

## **Chapter 210**

### **ZONING**

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[HISTORY: Adopted by the Borough Council of the Borough of DuBoistown 11-3-1983 by Ord. No. 1983-4. Amendments noted where applicable.]

### GENERAL REFERENCES

Planning Commission — See Ch. 26.  
Brush, grass and weeds — See Ch. 66.  
Building construction — See Ch. 72.  
Unsafe buildings — See Ch. 77.  
Floodplain management — See Ch. 99.  
Junkyards — See Ch. 110.  
Noise — See Ch. 121.  
Property maintenance — See Ch. 138.

Sewers — See Ch. 152.  
Sobriety houses — See Ch. 157.  
Stormwater management — See Ch. 167.  
Streets and sidewalks — See Ch. 169.  
Subdivision and land development — See Ch. 180.  
Swimming pools — See Ch. 184.  
Trailers — See Ch. 195.



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ARTICLE I  
**General Provisions**

**§ 210-1. Title.**

This chapter shall be known and cited as the "Borough of DuBoistown Zoning Ordinance."

**§ 210-2. General intent.**

The intent of this chapter is to establish comprehensive controls for the development of land in the municipality based on the general plan for the area and enacted in order to promote and protect health, safety, comfort, convenience and the general welfare of the people.

**§ 210-3. Purposes.**

Such regulations shall be made in accordance with the general plan and designed to lessen congestion in the streets, to secure safety from fires, flood, panic and other dangers; to promote the health and general welfare; to provide adequate light and air; to prevent overcrowding of land; and to facilitate the provision of transportation, water, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things as to the characteristics of the district and its peculiarities for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

**§ 210-4. Intent of floodplain management provisions. [Amended 3-4-2004 by Ord. No. 2004-1]**

The intent of the provisions in this chapter pertaining to identified floodplain areas is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

**§ 210-5. Liability.**

- A. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris.

This chapter does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages.

- B. This chapter shall not create liability on the part of the Borough of DuBoistown or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

## ARTICLE II Terminology

### § 210-6. Word usage.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this chapter. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used"; and the word "shall" is mandatory and not permissive.

### § 210-7. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY USE OR STRUCTURE** — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. **[Amended 3-4-2004 by Ord. No. 2004-1]**

**ALLEY** — A public or private way affording only secondary means of access to abutting property.

**AUTOMOTIVE SERVICE STATION** — A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail and where minor service is rendered.

**BASEMENT** — Any area of the building having its floor below ground level on all sides. **[Added 3-4-2004 by Ord. No. 2004-1]**

**BOARD** — The Zoning Hearing Board of the municipality.

**BUILDING** — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation. **[Amended 3-4-2004 by Ord. No. 2004-1]**

**BUILDING COVERAGE** — That percentage of the plot of land area covered by the principal and accessory buildings (including covered porches, carports and breezeways, but excluding open patios).

**BUILDING HEIGHT** — The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, tanks and similar projections.



**BUILDING, PRINCIPAL** — A structure in which is conducted the principal use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a principal building on the district lot on which the same is located.

**COMPLETELY DRY SPACE** — A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor. **[Added 3-4-2004 by Ord. No. 2004-1]**

**COUNCIL** — The governing body of the municipality.

**CUSTOMARY HOME OCCUPATION** — Any use as permitted in § 210-43A which is conducted entirely within the principal structure and carried out by the inhabitants thereof, which use is clearly incidental and secondary to the use of the principal structure and does not change the character thereof.

**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. **[Amended 3-4-2004 by Ord. No. 2004-1]**

**DOCK** — A removable platform type structure, floating on the surface of the water which is temporarily anchored to the shoreline and/or river bottom.

**DWELLING** — Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term "dwelling" shall not be deemed to include an automobile, court, rooming house, tourist home, hotel, hospital, nursing home, dormitory, fraternity or sorority house or other student residence as defined herein.

- A. **DWELLING, SINGLE-FAMILY** — A detached building, designed for or occupied exclusively by one family.
- B. **DWELLING, TWO-FAMILY** — A detached or semidetached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
- C. **DWELLING, MULTIFAMILY** — A building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units.

**DWELLING UNIT** — One or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes, except a mobile home or travel trailer.

**ENCLOSED USE** — A use which is located entirely within a structure.

**ESSENTIALLY DRY SPACE** — A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water. **[Added 3-4-2004 by Ord. No. 2004-1]**

**ESSENTIAL SERVICE** — The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas,

electrical or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

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

**FLOOD FRINGE** — That portion of the floodplain outside a floodway.

**FLOODPLAIN AREA** — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. **[Amended 3-4-2004 by Ord. No. 2004-1]**

**FLOODPROOFING** — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. **[Added 3-4-2004 by Ord. No. 2004-1]**

**FLOODWAY** — The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude. **[Amended 3-4-2004 by Ord. No. 2004-1]**

**HISTORIC STRUCTURE** — Any structure that is: **[Added 3-4-2004 by Ord. No. 2004-1]**

- A. 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;
- B. 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;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**IDENTIFIED FLOODPLAIN AREA** — The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood. **[Added 3-4-2004 by Ord. No. 2004-1]**

**JUNKYARD** — An area of land, with or without buildings, primarily used for the storage outside of a completely enclosed building, of used and discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles



or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of two or more unlicensed wrecked or broken motor vehicles for a period of two months or longer, or the major parts of two or more such vehicles, shall be deemed to make the lot a junkyard. **[Amended 12-10-1998 by Ord. No. 1998-2]**

**LAND DEVELOPMENT** — Any of the following activities: **[Added 3-4-2004 by Ord. No. 2004-1]**

- 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 or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.

**LOT** — A tract or parcel of land intended for transfer of ownership, use or improvement.

- A. **LOT, CORNER** — A lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135°. The point of intersection of the street lot lines is the corner.
- B. **LOT, DEPTH** — The mean horizontal distance between the front and rear lot lines.
- C. **LOT LINES** — The property lines bounding the lot.
  - (1) **LOT LINE, FRONT** — The line separating the lot from a street.
  - (2) **LOT LINE, REAR** — The lot line opposite and most distant from the front lot line.
  - (3) **LOT LINE, SIDE** — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side lot line."
  - (4) **LOT LINE, STREET** — A lot line separating the lot from a street.
- D. **LOT WIDTH** — The distance between the two side lot lines measured at the required setback line.

**LOT, NONCONFORMING** — Any lot where the owner(s) of a lot does not own any adjoining property, the subdivision of which would create one or more conforming lots, which does not conform with the minimum width, depth or area dimensions specified for the district in which said lot is located.

**LOT OF RECORD** — Any lot which individually or as part of a subdivision has been recorded in the office of the County Recorder of Deeds.

**LOWEST FLOOR** — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant, partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this chapter. **[Added 3-4-2004 by Ord. No. 2004-1]**

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers and recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. **[Added 3-4-2004 by Ord. No. 2004-1]**

**MANUFACTURED HOME PARK** — A parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for nontransient use. **[Added 3-4-2004 by Ord. No. 2004-1]**

**MINOR REPAIR** — The replacement of existing work with equivalent materials for the purpose of its 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, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety. **[Added 3-4-2004 by Ord. No. 2004-1]**

**MUNICIPALITY** — The Borough of DuBoistown, Pennsylvania.

**NEW CONSTRUCTION** — Structures for which the start of construction commenced on or after November 3, 1983, and includes any subsequent improvements thereto. **[Added 3-4-2004 by Ord. No. 2004-1]**

**ONE-HUNDRED-YEAR FLOOD** — A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year). **[Amended 3-4-2004 by Ord. No. 2004-1]**

**PERSON** — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. **[Added 3-4-2004 by Ord. No. 2004-1]**

**PIER** — Any structure permanently attached to the shoreline or river bottom.

**RECREATIONAL VEHICLE** — A vehicle which is: **[Added 3-4-2004 by Ord. No. 2004-1]**

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck;



- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOOD** — The flood which has been selected to serve as the basis upon which the floodplain management provisions of this chapter and other ordinances have been prepared; for purposes of this chapter, the one-hundred-year flood.

**REGULATORY FLOOD ELEVATION** — The one-hundred-year-flood elevation, plus a freeboard safety factor of 1 1/2 feet. **[Amended 3-4-2004 by Ord. No. 2004-1]**

**SIGN** — A sign is a name, identification, description, display or illustration or any other visual display which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution organization or business. However, a sign shall not include any display of official court or public office notices nor any official traffic control device nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school or religious group.

**SIGN, ADVERTISING** — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises where the sign is located.

**SPECIAL USE** — A special use is a use which, because of its unique characteristics, requires individual consideration in each case by the Zoning Hearing Board and the Planning Commission, before it may be permitted in the district enumerated in this chapter.

