be submitted to the Borough Council, pursuant to the provisions of Section 609.1 of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No.247, as amended. In addition, the landowner shall submit plans and explanatory material describing the use or development he/she proposes to cure the alleged defects of the challenged Ordinance or map in order to provide sufficient basis for the Borough Council to evaluate the challenged Ordinance or map.
- B. The Borough Council shall commence a hearing thereon within sixty (60) days of the request, pursuant to public notice in accordance with §360-46C(2) of this Ordinance, unless the landowner requests or consents to an extension of time. The public notice shall include notice that the validity of the Ordinance or map is in question and the place and time when a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public.
- C. The landowner curative amendment shall be referred by the Borough Council to the Lewisburg Borough and Union County Planning Commissions for review and recommendation.
- D. The hearing shall be conducted by the Borough Council, in accordance with §360-46E, F and G of this Ordinance and Section 908 of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as amended. All references therein to the Zoning Hearing Board shall, for the purposes of this section, be references to the Borough Council. However the provisions of Section 908 (1.2) and (9) of the act shall not apply and the provisions of Section 916.1 of the act shall control.
- E. Borough Council shall consider the curative amendment, the plans and explanatory material submitted by landowner and shall also consider:
  - (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units to classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map;
  - (3) The suitability of the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features for the intensity of the proposed use;
  - (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to

which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts;

- (5) The impact of the proposal on the preservation of agricultural and other uses that are essential to public health and welfare.
- F. The Borough Council shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Borough Council fails to act on the landowner's request within this time period, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.
- G. The landowner curative amendment shall be deemed denied when:
- (1) The Borough Council fails to commence the public hearing within sixty (60) days of the request;
  - (2) The Borough Council notifies the landowner that it will not adopt the curative amendment;
  - (3) The Borough Council adopts another curative amendment, which is unacceptable to the landowner; or
  - (4) The Borough Council fails to act on the landowner's request within forty-five (45) days after the close of the last hearing, unless the time is extended by mutual consent by the landowner and the Borough.
- H. In the event that Borough Council does not accept a landowner's curative amendment brought in accordance with this subsection, and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning Ordinance and map but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

#### **§360-54. Procedure for Municipal Curative Amendments**

Should the Borough Council determine that this Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The Borough Council shall declare, by formal action, this Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Borough Council shall:
- (1) By resolution make specific findings setting forth the invalidity of this Ordinance or any of its provisions. Such findings may include:
    - (a) References to those specific uses that are either not permitted or not permitted in sufficient quantity;
    - (b) Reference to a class of use or uses that require revision;
    - (c) Reference to the entire Ordinance that requires revision.

- (2) Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough Council shall enact a curative amendment to cure the declared invalidity.
- C. Upon initiation of the procedures set forth above, the Borough Council shall not be required to consider or entertain any landowner's curative amendment filed under §360-53, nor shall the Zoning Hearing Board be required to provide a written decision. Upon completion of the procedures set forth above no rights to a cure pursuant to the provisions of §360-43G or 360-53 shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended Ordinance.
- D. The procedures for a municipal curative amendment may not be utilized for a period of thirty-six (36) months following the date of enactment of a municipal curative amendment. However, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Borough by virtue of a change in statute or by virtue of an Appellate Court decision, the Borough may utilize the provisions of this section to prepare a curative amendment to fulfill said duty or obligation.

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**Article IX**  
**Miscellaneous Provisions**

**§360-55. Reviews and Appeals**

Proceedings for securing review and/or appeal of any Ordinance, decision, determination or order of the Governing Body, its agencies or officers adopted pursuant to this Ordinance shall be in strict accordance with the provisions of the Pennsylvania Municipal Planning Code Act of 1968, P.L. 805, No. 247, as amended.

**§360-56. Remedies**

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this Ordinance, the Governing Body, or, with their approval the Zoning Officer, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure or use in or about such premises, or any act, conduct, or business constituting a violation.

**§360-57. Severability**

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

**§360-58. Repeal of Conflicting Ordinances**

Ordinance No. 928, enacted December 19, 2000, as amended, is hereby expressly repealed and all other existing Ordinances or parts of Ordinances inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

**§360-59. Effective Date**

This Ordinance shall become effective immediately upon enactment.

