

# ZONING ORDINANCE



## WIND GAP BOROUGH NORTHAMPTON COUNTY, PENNSYLVANIA

October 28, 2004

ZONING CONSULTANT

Urban Research and Development Corporation  
Bethlehem, Pennsylvania

Adopted May 24, 1993

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ZONING MAP

## ARTICLE 1

### GENERAL PROVISIONS

101. TITLE. An Ordinance establishing districts and regulations pertaining to the use of land within districts; creating a Zoning Hearing Board for the administration of regulations; and providing means to enforce this Ordinance.
102. SHORT TITLE. This Ordinance shall be known as and may be cited as the Zoning Ordinance of the Borough of Wind Gap, Pennsylvania.
103. PURPOSE.
- A. This Ordinance is hereby adopted in accordance with
1. the provisions and requirements of the Pennsylvania Municipalities Planning Code, as amended,
  2. the community development objectives of the Wind Gap Comprehensive Plan, as amended from time to time,
  3. an overall program, and
  4. with consideration for the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures.
- B. In addition to carrying out the objectives of the Wind Gap Comprehensive Plan, this Ordinance is designed:
1. To provide, promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate sun, light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds, educational and recreational facilities and other public requirements such as proper streets, control of signs and billboards, and to protect property values;
  2. To prevent one or more of the following: overcrowding of land, blight, pollution, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. Zoning ordinances shall be made in accordance with an overall planning program, and with consideration for the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures; and

3. To preserve watersheds, conservation areas and to control floodplain areas, considering topography, soil type and classification, and present use.

104. APPLICATION.

- A. No building, structure or land shall be used, occupied, erected, moved, enlarged, or structurally altered unless in conformity with the regulations of this Ordinance.
- B. This Ordinance regulates:
  1. the location, height, bulk, and size of buildings and other structures;
  2. the relation of such buildings or structures to roads and highways, their intersections and interchanges, to steep slopes and natural bodies of water, to public buildings and public grounds, to airports and heliports, to historic buildings and places, and to floodplains;
  3. areas and dimensions of land and bodies of water to be occupied by uses and structures; the percentage of a lot that may be occupied, the size and use of yards, courts, and other open spaces;
  4. the density and distribution of population and intensity of use; and
  5. the uses of land, buildings, and structures for residents, trade, industry, and other purposes.

105. INTERPRETATION.

- A. Minimum Requirements. The provisions of this Ordinance shall be interpreted as the minimum requirements for the promotion of the health, safety, morals and general welfare. Where this Ordinance conflicts with any rule, regulation or ordinance, the greater restriction upon the use of buildings or premises, upon the height or bulk of a building or upon requiring larger open spaces shall prevail, regardless of its source.
- B. Exemplary Lists. Any list of permitted or prohibited uses is not an exhaustive list, but is included to clarify, emphasize and illustrate, by example, uses which are desirable or undesirable.
- C. In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists, in favor of the property owner and against any implied extension of the restriction.

106. SEVERABILITY. It is hereby declared to be the legislative intent that:

- A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, structure, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be effective.
- C. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

107. REPEALER. All other Borough zoning ordinances or parts thereof that were adopted prior to this Ordinance and are in conflict with this Ordinance are hereby repealed.

108. EFFECTIVE DATE. This Ordinance shall become effective on the date of adoption.

109. ENACTMENT. Enacted and ordained into an Ordinance this 24th day of May, 1993.

Date of Hearing	<u>May 5, 1993</u>
	Borough Council
Date of Adoption	<u>May 24, 1993</u>
Borough Council	_____
	President

Approved the 24th day of May, 1993. ATTEST

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Borough Secretary

ARTICLE 2  
DEFINITIONS

201. GENERAL INTERPRETATION. For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
  - B. The singular shall include the plural and the plural shall include the singular.
  - C. The masculine gender shall include the feminine and the neuter and vice-versa.
  - D. The word "shall" is always mandatory, and the word "may" or "should" is always permissive.
  - E. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied".
  - F. Any word or term not defined in this Ordinance shall be used with a meaning of standard usage.

202. DEFINITIONS. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abandoned Vehicle. A vehicle shall be presumed to be abandoned under any of the following circumstances:

- 1. The vehicle is physically inoperable and is left unattended on a highway or other property for more than forty-eight (48) hours.
- 2. The vehicle has remained illegally on a highway or other property for a period of 48 hours.
- 3. The vehicle is left unattended on or along a highway or other Public property for more than forty-eight (48) hours and does not bear all of the following:
  - a. A valid registration plate,
  - b. A certificate of inspection, and
  - c. An ascertainable vehicle identification number.
- 4. The vehicle has remained on private property without the consent of the owner for more than forty-eight (48) hours.

Across. Next to or adjacent to, and includes the words "directly across from streets, natural features, and rights-of-way."

Accessory Apartment. One (1) or more dwelling units incidental to a principal use located in the upper floors or basement or cellar or to the rear of the principal building within one (1) lot. Each dwelling unit must have its own sanitary, sleeping and cooking facilities and separate access to the outside or to a common hallway or balcony.

Accessory Building. A building (such as a private garage, private tool-house or children's playhouse or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building. See standards in Section 314.C.

\* Accessory Structure. A structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building. No accessory structure shall exceed fifteen (15') feet in height. See standards in Section 314.C.

\* Accessory Use. A use subordinate and customarily incidental to the principal use on the same lot.

Acre. 43,560 square feet.

Adjacent. A state of being side by side, next to, adjoining, contiguous or abutting one to another.

Adult Store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or an establishment with a designated segment or section devoted to the sale or display of such material.

Adult Motion Picture Theatre. An enclosed building or outdoor theater used for presenting motion pictures, slides or video tape disks or similarly reproduced images distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities for observation by patrons therein.

Alley. A public or private way affording only secondary means of access to abutting property, not intended for general traffic circulation.

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

Animal Hospital. A building, structure or area of land where animals are given medical care, other than the premises where such animals are normally kept.

Animal Husbandry. The raising and keeping of livestock or poultry for any commercial purpose. The keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this Ordinance and the raising of garbage-fed pigs or minks shall not be construed as animal husbandry.

Auditorium. A building containing a stage and seating for meetings and performances.

Auto Gas Station. A place where only gasoline and a limited selection of automobile accessories are sold to the public at retail.

Auto, Recreation Vehicle, or Boat Sales Area. An open area, other than a street, used for the display, sale or rental of new or used motor vehicles, recreation vehicles or boats in operable condition, and where no major repair work is done.

Auto Repair Station. Buildings and land where gasoline and other automobile parts and supplies are sold at retail and where major repairs are conducted.

Auto Service Station. Buildings and land areas where gasoline, oil, grease, batteries, tires or automobile accessories are supplied and dispensed at retail and where minor repairs are conducted. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than customary. Outside storage of inoperable or unlicensed vehicles at service stations is limited to a maximum seven (7) day period of time for each such vehicle.

Bank. Includes Savings & Loan, Finance Companies, Credit Unions and other similar enterprises.

Basement. A story in a building (excluding a subterranean building) which has a structural ceiling five (5') feet or more above the average level of finished grade abutting the exterior wall(s) fronting on any road. A basement shall be counted as one story in determining the permissible number of stories.

Bed and Breakfast. The use and occupancy of a single-family detached dwelling for accommodating transient guests for rent.

Block. A tract of land bounded by streets, or by a combination of streets, railroads, watercourses, public lands or boundary lines of the Borough.

Block Frontage. That portion of block which fronts on a single street.

Board or Zoning Hearing Board. The Zoning Hearing Board of the Borough of Wind Gap.

Boarding House (Rooming House, Lodging House). A building which has a dwelling unit occupied by the owner and which has rental units for not more than three (3) roomers or boarders.

Bomb or Fallout Shelter. A structure designed as a bomb or fallout shelter under applicable Federal or State standards.

Borough. Borough of Wind Gap, Northampton County, Pennsylvania.

Borough Council. The governing body of Wind Gap Borough.

Buffer Yard. A strip of land at least twenty (20') feet in width which may be a part of the minimum setback distance and which is free of any principal or accessory building, parking, outdoor storage or any other use than open space. (Also see Section 404.D. relating to buffer yard requirements.)

Building. A structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals or property. "Building" is interpreted as including "or part thereof."

Building Coverage. The ratio obtained by dividing the maximum horizontal cross section of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located.

Building Detached. A building surrounded by open space on all four sides within the same lot.

Building Height. The vertical distance of a building measured from the point which is the mean level of the highest and lowest portion of the site covered by the building to the highest portion of the roof.

Building Line or Building Setback Line. A line, established by the Zoning Ordinance, within a lot defining the minimum distance between any structure or portion thereof to be erected or altered, and an adjacent right-of-way or street line.

Bulk. A term used to describe the size, volume, area or shape of buildings or other structures and their physical relationship to each other, to open space or to tracts of land, to lot lines or to other buildings or structures.

Bulk Fuel Storage. Any structure designed for the above ground storage of fuel for commercial distribution.

Cabaret. A club, theater, hall or similar place which features topless or bottomless dancers, entertainers or employees, strippers, simulated sex acts, live or actual sex acts or similar entertainers or entertainment.

Carport. A building open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

Rightway. The portion of a street right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

Cellar. A part of the interior of a building (excluding a subterranean building) which has a structural ceiling less than five (5') feet above the average level of finished grade abutting the exterior wall(s) fronting on any road. A cellar shall not be counted as one story in determining the permissible number of stories.

Civic Organization. A body of persons established for the purpose of promoting citizenship and providing services benefiting the general public and the public good.

Commercial Motor Vehicle. A motor vehicle licensed by the Commonwealth in a class other than Class I or Class II.

Commercial Outdoor Recreation. Any area which is predominantly open space, is used principally for active or passive recreation and is used for a profit-making purpose.

Commission. The Planning Commission of the Borough of Wind Gap.

Comprehensive Plan. The document entitled Wind Gap Borough Comprehensive Plan or any part thereof, adopted by the Borough Council.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of July 3, 1963 or the Pennsylvania Uniform Condominium Act.

Construction. Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position; and the demolition of a pre-existing building, provided that further construction be diligently carried on.

Contractors Yards. Land used for the storage of machinery, vehicles, equipment and supplies used in the construction industry.

Conversion. To change or adapt land or structures to a different use, occupancy or purpose.

County. The County of Northampton, Commonwealth of Pennsylvania.

County Planning Commission. The Joint Planning Commission of Lehigh-Northampton Counties.

Criminal Treatment Center. A type of institutional use, other than a prison or a permitted type of "hospital", providing living accommodations and/or treatment facilities for persons needing such treatment because of offenses or actions that are criminal in nature. This shall include, but not be limited to, persons requiring such treatment or housing because of current, illegal use of or addiction to a controlled substance as defined

by Federal law. This use shall include, but not be limited to, drug rehabilitation centers, half-way houses for persons recently released from prison, holding centers for persons who would otherwise be imprisoned, facilities for the housing and treatment of persons who suffer from a mental illness that is criminal in nature and holding/treatment centers for drunk drivers.

Cultural Center. A building and/or land open to the public which contains exhibits of a cultural interest, such as a museum, art gallery, nature study area, etc.

Curative Amendment. A proposed zoning amendment made to the Borough Council by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.

Day Care Center. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State required education, including a "nursery school".

Days. Calendar days.

Decision. Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas.

Detached. A state of being surrounded on all sides by yards.

Detention Pond. A basin constructed to retain storm water runoff from a building or development site. For the purpose of this ordinance, areas used for storm water detention shall not be considered part of the required minimum lot area. Also, all detention ponds shall be adequately fenced in a manner acceptable to the Borough Engineer.

Determination. Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. The Borough Council;
2. The Zoning Hearing Board; or
3. The Planning Commission, only in and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinance.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

District (or Zoning District). A portion of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In Commercial Uses. Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters and similar uses.

Driveway. A private means of vehicular access between a public or private street to private property.

Dump. A site used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose of garbage, trash, junk, vehicles or parts thereof, or waste material of any kind.

Dwelling (Residence, Residential Structure). A building containing one (1) or more dwelling units. The term "dwelling" shall not be deemed to include automobile court, rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house, or other group residence.

1. Single Family Detached Dwelling. A dwelling which is designed for and occupied by one family, surrounded by open space, and which is not attached to any other dwelling unit by any means. This term shall be deemed to include a "Modular Home" and a "Mobile/Manufactured Home" herein defined:

a. Modular Home (defined by the Pennsylvania Industrialized Housing Act/Act 70). Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on the building site; housing units defined as mobile homes are excluded from this definition.

b. Mobile/Manufactured Home. A transportable, single family dwelling designed so that it can be used for permanent occupancy, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed with a permanent foundation.

2. Two-Family Dwelling. A detached building containing two (2) dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of both dwelling units shall comply with all requirements for a two-family dwelling in that district.

3. Multiple Family Dwelling. A building containing three (3) or more dwelling units. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of all dwelling units in a multiple family dwelling shall comply with all of the requirements for that type of multiple family dwelling in that district.

- a. Single-Family Attached Dwelling (Townhouse, Row Home). A Multiple Family Dwelling which does not contain more than eight (8) dwelling units, in which each dwelling unit extends from ground to roof and contains two (2) points independent outside access.
- \* b. Low-Rise Multi-Family Dwelling. A Multiple Family Dwelling that does not exceed three (3) stories in height.
- c. High-Rise Apartment. A Multiple Family Dwelling over three (3) stories in height, in which each dwelling unit shares common outside access with at least one (1) other dwelling unit and elevators serve each floor.

Dwelling Unit. A building or entirely self-contained portion thereof containing complete housekeeping facilities, including not more than one (1) kitchen used exclusively for the residence of one (1) family.

Essential Services. The erection, construction, alteration or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems.