**STRUCTURE** — Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to land. **[Amended 3-4-2004 by Ord. No. 2004-1]**

**SUBDIVISION** — The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. **[Added 3-4-2004 by Ord. No. 2004-1]**

**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 50% or more of the market value of the structure before the damage occurred. **[Added 3-4-2004 by Ord. No. 2004-1]**

**SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: **[Added 3-4-2004 by Ord. No. 2004-1]**

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

**VARIANCE** — The Board's authorized departure to a minor degree from the text of this chapter in direct regard to a hearing peculiar to an individual lot in accordance with the procedure set forth in this chapter.

**YARD** — An open space, which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

- A. **YARD, FRONT** — An open space, which lies between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward exclusive of shrubs or fences.
- B. **YARD, REAR** — An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
- C. **YARD, SIDE** — An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

**ZONING HEARING BOARD** — The Zoning Hearing Board of the Borough of DuBoistown.

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

### ARTICLE III

#### Establishment and Designation of Districts

**§ 210-8. Establishment of districts. [Amended 3-4-2004 by Ord. No. 2004-1]**

- A. For the purposes of promoting the public health, safety, morals and general welfare of the municipality, it is hereby divided into the following types of districts:

R-1	Residential District
R-2	Residential District
R-3	Residential District
R-4	Residential District
B	Business District
I	Industrial District
OS/R	Open Space/Recreation District



FA	General Floodplain District
FW	Floodway District
FF	Flood-Fringe District

- B. Identification of floodplain areas. The identified floodplain area shall be those areas of the Borough of DuBoistown which are subject to the one-hundred-year-flood elevation, as identified in the Flood Insurance Study (FIS) dated March 16, 2004, and the accompanying maps prepared for the Borough by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.
- C. Description of floodplain areas. The identified floodplain area shall consist of the following specific districts:
- (1) FW (Floodway District): the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
  - (2) FF (Flood-Fringe District): the remaining portions of the one-hundred-year-floodplain elevation in those areas identified as an AE Zone in the Flood Insurance Study where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year-flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
  - (3) FA (General Floodplain District): the areas identified as Zone A in the FIS for which no one-hundred-year-flood elevations have been provided. When available, information from other federal, state and other acceptable sources shall be used to determine the one-hundred-year-flood elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year-flood elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
  - (4) In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers, or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.
- D. Changes in identification area. The identified floodplain area may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
- E. Boundary disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough Planning Commission. Any party

aggrieved by this decision or determination may appeal to the Borough Council. The burden of proof shall be on the appellant.

**§ 210-9. Interpretation of boundaries.**

- A. Designation of district boundaries. The district boundary lines are intended generally to follow the center lines of streets, the center lines of railroad rights-of-way, existing lot lines, the mean water level of streams and other waterways or municipal boundary lines, all shown on the Zoning Map. But, where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street center line or other boundary line as indicated.
- B. Determination of locations of boundaries. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to make a determination with respect thereto. The function of the Zoning Hearing Board in this situation is only to determine the precise location of the line. In no event is the Board to change the location of a boundary line in making such determination. If, in its opinion, the precise location is almost impossible to determine, it may recommend a precise location, but such change in location would have to be accomplished officially by amending this chapter.

**ARTICLE IV  
District Regulations**

**§ 210-10. Schedules of regulations.**

The restrictions and controls intended to regulate development in each district are set forth in §§ 210-14 through 210-22, which are supplemented by other sections of this chapter.

**§ 210-11. Application of regulations.**

Except as hereinafter otherwise provided:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located.
- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- C. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.
- D. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space



for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

**§ 210-12. Strict compliance required.**

All uses, activities and developments occurring within any district shall be undertaken, only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, such as Chapter 72, Building Construction, and Chapter 180, Subdivision and Land Development.

**§ 210-13. Special restrictions for Floodway District.**

In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities. In no case shall mobile homes be permitted in the Floodway District.

**§ 210-14. Business District.**

A. Principal permitted uses.

- (1) Retail and service establishments such as eating and drinking establishments, food stores, hardware stores, clothing stores, business and professional offices, banks and financial institutions.
- (2) Public parks and playgrounds.
- (3) Churches and similar places of worship.
- (4) Hotels and motels.
- (5) Commercial amusement uses.
- (6) Commercial/residential (mixed use).

B. Accessory uses.

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Customary accessory uses to the permitted uses.

C. Special uses.

- (1) Automobile service station.
- (2) Light manufacturing of electrical equipment, metal and wood fabrication, cabinets and furniture and the like.

**§ 210-15. Industrial District.****A. Principal permitted uses.**

- (1) Any enclosed manufacturing, assembly or other light industrial or research operation meeting the requirements of the performance standards of this chapter such as laboratory facilities; light manufacturing of electrical equipment, metal fabrication and furniture and the like; manufacturing of apparel, textiles and clothing; and printing.
- (2) Farm, farm uses and customary farm occupations.
- (3) Automobile repair stations.
- (4) Gasoline service stations.
- (5) Used car lots.
- (6) Junkyards.
- (7) Warehouses for enclosed storage of goods and materials, distribution plants and wholesale businesses.

**B. Accessory uses.**

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Outdoor storage areas.
- (4) Customary accessory uses to the permitted uses.

**C. Special uses.** Uses which by the nature of their operation may create nuisances and hazards to surrounding uses or adversely affect the community environment, but which do not cause any violations of the special restrictions imposed by the existence of the Floodway District regulations.**§ 210-16. Residential District (R-1).****A. Principal permitted use.**

- (1) Single-family dwelling.

**B. Accessory use.**

- (1) Gardens or orchards.
- (2) Customary home occupation.
- (3) Signs.
- (4) Private garage.



- (5) Customary accessory uses to the permitted uses.

C. Special use.

- (1) Professional office.
- (2) Church or other place of worship, including parish house and Sunday school building.
- (3) Public school.
- (4) Park, playground or athletic field not operated for a profit.

**§ 210-17. Residential District (R-2).**

A. Principal permitted use.

- (1) Single-family dwelling.
- (2) Church or other place of worship, including parish house and Sunday school building.
- (3) Public school.
- (4) Park, playground or athletic field not operated for a profit.

B. Accessory use.

- (1) Gardens or orchards.
- (2) Customary home occupation.
- (3) Signs.
- (4) Private garage.
- (5) Customary accessory uses to the permitted uses.

C. Special use.

- (1) Two-family dwelling.
- (2) Professional office.

**§ 210-18. Residential District (R-3).**

A. Principal permitted use.

- (1) Single-family dwelling.
- (2) Church or other place of worship, including parish house and Sunday school building.

- (3) Public school.
  - (4) Public library, museum and art gallery.
  - (5) Park, playground or athletic field not operated for a profit.
  - (6) Duplex and two-family dwellings.
- B. Accessory use.
- (1) Gardens or orchards.
  - (2) Professional offices.
  - (3) Customary home occupation.
  - (4) Signs.
  - (5) Private garage.
  - (6) Customary accessory uses to the permitted uses.
- C. Special use.
- (1) Multiple dwellings.

**§ 210-19. Residential District (R-4). [Added 12-3-1987 by Ord. No. 1987-3]**

- A. Principal permitted use.
- (1) Single-family dwelling.
  - (2) Mobile home.
  - (3) Two-family dwelling.
- B. Accessory use.
- (1) Gardens.
  - (2) Customary home occupations.
  - (3) Private garage.
- C. Special use.
- (1) Multiple dwellings.

**§ 210-20. Open Space/Recreation District (OS/R).**

- A. Principal permitted use.



- (1) Parks, playgrounds and outdoor recreation facilities.
- (2) Boat docks and piers.
- B. Accessory use.
  - (1) Customary accessory uses to the permitted uses.
- C. Special use.
  - (1) Facilities engineered so as not to cause any violations of the special restrictions imposed by the existence of the Floodway District regulations.

**§ 210-21. Floodway District (FW).**

- A. Principal permitted uses. In the Floodway District the principal permitted uses are those set forth as such in each of the three underlying districts, parts of which or all of which lie within the floodway. The availability of these uses, however, is now severely restricted and controlled by the requirements of both federal and state regulations which are mandatory. These restrictions are set forth in other sections of this chapter and must be strictly complied with when consideration is given to undertaking any activity within the floodway. Any activity in any of the underlying zones which would require construction of new structures, use of fill or the storage of materials and equipment must be dealt with very carefully in light of all of the restrictions and regulations aforementioned in order to assure full compliance with them. In each of the zones, however, the undertaking of activities as listed below, which do not require structures, fill or storage of material and equipment, would properly be classified as principal permitted uses.
  - (1) In the Industrial Zone, uses such as yard areas, pervious parking areas and loading and unloading areas.
  - (2) In the Open Space/Recreation Zone, uses such as outdoor plant nurseries, truck farming, sod farming and similar types of activities.
  - (3) In the Business Zone, uses such as pervious parking areas, gardens, loading and unloading facilities and similar activities.
- B. Accessory use. Uses which are customarily accessory uses to the permitted use.
- C. Special use. The following uses and activities may be permitted by special exception, provided that they are not prohibited by any other ordinance:
  - (1) Structures necessary to the uses and activities in Subsection A above, subject to the provisions of § 210-45.
  - (2) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants and other similar or related uses.
  - (3) Water-related uses and activities such as marinas, docks, wharves, piers, etc.