**§360-60. Zoning Map**

The Zoning Map, for purposes of district identification, shall be the Zoning Map adopted as part of this Ordinance and posted in the Offices of the Borough and Borough Zoning Officer. Any reproductions, reductions or copies of said map shall be for information purposes only. Amendments to the Zoning Map shall be made by Ordinance and a new Zoning Map prepared within thirty days of said amendment.

## RECOMMENDED PLANT MATERIAL LIST

Suitable for street trees or parking lots as well as for buffers and screens.  
(Minimum mature height – 25 feet or more).

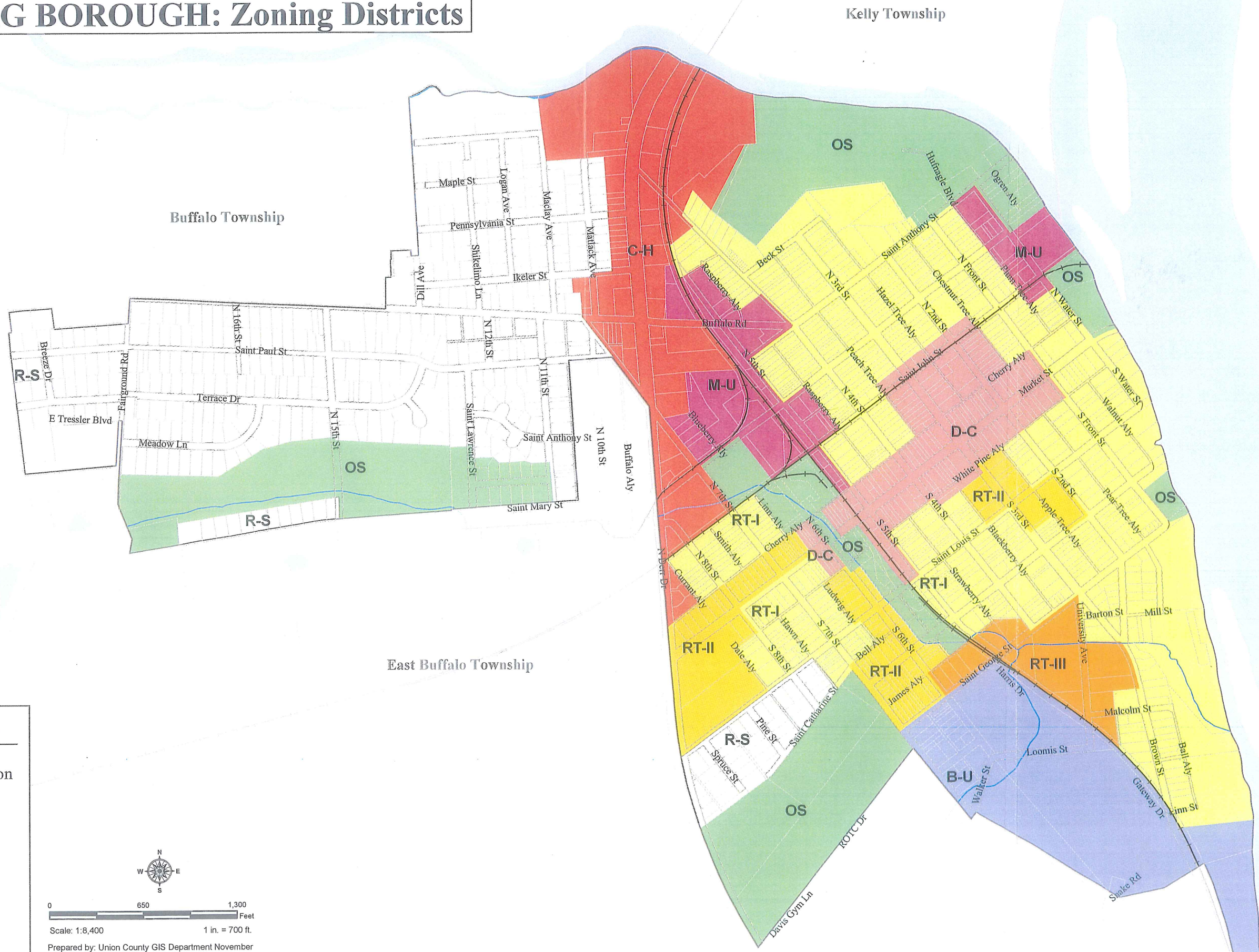
Scientific Name	Common Name
<b>SMALL TREES</b>	
Acer buergeranum	Trident Maple
Acer campestre	Hedge Maple
Acer tataricum	Tartarian Maple
Amelanchier laevis	Service Berry
Amelanchier grandiflora <i>Cumulus</i> or <i>Robin Hill Pink</i>	Service Berry
Amelanchier canadensis	Service Berry