Family. One (1) or more persons occupying the same dwelling unit and living and cooking as a single housekeeping unit, said unit consisting only of individuals who are related by blood, marriage or otherwise by law, except that such unit may also consist of foster children, two (2) other individuals not related to others in the housekeeping unit. A "family" as herein defined specifically excludes individuals and groups occupying a boarding or rooming house, lodging house, club, fraternity, hotel or similar living environment.

\* Fence. A fence as used herein includes, but is not limited to, any structure composed of natural vegetation or manufactured material designed as an enclosure to prevent intrusion upon a lot or piece of ground and/or for the purpose of privacy for the occupant or occupants of said lot or piece of ground. Natural living fences (such as hedges) are included in this definition. For living fences (vegetation) a non-fee zoning permit is required.

Finished Grade. The mean curb level; when a curb level has not been established, grade shall mean the average finished ground elevation adjoining the buildings.

Flea Market. A permanent, temporary or occasional gathering of people for the purpose of buying, selling, trading or swapping predominantly new, used or antique household furniture, collectibles, fixtures, books, clothing or personal items such as watches or jewelry.

Floor Area. For the purposes of applying the requirements for off-street parking and loading, "floor area" in the case of offices, merchandising or service types of users, shall mean the gross floor area used or intended to be used by tenants or for the service to the public or customers,

patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or restrooms, for utilities or dressing rooms, fitting or alteration rooms.

Frontage. The side or sides of a lot abutting on a street.

\* Garage, Private. Any accessory building or part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having no public shop or service provided therewith.

Government Services and Facilities. Municipal, County, State or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

Group Home.

A. The use of a permitted dwelling unit in such a way that it meets all of the following criteria:

1. involves the care of less than 15 persons, or a lower maximum number of persons provided by Section 313,
2. involves the care of persons who need nonroutine support services and oversight in order to reasonably function, because of physical illness or infirmity, old age, physical disability, mental illness, mental retardation or emotional disability, or other "handicap" as defined by the relevant Federal law or regulation, but not including any use that meets the definition in this Article of a "criminal treatment center."

(Note: as of 1990, the Federal Fair Housing Act defined " 'handicap' with respect to a person" as follows: "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21.")

3. involves persons living together and functioning as a common household,
  4. meets all of the standards in Section 313,
  5. does not involve the housing of persons who constitute a direct threat to the physical safety of others, including but not limited to, persons prone to physical violence against others.
- B. Either of the following shall not by itself cause the regulations of Section 313 to apply other than what applies to a "family:"

1. The care of 1 or 2 persons in a group home type of setting, and
2. The care of persons who are related to each other or to a resident caregiver by blood, marriage, adoption or formal foster relationship.

Hazardous Waste. Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated or disposed of in a manner customarily accepted for ordinary solid wastes and subject to special State or Federal licensing.

Height of Signs or Other Structures. The vertical distance measured from the average grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

Home Occupation. An accessory use for commercial gain customarily conducted within a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change its character, provided that such an occupation is operated and conducted entirely by members of the family resident in the main building of a lot, except that there may be one employee who is not a member of the family.

Hospital. A building used for the diagnosis, treatment or other care of human ailments. Unless otherwise specified, "hospital" shall be deemed to include a sanitarium, sanatorium, clinic, medical center or other equivalent use.

Hotel (Motel). A building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients, licensed under applicable laws.

Impervious Coverage. The percentage of a lot covered by buildings, structures, paved areas and gravel and by man-made materials that are impenetrable by water.

Junk or Salvage. Any discarded material or articles (including scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers and structures). It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

Kennel. Any lot on which six (6) or more adult (over six (6) months of age) dogs, cats or other small animals are kept.

Kitchen Facilities. Shall consist of all the following: sink with piped water, a cooking appliance and a refrigerator.

Land Development. Any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- a. a group of two 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
  - b. 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.
2. A subdivision of land.
  3. The following shall not be considered a land development:
    - a. the conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
    - b. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

Landowner. The owner of a legal or equitable interest in land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee (if he is authorized under the lease to exercise the right of the landowner), or other person having a proprietary interest in land.

Lodging House. See "Boarding House."

Lot. Any parcel or tract of land established by plot, subdivision or as otherwise permitted by law with frontage on a public or private right-of-way intended as a unit of ownership, transfer of ownership, use, rent, improvement or development. The term "lot" includes the word "plot," "parcel" and "tract."

1. Corner Lot. A lot situated at and abutting the intersection of two streets or upon two parts of the same street having an interior angle of intersection not greater than one hundred thirty-five (135) degrees. A corner lot shall have two (2) front yards.
2. Flag Lot. A single irregular shaped interior lot, the principal or larger area of which is located to the rear of another interior lot, access to which is over the narrow portion of the lot which extends from the principal area to the street. Road access is to be utilized for this single Flag Lot only.
3. Interior Lot. A lot other than a corner lot (whose sides do not abut a street).
4. Reverse Frontage. A lot extending between and having frontage on two (2) generally parallel streets, (excluding service streets or alleys), with vehicular access solely from one street.

5. Double Frontage. A lot extending between and having frontage on two generally parallel streets.

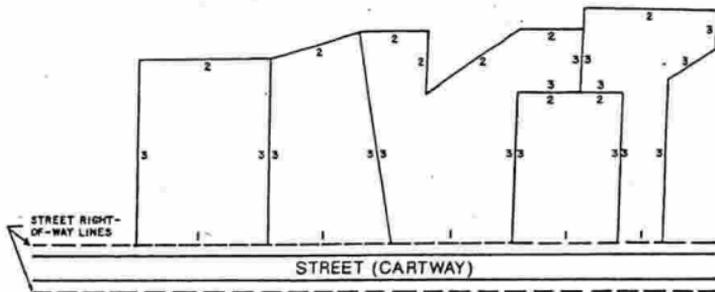
Lot Area. The area contained within all property lines of a lot. The following shall not be included when calculating minimum lot area: space within all street rights-of-way, both public and private and all easements of access, sanitary sewer easements, storm sewer easements, drainage easements, as well as storm water detention basins and retention basin easements.

Lot Coverage. A percentage which when multiplied by the lot area will determine the permitted building area, including all roofed structures and buildings.

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

Lot Lines. The property lines bounding the lot.

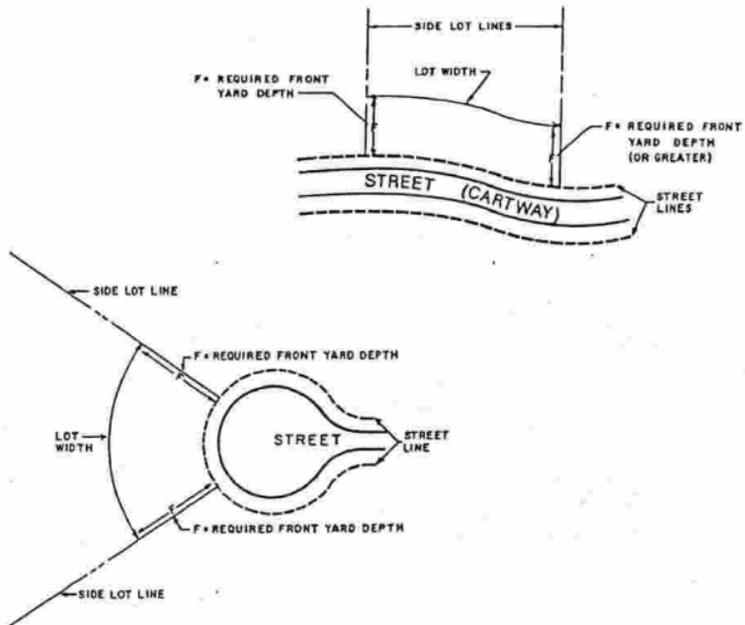
1. Front Lot Line (Street Line). A lot line separating the lot from a street right-of-way. The front lot line shall be the same as an existing or future right-of-way line (whichever establishes a greater width).
2. Rear Lot Line. A lot line opposite and most distant from the front lot line or in the case of triangular lots, a line ten (10') feet in length entirely within the lot, parallel to and a maximum distance from the front lot line.
3. Side Lot Line. Any lot line other than a front or rear lot line.



SAMPLE LOT CONFIGURATIONS: NUMBERS CORRESPOND TO THE ABOVE DEFINITIONS

Lot of Record. Any lot which individually, or as a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania.

Lot Width. The horizontal distance between the side lot lines measured along the minimum prescribed front yard setback line as set forth in the Borough Zoning Ordinance.



Major Auto Repairs. Include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

Massage Parlor. Any place or establishment where a massage is available. A massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands or with any mechanical or bathing device with or without supplementary aids, including, but not by way of limitation, a massage school.

Medical Office Building. A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

Membership Club. An area of land or building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public.

Mini-Warehouse/Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal property.

Minor Auto Repairs and Services. Includes

- a. Sale and servicing of spark plugs, batteries and distributors and distributor parts;
- b. Tire servicing and repair, but not recapping or regrooving;
- c. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
- d. Radiator cleaning and flushing;
- e. Washing and polishing and sale of automotive washing and polishing materials;
- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps, oil filters and lines;
- h. Minor servicing and repair of carburetors;
- i. Emergency electrical repairs;
- j. Adjusting and repairing brakes;
- k. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- l. Mini grocery store with sales of packaged foods, beverages, tobacco and similar convenience goods for filling station customers, as accessory to principal operation; and
- m. Provision of road maps and other informational material to customers; provision of restroom facilities.

Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient residential use.

Motel. See "Hotel."

Nonconforming Lot. A lot which does not conform with the minimum lot width, or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Board.

Nonconforming Structure. A structure which could not be built under this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, but was lawfully in existence prior to the effective date of this Ordinance.

Nonconforming Use. A use which does not comply with the applicable use provisions of this Ordinance, but which was lawfully in existence prior to the effective date of this Ordinance.

Nursery/Greenhouse. The raising of trees (for transplanting), ornamentals, shrubs, flowers or houseplants for any commercial purpose.

Nursing Home. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Office. A building in which a business is conducted, but is not a personal service, professional service or retail store.

Official Map. The Official Map as adopted or amended by Borough Council showing the characteristics of streets, watercourses and public grounds.

Official Street Classification Map. The map as adopted or amended by Borough Council classifying the streets of the Borough into functional categories.

Official Zoning Map. The map as adopted or amended by Borough Council which designated the location and boundaries of zoning districts.

Open Space. The area of a lot unoccupied by principal or accessory structures, streets, driveways or parking areas; but includes areas occupied by walkways, patios or trees.

Open Space Common. A parcel or parcels of land, or an area of water, or a combination of land and water within a development site which is open space designed and intended for the use or enjoyment of residents of a development.

Ordinance. The Wind Gap Borough Zoning Ordinance, including the Official Zoning Map and any amendments enacted by Borough Council.

Park. Any area which is predominantly open space, is used by the public principally for active or passive recreation, and is not used for a profit-making purpose.

Parking Facilities. Outdoor areas or specially designed buildings or garages used for the storage of vehicles.

Parking Space. An off-street space available for the parking of one (1) motor vehicle, exclusive of driveways, passageways and maneuvering space appurtenant thereto, and having access to a public street.

Permit. A document issued by the proper Borough authority authorizing the applicant to undertake certain activities.

1. Zoning Permit. A permit issued indicating that a proposed use, building or structure is in accordance with the Zoning Ordinance which authorizes an applicant to proceed with said use, building or structure.
2. Building Permit. A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the Borough which authorizes an applicant to commence with said construction, alteration or reconstruction.
3. Occupancy Permit. A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land, or reoccupancy of a structure or land indicating that the premises comply with the provisions of the Zoning Ordinance and may be used for the purposes set forth in the Occupancy Permit.

Permitted Use. A use which does not require special action by the Zoning Hearing Board or by Borough Council before a zoning permit is granted by the Zoning Officer.

Person. An individual, partnership, organization, association, trust or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust and the officers of such organization, association, or corporation.

Personal Service. A building in which a business provides a service oriented to personal needs which do not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, dry cleaners and other similar establishments.

Picnic Grove. An area of land which is commercially rented for picnics.

Planned Development. An area of land of a minimum contiguous size under single ownership containing any combination of two (2) or more principal uses permitted by right, as a special exception, or as a conditional use in the district in which the development is proposed, provided a special exception or conditional use approval must be obtained for any proposed use so listed in the regulations of the district in which the development is proposed. Examples of Planned Developments include uses such as shopping centers and planned industrial parks.

Planning Commission. The Wind Gap Borough Planning Commission, Northampton County, Pennsylvania.

Planting Screen. A maintained planted all-season visual barrier composed of natural vegetation (i.e.: plants, trees, hedges) arranged to form a visual barrier.

Principal Building. The building in which the principal use of a lot is conducted.

Principal Use. The single dominant use or single main use on a lot.

Professional Office. A building in which services are performed by a member of a profession, including but not limited to an accountant, architect, author, community planner, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician or realtor.

Public Hearing. A formal meeting held pursuant to public notice by the Borough Council, Planning Commission or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this act.

Public Meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

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

Public Uses. Public schools, parks and administrative, cultural and service buildings and telephone exchange buildings, utilities, but not including public land or buildings devoted primarily or solely to the storage and maintenance of equipment and material.

Radio/TV Transmitter. Any structure used for the transmission or retransmission of a commercial radio or TV broadcast signal.

Recreational Vehicle. A vehicle (regardless of size) which is designed principally for travel, recreational and vacation uses (regardless of whether it is self-propelled or is designed to be towed or carried by another vehicle. "Recreation Vehicle" includes campers, pickup coaches, travel trailers, motor homes and boats.

Report. Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon their recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of production.