- (4) Extraction of sand, gravel and other materials.
  - (5) Temporary uses such as circuses, carnivals and similar activities.
  - (6) Storage of materials and equipment, provided that they are not buoyant, flammable or explosive and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning. (See also § 210-45.)
  - (7) Other similar uses and activities.
- D. All uses, activities and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.

**§ 210-22. Flood-Fringe District (FF).**

In the Flood-Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances.

**§ 210-23. Height, lot, yard and bulk regulations. [Amended 12-3-1987 by Ord. No. 1987-3]**

The table regarding height, lot, yard and bulk regulations can be found at the end of this chapter.

ARTICLE V  
**Lot Regulations**

**§ 210-24. Existing lots of record. [Amended 5-7-1992 by Ord. No. 1992-5]**

A single-family structure may be constructed on any lot in any R-District if said lot is less than the minimum area required for building lots in the R-District in which it is located, provided that the following conditions exist or are met:

- A. Availability of adjacent vacant land. No structure shall be erected on any nonconforming lot if the owner of said lot owns any adjoining vacant land which would create a conforming lot if said vacant land were combined with the lot deficient in area.
- B. Side yards. No structure shall be constructed on a nonconforming lot unless it shall have a minimum side yard equal to the regulations for that particular district.
- C. Front and rear yards. No structure shall be constructed on a nonconforming lot unless it shall have front and rear yards conforming to the minimum required for the R-District in which said lot is located.



**§ 210-25. Lot width. [Amended 5-7-1992 by Ord. No. 1992-5]**

The minimum lot width of any lot shall be measured along the minimum building setback line as required for the district in which it is located.

**§ 210-26. Corner lots. [Amended 5-7-1992 by Ord. No. 1992-5]**

At all street intersections, no obstruction to vision (other than an existing building, post, column or tree) exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines 30 feet distant from their point of intersection.

**§ 210-27. Reduction in required area or space. [Amended 5-7-1992 by Ord. No. 1992-5]**

The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter except as provided in this chapter, and, if already less than the minimum required by this chapter, said area or dimension may be continued but shall not be further reduced.

**§ 210-28. Front yard exception.**

When an unimproved lot is situated between two improved lots, each having a principal building within 20 feet of the side lot line of the unimproved lot, the front yard may be reduced to a depth equal to that of the greater front yard of the two adjoining lots; provided, however, that it may not be reduced to below 10 feet from the street right-of-way line.

**§ 210-29. Height regulations.**

- A. General application. No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except as noted in Subsection B of this section.
- B. Permitted exception to height regulations.
  - (1) Chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, steeples, water towers, ornamental towers or spires, communications, radio or television towers or necessary mechanical appurtenances, may be erected as to their height in accordance with existing or hereafter adopted ordinances of the municipality; provided, however, that no tower other than a church spire or tower of a public building shall exceed the height regulations by more than 40%.
  - (2) No tower shall be used as a place of habitation or for tenant purposes.
  - (3) No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the height limitations.

**§ 210-30. Yard regulations.**

Every part of a required yard must be open to the sky unobstructed except for accessory buildings in a rear or side yard and fences, and except for the ordinary projection of open porches, balconies, steps, sills, belt courses and cornices and for ornamental features projecting not to exceed four inches.

**§ 210-31. Side yards.**

- A. Side yard width may be varied. Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any one point than 1/2 the otherwise required minimum width.
- B. Side yard of corner lot. Any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street; provided, however, that the minimum side yard setback shall be not less than 10 feet.

**§ 210-32. Transition yard requirements.**

- A. Front yard. Where a residence district abuts a nonresidence district, there shall be provided in the nonresidence district for a distance of 50 feet from the district boundary line, a front yard of at least equal in depth to that required in the residence district.
- B. Side or rear yard. Where the side or rear yard in a residence district abuts a side or rear yard in a nonresidence district, there shall be provided along such abutting line or lines, a side or rear yard at least equal in depth to that required in the residence district. In no case, however, shall the abutting side yard be less than 20 feet and the abutting rear yard be less than 20 feet.

**§ 210-33. Maximum coverage.**

Land coverage by principal and accessory buildings or structures on each lot shall not be greater than is permitted in the district where such principal and accessory buildings are located.

**§ 210-34. Minimum yard regulations for accessory structures.**

- A. Unattached accessory structures in R-Districts. Accessory structures, which are not attached to a principal structure, may be erected in accordance with the following requirements:
  - (1) An accessory building not exceeding 12 feet in height may occupy not more than 30% of a required rear yard.
  - (2) No accessory structure shall be located within five feet of side or rear lot lines.



- (3) No accessory structure shall be located closer to the street than the front yard setback required for a principal structure in the district in which such accessory structure will be located.
- (4) For corner lots, the setback from the side street shall be the same for accessory buildings as for principal buildings.
- B. Attached accessory structures in R-Districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of this chapter applicable to the principal building.
- C. Accessory structures in other than R-Districts. Accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than 10 feet.

**§ 210-35. General landscaping regulations.**

- A. Unenclosed uses. Any unenclosed use as may be required by this chapter to be landscaped in accordance with this subsection shall provide a fence, screen or landscaping sufficient to obscure such uses from view from abutting properties lying in R-Districts or from public rights-of-way.
- B. Approval by the Planning Commission. Plans and site design for the installation of required fences or landscaping shall be reviewed by the Planning Commission prior to issuance of a building permit for such uses as are required by this chapter to be provided with such fences or landscaping.
- C. Maintenance. Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this chapter.

**§ 210-36. Miscellaneous lot regulations.**

- A. Stripping of topsoil. No person, firm or corporation shall strip, excavate or otherwise remove topsoil, shale or gravel for sale or for use other than on the premises from which the same shall be taken exception connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

**§ 210-37. Fences and walls. [Added 5-7-1992 by Ord. No. 1992-4]**

No fence or wall (except a retaining wall or a wall of a structure permitted under this chapter) over eight feet in height shall be erected with any of the yards required by this chapter. In addition, no fence or wall shall be erected which may cause danger to traffic on a street or public road by obscuring a driver's view of which does not comply with § 210-26.

ARTICLE VI  
Use Regulations

**§ 210-38. Special uses.**

- A. Special uses, as enumerated in §§ 210-14 through 210-22, shall be permitted only upon authorization by the Zoning Hearing Board subsequent to review by the Planning Commission, provided that such uses shall be found by the Zoning Hearing Board to comply with the following requirements and other applicable requirements as set forth in this chapter.
- (1) That the use is a permitted special use as set forth in §§ 210-14 through 210-22.
  - (2) That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
  - (3) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
  - (4) That the use will be compatible with adjoining development and the proposed character of the zone district where it is to be located.
  - (5) That adequate landscaping and screening is provided as required herein.
  - (6) That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
  - (7) That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments.
- B. Special uses in Floodway and Flood-Fringe Districts. In passing upon applications for special exceptions the Zoning Hearing Board shall consider all relevant factors specified in other sections of this chapter and:
- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
  - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - (5) The importance of the services provided by the proposed facility to the community.
  - (6) The requirements of the facility for a waterfront location.
  - (7) The availability of alternative locations not subject to flooding for the proposed use.



- (8) The compatibility of the proposed use with the existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and floodplain management program.
- (10) The safety of access to the property in times of flood of ordinary and emergency vehicles.
- (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
- (12) Such other factors which are relevant to the purposes of this chapter.

**§ 210-39. Off-street parking and loading.**

A. Off-street parking. In all districts in connection with every manufacturing business, institutional, recreational or any other use, there shall be provided at the time any new building or structure is erected, off-street parking spaces open to the public at no charge for automobiles in accordance with the requirements set forth herein.

- (1) Size and access. Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three spaces.
- (2) Number of parking spaces required.
  - (a) The number of off-street parking spaces required shall be as set forth in the Off-Street Parking Schedule below. **[Amended 12-10-1998 by Ord. No. 1998-2]**

**Off-Street Parking Schedule**

Churches, schools and colleges	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats; whichever is greater
Community buildings and social halls	1 for each 200 square feet of floor area
One- and two-family dwellings	2 for each family or dwelling unit
Multifamily dwellings	2 for each dwelling unit
Hotels, boardinghouses and rooming houses	1 for each 3 sleeping rooms
Motels	1 for each sleeping room
Manufacturing plants, research or testing laboratories	1 for each 4 employees in the maximum working shift

**Off-Street Parking Schedule**

Restaurants, bars and night clubs	1 space for each 100 square feet of floor space
Wholesale establishments or warehouses	1 for each 2 employees in maximum shift; the total parking area shall not be less than 25% of the building floor area
Offices/general	No requirement for the first 2,000 square feet of floor area. When in excess of 2,000 square feet, as follows: 1 off-street parking space shall be provided for each 600 square feet of floor which are above 2,000 square feet
Doctor's office	5 for each doctor

- (b) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Planning Commission, shall apply.