Cornus kousa (Treeform)	Kousa Dogwood
Crataegus crus galli inermis <i>Thornless</i>	Cockspur Hawthorn
Crataegus laevigata	Crimson Cloud Hawthorn
Crataegus phaenopyrum	Washington Hawthorn
Malus (various species of Crabapple)	Prariefire, Harvest Gold, Centurion, Madonna, Adams, Professor Sprenger, Red Jewel, Snowdrift, Sugartyme, Zumi Callicarpa, Columnar Siberian, Pink Spires, Sentinell
Prunus serrulata <i>Kwanzan</i>	Kwanzan Cherry
Prunus yedoensis	Yoshino Cherry
Syringa reticulata <i>Ivory Silk</i> or <i>Summer Snow</i>	Japanese Tree Lilac
<b>MEDIUM TREES</b>	
Acer ginnala	Amur or Hedge Maple
Aesculus hippocastanum <i>Ruby Red</i>	Horsechestnut
Carpinus betula	European Hornbeam
Ostrya virginiana	American Hophornbeam
Sophora japonica	Japanese Pagoda or Scholar Tree
Prunus sargentii <i>Columnaris</i>	Sargent's Cherry
Pyrus calleryana <i>Redspire, Aristocrat, Chantaclear</i> or <i>Capital</i>	Callery Pear
Tilia tomentosa	Silver Linden