Rental Unit. Except as otherwise provided, one or more rooms intended to be occupied by one (1) family as separate living quarters, but does not contain any of the following: sanitary facilities, kitchen facilities or direct access from the outside or through a common hall.

Restaurant. A building in which food is prepared for the purpose of furnishing meals to the public where customers place their orders and food is served for consumption either at seating areas within the building or for take-out for consumption off the premises.

1. Fast Food Restaurant. A restaurant providing service to customers, but where no waiters or waitresses take orders and serve food to seated patrons at tables, booths or counter seats.
2. Fast Food Restaurant with Drive-in Service. A restaurant providing service to customers remaining seated in automobiles, either through an exterior window or service area or through service to parked automobiles.

Retail Store. A building in which retail merchandise is sold or rented, except for any type of business selling any type of retail merchandise which is specifically listed in this Ordinance.

Right-of-Way. The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public purposes.

Rooming House. See "Boarding House."

Sanitary Facilities. All of the following: sink with hot and cold piped water, a toilet and a bathtub or shower with hot and cold piped water.

Satellite Earth Station. A dish-shaped antenna together with all attachments and parts, the purpose of which is to receive communication from orbiting satellites or other extraterrestrial sources.

Screen. A maintained planted all-season visual barrier composed of natural vegetation (i.e.; plants, trees, hedges) arranged to form a visual barrier.

Seasonal Roadside Product Market. An accessory use for the sale of dairy, farm, greenhouse or nursery products.

Sewage Disposal System. A system designed to collect, treat and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the Borough.

Shopping Center. A commercial area designed as a planned development, with adequate off-street free parking area and usually consisting of various retail stores, personal services, professional offices, restaurants and similar commercial uses in one-story buildings (see Planned Development).

Sign. Any writing, figure representation, emblem, flag (other than the flags of the United States and the Commonwealth of Pennsylvania), banner model, device, letter, work, street clock and temperature announcement, which shall include any announcement, declaration, demonstration, display, illustration, name identification, description or insignia used to advertise or promote the interest of any person or firm when such representation is placed in view of the general public. This definition shall include any sign placed upon a vehicle when that vehicle is used primarily for the placement and/or display of advertising matter.

1. Artisan Sign. Temporary signs of workmen performing services at or alterations to a building or premises.
2. Bulletin Board. A sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with or events connected with or products or services offered on the premises upon which such a sign is maintained.
3. Business or Industrial Sign. A sign directing attention to a business, industry, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.
4. Development Sign. A sign indicating that the premises is in the process of being subdivided and/or developed for the construction of dwellings or other buildings.
5. Directional Sign. A sign conveying instructions with respect to the premises on which it is maintained, such as the entrance and exit of a parking area, a no trespassing sign, a danger sign and similar signs.
6. Freestanding Sign. A detached sign which shall include any permanent sign supported by uprights or braces placed on or in or supported by the ground and not attached to any building.
7. Identification Sign. A sign, other than a bulletin board or nameplate sign, indicating the name of a permitted use, the name or address of a building or the name of the management thereof.
8. Illuminated Sign. A nonflashing or nontwinkling sign which has characters, letters, figures, designs or outlines illuminated by electric lighting or luminous tubes as part of the sign.
9. Nameplate Sign. A sign which designates the name and address of an occupant or group of occupants.
10. Official Traffic Sign. Those sign erected by the Commonwealth of Pennsylvania Department of Transportation or the Borough of Wind Gap which are designed to regulate traffic or to describe road conditions.
11. Portable Sign. A nonstationary sign.
12. Professional Signs. Those signs which indicate the profession of a doctor of medicine, veterinarian, dentist or practitioner of similar character.
13. Projecting Sign. A display sign which is attached directly to any building wall and which extends more than twelve (12") inches from the face of the wall.

14. Real Estate Sign. A temporary sign indicating the sale, rental or lease of the premises on which the sign is located.
15. Signs on Mobile Stands. A temporary, portable sign mounted on a moveable stand.
16. Wall Signs. Any sign erected against the wall of any building, or displayed on windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door and which sign is mounted at a distance measured perpendicular to said wall, not greater than twenty-four (24") inches.

Sign Area. Includes the entire area of the sign structure, which shall include all moldings, battens, cappings, nailing strips, backings, latticing and platforms and which are attached or form a part of the sign structure and/or incidental to its decoration. For the purpose of this Ordinance, when two (2) sign faces are placed back-to-back and are at no point more than two (2') feet from one another, the sign area shall be taken as the sign area of both faces. For the purpose of this Ordinance, signs which are composed of letters, words or representation only and which do not form a square or rectangular pattern shall be considered to include in sign area a square or rectangle drawn at the outer limits of the letters, words or representation and extended from the highest of any thereof.

Site Alteration. Includes regrading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses. Normal agricultural tillage operations are not considered to be site alterations.

Site Plan. The Plan submitted for site plan review, prepared in accordance with the requirements of Section 409 C.

Solar Access. The capability of receiving direct sunlight between 9:00 a.m. and 3:00 p.m. (Solar Time) on any area of a lot not within required yard areas.

Special Exception Use. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance.

Story (and Half-Story). That portion of a building, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven (7') feet shall be considered a full story. Any such portion of a building having a vertical distance of less than seven (7') feet shall be considered a half-story. Basements shall be considered full stories while cellars shall not be considered as being stories or half-stories.

Street. A public or private right-of-way intended as a means of vehicular travel, furnishing access to abutting properties. The term street shall include the words "roads", "highway", "thoroughfare" and "way". Streets shall be further classified as follows:

1. Arterial Street. A street designed for large volumes of comparatively high-speed and long-distance traffic. Access to abutting properties is restricted in an effort to give preference to through movement of traffic.
2. Collector Street. A street which, in addition to providing access to abutting properties, intercepts minor local streets to provide a route serving fifty (50) or more dwelling units to community facilities and/or other collector and arterial streets.
3. Marginal Access Street. A minor local street, parallel and adjacent to an arterial street, but separated from it by a reserve strip, which provides access to abutting properties and control of intersections with arterial streets.
4. Local Street. A street used primarily to provide access to abutting properties.

Street, Cul-De-Sac. A minor street intersecting another street and terminating in a vehicular turn-around at the other end.

Street, Partial. A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

Street, Private. A local street, serving only abutting lots which is not offered or required to be offered for dedication.

Street, Public. A strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended for general public use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The term "public street" includes any thoroughfare intended for public use.

Structural Alteration. Any change in the structural parts of a structure such as walls, columns, beams, girders, floors, roof or ceiling, or any addition to any structure; or the moving of a structure from one location to another. "Structural Alteration" does not include normal maintenance, minor repairs, or interior alterations.

Structure. Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term structure shall include: building, signs, fences, walls, towers, swimming pool, porches, garages, and similar structures. "Structure" shall be interpreted as including the words "or part thereof." For the purpose of this Ordinance, streets and/or driveways are not considered to be structures.

Subterranean Building. A building covered by land on at least fifty (50%) percent of the total surface of its walls and roof.

Swimming Club. An area containing a swimming pool which is used by the public or by members for a fee.

Swimming Pool. A body of water or receptacle for water having a depth at any point greater than thirty (30") inches which is primarily used or intended to be used for swimming or bathing.

Telephone Exchange Building. A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone and radio messages between subscribers, provided that in a residential district such building shall conform to the architectural design of the neighborhood, and shall not include public access or business facilities, storage of materials, trucks or repair facilities or housing of repair crews.

Temporary Occupancy (Seasonal Occupancy). The use of any premises or structure for living and/or sleeping purposes for less than one hundred (100) consecutive days in any calendar year.

Temporary Structure. A structure which is not designed to last or to be used for a specific use for more than six (6) consecutive months.

Townhouse. See Dwelling, Single Family Attached Dwelling.

Tract. One or more lots assembled for the purpose of unified development, including but not limited to a planned residential development, shopping center, office or industrial park.

Trailer. A vehicular portable structure built on a chassis, designed for towing or pulling of products and items by a tractor, automobile or other motor vehicle. Trailers shall not be used for residential occupancy or permanent storage.

Travel Trailer. See "Recreation Vehicle."

Usable Satellite Signal. A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

Use. The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

Variance. The granting of permission by the Zoning Hearing Board to use or alter land or structures which requires a variation from the strict application of a requirement of the Zoning Ordinance. Variances are granted only in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby strict application of regulations would result in practical difficulty and

unnecessary hardship. Variances are granted only if specific requirements are met. A variance may not be granted to permit a use which is not permitted in the Zoning District involved.

Veterinarian Office. See "Animal Hospital."

Video Store. A store which sells or rents video cassettes. A video store shall have no more than five (5%) percent of its floor area devoted to adult or "X" rated videos and any viewing of adult or "X" rated videos shall be prohibited within the store.

Water Supply System. A system for supplying water from a common source or sources, available to all dwellings and buildings within a franchise area.

Yard. An open space that lies between the principal building and the nearest lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

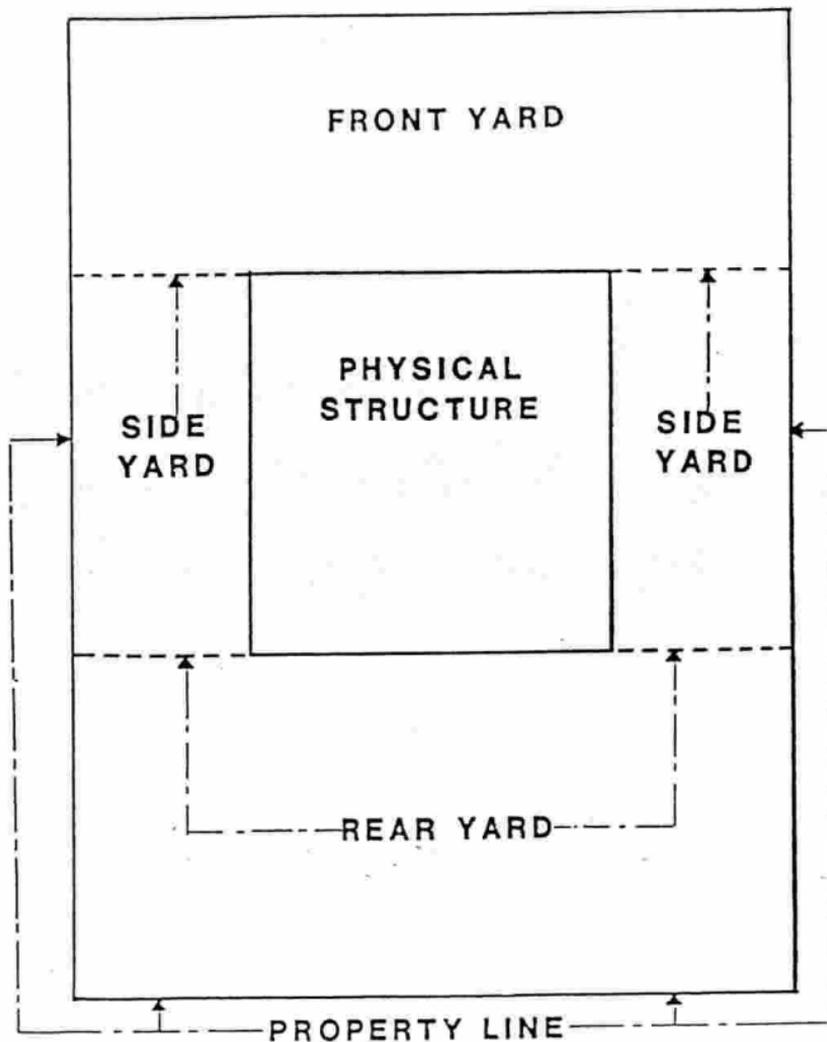
1. Front Yard. A yard extending the full width of the lot between the principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line (see Exhibits A and B and Section 404.E.).
2. Rear Yard. A yard extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line (see Exhibits A and B).
3. Side Yard. A yard extending from the front yard to the rear yard between the principal building and the nearest side lot line (see Exhibits A and B).

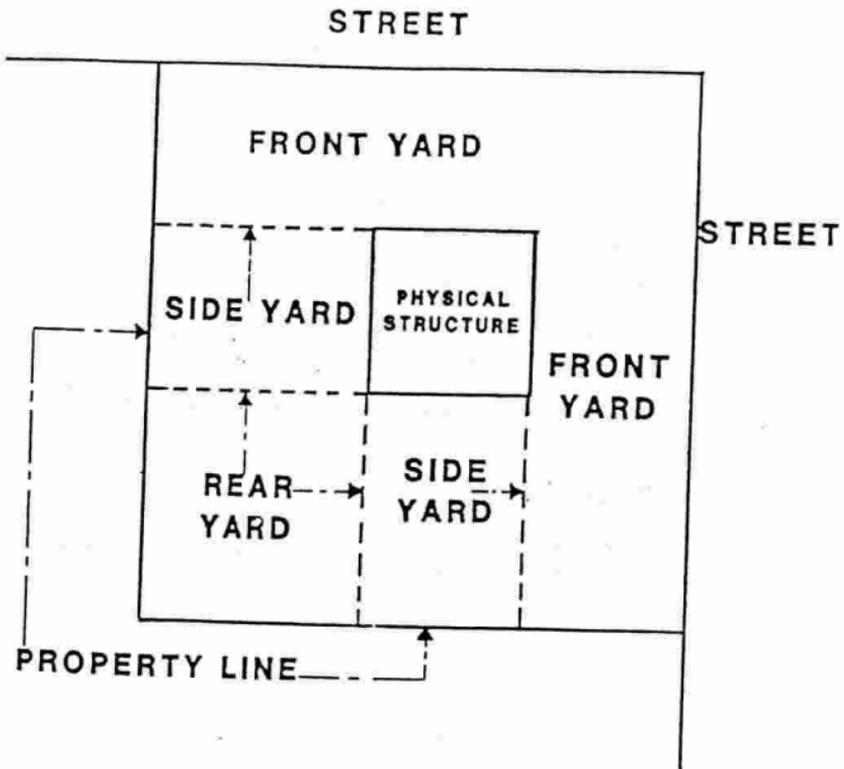
Zone. See "District."