**B. Off-street loading.**

- (1) In any district, in connection with every building or building group or part thereof thereafter erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing or commercial uses or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:
- (a) One space for 4,000 to 5,000 square feet, and one space for each additional 100,000 square feet.
- (b) The loading berth required in each instance shall be not less than 12 feet in width, 25 feet in length and 14 feet in height and may occupy all or any part of any required yard.

**§ 210-40. Gasoline service stations.**

- A. Location of exits and entrances. No gasoline service station or automobile repair shop shall have an entrance or exit for vehicles within 300 feet, as measured along the public street, of the property line of any school, public playground, church, chapel, convent, hospital or public library in any residential district. Such access shall likewise be not closer to any street intersection than 30 feet.
- B. Location of oil drainage pits and hydraulic lifts. All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than 50 feet to any property line.



- C. Gasoline pumps. Gasoline service stations shall have their gasoline pumps, including other service facilities, set back at least 30 feet from any street line.

**§ 210-41. Multiple dwellings.**

- A. Site plan specifications. Application for multiple dwellings shall require the submission of a site development plan to the Planning Commission. Upon approval of the Commission, the plans shall be submitted to the Zoning Hearing Board. Said plan or plans as submitted to the Planning Commission and the Zoning Hearing Board are required to show all structures, roadways, pathwalks, parking areas, recreation areas, utility and exterior lighting installations and landscaping on the site, all existing structures and usages within 200 feet of the site boundaries and any other element as may be deemed essential by the Planning Commission or the Zoning Hearing Board. Before approving the site plan, the Planning Commission and Zoning Hearing Board shall make findings with respect to the following:
- (1) Traffic access. All proposed site traffic access ways are adequate, but not excessive in number, adequate in grade, width, alignment and visibility and not located too near street corners, entrances to schools or places of public assembly and other similar consideration.
  - (2) Circulation and parking. That the interior circulation system is adequate and that all required parking spaces are provided and are easily accessible.
  - (3) Disposal of usable open space. That, in accordance with the spirit and intent of this chapter, wherever possible, usable open space is disposed of in such a way as to ensure the safety and welfare of residents.
  - (4) Arrangement of buildings. That adequate provision has been made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two exterior exposures. Laundry facilities, including washing machines and clothes dryers shall be available on the premises for use by all occupants of the premises. Exterior clotheslines shall not be permitted.
  - (5) Proper landscaping. That the proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening and buffer zones may be required. No certificate of occupancy shall be issued for any such building or buildings, unless the same conforms in all respects to such site plan and unless all facilities included in the site plan have been in accordance therewith.
- B. Supplemental controls.
- (1) In reviewing the proposed site plan for one or more multiple-family structures, the Planning Commission and Zoning Hearing Board will be guided by the following regulations:
  - (2) Building relationship.

- (a) Maximum length of rows. The maximum length of any group of attached structures shall not exceed 150 feet. A building group may not be so arranged as to be inaccessible by emergency vehicles.
- (b) Distance between buildings.
  - [1] The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.
  - [2] The side of any building shall be no closer to the side, front or rear of any other building than 30 feet.
- C. Distance between buildings and driveways.
  - (1) No driveway or parking lot should be closer than 25 feet to the front of any building, nor closer than 10 feet to the side or rear of any building.
  - (2) In the case of an enclosed garage or carport provided as a portion to the main structure, distance requirements for driveways providing access to these accommodations shall not apply.
- D. Recreation spaces. There shall be provided on the site of such development an area or areas devoted to the joint recreational use of the residents thereof. Such recreation space shall consist of not less than 400 square feet of space per dwelling unit. Each such recreation space shall be developed with passive and active recreation facilities.
- E. Off-street parking spaces. There shall be provided on the site of such development an area or areas devoted to the storage of automobiles. Two parking spaces shall be provided for each dwelling unit on the site. Parking areas shall contain a minimum of 180 square feet per space.
- F. Landscaping. Proper landscaping shall be provided along all walks and streets, around recreation areas and along the outer property line of the site.

**§ 210-42. Amusement uses.**

Amusement centers, bowling alleys and similar places of amusement.

- A. Such uses shall be conducted entirely within an enclosed structure.
- B. Off-street parking areas shall be screened from adjoining residential properties in accordance with § 210-35 of this chapter.
- C. A principal structure shall be not less than 50 feet from any property line.
- D. No bowling alley or roller-skating rink shall be maintained or operated within 300 feet of an entrance or exit of a public or private school, public library, church, hospital, children's home or old people's home or other similar public or semipublic institutions.
- E. Illuminated signs and other lights shall be directed away or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof. Flashing signs shall not be permitted.



- F. No public address system shall be permitted except where such system is inaudible at any property line.

**§ 210-43. Miscellaneous uses.**

- A. Home occupations. Permitted home occupations operated in any dwelling unit may be operated only if it complies with all of the following conditions:

- (1) Where permitted. Within a single dwelling unit or in a building or other structure accessory to a dwelling unit and only by the person or persons maintaining a dwelling therein and not more than one additional person shall be employed in the home occupation.
- (2) Evidence of Use. Does not display or create outside the building any evidence of the home occupation, except that one unanimated, nonilluminated flat or window sign having an area of not more than 60 square inches shall be permitted on each street front of the lot on which the building is situated.
- (3) Extent of use. Does not utilize more than 30% of the gross floor area of the dwelling unit, except foster family care.
- (4) Permitted uses include not more than one of the following uses, provided that such uses are clearly incidental and secondary to the use of the dwelling unit for residential purposes:
  - (a) Medical and dental offices in accordance with provisions for off-street parking as required herein with not more than one nonresident assistant.
  - (b) Other professional offices, including lawyer, engineer, architect, etc.
  - (c) Custom dressmaking, seamstress and milliner.
  - (d) Artist or musician.
  - (e) Foster family care (for not more than four children simultaneously).
  - (f) Tutoring for not more than three students at a time.

- B. Signs.

- (1) Signs in all districts except business and industrial. Nonflashing, nonanimated and nonadvertising signs are permitted in such districts in accordance with the requirements set forth in the following table.
  - (a) Name plates, identification signs or home occupation signs: 60 square inches.
  - (b) Sale, rental or temporary signs: 3 square feet.
  - (c) Signs accessory to nondwelling structures: 16 square feet.
  - (d) No such sign shall be higher than 10 feet above average grade.

- (e) The number of signs shall be restricted to one sign on each street which the property abuts for each dwelling unit, entrance, exit or building to which it pertains.
- (2) Signs in business and industrial districts. Nonflashing and nonanimated business signs are permitted in all Business and Industrial Districts in accordance with the following:
  - (a) Area of signs. In no case shall any single sign structure exceed 100 square feet in area and no principal establishment contain more than two signs.
    - [1] Flashing and animated signs of any size are not permitted. The maximum gross area of all signs located on any property shall be in accordance with the following table.

District	Maximum Gross Surface Area (square feet) of All Signs per Foot of Lot Frontage
B	2
I	3

- (b) Height of signs. No sign may be higher than 30 feet above the ground.
- (c) Billboards. Billboards of any size are not permitted in the Borough.
- (3) General sign regulations. The following regulations shall apply to all permitted sign uses:
  - (a) Location.
    - [1] The main supporting structure of all freestanding business signs and freestanding signs permitted in residential or other districts shall not be located closer than three feet to any property line, except for official traffic signs or other governmental signs.
    - [2] Signs attached to any structure shall be attached flat against the structure and shall not hang, suspend or project outward more than 18 inches from the wall which it is attached.
    - [3] Signs shall not be located in any public right-of-way, except when such signs are required in connection with the provision of municipal services.
  - (b) Illuminated signs. Illuminated signs shall not cause any excessive glare or electrical or other disturbance which shall be incompatible with the nature of the adjoining neighborhood in which it is located, as determined by the Zoning Hearing Board, after a receipt of a recommendation from the Planning Commission.