<b>LARGE TREES</b>	
<i>Acer rubrum</i> <i>October Glory, Red Sunset</i>	Red Maple
<i>Gingko biloba</i> <i>Autumn Gold</i>	Maidenhair Tree
<i>Gleditsia Triacanthos inermis</i> <i>Shademaster or Skyline</i>	Honeylocust
<i>Platanus acerifolia</i> Bloodgood	Plane Tree
<i>Nyssa sylvatica</i>	Black Tupelo
<i>Quercus acutissima</i>	Sawtooth Oak
<i>Quercus alba</i>	White Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus rubra</i>	Red Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Tilia americana</i>	American Linden
<i>Tilia cordata</i> <i>Greenspire, Fairview, Glenleven</i> and others	Little Leaf Linden
<i>Ulma parvifolia</i> <i>Dynasty or Ohio</i>	Elm, Lacebark or Chinese
<i>Zelkova serrata</i> <i>Green Vase, Halka, Village Green</i>	Zelkova


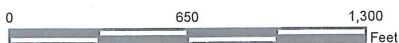


# LEWISBURG BOROUGH: Zoning Districts

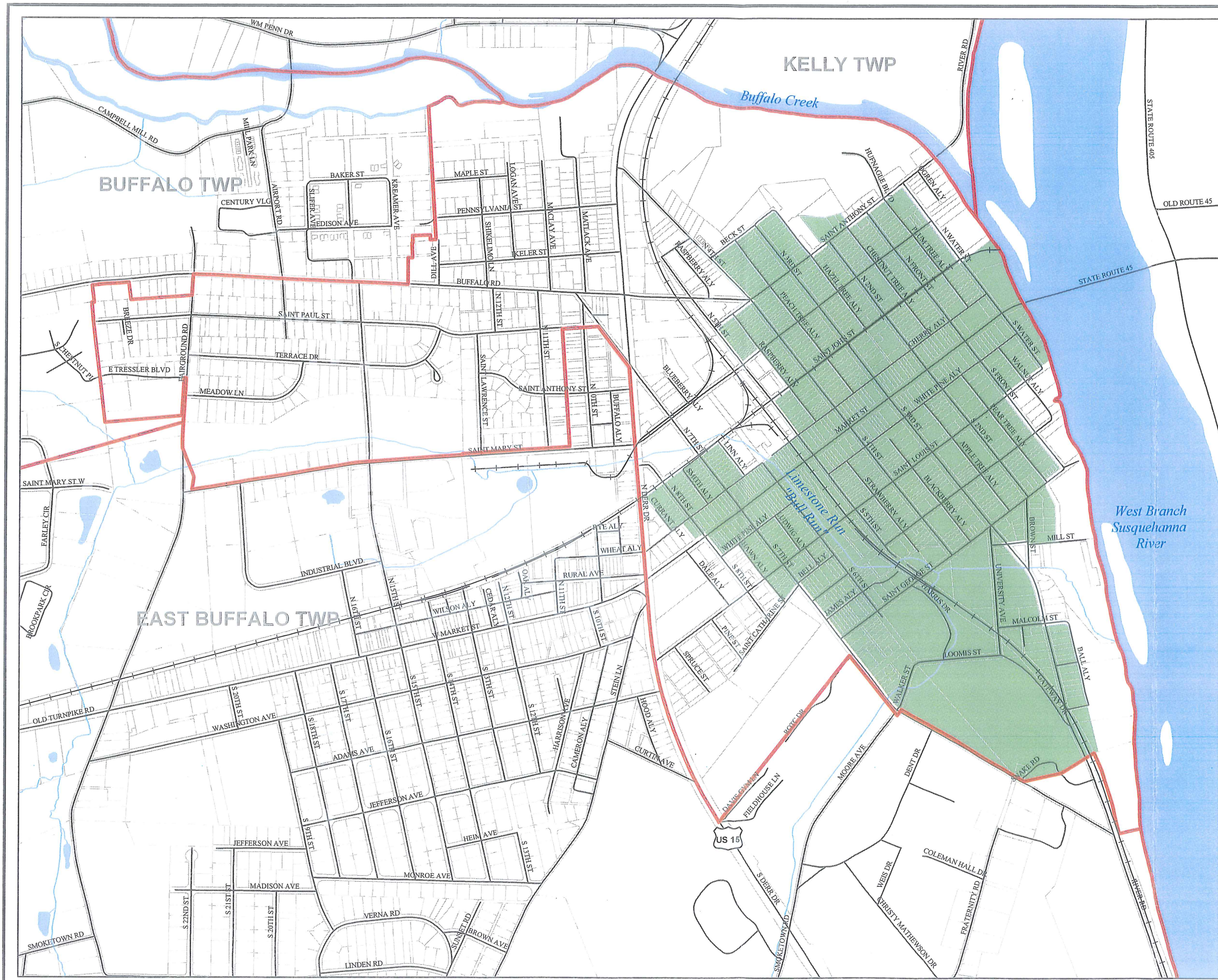


## Zoning Districts

- O-S Open Space & Recreation
- B-U Bucknell University
- D-C Downtown Commercial
- C-H Commercial Highway
- M-U Mixed Use
- R-S Residential Suburban
- RT-I Residential Town I
- RT-II Residential Town II
- RT-III Residential Town III

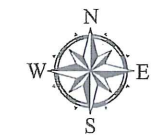
  
  
 Scale: 1:8,400      1 in. = 700 ft.  
 Prepared by: Union County GIS Department November 2000/Revised January 2009/ Revised April 2011  
 Per Ordinance No. 1003 (enacted April 19 2011),  
 amending Ordinance No. 928 (enacted December 28 2000)