Zoning Hearing Board. See "Board."

Zoning Officer. The administrative officer or others charged with the duty of enforcing the provisions of the Zoning Ordinance.

STREET





## ARTICLE 3

### ZONING DISTRICTS AND USE REGULATIONS

#### 301. ESTABLISHMENT OF ZONING DISTRICTS.

- A. For the purpose of this Ordinance, the following zoning districts and overlay areas are hereby established:

R-12 Low Density Single Family Residential District  
R-10 Medium Density Single Family Residential District  
R-8 Medium Density Residential District  
R-M Mobile Home Residential District  
C Community Commercial District  
I-C Industrial and Heavy Commercial District  
I-SG Industrial and Shopping Center District  
I-ME Industrial and Mineral Extraction District  
FP Floodplain Overlay Area (See Article 5, Section 507)  
SS Steep Slope Overlay Area (See Article 5, Section 503)

- B. For the purposes of this Ordinance, the zoning districts and overlay areas named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map" adopted and included in its entirety as a part of this Ordinance.

#### 302. APPLICATION OF DISTRICT REGULATIONS.

- A. Unless otherwise provided by law or specifically in this ordinance, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.
- B. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- C. No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- D. No part of yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

- E. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- F. Any territory which may hereafter be annexed to the Borough shall be classified as the zoning district of the Borough most similar to the zoning of such territory before annexation (as determined by the Zoning Hearing Board) until otherwise classified.

303. ZONING MAP.

- A. A map entitled, "Zoning Map for the Borough of Wind Gap" accompanies this Ordinance and is declared a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the President of Borough Council attested by the Borough Secretary, and shall bear the adoption date of this Ordinance and the seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map adopted \_\_\_\_\_ as part of the Wind Gap Borough Zoning Ordinance."
- C. Changes of any nature to the Official Zoning Map shall be made in conformity with the Amendment procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.
- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Borough Office and shall be the final authority on boundaries and districts. The Zoning Officer shall have a certified copy of the Official Zoning Map for official use.
- E.
  - 1. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Borough Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
  - 2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.
  - 3. The new Official Zoning Map shall be identified by the signatures of Borough Council, attested to by the Borough Secretary, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted \_\_\_\_\_ as part of the Wind Gap Borough Zoning Ordinance."

4. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

304. RULES FOR INTERPRETING DISTRICT BOUNDARIES.

- A. Zoning boundaries drawn approximately following the centerlines of streams, drainageways, streets, alleys, railroads or other rights-of-way shall be construed to follow such centerlines. In the event of any change in the centerline, the zoning boundary shall be construed as moving with the actual centerline.
- B. Boundaries approximately following property lot lines shall be construed as following such property lot lines.
- C. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of such map.
- D. Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through C above, the Zoning Hearing Board shall interpret the district boundaries.

305. R-12 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

- A. Purpose. This District provides opportunities for the expansion of relatively low density single family residential areas in the Borough and carefully protects these areas from uses that may not be fully compatible. The minimum lot sizes are intended to preserve the character of existing development in these areas while permitting full use of each lot with its individual topographic and other site characteristics.
- B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the R-12 District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:
1. Single-Family Detached Dwelling (including mobile/manufactured home)\*
  2. Public Recreation
  3. Growing of fruits, vegetables, flowers, trees and shrubs not for sale
  4. Essential services

\*See Section 313.C. for additional standards.

- C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the R-12 District by the Zoning Hearing Board in accordance with the standards contained in Section 313 of this Ordinance:
1. Municipal Use
  2. Place of Worship
  3. Schools
  4. Bed and Breakfast
  5. Home Occupation
- D. Accessory Uses.
1. Each accessory use in the R-12 District shall comply with the minimum yard requirements contained in Section 305.F., except as specifically provided for in this Ordinance.
  2. Each of the following accessory uses shall be permitted in the R-12 District only if such use complies with the relevant standards contained in Section 314 of this Ordinance:
    - a. Accessory Structure or Use
    - b. Bus Shelter
    - c. Fence and Wall
    - d. Home Gardening, Nursery or Greenhouse
    - e. Keeping Animals and Pets
    - f. Noncommercial Swimming Pool
    - g. Off-Street Parking, in accordance with Article 7

- h. Radio/Television Receiver
- i. Recreational Vehicle
- j. Signs, in accordance with Article 6
- k. Temporary Structure or Use
- l. Tennis Court
- m. Satellite Earth Stations
- n. Other accessory uses and structures which are clearly customary and incidental to the principal use.

3. Each of the following accessory uses are prohibited in the R-1 District:

- a. Any use which violates a provision of Article 4 or 5
- b. Commercial or Industrial Outdoor Storage or Display
- c. Dump
- d. Billboard

E. Lot Area, Width, Building Coverage, Impervious Surface Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the R-12 District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area* (sq. ft.)	Minimum Lot Width** (feet)	Maximum Building Coverage (X)	Maximum Building Height (feet)	Max. Impervious Surface Coverage (X)
1. Single-Family Detached Dwelling	12,000	80	30	35	40
2. Any Other Use	12,000	80	30	35	40

\*Per dwelling unit for residential uses.

\*\*Measured at the Minimum Front Yard listed in Section 305.F. for the particular use.

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the R-12 District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Front Yard* (feet)	Minimum Side Yard* (feet)	Minimum Total Yard (feet)	Minimum Rear Yard (feet)
1. Single-Family Detached Dwelling	25	10	20	25
2. Any Other Use	25	10	20	25

\*The depth at which the minimum lot width shall be measured.

\*  
306. R-10 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

- A. Purpose. The purpose of the R-10 District is to provide for the orderly expansion of areas that offer single family detached houses at medium densities and to stabilize and protect the existing medium density single family residential areas.
- B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the R-10 District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:
1. Public Recreation
  2. Single-Family Detached Dwelling (including mobile/manufactured home)\*
  3. Growing of fruits, vegetables, flowers, trees and shrubs not for sale
  4. Essential services

\*See Section 313.C. for additional standards.

- C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the R-10 District by the Zoning Hearing Board in accordance with the standards contained in Section 313 of this Ordinance:
1. Community Center
  2. Municipal Use
  3. Nursery School/Day Care Center
  4. Place of Worship
  5. Swimming Club
  6. Schools
  7. Civic Organization
  8. Rooming/Boarding House
  9. Bed and Breakfast
  10. Home Occupation
  11. Public Library

D. Accessory Uses.

1. Each accessory use in the R-2 District shall comply with the minimum yard requirements contained in Section 306.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the R-10 District only if such use complies with the relevant standards contained in Section 314 of this Ordinance:
  - a. Accessory Structure or Use
  - b. Bus Shelter
  - c. Fence and Wall
  - d. Home Gardening, Nursery or Greenhouse

- e. Keeping Animals and Pets
- f. Noncommercial Swimming Pool
- g. Off-Street Parking, in accordance with Article 7
- h. Radio/Television Receiver
- i. Recreational Vehicle
- j. Signs, in accordance with Article 6
- k. Temporary Structure or Use
- l. Tennis Court
- m. Satellite Earth Stations
- n. Other accessory uses and structures which are clearly customary and incidental to the principal use.

3. Each of the following accessory uses are prohibited in the R-10 District:

- a. Any use which violates a provision of Article 4 or 5
- b. Commercial or Industrial Outdoor Storage or Display
- c. Dump
- d. Billboard

E. Lot Area, Width, Building Coverage, Impervious Surface Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the R-10 District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area* (sq. ft.)	Minimum Lot Width** (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)	Max. Impervious Surface Coverage (%)
1. Single-Family Detached Dwelling	9,600	80	30	35	40
2. Any Other Use	9,600	80	30	35	40

\*Per dwelling unit for residential uses.

\*\*Measured at the Minimum Front Yard listed in Section 306.F. for the particular use.

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the R-2 District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Front Yard* (feet)	Minimum Side Yard One (feet)	Minimum Total Yard (feet)	Minimum Rear Yard (feet)
1. Single-Family Detached Dwelling	25	10	20	25
2. Any Other Use	25	10	20	25

\*The depth at which the minimum lot width shall be measured.

307. \*R-8 MEDIUM DENSITY RESIDENTIAL DISTRICT

- A. Purpose. The purpose of the R-8 District is to provide for a wide variety of housing choices at medium densities. It provides for single-family homes, two-family dwellings, townhouses, low-rise garden apartments, other medium-density, multi-family dwellings, and other compatible uses.
- B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the R-8 District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:
1. Public Recreation
  2. Single-Family Detached Dwelling (including mobile/manufactured home)\*
  3. Two-Family Dwelling
  4. Single-Family Attached Dwelling
  5. Low-Rise Multi-Family Dwelling
  6. Group Home, within a permitted dwelling unit
  7. Growing of fruits, vegetables, flowers, trees and shrubs not for sale
  8. Essential Services

\*See Section 313.C. for additional standards.

- C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the R-8 District by the Zoning Hearing Board in accordance with the standards contained in Section 313 of this Ordinance:
1. Community Center
  2. Municipal Use
  3. Place of Worship
  4. Bed and Breakfast
  5. Swimming Club
  6. Group Home
  7. School
  8. Residential Conversion
  9. Auditorium
- D. Accessory Uses.
1. Each accessory use in the R-8 District shall comply with the minimum yard requirements contained in Section 307.F., except as specifically provided for in this Ordinance.
  2. Each of the following accessory uses shall be permitted in the R-8 District only if such use complies with the relevant standards contained in Section 314 of this Ordinance:
    - a. Accessory Structure or Use

- b. Bus Shelter
  - c. Fence and Wall
  - d. Home Gardening, Nursery or Greenhouse
  - e. Home Occupation
  - f. Keeping Animals and Pets
  - g. Noncommercial Swimming Pool
  - h. Off-Street Parking, in accordance with Article 7
  - i. Radio/Television Receiver
  - j. Recreational Vehicle
  - k. Signs, in accordance with Article 6
  - l. Temporary Structure or Use
  - m. Tennis Court
  - n. Satellite Earth Stations
  - o. Other accessory uses and structures which are clearly customary and incidental to the principal use.
3. Each of the following accessory uses are prohibited in the MDR District:
- a. Any use which violates a provision of Article 4 or 5
  - b. Commercial or Industrial Outdoor Storage or Display
  - c. Dump
  - d. Billboard

E. Lot Area, Width, Building Coverage, Impervious Surface Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the R-8 District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area* (sq.ft.)	Minimum Lot Width** (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)	Max. Impervious Surface Coverage (%)
1. Single-Family Detached Dwelling	8,000	80	30	35	40
2. Two-Family Dwelling	5,000*	50*	30	35	40
3. Single-Family Attached Dwelling	5,000***	20*	30	35	40
4. Low-Rise Multi-Family Dwelling	5,000***	150	30	35	40
5. Any Other Use	8,000	80	30	35	40

\*Per dwelling unit for residential uses.

\*\*Measured at the Minimum Front Yard listed in Section 307.F. for the particular use.

\*\*\*Minimum average lot area per dwelling unit.

- F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the R-8 District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Front Yard* (feet)	Minimum Side One Yard (feet)	Minimum Total Yards (feet)	Minimum Rear Yard (feet)
All Uses	25	10**	20	25

\*The depth at which the minimum lot width shall be measured.

\*\* Measured at the end of the row for single-family attached dwellings.

308. R-M MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

A. Purpose. The purpose of the R-M District is to provide for mobile home parks and wide variety of other housing types at medium densities. In addition to mobile home parks, it provides for single-family detached homes, two-family dwellings, single-family attached dwellings, low-rise garden apartments, other medium-density, multi-family dwellings, and other compatible uses.

B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the R-M District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:

1. Public Recreation
2. Single-Family Detached Dwelling (including mobile/manufactured homes)\*
3. Two-Family Dwelling
4. Single-Family Attached Dwelling
5. Low-Rise Multi-Family Dwelling
6. Group Home, within a permitted dwelling unit\*
7. Growing of fruits, vegetables, flowers, trees and shrubs not for sale
8. Essential Services
9. Mobile Home Parks\*

\*See Section 313.C. for additional standards.

C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the R-M District by the Zoning Hearing Board in accordance with the standards contained in Section 313 of this Ordinance:

1. Community Center
2. Municipal Use
3. Place of Worship
4. Bed and Breakfast
5. Swimming Club
6. Group Home
7. School
8. Residential Conversion

D. Accessory Uses.

1. Each accessory use in the R-M District shall comply with the minimum yard requirements contained in Section 308.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the R-M District only if such use complies with the relevant standards contained in Section 314 of this Ordinance:

- a. Accessory Structure or Use
  - b. Bus Shelter
  - c. Fence and Wall
  - d. Home Gardening, Nursery or Greenhouse
  - e. Home Occupation
  - f. Keeping Animals and Pets
  - g. Noncommercial Swimming Pool
  - h. Off-Street Parking, in accordance with Article 7
  - i. Radio/Television Receiver
  - j. Recreational Vehicle
  - k. Signs, in accordance with Article 6
  - l. Temporary Structure or Use
  - m. Tennis Court
  - n. Satellite Earth Stations
  - o. Other accessory uses and structures which are clearly customary and incidental to the principal use.
3. Each of the following accessory uses are prohibited in the R-M District:
- a. Any use which violates a provision of Article 4 or 5
  - b. Commercial or Industrial Outdoor Storage or Display
  - c. Dump
  - d. Billboard

E. Lot Area, Width, Building Coverage, Impervious Surface Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the R-M District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area* (sq.ft.)	Minimum Lot Width** (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)	Max. Impervious Surface Coverage (%)
1. Single-Family Detached Dwelling	7,500	75	30	35	40
2. Two-Family Dwelling	5,000*	50*	30	35	40
3. Single-Family Attached Dwelling	5,000***	20*	30	35	40
5. Low-Rise Multi-Family Dwelling	5,000***	150	30	35	40
6. Mobile Home Park**** (see Section 313)			30	35	40
7. Any Other Use	7,500	75	30	35	40

\*Per dwelling unit for residential uses.