- (c) Attachment. All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the elements.
  - (d) Access to building. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape or so as to prevent free access from one part of a roof to any other part. No sign of any kind shall be attached to a standpipe or fire escape.
  - (e) Zoning permit. A zoning permit shall be required for the erection or alteration of any sign, except name plates, identification signs, home occupation signs, sale or rental signs.
  - (f) Replacement of hanging or suspended signs. No existing hanging or suspended sign may be reconstructed or replaced.
  - (g) Traffic or visual obstruction. No sign shall be erected at the intersection of streets so as to obstruct free and clear vision and if located within the direct line of vision of any traffic control sign or signal, shall not have red, green or amber illumination.
  - (h) Maintenance of signs. All signs permitted under this chapter as well as those in existence prior to the adoption of this chapter, shall be adequately maintained to avoid their deterioration, decay or other conditions which might endanger the public health, welfare or safety.
  - (i) Temporary signs. Temporary signs which are to be erected for a special event or purpose legally permissible in the Borough are permitted in all districts subject to the following:
    - [1] Signs which refer to any single temporary event or purpose, which do not exceed two in number or eight square feet in area and which are not to be located in any public rights-of-way shall not require any zoning permit, provided that such signs shall be removed by the property owner within seven days after the circumstances leading to their erection no longer apply.
    - [2] Signs of any size, exceeding two in number, which refer to any single temporary event or purpose or signs which are to be located in any public right-of-way shall require a Zoning Permit and the deposit of a bond to ensure the removal of said signs by the applicant within seven days after the circumstances leading to their erection no longer apply. The bond, payable by cash or certified check, shall be as set from time to time by resolution of the Borough Council for each sign to be erected and shall be refundable upon removal of all such signs erected.
- C. Piers. Piers shall extend no more than 20 feet into the river. No pier shall be located closer than 150 feet from another dock or pier.

**§ 210-44. Performance standards.**

All uses shall comply with the following:

- A. Sound. The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.
- B. Vibration. An operation which creates intense earthshaking vibration, e.g., heavy drop forges and heavy hydraulic surges, shall not be discernible beyond the property lines of the industry.
- C. Radioactivity. No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, Standards for Protection Against Radiation, dated June 16, 1957, or any subsequent revision or amendments.
- D. Odor. No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.
- E. Toxic or noxious matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business shall be permitted.
- F. Glare. No direct or reflected glare shall be detectable from any boundaries.
- G. Heat. No direct or reflected heat shall be detectable from any boundaries.
- H. Dust and fly ash. No dust or fly ash particles shall be emitted in such quantities as to be readily detectable at any point along lot lines or in such a manner as to produce a public nuisance or hazard beyond lot lines.
- I. Smoke. No smoke shall be emitted in such quantity as to become a nuisance.

**§ 210-45. Floodplain management regulations. [Amended 3-4-2004 by Ord. No. 2004-1]****A. General provisions.****(1) Applicability.**

- (a) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough unless a building permit has been obtained from the Building Permit Officer.
- (b) A building permit shall not be required for minor repairs to existing buildings or structures.

**(2) Abrogation and greater restrictions.** This section supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this section, the more restrictive shall apply.



## (3) Warning and disclaimer of liability.

- (a) The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section 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 damages.
- (b) This section 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 section or any administrative decision lawfully made thereunder.

## B. Flood damage control provisions.

## (1) General.

- (a) No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities that may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection's regional office. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development and Department of Environmental Protection shall be notified prior to any alteration or relocation of any watercourse.
- (b) Any new construction, development uses or activities 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.
- (c) The construction, development, enlargement, or expansion of the following activities within any identified floodplain area shall be prohibited:
  - [1] Hospitals.
  - [2] Nursing homes.
  - [3] Jails or prisons.
  - [4] Manufactured/mobile home parks or subdivisions.

## (2) Special requirements for FW and FA areas.

- (a) With any FW (Floodway District), the following provisions apply:
  - [1] No new construction, development, use, activity or encroachment shall be allowed that would cause any increase in flood heights.

- [2] No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection's regional office.
- (b) Within any FA (General Floodplain District), the following provisions apply:
  - [1] No new construction or development shall be located within the area measured 50 feet landward from the top of bank of any watercourse unless a permit is obtained from the Department of Environmental Protection's regional office.
  - [2] No new construction, development, use, activity or encroachment shall be allowed that would cause any increase in flood heights.
- (3) Elevation and floodproofing requirements.
  - (a) Residential structures. Within any identified floodplain area, the lowest floor (including basement or cellar) of any new construction or substantial improvement of a residential structure shall be at least 1 1/2 feet above the one-hundred-year-flood elevation.
  - (b) Nonresidential structures.
    - [1] Within any identified floodplain area, the elevation of the lowest floor (including basement or cellar) in any new construction or substantial improvement of a nonresidential structure shall be at least 1 1/2 feet above the one-hundred-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.
    - [2] Any nonresidential structure, or part thereof, having a lowest floor (including basement or cellar) which is not elevated to at least 1 1/2 feet above the one-hundred-year-flood elevation shall be floodproofed 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, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing 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) Space below the lowest floor.
    - [1] Fully enclosed space lower than 1 1/2 feet above the one-hundred-year-flood elevation is prohibited in residential structures and must meet the requirements of Subsection B(3)(b) in nonresidential structures.



- [2] Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. 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:
  - [a] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
  - [b] The bottom of all openings shall be no higher than one foot above grade.
  - [c] Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (d) Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
  - [1] 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.
  - [2] Floor area shall not exceed 600 square feet.
  - [3] The structure will have a low damage potential.
  - [4] The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
  - [5] Power lines, wiring, and outlets will be at least 1 1/2 feet above the one-hundred-year-flood elevation.
  - [6] Permanently affixed utility equipment and appliances, such as furnaces, heaters, washers, dryers, etc., are prohibited.
  - [7] Sanitary facilities are prohibited.
  - [8] The structure shall be adequately anchored to prevent flotation or movement 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:
    - [a] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.

- [b] The bottom of all openings shall be no higher than one foot above grade.
  - [c] 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) Design and construction standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:
- (a) Fill. If fill is used, it shall:
    - [1] Extend laterally at least 15 feet beyond the building line from all points;
    - [2] Consist of soil or small rock materials only; sanitary landfills shall not be permitted;
    - [3] Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
    - [4] Be no steeper than one vertical to two horizontal feet, unless substantiated data, justifying steeper slopes, are submitted to and approved by the Building Permit Officer; and
    - [5] Be used to the extent to which it does not adversely affect adjacent properties.
  - (b) Drainage facilities. 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. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
  - (c) Water and sanitary sewer facilities and systems.
    - [1] 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 floodwaters.
    - [2] Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
    - [3] No part of any on-site sewage system shall be located within any identified floodplain area, except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
  - (d) Other utilities. All other utilities, such as gaslines and electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.



- (e) Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- (f) Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 210-45B(5), Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- (g) Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- (h) Anchoring.
  - [1] All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - [2] 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.
- (i) Floors, walls and ceilings.
  - [1] 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.
  - [2] Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
  - [3] Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
  - [4] Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- (j) Paints and adhesives.
  - [1] Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
  - [2] Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
  - [3] All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.

- (k) Electrical components.
    - [1] Electrical distribution panels shall be at least three feet above the one-hundred-year-flood elevation.
    - [2] Separate electrical circuits shall serve lower levels and shall be dropped from above.
  - (l) Equipment. 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.
  - (m) Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- (5) Development which may endanger human life.
- (a) In accordance with the Pennsylvania Flood Plain Management Act,<sup>1</sup> and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises or will involve the production, storage, or use of any amount of radioactive substances shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
    - [1] Acetone.
    - [2] Ammonia.
    - [3] Benzene.
    - [4] Calcium carbide.
    - [5] Carbon disulfide.
    - [6] Celluloid.
    - [7] Chlorine.
    - [8] Hydrochloric acid.
    - [9] Hydrocyanic acid.
    - [10] Magnesium.

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1. Editor's Note: See 32 P.S. § 679.101 et seq.



- [11] Nitric acid and oxides of nitrogen.
- [12] Petroleum products (gasoline, fuel oil, etc.).
- [13] Phosphorus.
- [14] Potassium.
- [15] Sodium.
- [16] Sulphur and sulphur products.
- [17] Pesticides (including insecticides, fungicides, and rodenticides).
- [18] Radioactive substances, insofar as such substances are not otherwise regulated.

(b) Within any FW (Floodway District), any structure of the kind described in Subsection B(5)(a) above shall be prohibited.

(c) Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection B(5)(a) above shall be:

[1] Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year-flood elevation; and

[2] Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.

(d) 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 floodproofing contained in the publication "Flood-Proofing Regulations" (United States Army Corps of Engineers, June 1972, as amended March 1992) or with some other equivalent watertight standard.

C. Existing structures in identified floodplain areas.

(1) Existing structures. The provisions of this section do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § 210-45C(2) shall apply.

(2) Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

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

(b) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market

value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this section.

- (c) Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

D. Variances.

- (1) General. If compliance with any of the requirements of this section would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough may, upon request, grant relief from the strict application of the requirements.
- (2) Variance procedures and conditions.
  - (a) Requests for variances shall be considered by the Borough in accordance with the procedures contained in § 210-59B and the following:
    - [1] No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year-flood elevation.
    - [2] Except for a possible modification of the one-and-one-half-foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development which may endanger human life [§ 210-45B(5)].
    - [3] If granted, a variance shall involve only the least modification necessary to provide relief.
    - [4] In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare and to achieve the objectives of this section.
    - [5] Whenever a variance is granted, the Borough shall notify the applicant in writing that:
      - [a] The granting of the variance may result in increased premium rates for flood insurance.
      - [b] Such variances may increase the risks to life and property.
    - [6] In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:
      - [a] That there is good and sufficient cause.
      - [b] That failure to grant the variance would result in exceptional hardship to the applicant.