# HISTORIC DISTRICT: Lewisburg Borough

- Municipal Boundary
- Historic District
- Parcels

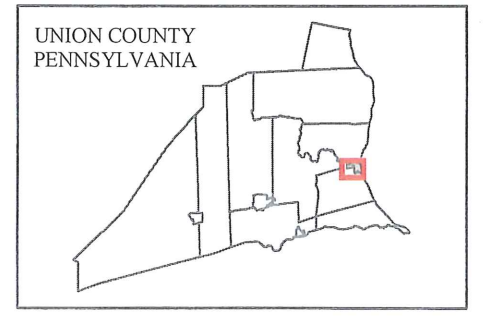


One inch represents 800 feet

**FOR PLANNING  
PURPOSES ONLY  
NOT FOR ENGINEERING USE**

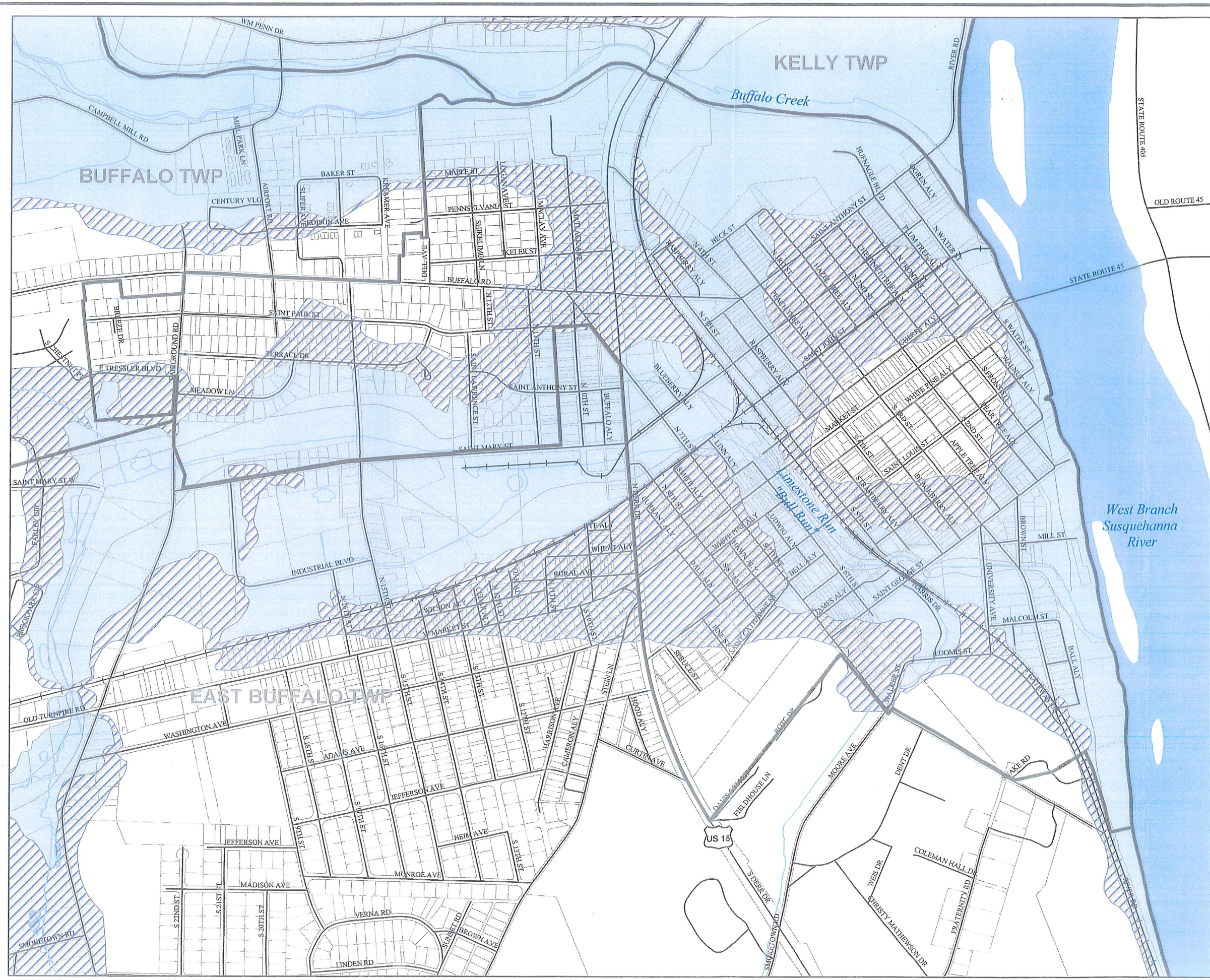
Prepared by:  
Union County GIS Department  
March 2005; reprinted December 2009

Source:  
Union County GIS Data  
Projection:  
State Plane Coordinates, NAD 83 Datum



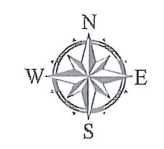


# DFIRM FLOOD ZONES: Lewisburg Borough



### Legend

- Municipal Boundary
- Streams
- Parcels
- DFIRM Flood Zones**
- Zone A/AE (100 Year)
- .02 percent chance (500 Year)



One inch represents 800 feet

**FOR PLANNING  
PURPOSES ONLY  
NOT FOR ENGINEERING USE**

Prepared by:  
Union County GIS Department  
January 2010

Source:  
Union County GIS Data  
Projection:  
State Plane Coordinates, NAD 83 Datum