\*\*Measured at the Minimum Front Yard listed in Section 308.F. for the particular use.

\*\*\*Minimum average lot area per dwelling unit.

\*\*\*\*See Section 313 for Mobile Home Park lot area and density requirements.

- F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the R-M District, except as specifically provided for in this Ordinance:

Principal Use	Minimum	Minimum	Minimum
	Front Yard*	Side Yards	Rear Yard
	(feet)	(feet)	(feet)
1. All Uses, except Mobile Home Park	20	6	16
2. Mobile Home Parks	See Section 313		

\*The depth at which the minimum lot width shall be measured.

309. C - COMMUNITY COMMERCIAL DISTRICT.

- A. Purpose. This District provides for the protection and expansion of the Borough's primary commercial area, provides for a wide range of needed commercial uses in locations that are less likely to involve conflicts with existing residences. This District uses special care and control on access onto arterial and collector streets to avoid traffic hazards.
- B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the "C" District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:
1. Public Recreation
  2. Mini-mall, Shopping Center
  3. Automobile Accessories Sales
  4. Automobile/Motorcycle/Boat Sales\*
  5. Auto Service Station\*
  6. Hair Cutting
  7. Personal Service (*beauty salon, tattoo*)
  8. Bank/Financial Establishment\*
  9. Animal Hospital/Veterinarian Clinic\*
  10. Standard Restaurant
  11. Fast Food Restaurant\*
  12. Funeral Home
  13. Hotel/Motel\*
  14. Convenience Store
  15. Gift Shops
  16. General Merchandise Stores
  17. Furniture Stores
  18. Retail Store, excluding Adult Store
  19. Rooming House/Boarding House\*
  20. Photocopying Center
  21. Office Equipment Sales/Service
  22. Kennel/Pet Grooming\*
  23. Laundry/Laundromat
  24. Professional Office
  25. Business Office
  26. Medical Office/Clinic
  27. Civic, Social, Fraternal Associations
  28. Conference/Training Center
  29. Nursery School/Day Care Center\*
  30. Post Office
  31. Governmental Office
  32. Single-Family Detached Dwelling (including mobile/manufactured homes)
  33. Two-Family Dwelling
  34. Single-Family Attached Dwellings
  35. Low-Rise Multi-Family Dwellings
  36. Residential dwelling units in conjunction with a permitted or special exception non-residential use
  37. Planned Development\*

\*See Section 313.C. for additional standards.

38. Library
39. Gasoline Retail Store
40. Video Store

C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the "C" District by the Zoning Hearing Board in accordance with the standards contained in Section 313 of this Ordinance:

1. Municipal Use
2. Personal Care Facility
3. Nursing Home
4. Place of Worship
5. Swimming Club, Tennis Club
6. Conversions to Residential Use
7. Flea Market
10. Home Occupation
11. Group Home
12. Auditorium

D. Accessory Uses.

1. Each accessory use in the "C" District shall comply with the minimum yard requirements contained in Section 309.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the "C" District only if such use complies with the relevant standards contained in Section 314 of this Ordinance:
  - a. Accessory Structure or Use
  - b. Bed and Breakfast Use, pursuant to the Special Exception procedures and standards of Section 313.
  - c. Bus Shelter
  - d. Fence and Wall
  - e. Home Gardening, Nursery or Greenhouse
  - f. Keeping Animals and Pets
  - g. Swimming Pool
  - h. Off-Street Parking, in accordance with Article 7
  - i. Radio/Television Transmitter
  - j. Recreational Vehicle
  - k. Signs, in accordance with Article 6
  - l. Temporary Structure or Use
  - m. Tennis Court
  - n. Satellite Earth Stations
  - o. Other accessory uses and structures which are clearly customary and incidental to the principal use.
3. Each of the following accessory uses are prohibited in the "C" District:
  - a. Any use which violates a provision of Article 4 or 5

- b. Commercial or Industrial Outdoor Storage
- c. Dump
- d. Billboard

E. Lot Area, Width, Building Coverage, Impervious Surface Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the "C" District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)	Max. Impervious Surface Coverage (%)
1. All Nonresidential Principal Uses	(Not Required)	Required	60	35	80
2. Residential Uses	(Shall comply with same requirements as in the R-8 District; see Section 307.E.)				

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the "C" District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Total Yard (feet)
1. All Nonresidential Uses	None*	None*	None	20
2. Residential Uses	(Shall comply with the same yard requirements as in the R-8 District; see Section 307.F.)			

\* None required, but at least eight (8) feet from property line if a side yard is provided. A side yard abutting a street corner shall be a minimum of twenty (20) feet.

310. I-C - INDUSTRIAL AND HEAVY COMMERCIAL DISTRICT.

- A. Purpose. This District is intended to protect the Borough's existing industrial and heavy commercial activities and to provide for the development of future non-nuisance industrial uses and those commercial uses which have large space requirements, such as shopping centers and other planned commercial developments, or may be incompatible with uses in community commercial areas.
- B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the "I-C" District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:

1. Park
2. Automobile Accessories Sales
3. Automobile Major Repair\*
4. Bus/Truck Repair\*
5. Automobile/Motorcycle/Boat Sales\* ✓
6. Recreation Vehicle Sales
7. Manufactured Home Sales
8. Auto Service Station\*
9. Gasoline Retail Store ✓
10. Auto Repair Station\* ✓
11. Animal Hospital/Veterinarian Clinic\*
12. Funeral Home
13. Retail Stores, excluding Adult Store
14. Personal Services
15. Bank/Financial Establishment
16. Furniture Stores
17. Office Equipment Sales/Service
18. Kennel/Pet Grooming\*
19. Laundry/Laundromat/Dry Cleaner
20. Office
21. Professional Office
22. Business Office
23. Medical Office Building
24. Civic, Social, Fraternal Associations
25. Conference/Training Center
26. Nursery School/Day Care Center\*
27. Post Office
28. Governmental Services and Facilities
29. Municipal Use
30. Parking Facilities
31. Radio/TV Transmitter\*
32. Telephone Exchange Building
33. Swimming Club, Tennis Club\*
34. Seasonal Roadside Produce Market
35. Lumber Yard, Building material sales and storage yards\*
36. General servicing or repair shops, such as watch, clock, radio, television and other home appliance repair shops
37. Manufacture, assembly or treatment of articles or merchandise from the following previous prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather, and fur (excluding tanning, curing and dyeing), precious or semi-precious metals or stones, shells, textiles and tobacco.

au-to-mo-bile (ô'tô-mô-bêl', -mô'bêl') n. [Fr.: Gk. *autos*, self + *mobile*, mobile < OFr. — see *MOBILE*.] A self-propelled passenger vehicle used for land transport, usu. with four wheels and an internal combustion engine. — *adj.* Automotive — *au'tô-mô-bîl'ist* n.  
au-to-mo-tive (ô'tô-mô'tiv) *adj.* 1. Containing its own means of propulsion. 2. Of or relating to self-propelled vehicles.

WEBSTER'S 2001

38. Manufacture of: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard (not including bulk processing); jewelry, clocks and watches; medical, drafting, optical and other professional and scientific instruments and equipment; musical instruments; small rubber products and synthetic treated fabrics (excluding all rubber and synthetic processing); textiles (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or conditioning); toys; wood products (excluding planing mills and bulk processing of wood and lumber).
39. Processing, packaging and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.
40. Manufacture and assembly of electrical or electronic devices; homes commercial and industrial appliances and instruments; and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radio and television receivers, electrical switches, lamps, washing machines, refrigerators and air conditioners.
41. Processing and combining of food products (except meat or fish), including baking, canning, cooking, freezing, and mixing, but not including manufacture of basic products from the raw state or such processes as: drying, smoking, preserving or curing meats, or manufacturing sauerkraut, vinegar or yeast, fish, milling flour, roasting coffee or spices.
42. Light metal processing such as: metal machining, finishing, grinding and polishing; metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools and hardware (such as hand tools, bolts, nuts).
43. Bottling, packing or packaging establishments.
44. Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
45. Research Laboratory or similar experimental testing or scientific establishment.
46. Publishing, printing, lithographing, bookbinding or similar establishment.
47. Warehousing, wholesale, storage or distribution uses, excluding motor freight terminals.\*
48. Planned Development, including shopping centers and planned industrial parks\*
49. Contractor Yards
50. Bomb or Fallout Shelter
51. Civic Organization
52. Library
53. Private Garage
54. Essential Services
55. Membership Club
56. Residential dwelling unit in conjunction with a permitted or special exception non-residential use
57. Nursing Home\*

58. Adult Day Care Center\*
59. Flea Market\*
60. Motor Freight Terminal\*
61. Mini-Warehouse/Self-Storage Development\*
62. Bus Station/Terminal\*
63. Recycling Collection Area\*
64. Fuel Oil Company
65. Car Wash\*
66. Video Store
67. Hotel/Motel\*
68. Restaurant\*

\*See Section 313.C. for additional standards.

- C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the "I-C" District by the Zoning Hearing Board in accordance with the standards contained in Section 313 of this Ordinance:

1. Criminal Treatment Center
2. Adult Store, Adult Movie Theater, Massage Parlor or Cabaret
3. Hospital
4. Junk or Salvage Yard
5. Home Occupation
6. Personal Care Center
7. Animal Hospital
8. Commercial Recreation Facility
9. Heliport/Helistop
10. Bulk Fuel Storage
11. Any industrial use of the same general character as those uses permitted by right. Evidence shall be submitted documenting the degree to which the proposed use will comply with the environment protection provisions of Article 5 and the general standards for special exception uses outlined in Section 313.
12. Auditorium

- D. Accessory Uses.

1. Each accessory use in the "I-C" District shall comply with the minimum yard requirements contained in Section 310.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the "I-C" District only if such use complies with the relevant standards contained in Section 314 of this Ordinance:
  - a. Accessory Structure or Use
  - b. Bed and Breakfast Use, pursuant to the Special Exception procedures and standards of Section 313.
  - c. Bus Shelter
  - d. Fence and Wall
  - e. Home Gardening, Nursery or Greenhouse

- f. Keeping Animals and Pets
  - g. Swimming Pool
  - h. Off-Street Parking, in accordance with Article 7
  - i. Radio/Television Transmitter
  - j. Recreational Vehicle
  - k. Signs, in accordance with Article 6
  - l. Temporary Structure or Use
  - m. Tennis Court
  - n. Satellite Earth Stations
  - o. Other accessory uses and structures which are clearly customary and incidental to the principal use.
3. Each of the following accessory uses are prohibited in the I-C District:
- a. Any use which violates a provision of Article 4 or 5
  - b. Commercial or Industrial Outdoor Storage
  - c. Dump
  - d. Billboard

- E. Lot Area, Width, Building Coverage, Impervious Surface Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the "I-C" District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)	Max. Impervious Surface Coverage (%)
Planned Development	40,000	125	40	50	80
Other Uses	20,000	125	30	50	60

- F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the "I-C" District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)
All Uses	25	25	25

311. I-SC - INDUSTRIAL AND SHOPPING CENTER DISTRICT.

- A. Purpose. This District is intended to provide for the orderly development of commercial and industrial facilities oriented toward access to highway facilities south of the Borough.
- B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the "I-SC" District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:
1. Retail Store, excluding Adult Store
  2. Automobile Accessories Sales
  3. Automobile Major Repair\*
  4. Bus/Truck Repair\*
  5. Automobile/Motorcycle/Boat Sales\*
  6. Recreation Vehicle Sales\*
  7. Manufactured Home Sales
  8. Auto Service Station\*
  9. Gasoline Retail Store
  10. Auto Repair Station\*
  11. Animal Hospital/Veterinarian Clinic
  12. Funeral Home
  13. Furniture Stores
  14. Office Equipment Sales/Service
  15. Kennel/Pet Grooming\*
  16. Laundry/Laundromat/Dry Cleaner
  17. Office
  18. Professional Office
  19. Business Office
  20. Medical Office Building
  21. Civic, Social, Fraternal Associations
  22. Conference/Training Center
  23. Nursery School/Day Care Center\*
  24. Post Office
  25. Governmental Services and Facilities
  26. Municipal Use
  27. Parking Facilities
  28. Radio/TV Transmitter\*
  29. Telephone Exchange Building
  30. Swimming Club, Tennis Club\*
  31. Seasonal Roadside Produce Market
  32. Lumber Yard, Building Material Sales and Storage Yards\*
  33. General servicing or repair shops, such as watch, clock, radio, television and other home appliance repair shops
  34. Manufacture, assembly or treatment of articles or merchandise from the following previous prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather, and fur (excluding tanning, curing and dyeing), precious or semi-precious metals or stones, shells, textiles and tobacco.