[c] 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 and regulations.

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

(b) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

#### ARTICLE VII Administration and Enforcement

##### § 210-46. General provisions.

- A. General sequence of steps. All persons desiring to undertake any new construction, structural alteration or changes in the use of a building or lot shall apply to the Zoning Officer for a building permit by filling out the appropriate application form and by submitting the required fee. The Zoning Officer will then either issue or refuse the building permit or refer the application to the Zoning Hearing Board. After the building permit has been received by the applicant, he may proceed to undertake the action permitted in the building permit and upon completion of such action, shall apply to the Zoning Officer for a certificate of occupancy. If the Zoning Officer finds that the action of the applicant has been taken in accordance with the building permit, he will then issue a certificate of occupancy allowing the premises to be occupied.
- B. Building permit types. Under the terms of this chapter, the following classes of building permits may be issued:
- (1) Permitted use. A building permit for a permitted use may be issued by the Zoning Officer of his own authority.
  - (2) Special uses. A building permit for special uses may be issued by the Zoning Officer after review by the Planning Commission and upon the order of the Zoning Hearing Board.
  - (3) Building permit after an appeal or request for a variance. A building permit may be issued by the Zoning Officer upon the order of the Zoning Hearing Board and after a public hearing held by the Zoning Hearing Board for the purpose of deciding upon the appeal or a request for a variance.

**§ 210-47. Building permits. [Amended 3-4-2004 by Ord. No. 2004-1]**

This section shall be enforced by the Codes Enforcement Officer, who shall be appointed by the Borough Council. No building permit or certificate of occupancy shall be issued by him except where all the provisions of this chapter have been complied with.

- A. General. No building or structure shall be erected, added to or structurally altered until permit therefor has been issued by the Codes Enforcement Officer. Except upon a written order of the Zoning Hearing Board, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this chapter.
- B. The Codes Enforcement Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- C. Prior to the issuance of any building permit, the Codes Enforcement Officer shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended)<sup>2</sup>; the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended)<sup>3</sup>; the Pennsylvania Clean Streams Act (Act 1937-394, as amended)<sup>4</sup>; and the United States Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.
- D. Water supply and sewage and solid waste disposal. All water supply and sewage and solid waste disposal installations shall conform with the Pennsylvania Department of Environmental Protection regulations. No plot plan shall be approved by the Codes Enforcement Officer in any zone unless such conformity is certified on the plan. Drainage affecting adjacent properties shall be considered by the Codes Enforcement Officer before issuing a building permit, including possible runoffs to said properties.
- E. Issuance of permits. It shall be the duty of the Codes Enforcement Officer to issue a building permit, provided that he is satisfied that the structure, building, sign, and parking area of premises and the proposed use thereof conform with all requirements of this chapter and that all other reviews and actions, if any are called for in this chapter, have been complied with and all necessary approvals secured therefor.
- F. All building permits shall be issued in duplicate, and one copy shall be kept conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such operations has been displayed as required by this chapter, nor shall they perform building operations of any kind after notification of the revocation of said building permit.

2. Editor's Note: See 35 P.S. § 750.1 et seq.

3. Editor's Note: See 32 P.S. § 693.1 et seq.

4. Editor's Note: See 35 P.S. § 691.1 et seq.



- G. Denial of permits. When the Codes Enforcement Officer is not satisfied that the applicant's proposed development will meet the requirements of this chapter, he shall refuse to issue a building permit, and the applicant may appeal to the Zoning Hearing Board for a reversal of the Codes Enforcement Officer's decision.
- H. Expiration of a building permit. A building permit shall expire after one year if the applicant fails to implement his application as filed with the Codes Enforcement Officer.
- I. Revocation of permits. If it shall appear at any time to the Codes Enforcement Officer that the application or accompanying plot is, in any material respect, false or misleading, or that work is being done upon the premises differing materially from that called for in the application filed with him under existing laws or ordinances, he may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to said Codes Enforcement Officer. After the building permit has been revoked, the Codes Enforcement Officer, in his discretion, before issuing the new building permit, shall require the applicant to file an indemnity bond in favor of the municipality with sufficient surety conditioned for compliance with this chapter and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.
- J. Special uses. All such applications shall be accompanied by plans and such other information as may be required in this chapter.
- K. 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 the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified by the Borough prior to any alteration or relocation of any watercourse.
- L. Application procedures and requirements.
  - (1) Application for such a building permit shall be made, in writing, to the Codes Enforcement Officer on forms supplied by the Borough. Such application shall contain the following:
    - (a) Name and address of the applicant.
    - (b) Name and address of the owner of land on which proposed construction is to occur.
    - (c) Name and address of the contractor.
    - (d) Site location.
    - (e) Listing of other permits required.
    - (f) Brief description of the proposed work and estimated cost.
    - (g) A plan of the site showing the exact size and location of the proposed construction, as well as any existing buildings or structures.

- (2) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Codes Enforcement 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; and
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (3) Applicants shall file the following minimum information, plus any other pertinent information as may be required by the Codes Enforcement Officer to make the above determination:
  - (a) A completed building permit application form.
  - (b) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
    - [1] North arrow, scale, and date;
    - [2] Topographic contour lines, if available;
    - [3] All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;
    - [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, and other accessways; and
    - [6] The location of any existing bodies of water or watercourses, 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 of 1929;
    - [2] The elevation of the one-hundred-year flood;
    - [3] If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood; and
    - [4] Detailed information concerning any proposed floodproofing measures.



## (d) The following data and documentation:

- [1] A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one-hundred-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
  - [2] Detailed information needed to determine compliance with § 210-45B(4)(f), Storage, and § 210-45B(5), Development which may endanger human life, including:
    - [a] The amount, location and purpose of any materials or substances referred to in §§ 210-45B(4)(f) and 210-45B(5), which are intended to be used, produced, stored or otherwise maintained on site.
    - [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 § 210-45B(5) during a one-hundred-year flood.
  - [3] The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - [4] Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- M. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Codes Enforcement Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Codes Enforcement Officer for possible incorporation into the proposed plan.
- N. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Codes Enforcement Officer to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.
- O. After the issuance of a building permit by the Codes Enforcement 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 Codes Enforcement Officer. Requests for any such change shall be in writing and shall be submitted by the applicant to the Codes Enforcement Officer for consideration.
- P. In the discharge of his duties, the Codes Enforcement Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area,

upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.

**§ 210-48. Certificate of occupancy.**

- A. General. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Officer, stating that the buildings or proposed use thereof complies with the provisions of this chapter.
- B. Maintenance, renewal, change or extension of nonconforming use. No nonconforming use shall be maintained, renewed, changed or extended without a certificate of occupancy (certificate of existing use therefor) having first been issued by the Zoning Officer. No existing building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered except as follows:
- (1) Restoration. Any nonconforming building or structure, which as a result of fire, explosion or other casualty, has less than 50% of its then existing floor area made unsafe and/or unusable, said nonconforming building or structure may be restored, reconstructed or used as before, provided that the bulk, height and area requirements shall not be in excess of that which existed prior to said damage. Such restoration must be completed within one year of such occurrence or the use of such building, structure or land as a legal nonconforming use shall thereafter be terminated.
  - (2) Extension and displacement. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this chapter shall not be deemed the extension of such nonconforming use. No nonconforming use shall be extended to displace a conforming use.
  - (3) Unsafe structures. Any nonconforming building or structure or portion thereof declared unsafe by a proper authority may be restored to a proper condition within one year of declaration.
  - (4) Alterations and repairs. A nonconforming building or structure for other than residential purposes may not be reconstructed or structurally altered during its life to an extent that such alterations exceed in aggregate cost 25% of the full valuation of the building or structure, exclusive of the value of land, unless said building or structure is changed to a conforming use. A nonconforming building or structure containing residential use may be altered in any way to improve interior livability, provided that no structural alteration shall be made which would increase the nonconformity with regard to the number of housing units or the bulk of the building or structure. Normal maintenance repairs and incidental alteration of a building or structure containing a nonconforming use shall be permitted, provided that said repairs and alterations do not extend the volume or area of space occupied by the nonconforming use.



- (5) Change of use. A nonconforming use or structure may be changed to another nonconforming use of an equal or more restricted classification, provided that no structural change, enlargement, extension or reconstruction is made.
  - (6) Abandonment. The discontinuance of a nonconforming use for a period of one year and/or the change of a use to a more restrictive or conforming use for any period of time shall be considered an abandonment thereof and such nonconforming use shall not thereafter be revived. Intent to resume active operations shall not constitute continuance of a nonconforming use.
  - (7) Partial destruction. Any nonconforming building or structure, which as a result of fire, explosion or other casualty, has 50% or more of its then-existing floor area destroyed, the use of such building or structure, as a nonconforming use shall thereafter be terminated and any new construction shall be in accordance with the regulations of this chapter.
  - (8) Existing nonconforming structures in the Floodway District shall not be expanded, but may be modified, altered or repaired to incorporate floodproofing measures, provided that such measures do not raise the level of the regulatory flood.
- C. Application for certificate of occupancy. All certificates of occupancy shall be applied for, coincident with the application for a building permit. Said certificate shall be issued within 10 days after the erection or alteration shall have been approved as complying with the provisions of this chapter.
- D. Record. The Zoning Officer shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- E. Application mandatory. No permit for excavation for, the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

**§ 210-49. Planning Commission review.**

- A. Referral from the Board. The Zoning Hearing Board shall refer to the Planning Commission all applications for special uses and any other applications or appeals.
- B. Criteria for review. The Planning Commission shall review such applications in accordance with applicable criteria set forth in Article IV.
- C. Report to the Zoning Hearing Board. The Planning Commission may approve, disapprove or approve, subject to conditions, modifications and shall report its findings to the Zoning Hearing Board within 30 days of receipt thereof. Such report shall state all recommended conditions and modifications and the reasons for such approval or disapproval.

**§ 210-50. Violations and penalties.**

- A. Complaints of violations. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer who shall properly record such complaint and immediately investigate and report thereon to the governing body. Provided that the Zoning Officer may, if warranted, investigate without a written complaint and if he finds a violation, shall himself file a written complaint.
- B. Violations and penalties. A violation of this chapter is an offense punishable by fine not exceeding \$500 for each offense recoverable with costs. In default of payment of the fine, such person, the members of such partnership or the officers of such corporation shall be liable to imprisonment for not more than 60 days. Each day that a violation is continued shall constitute a separate offense.
- C. Procedure for abatement of violations. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter or of any ordinance or regulation made under authority conferred hereby, the governing body or with their approval, the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

**§ 210-51. Appeal from Zoning Officer.**

- A. Procedure for appellant.
  - (1) An appeal to the Zoning Hearing Board from any ruling of any administrative officer administering any portion of this chapter, may be taken by any person aggrieved or by an officer, board or bureau of the municipality affected hereby. Such appeal shall be taken to the Zoning Hearing Board by filing with the secretary thereof, a notice of appeal, specifying the grounds therefor.
  - (2) All applications or appeals made to the Board shall be in writing on forms prescribed by the Zoning Officer. Every application or appeal shall refer to the specific provision of this chapter and shall exactly set forth the interpretation that is claimed, the plans for a special use or the details of the variance that is applied for, in addition to the following information:
    - (a) The name and address of the applicant/appellant.
    - (b) The name and address of the owner of the lot to be affected by such proposed change or appeal.
    - (c) A brief description and location of the lot be affected by such proposed change or appeal.



- (d) A statement of the present zoning classification of the lot in question, the improvements thereon and the present use thereof.
- (e) A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, the size of such proposed improvements and the general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot, the size of the present improvements thereon and of those proposed to be erected thereon.

B. Procedure for Zoning Officer.

- (1) The form of the notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Board. Upon receipt of such a notice, the Zoning Officer shall forthwith transmit to the Zoning Hearing Board all papers constituting the record upon which the action appealed from was taken or in lieu thereof, certified copies of said papers.
- (2) It shall be competent for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he has not himself sufficient authority to grant the relief sought.

C. Procedure for the Zoning Hearing Board. The Zoning Hearing Board shall decide each appeal within 45 days after a final hearing. At the hearing, any party may appear in person or be represented by an agent or attorney. The Zoning Hearing Board decision shall be immediately filed in its office and be a public record. In the exercise of its functions upon such appeals or upon exceptions, the Zoning Hearing Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, or may take such order, requirement, decision or determination in accordance with the provisions hereof. If the Board fails to render a decision within the time specified above, the decision shall be deemed to have been rendered in favor of the applicant.

D. Expiration of appeal decision. Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request for a variance shall expire, if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorized permit within six months from the date of authorization thereof.

E. Stay of proceedings. Any appeal from a decision of the Zoning Hearing Board shall stay all proceedings by either the applicant or the Borough in connection with the matter decided by the Board until such appeal has been properly disposed of; provided, however, that if the Zoning Officer or any other appropriate official or agency certifies to the Board facts indicating that such a stay would cause imminent peril to life or property, such further proceedings shall not be stayed except through a properly obtained restraining order issued either by the Board or by the Court of Common Pleas of Lycoming County.

- F. Appeal from decision of Zoning Hearing Board. All decisions of the Zoning Hearing Board are subject to review on appeal to the Court of Common Pleas of Lycoming County as provided for in the Municipalities Planning Code.

**§ 210-52. Public hearing and notice.**

The Zoning Hearing Board shall fix a reasonable time for the hearing of appeals or other matters referred to it and give public notice thereof by publication in a newspaper of general circulation at least 15 days prior to the date thereof.

- A. When appealing action of the Zoning Officer. In case of an appeal alleging error or misinterpretation in any order or other action by the Zoning Officer, the following persons shall be notified:
- (1) The appellant.
  - (2) The person or persons, if any, who benefit from the order, requirement, regulation or determination.
- B. When appealing for variance; special use. In case of an appeal for a variance or in case of an application for a special exception use, as provided for in this chapter, the following persons shall be notified: All owners of property within 500 feet of the nearest line of the property for which the variance or special exception use is sought and such other property owners as the chairman of the Zoning Hearing Board may direct.
- C. Adjournment of hearing. At the times set for a hearing on any application or appeal, the Zoning Hearing Board may adjourn the hearing for a reasonable period for the purpose of causing such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal.
- D. Required interval for hearings on applications and appeals after denial. Whenever the Board, after hearing all of the evidence presented in an application or an appeal, denies the same, no further hearings on said application or appeal may be requested by the applicant, his successor or assign, for a period of one year, unless the Zoning Hearing Board shall determine from information submitted with a request for a new hearing that changed conditions have occurred which would justify such a new hearing prior to the expiration of the one-year period. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

**§ 210-53. Fees.**

Fees for the issuance of permits, appeals, amendments and other zoning actions shall be paid to the Borough at the office of the Zoning Officer upon the filing of an application and in accordance with the schedule of fees established by the Borough Council.



ARTICLE VIII  
Zoning Hearing Board

**§ 210-54. Establishment.**

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code,<sup>5</sup> a Zoning Hearing Board is hereby established in the Borough of DuBoistown.

**§ 210-55. Appointment.**

The Board shall consist of three residents of the Borough to be appointed by the Borough Council. The terms of the initial appointees shall be for one, two and three years from and after the date of appointment. Thereafter, their successors shall be appointed for a term of three years.

**§ 210-56. Vacancies.**

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Such appointments to fill such vacancies shall be made in the same manner as the original appointment.

**§ 210-57. General grant of power.**

The Board shall perform all the duties and have all the powers prescribed by the provisions of the Municipalities Planning Code.<sup>6</sup>

**§ 210-58. Votes necessary for decision.**

The concurring vote of two of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer or to decide in favor of any application on any matter upon which it is required to pass under the terms of this chapter or to effect any variation of this chapter.

**§ 210-59. Powers and duties.**

The Board shall hear and decide appeals pursuant to the provisions of the Municipalities Planning Code and shall have the following powers:

- A. To hear and decide appeals. The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Officer administering this chapter. It shall also hear and decide all matters referred to it or upon which it is required to pass under the provisions of this chapter.

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5. Editor's Note: See 53 P.S. § 10101 et seq.

6. Editor's Note: See 53 P.S. § 10101 et seq.

- B. Variances. The Board may vary or adapt the strict application of any of the requirements of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of any provision of this chapter shall be granted by the Board unless it finds:
- (1) That there are special circumstances or conditions, fully described in the findings of the Board, applying to such land or buildings and not applying generally to land or buildings in the neighborhood and that said circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or buildings.
  - (2) That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that the variance, as granted by the Board, is the minimum variance that will accomplish this purpose.
- C. Variances in floodplain districts. In passing upon applications for variance within any floodplain district, the Zoning Hearing Board shall consider all factors specified in other sections of this chapter, the requirements of the Municipalities Planning Code relative to variances and the following:
- (1) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.
  - (2) Variances shall not be given in the floodway that result in any increases in flood levels during the one-hundred-year flood.
  - (3) Variances may be given for new construction and substantial improvements on lots 1/2 acre or less in size adjoining or surrounded by lots with existing structures thereon which were constructed below the one-hundred-year flood level.
  - (4) Variances shall only be given where the applicant shows that granting of a variance will not result in increased flood height, additional threats to public safety or extraordinary public expense, nor cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
  - (5) If any variance is given, written notification shall be given to the applicant indicating that:
    - (a) Increased flood insurance cost will result, possibly going as high as \$25 per \$100 worth of coverage.
    - (b) Construction occurring below the one-hundred-year flood level increases risk to life and property.
  - (6) Records of all variance action, including their justification, shall be maintained by the Borough and reported in its annual report to the proper federal authorities.