35. Manufacture of: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard (not including bulk processing); jewelry, clocks and watches; medical, drafting, optical and other professional and scientific instruments and equipment; musical instruments; small rubber products and synthetic treated fabrics (excluding all rubber and synthetic processing); textiles (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or conditioning); toys; wood products (excluding planing mills and bulk processing of wood and lumber).
36. Processing, packaging and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.
37. Manufacture and assembly of electrical or electronic devices; homes commercial and industrial appliances and instruments; and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radio and television receivers, electrical switches, lamps, washing machines, refrigerators and air conditioners.
38. Processing and combining of food products (except meat or fish), including baking, canning, cooking, freezing, and mixing, but not including manufacture of basic products from the raw state or such processes as: drying, smoking, preserving or curing meats, or manufacturing sauerkraut, vinegar or yeast, fish, milling flour, roasting coffee or spices.
39. Light metal processing such as: metal machining, finishing, grinding and polishing; metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools and hardware (such as hand tools, bolts, nuts).
40. Bottling, packing or packaging establishments.
41. Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
42. Research Laboratory or similar experimental testing or scientific establishment.
43. Publishing, printing, lithographing, bookbinding or similar establishment.
44. Warehousing, wholesale, storage or distribution uses, excluding motor freight terminals.\*
45. Planned Developments, including shopping centers and planned industrial parks\*
46. Contractor Yards
47. Bomb or Fallout Shelter
48. Civic Organization
49. Library
50. Private Garage
51. Essential Services
52. Membership Club
53. Video Store
54. Motel/Hotel\*
55. Personal Service

56. Bank/Financial Establishment\*
57. Residential dwelling unit in conjunction with a permitted or special exception non-residential use
58. Flea Market\*
59. Car Wash\*
60. Restaurant\*

\*See Section 313.C. for additional standards.

C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the "I-SC" District by the Zoning Hearing Board in accordance with the standards contained in Section 313 of this Ordinance:

1. Nursing Home
2. Adult Day Care Center
3. Bulk Fuel storage
4. Adult Store, Adult Movie Theater, Massage Parlor or Cabaret
5. Hospital
6. Junk or Salvage Yard
7. Home Occupation
8. Personal Care Center
9. Animal Hospital
10. Commercial Recreation Facility
11. Motor Freight Terminal
12. Mini-Warehouse/Self-Storage Development
13. Bus Station/Terminal
14. Heliport/Helistop
15. Recycling Collection Area/Resource Recovery Plant
16. Bulk Fuel Storage
17. Fuel Oil Company
18. Any industrial use of the same general character as those uses permitted by right. Evidence shall be submitted documenting the degree to which the proposed use will comply with the environment protection provisions of Article 5 and the general standards for special exception uses outlined in Section 313.
19. Betting Parlor

D. Accessory Uses.

1. Each accessory use in the "I-SC" District shall comply with the minimum yard requirements contained in Section 311.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the "I-SC" District only if such use complies with the relevant standards contained in Section 314 of this Ordinance:
  - a. Accessory Structure or Use
  - b. Bed and Breakfast Use, pursuant to the Special Exception procedures and standards of Section 313.
  - c. Bus Shelter

- d. Fence and Wall
  - e. Home Gardening, Nursery or Greenhouse
  - f. Keeping Animals and Pets
  - g. Swimming Pool
  - h. Off-Street Parking, in accordance with Article 7
  - i. Radio/Television Transmitter
  - j. Recreational Vehicle
  - k. Signs, in accordance with Article 6
  - l. Temporary Structure or Use
  - m. Tennis Court
  - n. Satellite Earth Stations
  - o. Other accessory uses and structures which are clearly customary and incidental to the principal use.
3. Each of the following accessory uses are prohibited in the I-SC District:
- a. Any use which violates a provision of Article 4 or 5
  - b. Commercial or Industrial Outdoor Storage
  - c. Dump
  - d. Billboard

E. Lot Area, Width, Building Coverage, Impervious Surface Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the "I-SC" District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Maximum Building Coverage (%)	Maximum Building Height (feet)	Max. Impervious Surface Coverage (%)
Planned Development	40,000	125	40	50	80
Motel/Hotel	1,000 sq. ft./bedroom	125	30	50	60
Other Uses	20,000	125	30	50	60

F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the "I-SC" District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Front Yard (feet)	Minimum Side Yard One (feet)	Minimum Side Yard Total (feet)	Minimum Rear Yard (feet)
All Uses	25	25	50	25

312. I-ME - INDUSTRIAL AND MINERAL EXTRACTION DISTRICT.

- A. Purpose. This District is intended to provide general industrial use and to permit the full use of natural resources available in these areas while protecting other uses in the surrounding environment of the Borough.
- B. Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the "I-ME" District by the Zoning Officer, provided that the use type, dimensional and all other applicable requirements of this Ordinance are satisfied:
1. Park
  2. Agriculture
  3. Horticulture
  4. Forestry
  5. Public Utility Structures
  6. Office
  7. Professional Office
  8. Business Office
  9. Medical Office Building
  10. Governmental Services and Facilities
  11. Municipal Use
  12. Parking Facilities
  13. Radio/TV Transmitter\*
  14. Telephone Exchange Building
  15. Swimming Club, Tennis Club\*
  16. Seasonal Roadside Produce Market
  17. Lumber Yard, Building Material Sales and Storage Yards\*
  18. General servicing or repair shops, such as watch, clock, radio, television and other home appliance repair shops
  19. Manufacture, assembly or treatment of articles or merchandise from the following previous prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather, and fur (excluding tanning, curing and dyeing), precious or semi-precious metals or stones, shells, textiles and tobacco.
  20. Manufacture of: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard (not including bulk processing); jewelry, clocks and watches; medical, drafting, optical and other professional and scientific instruments and equipment; musical instruments; small rubber products and synthetic treated fabrics (excluding all rubber and synthetic processing); textiles (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or conditioning); toys; wood products (excluding planing mills and bulk processing of wood and lumber).
  21. Processing, packaging and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.

22. Manufacture and assembly of electrical or electronic devices; homes commercial and industrial appliances and instruments; and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radio and television receivers, electrical switches, lamps, washing machines, refrigerators and air conditioners.
23. Processing and combining of food products (except meat or fish), including baking, canning, cooking, freezing, and mixing, but not including manufacture of basic products from the raw state or such processes as: drying, smoking, preserving or curing meats, or manufacturing sauerkraut, vinegar or yeast, fish, milling flour, roasting coffee or spices.
24. Light metal processing such as: metal machining, finishing, grinding and polishing; metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools and hardware (such as hand tools, bolts, nuts).
25. Bottling, packing or packaging establishments.
26. Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
27. Research Laboratory or similar experimental testing or scientific establishment.
28. Publishing, printing, lithographing, bookbinding or similar establishment.
29. Wholesale and Warehousing, excluding motor freight terminals.
30. Planned Developments\*
31. Contractor Yards
32. Bomb or Fallout Shelter
33. Private Garage
34. Essential Services
35. Residential dwelling unit in conjunction with a permitted or special exception non-residential use
36. Mini-Warehouse/Self-Storage Development\*

\*See Section 313.C. for additional standards.

C. Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the "I-ME" District by the Zoning Hearing Board in accordance with the standards contained in Section 313 of this Ordinance:

1. Mineral Extraction
2. Junk or Salvage Yard
3. Heliport/Helistop
4. Recycling Collection Area
5. Bulk Fuel Storage
6. Fuel Oil Company
7. Any industrial use of the same general character as those uses permitted by right. Evidence shall be submitted documenting the degree to which the proposed use will comply with the environment protection provisions of Article 5 and the general standards for special exception uses outlined in Section 313.

D. Accessory Uses.

1. Each accessory use in the "I-ME" District shall comply with the minimum yard requirements contained in Section 312.F., except as specifically provided for in this Ordinance.
2. Each of the following accessory uses shall be permitted in the "I-ME" District only if such use complies with the relevant standards contained in Section 314 of this Ordinance:
  - a. Accessory Structure or Use
  - b. Bed and Breakfast Use, pursuant to the Special Exception procedures and standards of Section 313.
  - c. Bus Shelter
  - d. Fence and Wall
  - e. Home Gardening, Nursery or Greenhouse
  - f. Keeping Animals and Pets
  - g. Swimming Pool
  - h. Off-Street Parking, in accordance with Article 7
  - i. Radio/Television Transmitter
  - j. Recreational Vehicle
  - k. Signs, in accordance with Article 6
  - l. Temporary Structure or Use
  - m. Tennis Court
  - n. Satellite Earth Stations
  - o. Other accessory uses and structures which are clearly customary and incidental to the principal use.
3. Each of the following accessory uses are prohibited in the I-ME District:
  - a. Any use which violates a provision of Article 4 or 5
  - b. Dump
  - c. Billboard

- E. Lot Area, Width, Building Coverage, Impervious Surface Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the "I-ME" District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Maximum Building Coverage (X)	Maximum Building Height (feet)	Max. Impervious Surface Coverage (X)
Mineral Extraction	200,000	125	25	50	35
Planned Development	40,000	125	40	50	70
Other Uses	20,000	125	30	50	60

- F. Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the "I-ME" District, except as specifically provided for in this Ordinance:

Principal Use	Minimum Front Yard (feet)	Minimum Side One Total (feet)	Minimum Yards (feet)	Minimum Rear Yard (feet)
All Uses	30	25	50	30

313. ADDITIONAL REGULATIONS FOR CERTAIN PERMITTED BY RIGHT USES AND SPECIAL EXCEPTION USES.

- A. Process for Uses Permitted By Right with Additional Requirements.  
Each use listed as permitted by right with additional requirements in the list of permitted uses for each District shall comply with the conditions listed in Section 313.C. The determination of compliance shall be made by the Zoning Officer. A Site Plan submission and review may also be required under Section 409.
- B. Special Exception Use Procedures.

1. Purpose

Before a zoning permit is granted for any use listed as a special exception use in this Ordinance, a Site Plan shall be reviewed by the Planning Commission and approved by the Zoning Hearing Board. This procedure is provided because of the considerable impact that these uses tend to have on a community.

2. Procedure

- a. The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Zoning Hearing Board is obtained.
- b. All applicants for a special exception use shall submit ten (10) sets of Site Plans for the proposed use to the Zoning Hearing Board as part of the application for a zoning permit.
- c. All Site Plans shall contain the information required in Section 409 C.
- d. The Zoning Hearing Board shall distribute copies according to established procedures within five (5) days of receiving the submission.
- e. The Zoning Officer should, prior to the next regularly scheduled Zoning Hearing Board meeting, review the Plan to determine compliance with this Ordinance and submit a written report to the Zoning Hearing Board.
- f. The Planning Commission should, prior to the next regularly scheduled Zoning Hearing Board meeting, review the Plan to determine compliance with this Ordinance and submit a written recommendation to the Zoning Hearing Board.
- g. The Board shall not decide the case without reviewing the reports received from the Zoning Officer and Planning Commission if the Zoning Officer or Planning Commission elect to submit same. Failure of either the Zoning Officer or the Planning Commission to submit a written report prior to the next regularly scheduled meeting shall not prevent the Board from hearing and deciding the request.
- h. The Board shall hear and decide such request for a special exception use under the procedures of Article 8 within sixty (60) days from the date an application has been properly submitted.

1. The decision of the Board, notifying the Zoning Officer of the Board's decisions, shall be in writing and shall be communicated to the Zoning Officer and applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

3. Approval of Special Exception Uses

a. The Zoning Hearing Board shall not approve any proposed special exception use if any proposed use will not meet:

- (1) All of the general standards listed in Section 313.B.4., and
- (2) All of the specific standards for the proposed use listed in Section 313.C.

b. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it may deem necessary to implement the purposes of this Ordinance.

4. General Standards

Each special exception use shall comply with all of the following general standards:

- a. In conformance with the spirit, purposes, intent and all applicable requirements of this Ordinance.
- b. In conformance with all applicable provisions of all other Borough Ordinances.
- c. In accordance with the Borough's Comprehensive Plan and the community development objectives of this Plan.
- d. In conformance with all applicable State and Federal laws, regulations and requirements.
- e. Suitable for the particular location in question.
- f. Not detrimental to the public health or welfare.

5. Additional Standards

Each special exception use shall comply with all of the specific standards listed in Section 313.C. for that use.

C. List of Standards and Conditions for Permitted By Right with Additional Requirement Uses and Special Exception Uses. The standards and conditions listed in this section shall be satisfied for each of the following uses. These requirements should serve as a minimum for approval, in addition to all other requirements of this Ordinance.

For any uses listed in this Ordinance as Special Exception Uses for which no additional regulations are stated in this Section, no additional standards are specifically required other than the general standards of Section 313.B.4. and the other provisions of this Ordinance.

1. Adult Day Care Center
  - a. Shall comply with all applicable State regulations.
  - b. Shall include constant supervision during all hours of operation.
  - c. Shall not meet the definition of a "criminal treatment center."
2. Adult Store, Adult Movie Theater, Massage Parlor or Cabaret
  - a. No such use shall be located within six hundred (600') lineal feet of any school, church, existing dwelling, public park, R-12, R-10, R-8 or R-M District.
  - b. No such use shall be located within one thousand (1000') lineal feet of any existing adult store, adult movie theater, massage parlor or cabaret.
  - c. A twenty (20') foot buffer yard shall be provided along the side and rear lot lines in accordance with Section 404 D.
  - d. No obscene material shall be placed in view of the general public. Precautions shall be made to prohibit minors from entering the premises.
3. Animal Hospital
  - a. A minimum lot size of at least one-half (1/2) acre shall be required for those animal hospitals treating small animals (e.g., cats, birds, exotic animals). A minimum lot size of at least two (2) acres shall be required for those animal hospitals treating large animals (e.g., cattle, horses, etc.).
  - b. All buildings in which animals are housed or provided care shall be located at least one hundred (100') feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
  - c. Outdoor animal runs may be provided for small animals so long as a visual barrier at least four (4') feet in height is provided between the runs and a double evergreen screen at least six (6') feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.
4. Auditorium
  - a. A twenty (20') foot buffer yard shall separate an off-street parking area from an adjoining lot line.

1. The decision of the Board, notifying the Zoning Officer of the Board's decisions, shall be in writing and shall be communicated to the Zoning Officer and applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

3. Approval of Special Exception Uses

a. The Zoning Hearing Board shall not approve any proposed special exception use if any proposed use will not meet:

- (1) All of the general standards listed in Section 313.B.4., and
- (2) All of the specific standards for the proposed use listed in Section 313.C.

b. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it may deem necessary to implement the purposes of this Ordinance.

4. General Standards

Each special exception use shall comply with all of the following general standards:

- a. In conformance with the spirit, purposes, intent and all applicable requirements of this Ordinance.
- b. In conformance with all applicable provisions of all other Borough Ordinances.
- c. In accordance with the Borough's Comprehensive Plan and the community development objectives of this Plan.
- d. In conformance with all applicable State and Federal laws, regulations and requirements.
- e. Suitable for the particular location in question.
- f. Not detrimental to the public health or welfare.

5. Additional Standards

Each special exception use shall comply with all of the specific standards listed in Section 313.C. for that use.

C. List of Standards and Conditions for Permitted By Right with Additional Requirement Uses and Special Exception Uses. The standards and conditions listed in this section shall be satisfied for each of the following uses. These requirements should serve as a minimum for approval, in addition to all other requirements of this Ordinance.

For any uses listed in this Ordinance as Special Exception Uses for which no additional regulations are stated in this Section, no additional standards are specifically required other than the general standards of Section 313.B.4. and the other provisions of this Ordinance.

1. Adult Day Care Center

- a. Shall comply with all applicable State regulations.
- b. Shall include constant supervision during all hours of operation.
- c. Shall not meet the definition of a "criminal treatment center."

2. Adult Store, Adult Movie Theater, Massage Parlor or Cabaret

- a. No such use shall be located within six hundred (600') lineal feet of any school, church, existing dwelling, public park, R-12, R-10, R-8 or R-M District.
- b. No such use shall be located within one thousand (1000') lineal feet of any existing adult store, adult movie theater, massage parlor or cabaret.
- c. A twenty (20') foot buffer yard shall be provided along the side and rear lot lines in accordance with Section 404 D.
- d. No obscene material shall be placed in view of the general public. Precautions shall be made to prohibit minors from entering the premises.

3. Animal Hospital

- a. A minimum lot size of at least one-half (1/2) acre shall be required for those animal hospitals treating small animals (e.g., cats, birds, exotic animals). A minimum lot size of at least two (2) acres shall be required for those animal hospitals treating large animals (e.g., cattle, horses, etc.).
- b. All buildings in which animals are housed or provided care shall be located at least one hundred (100') feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- c. Outdoor animal runs may be provided for small animals so long as a visual barrier at least four (4') feet in height is provided between the runs and a double evergreen screen at least six (6') feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

4. Auditorium

- a. A twenty (20') foot buffer yard shall separate an off-street parking area from an adjoining lot line.

- b. No lighting shall be permitted which will shine on adjacent property.
  - c. Adequate parking shall be provided in accordance with the provisions of Article 7.
5. Auto, Motorcycle, Boat or Recreational Vehicle Sales - No vehicle on display shall occupy any part of the street right-of-way, required yard areas, or required parking area.
6. Auto Repair Station
- a. All repair and paint work shall be performed within an enclosed building.
  - b. All provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
  - c. Outdoor storage of autos and other vehicles shall not exceed three (3) times the indoor repair area, shall only be behind the building, and shall be no closer than twenty (20') feet from side and rear lot lines.
  - d. Any vehicle on the premises longer than 48 hours shall be deemed a stored vehicle. No vehicle shall be stored in excess of forty-five (45) days.
7. Auto Service Station
- a. All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.
  - b. Fuel pumps shall be at least twenty-five (25') feet from any future street right-of-way or fifty (50') feet from the street centerline, whichever is greater.
  - c. All automobile parts and dismantled vehicles are to be located within a building.
  - d. Full body paint spraying or body and fender work shall not be permitted.
  - e. Automobiles that are taken to a service station for outside storage may remain no longer than seven (7) days from the day the car arrives at the station.
  - f. Any vehicle on the premises longer than forty-eight (48) hours shall be deemed a stored vehicle. No vehicle shall be stored in excess of forty-five (45) days.
8. Bank/Financial Establishment - Any drive-in window(s) shall be located, along with attendant lane(s) for vehicles, to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the financial establishment.

9. Betting Parlor

- a. Shall be located along an arterial or a collector street.
- b. Shall have adequate traffic controls.
- c. Shall have a minimum lot area of adequate on-site parking.
- d. Shall be located at least three-hundred (300') feet from residential zoning districts, and from property lines of existing places of worship, schools, residential dwellings, and public recreation areas.
- e. The applicant shall prove that the use will provide adequate on-site parking.

10. Bed and Breakfast Use

- a. No more than three (3) rental units shall be provided and no more than two (2) adults and two (2) children may occupy one guest unit; each rental unit shall be no less than two hundred and fifty (250) square feet.
- b. One (1) off-street parking space shall be provided for each guest unit. The off-street parking spaces shall be located to the rear of the main dwelling and screened from the roadway and adjoining properties by fencing of natural vegetation.
- c. At least one (1) bathroom shall be provided for use by each rental unit.
- d. There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single sign no larger than two (2) square feet in size constructed and placed in accordance with Article 6.
- e. No external alterations or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental Agency.
- f. The use shall be carried on by members of the immediate family, who must reside on the premises. Failure of owner to continue to reside on the premises shall terminate any special exception granted under this section.
- g. There shall be no separate kitchen or cooking facilities in any guest unit. Food served to guests on the premises shall be limited to breakfast only, and be prepared and served by the owners or immediate family.
- h. The maximum, total length of stay at a bed and breakfast shall be fourteen (14) days within a three (3) month period.
- i. The use of any amenities provided by the bed and breakfast, such as swimming pool or tennis court, shall be restricted in use to the guests of the establishment, and shall be screened from the roadway and adjoining properties by fencing of natural vegetation.
- j. The use may not be established until there is compliance with all rules, regulations and statutes pertaining to, but not limited to, health, fire safety, use and occupancy, plumbing, electricity and building safety.

- k. The lot area shall be at least 1,000 square feet per rental unit, plus the minimum for the zoning district.
- l. Each bed and breakfast use and rental units shall be subject to an annual Use and Occupancy inspection by the Zoning Officer.
- m. Guests shall not be accommodated on nights that the owner(s) is not on the premises.
- n. The Borough may revoke a permit for a bed and breakfast use if the Borough determines that such establishments constitute a danger to guests or created nuisances to adjoining land-owners because of noise or lack of proper sanitation or inadequate sewage facilities.

11. Bus Station/Terminal

- a. The use shall be on a lot abutting an arterial or collector street (as defined on the Official Street Classification Map).
- b. An area for the loading and unloading of buses separate from required off-street parking areas shall be provided.
- c. The use shall involve only serviceable and licensed vehicles.
- d. Bus maintenance and repair shall be clearly accessory and incidental to the principal use; no more than twenty-five (25%) percent of the building area shall be devoted to incidental repair and maintenance.
- e. Incidental repairs shall only be permitted only inside of buildings.
- f. The use shall not include the outdoor storage of bus parts, junked buses or abandoned motor vehicles, and junk.
- g. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled or maintained.
- h. A twenty (20') foot buffer yard in accordance with the provisions of Section 404.D. shall be provided along the side, rear and front lot lines, except for vehicle and pedestrian access areas traversing the yard areas.

12. Car Wash

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- b. Access points shall be limited to two (2) on each street abutting the lot.
- c. On-lot traffic circulation channels and parking areas shall be clearly marked.
- d. Signs and outdoor lighting shall be in accordance with this Ordinance.
- e. Adequate provisions shall be made for the proper and convenient disposal of refuse.
- f. Centralized sewage disposal facilities and centralized water supply facilities shall be provided.

- g. A fee may be imposed, subject to the Borough, for maintenance, including but not limited to ice removal from public properties caused directly or indirectly by the use.

13. Cemetery

- a. Shall be on a lot at least two (2) acres in area.
- b. Consideration shall be given to compatibility with adjacent land uses, existing or proposed highways and any elements or factors deemed to affect the public health, safety and welfare of the surrounding area and a minimum setback may be required from any property line for any structure, grave or place of temporary or permanent burial and such walls, fences and/or planting of shrubbery, trees or vines may be required as may be reasonable and proper to afford adequate screening.

14. Community/Cultural Center - No outdoor recreation area shall be located closer to any lot lines than the required front yard depth in the Zoning District.

15. Conversions to Residential Use

- a. The lot area shall not be reduced to less than the amount stated for the District in which the structure is located.
- b. The yard, building area, off-street parking and other applicable requirements for the District shall not be reduced.
- c. Adequate capacity of sewer, water and other utilities shall be available and shall be certified.
- d. The resulting residential use shall be a permitted use in the District.

16. Criminal Treatment Center

- a. The applicant shall fully describe in writing the type of persons intended to be housed and/or treated on the premises.
- b. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the persons residing or being treated on the premises would not be a significant threat to the public health and safety.
- c. The use shall involve the housing and/or treatment of a maximum total of 20 persons at any period of time.

17. Day Care Center - See "Nursery School/Day Care Center"

18. Fast Food Restaurant with Drive-in Service

- a. Shall screen all trash containers.
- b. Shall provide landscaping on all areas not covered by buildings, structures, parking areas or access drives.
- c. May provide an outdoor menu board (which shall not be considered a sign) if drive-up service is provided from within the building to customers in their vehicles.

- d. Shall provide a visual planting screen, in accordance with Section 404.D.3, when adjacent to residential properties.
19. Fire Station - Shall be located on a lot abutting an arterial or collector street as defined by the Official Street Classification Map.
20. Flea Market -
- a. Shall be located along an arterial or collector street.
  - b. Shall have permanent restroom facilities and shall comply with Pennsylvania Department of Environmental Resources sewage facilities regulations.
  - c. Shall have on-site parking.
21. Fuel Oil Company - Shall be in accordance with applicable Federal, State and local fire protection standards.
22. Group Home
- a. See definition in Article 2.
  - b. There shall be adequate supervision as needed by a person trained in the field for which the group home is intended.
  - c. The use shall be licensed or certified under an applicable State, County or Federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Borough, and also shall be required to be provided to the Zoning Officer upon request.
  - d. Any medical or counselling services provided on the lot shall be limited to residents and up to 3 nonresidents during any day.
  - e. One off-street parking space shall be provided for each employee on duty at any one time, and every 2 residents of a type reasonably expected to be capable of driving a vehicle.
  - f. The use shall not meet the definition of a "criminal treatment center." See definition in Article 2.
  - g. If the group home is located in a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the use.
  - h. The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Borough. Such information shall be available to the public.
  - i. The group home shall notify the Borough within 14 days if there is a change in the type of clients in the home, or if an applicable certification or license expires, is suspended or is withdrawn.

- j. Number of Residents in a lawful dwelling unit: Maximum of 6 persons, including the maximum number of employees on the site during any one period of time, except as listed below:
  - (i) In a Single Family Detached Dwelling with a minimum lot area of 10,000 and a minimum building setback from all lot lines of 15 feet: maximum of 9 persons.
  - (ii) In a Nonresidential District, where permitted: Maximum of 15 persons, provided there is a minimum of 100 square feet of usable interior space per person.
- k. Off-street parking areas of more than 2 spaces shall be buffered from adjacent existing single family detached, semi-detached or attached dwellings by a planting screen meeting the requirements of Section 404.D.
- l. If a group home will use an on-lot septic system and will involve 6 or more persons routinely on the premises at any one time, the septic system shall be required to be reviewed by the Borough Sewage Enforcement Officer to determine if it is adequate.
- m. Employees of the group home shall be prohibited from having visitors on the premises, unless such visitation is necessary for the operation of the group home and except for emergencies.
- n. If the group home will not be required to comply with building safety requirements of the State Department of Labor and Industry, then the use shall be required to comply with the requirements of the latest official version of the BOCA Basic Building Code that relate to fire safety and emergency exits.

### 23. Home Occupation

- a. The home occupation shall not be conducted on the premises outside of a building.
- b. The home occupation shall not exceed twenty (20%) percent of the net floor area of the principal dwelling unit, including basement area.
- c. There shall be no outside storage of materials and no exterior evidence of the home occupation shall be visible.
- d. There shall be no use of show windows or any type of display, sign or advertising visible from outside the premises, except for one (1) sign no larger than six (6") inches by sixteen (16") inches in size and permanently affixed to the building.
- e. No more than one (1) employee may work on the premises at the same time who are not residents of the principal dwelling unit.
- f. No servicing by truck in excess of one (1) time per week shall be permitted.
- g. Uses permitted as a home occupation include: professional office, and instruction of not more than three (3) pupils simultaneously. (see definition in Article 2)

- h. The following uses shall not be permitted as a home occupation: nursery schools/day care center, animal hospital, stable, kennels, funeral parlor, retail store or restaurant and other similar uses.
- i. No machinery or equipment shall be permitted that produces noise, odor, vibration, light or electrical interference beyond the boundary of the property.

24. Hotel/Motel

- a. A restaurant may be permitted as an accessory use to a hotel or motel.
- b. No hotel or motel shall have a lot area of less than one (1) acre, nor a lot area per sleeping unit of less than 2,000 square feet.
- c. Hotels and motels shall utilize public sewers connected with a sewage disposal system approved by the Pennsylvania Department of Environmental Resources.

25. Kennel.

- a. All buildings in which animals are housed and all runs shall be located at least one hundred (100') feet from all lot lines.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- c. Outdoor runs may be provided so long as a double evergreen screen at least six (6') feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.