- D. Interpretation. The Board shall, upon appeal of a decision by an administrative official, decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto. (See § 210-9B.)
- E. Special uses. The Board may issue a special use permit for any of the uses for which this chapter requires the obtaining of such permits from the Board. Such special use permit will only be issued after notice, hearing and findings by the Board.
- F. Referral to Planning Commission. The Board shall refer to the Borough Planning Commission such matters as required by this chapter and any other pertinent matters for review and recommendations. No final decision thereon shall be made for a period of not more than 45 days pending receipt of a report from the Planning Commission. Upon failure to submit such report, the Planning Commission shall be deemed to have approved the matter as submitted.

#### **§ 210-60. Procedure.**

- A. The Board shall act in strict accordance with the procedure specified by law and by this chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board and in accordance with Article IV. Every appeal or application shall refer to the specific provision of the ordinance involved and shall set forth the interpretation that is claimed, the use for which the special permit is sought or the details of the variance that is sought and the grounds on which it should be granted. At least 30 days before the date of the hearing, the secretary of said Board shall transmit to the Planning Commission a copy of said application or appeal, together with a copy of the notice of the aforesaid and shall request that the Planning Commission make a determination in accordance with § 210-59F of this chapter.
- B. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case.

### **ARTICLE IX Amendments**

#### **§ 210-61. Amendments authorized.**

The municipality may, on its own motion or by petition, amend, supplement, change, modify or repeal this chapter, including the Zoning Map, by proceeding in the following manner.

#### **§ 210-62. Public hearing.**

The municipality, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment. At least 15 days', but not more than 30 days', notice of the time and place of such hearing shall be published once each week for two successive weeks in a newspaper of general, local circulation. The notice shall state the general nature of the proposed amendment in such reasonable detail as will give adequate

notice of its contents and shall name the place or places where copies of the proposed amendment may be examined.

**§ 210-63. Review by Planning Commission.**

Every such proposed amendment or change, whether initiated by the municipality or by petition, shall be referred to the Commission at least 30 days before the public hearing for report thereon. If the Planning Commission shall fail to file such a report before the public hearing, it shall be presumed that the Planning Commission has approved the proposed amendment, supplement or change.

**§ 210-64. Opportunity to be heard.**

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

**§ 210-65. Enactment of amendment.**

The adoption of an amendment shall be by simple majority vote of the Borough Council.

**§ 210-66. Flood district boundary changes.**

The delineation of any floodplain district may be revised by the governing body in accordance with the amendment procedures outlined above and where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers or other qualified agency or individual are available. No change in the floodplain boundary shall be made unless the municipality has sought and obtained approval for said change from the Federal Insurance Administration.

**ARTICLE X  
Miscellaneous**

**§ 210-67. Interpretation.**

In the interpretation and application of the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this chapter imposes greater restrictions upon the use of buildings or premises or upon the height or bulk of a building or requires larger open spaces, the provisions of this chapter shall apply.



## ARTICLE XI

## Antennas

[Added 5-7-1992 by Ord. No. 1992-2]

**§ 210-68. Purpose.**

The express purpose of this article is to promulgate reasonable standards, to regulate the placement of external antennas in the Borough of DuBoistown for the purpose of promoting the health, safety, welfare and aesthetic values of the citizenry.

**§ 210-69. Findings.**

- A. Health and safety. DuBoistown is a community with many children. The lots containing residences vary in size and shape. Additionally, there is great variance in the location of homes on the building lots. In many neighborhoods, children are permitted freely to roam the yards of the neighbors. This raises concern with respect to the manner of installation of antennas or structures as guy wires, falling objects and objects upon which children might climb on or run into, can pose a health and safety risk to the Borough citizenry.
- B. Aesthetic consideration. It is the goal of the Borough Council to maintain the community standards of beauty and attractiveness and it is believed that the unregulated placement of antennas would detract from that goal. Council, therefore, deems this article to be necessary.

**§ 210-70. Regulation of exterior antennas.**

- A. Compatibility with this article. It is hereby recognized and declared that all external antennas are structures as that term is defined in the Pennsylvania Municipalities Planning Code<sup>7</sup> and in this article and are therefore subject to the provisions of this article.
- B. Exterior antennas. Exterior antennas shall include all forms of antennas utilized within the Borough of DuBoistown, whether the same be for telephone, telecommunication, radio or television or other forms of communication, except antennas utilized by governmental bodies or regulated public utilities. Exterior antennas shall include the towers, receiving dishes or receiving fixtures, bases, supports, guy lines and all attachments.
- C. Regulation of placement. Exterior antennas shall not be placed in front yards or in the street side yard of corner lot properties.
- D. Regulation of size of microwave antennas (dishes). The maximum diameter of microwave antennas shall be 10 feet in diameter if roof-mounted and 12 feet in diameter if ground-mounted.
- E. Regulation of height of exterior antennas.

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7. Editor's Note: See 53 P.S. § 10101 et seq.

- (1) No exterior antenna, whether ground-mounted or roof-mounted, shall exceed the maximum building height of the district by more than 40%.
  - (2) All exterior antennas shall comply with Federal Aviation Administration (FAA) Regulations.
  - (3) Side-yard-mounted antennas shall extend no more than four feet from the building in required side yard.
  - (4) Spherical microwave antennas mounted on the ground shall not exceed 14 feet in overall height.
  - (5) Spherical roof-mounted microwave antennas shall not exceed 40% above the building height regulation for that district. Where a residence or building has multiple rooflines, effort shall be made to place the antenna on the lowest roofline.
  - (6) Roof-mounted antennas shall be located (whenever possible) on the portion of the roof offering least visibility when viewing the building or premises from a frontal or street view.
- F. Setback of exterior antennas. All exterior antennas shall be located as nearly as possible toward the center of the rear of the property or premises. Keeping this goal in mind, owners shall ensure that exterior antennas are set back a minimum of 20 feet from the rear and eight feet from the required side yard.
- G. Screening of exterior antennas. Where, because of lot shape, lot location or other factors, an external antenna has a high visibility to other adjoining property owners or the public view generally, the property owner shall provide screening of such antenna by shrubbery or other building materials so as to minimize the visibility of such structure to adjoining property owners and the public generally, provided that screening may not be required if such requirement would preclude the proper functioning of the antenna.
- H. Mounting for exterior antennas. All exterior antennas shall be supported, anchored and installed in accordance with accepted safety engineering standards, taking into consideration all relevant safety factors, including but not limited to wind forces.

**§ 210-71. Installation permit and variances.**

- A. All persons who intend to install an exterior antenna within the Borough of DuBoistown shall first secure an installation permit for such installation from the Zoning Officer of the Borough, at a fee commensurate with fees charged for other buildings or structures.
- B. At the time of securing such permit and before installation, such person shall be provided with a copy of this chapter and shall thereafter provide the Zoning Officer with a sketch of that person's property illustrating the intended installations site and a statement indicating the applicant's method of complying with the terms of this chapter.
- C. Variances. Any variance from the requirements of this chapter may be granted by appeal to Borough Council of the Borough of DuBoistown and any person aggrieved by any



decision made pursuant to this chapter shall have the right of appeal as provided by the Local Agency Law of Pennsylvania.<sup>8</sup>

**§ 210-72. Time for compliance.**

All existing exterior antennas located within the Borough of DuBoistown which are not now in compliance with the terms of this chapter shall be brought into compliance with the terms of this chapter within two years of the effective date of this chapter.

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8. Editor's Note: See 2 Pa.C.S.A. §§ 551 et seq. and 751 et seq.

# ZONING

210 Attachment 1

## Borough of DuBoistown

### Height, Lot, Yard and Bulk Regulations

District	Minimum Lot Dimensions				Maximum Height of Buildings				Minimum Yard Dimensions			Maximum Lot Coverage (percent)
					Principal		Accessory					
	Area	Area/ D.U.	Width	Depth	Feet	Stories	Feet	Stories	Front	Rear	Side (one/both)	
R-1 Residential	12,000	12,000	90	100	25	2	12	1	30	40	15/30	25%
R-2 Residential	6,000	6,000	50	100	25	2	12	1	25	30	5/10	40%
R-3 Residential												
Single-family	6,000	6,000	50	100	25	2	12	1	25	30	5/10	40%
Two-family	9,000	4,500	80	100	25	2	12	1	25	30	10/20	40%
Multifamily	12,000	3,000	100	140	25	2	12	1	25	30	10/20	30%
R-4 Residential	5,000	5,000	50	100	25	2	12	1	25	30	5/10	40%
B Business	5,000	—	50	100	30	2	15	1	10	15	5/10	80%
I Industrial	20,000	—	100	200	30	2	20	1	50	50	25/50	40%
FW Floodway	5 acres	—	300	600	—	—	12	1	60	60	50/100	5%
OS/R Open Space/Recreation	40,000	—	150	200	20	1	12	1	60	60	50/50	5%