26. Lumber Yard.

- a. Shall be on a lot abutting an arterial street (as defined by the Official Street Classification Map); ingress and egress shall be to and from the arterial street only.
- b. A planting screen shall be provided and maintained in accordance with Section 404.D.3. where adjacent residential uses and R-12, R-10, R-8 or R-M Districts exist.

27. Mineral Extraction

- a. The activities and residual effects shall not create conditions hazardous or otherwise adverse to the value and use of adjacent properties or the well being of the surrounding area and its residents.
- b. The site shall be reclaimed to a nonhazardous state permitting some economically productive future use that extracting activities and resulting condition of the site will not result in environmental degradation of the surrounding area.

- c. A buffer yard shall completely enclose the site which complies with all of the standards of Section 404 D. (except such buffer yard shall be at least fifty (50') feet in width) and shall be set back from adjacent properties by at least one hundred (100') feet and from residential structures by at least two hundred (200') feet (or such greater distance as may be required by site conditions to protect adjacent properties as determined necessary by the Zoning Hearing Board).
- d. Unique or environmentally significant natural features and significant historic or architectural structures and sites shall be protected from disruption or adverse effects from quarrying and/or mining activities.

28. Mini-Warehouse/Self-Storage Development

- a. All storage units shall be fireproof and waterproof. Each shall have separate ingress and egress secured by a locking device.
- b. Outdoor storage shall be limited to recreational vehicles, campers and boats on trailers parked on paved areas. ALL such items must be licensed and inspected (if applicable), and in operable condition.
- c. Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal, animal carcasses or skins, or similar items shall not be stored.
- d. Nothing shall be stored in interior traffic aisles, off-street parking areas, loading areas, or driveway areas.
- e. Servicing or repairing of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted.
- f. Adequate lighting shall be provided to illuminate the area, but directed away or shielded to direct light away from adjacent uses.
- g. A planting screen shall be provided and maintained in accordance with Section 404.D.3. where adjacent residential uses and R-12, R-10, R-8 or R-M Districts exist.

29. Mobile/Manufactured Home

- a. Shall be constructed in accordance with the Safety and Construction Standards of the U. S. Department of Housing and Urban Development.
- b. Shall have a site graded to provide a level, stable and well-drained area.
- c. Shall have wheels, axles and hitch mechanisms removed.
- d. Shall be placed on a permanent foundation as described by the following:
  - (1) The foundation system shall consist of ten (10") inch diameter concrete piers, concrete footing perpendicular to the main longitudinal frame or equivalent and shall be installed from ground level to below the

frost line (36" inches minimum). This foundation system shall be placed on eight (8') feet centers along each of the two main longitudinal frames for each section of the home with no more than three (3') feet overhang at each end of the section.

- (2) One half (1/2") inch diameter by twelve (12") inch long eyebolts shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing or equivalent. Concrete blocks shall be used to support the home on the foundation system and wood shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.
  - (3) The mobile/manufactured home shall be securely anchored or tied down with cable and thin buckles or equivalent connecting the frame to the cast in place eyebolts on at least four (4) corners and two midpoints. The tiedown shall also be in accordance with the manufacturers recommendations furnished with each home.
  - (4) Homes shall not be placed more than four (4') feet above the supporting ground area.
- e. Shall be enclosed from bottom of the home to the ground or stand using industry-approved skirting material compatible with the home.

### 30. Mobile Home Park

- a. The Mobile Home Park shall have a minimum tract size of seven (7) acres and a maximum gross density of no more than five (5) dwelling units per acre.
- b. There shall be a twenty (20') foot buffer yard around the perimeter of the site, planted in accordance with Buffer Treatment provisions specified Section 404.D and Development Ordinance.
- c. A minimum separation distance of at least twenty (20') feet shall be provided between the homes.
- d. There shall be setback distance of at least thirty (30') feet from all future street right-of-way lines.
- e. Every space shall be provided with underground electric, telephone and T.V. cable (if available) connections.
- f. Each unit shall comply with the requirements for manufactured homes in Section 313.C.
- g. The sale of manufactured homes within the Mobile Home Park, as a commercial use shall be limited to no more than six (6) units and shall be conducted only near the entrance to the Park.
- h. The proposed mobile home park shall comply with the provisions of contained in the Borough of Wind Gap Subdivision and Land Development Ordinance.

31. Motor Freight Terminal

- a. There shall be at least a three (3) acre minimum lot size, plus an one (1) acre for every five (5) truck bays.
- b. A twenty (20') foot buffer yard in accordance with the provisions of Section 404.D shall be provided along the side, rear and front lot lines, except for vehicular and pedestrian access areas traversing the yard areas.
- c. The use shall be on a lot abutting an arterial or collector street (as defined on the Official Street Classification Map).
- d. The amount of building area devoted to truck maintenance shall not exceed twenty-five (25%) of the total building area.
- e. Maintenance and incidental repairs shall be performed within a building.
- f. All maintenance and incidental repairs shall be performed only on those trucks which use the motor freight terminal.
- g. The outdoor storage of truck parts,
- h. The provisions relating to noise control in Section 508 and the other environmental protection provisions of Article 5 shall be complied with.
- i. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled or maintained.
- j. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins or similar items shall be permitted.

32. Nursery School/Day Care Center

- a. See also day care center as an accessory use in Section 314.
- b. Outdoor play areas involving the care of 25 or more children at any time shall be setback a minimum of 25 feet from the exterior walls of an abutting existing occupied dwelling.
- c. The use shall comply with any applicable county, state, and federal regulations, including having an appropriate Pennsylvania Department of Public welfare registration certification or license.
- d. Shall include adequate measures to ensure the safety of children from traffic or other nearby hazards.
- e. Outside play areas in Residential Districts shall be limited to use between 8:00a.m. and 8:00p.m. if located within 200 feet of a dwelling.
- f. This use shall not be conducted in a dwelling that is physically attached to another dwelling.
- g. In residential districts, any permitted nursery school or day care center shall maintain an appearance that resembles and is compatible with any existing dwellings in the neighborhood.
- h. This use may occur in a building that also includes permitted or non-conforming dwelling.

33. Nursing Home
- a. Licensing - See definition in Article 2.
  - b. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walkways.
  - c. The density shall not exceed more than one resident or bed per 400 square feet of total lot area.
  - d. Setback. Principal and accessory buildings shall be setback a minimum of 50 feet from any lot line of an existing dwelling or undeveloped residentially zoned land, unless a more restrictive setback is required by another section.
34. Personal Care Center - The standards for nursing homes in this section shall apply.
35. Place of Worship - Shall be on a lot at least one (1) acre in area.
36. Planned Development
- a. Shall have a minimum lot size of 40,000 square feet.
  - b. Shall be totally planned to function as a single development unit.
  - c. Shall be in accordance with the performance standards of this Ordinance and in accordance with all development standards of the Borough Subdivision and Land Development Ordinance.
  - d. Shall contain at least two (2) individual uses permitted in the District and meet the definition of "Planned Development" as defined in Article 2 of this Ordinance.
  - e. A planting screen shall be provided and maintained in accordance with Section 404.D.3. where adjacent residential uses and R-12, R-10, R-8 or R-M Districts exist.
37. Public or Private Heliport or Helistop
- a. The Pennsylvania Bureau of Aviation within the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing for a private airstrip, private airport, heliport or helistop.
  - b. The Federal Aviation Administration shall have granted approval for the use of the air space.
  - c. The use shall comply with any other applicable Federal and State regulations and requirements.
  - d. Areas used for landings, take-offs and ground circulation shall be located at least three hundred (300') feet away from adjacent property lines.
38. Radio/Television Transmitter
- a. An eight (8') foot screened-fence shall be provided around all appurtenant structures.

- b. Any antenna or tower shall be setback a distance equivalent to the height of the antenna or tower from all property lines and street right-of-way lines.

#### 39. Recycling Collection

- a. All solid waste shall be at least two hundred (200') feet from any adjoining lot.
- b. All solid waste shall be at least two hundred (200') feet from any public highway, road or street.
- c. The site shall contain one (1) entrance and one (1) exit on an arterial street, each of which is not less than thirty (30') feet in width.
- d. No burning or incineration shall be carried out.
- e. The site shall be selected and designed by a registered professional engineer with proven experience in solid waste disposal planning and operation. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations.
- f. No hazardous waste shall be collected, stored, recycled or processed on the site.

#### 40. Rooming House/Boarding House

- a. No more than one person shall occupy each rental unit.
- b. Separate cooking facilities in each rental unit shall be prohibited.
- c. Each rental unit shall be at least 250 square feet in size and shall have its own sanitary and sleeping facilities.
- d. Each rental unit shall have separate access to the outside or to a common hallway or balcony.
- e. The yard, building area, off-street parking and other applicable requirements for the district shall be met.
- f. Adequate capacity of sewer, water and other utilities shall be certified.
- g. Each rental unit shall be subject to an annual Use and Occupancy inspection by the Zoning Officer.
- h. The use may not be established until there is compliance with all Commonwealth of Pennsylvania and Borough rules and regulations including, but not limited to, use and occupancy, fire safety and health.
- i. The use shall be carried on by members of the immediate family, who must reside on the premises. Failure of owner to continue to reside on the premises shall terminate any special exception granted under this section.

#### 41. Swimming Club

- a. All pools shall be entirely enclosed with a good quality chain-link or preferably a wooden or other equivalent screened fence of not less than six (6') feet in height. The fence should be screened by natural vegetation which is maintained.

- b. No loudspeaker or amplifying device shall be permitted which will project sound in excess of the sound levels of Section 508 of this Ordinance.
- c. Lighting perceptible beyond the property line shall be minimized in accordance with Section 511 of this Ordinance.
- d. Adequate lighting shall be provided to illuminate the area, but directed away or shielded to direct light away from adjacent uses.

42. Tennis Club

- a. No loudspeaker or amplifying device shall be permitted which will project sound in excess of the sound levels of Section 508 of this Ordinance.
- b. Lighting perceptible beyond the property line shall be minimized in accordance with Section 511 of this Ordinance.
- c. Adequate lighting shall be provided to illuminate the area, but directed away or shielded to direct light away from adjacent uses.

43. Truck/Bus Repair

- a. All repair and paint work shall be performed within an enclosed building.
- b. Provisions shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- c. Outdoor storage of trucks, buses or similar vehicles shall not exceed three (3) times the indoor repair area, shall only be located back of the front yard line, and shall be no closer than twenty (20') feet from the side and rear lot lines.
- d. Any vehicle on the premises longer than seven (7) days shall be deemed a stored vehicle. No vehicle shall be stored in excess of forty-five (45) days.
- e. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled or maintained.

44. Wholesale and Warehousing

- a. Truck parking and loading shall meet the minimum standards of this Ordinance and in unique situations shall be provided according to maximum standards of the industry for the specific type of warehouse, whole or distribution activity to be conducted.
- b. Truck or rail access and operations shall not conflict with the convenience and safety of auto traffic and parking.
- c. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins, or similar items shall be permitted.

314. ACCESSORY USES.

- A. In General. An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right.
- B. Yard Requirements. Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this Ordinance.
- \*C. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
1. Accessory Buildings and Structures (Other than Fences)
    - a. Attached Accessory Structures. Accessory structures which are attached to the principal building shall comply with all the yard requirements for a principal structure.
    - b. Unattached Accessory Structures. Unattached accessory structures may be erected within a rear yard, provided they conform with the following:
      - (1) Maximum height - twenty (20') feet.
      - (2) An accessory structure shall not be less than three (3') feet from the side lot line.
      - (3) If an accessory structure would be within the side yard of a corner lot, it shall meet the same minimum side yard requirement as would apply to a principal building.
      - (4) An accessory structure shall be not less than three (3') feet from the rear lot line.
      - (5) An accessory structure shall be located not less than ten (10') feet from a principal structure.
      - (6) No more than three (3) accessory structures, including a private detached garage, shall be located in any District, on one (1) lot.
    - c. Trailers shall not be used as permanent storage buildings.
  2. Day Care Center as an Accessory Use to a residential Use
    - a. The following shall be the maximum number of children under age 15 that may be cared for in any dwelling unit:
      - (1) In a single family detached dwelling: maximum of 6 children who are not related to a permanent resident of the dwelling by blood, marriage, adoption or formal foster relationship, provided that: such non-related children shall only be permitted if the total of such non-related children plus related children who are present in the dwelling is not greater than a total of 8 children.

(2) In any dwelling unit other than a single family detached dwelling; maximum of 2 children, beyond those children who are related to a permanent resident of the dwelling by blood, marriage, adoption or formal foster relationship.

- b. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
- c. Any day care center involving 7 or more children shall be considered a principal use and meet the standards of Section 313.C. for such a use, if permitted.
- d. The use shall be actively operated by a permanent resident of the dwelling.

### 3. Fences

- a. A zoning permit shall be required for the erection, alteration or substantial replacement (more than 25 percent) of a fence or retaining wall. An application for a permit shall be submitted to the Zoning Officer on the form supplied by him and shall be accompanied by two (2) sets of plans acceptable to the Zoning Officer showing the location of the lot, the location of the building and fence or retaining wall on the lot and all open spaces. Upon approval of the plans and specifications by the Zoning Officer, one (1) set of each so marked will be returned to the applicant and must be kept together with the permit at the building site and shall be accessible at all times to the proper authorities. No change in same shall be made without notification to and approval by the Zoning Officer. If the Zoning Officer is aware of a property line dispute, he may require a survey by a licensed professional land surveyor as part of the application.
- b. No fence shall be erected in the front yard area of any lot, tract or parcel of land in the Borough, unless it is natural living vegetation (i.e., plants, trees, hedges) of which the height shall not be greater than four (4') feet. For a living fence (vegetation) a no-fee permit is required.\*
- \* c. No fence in a residential district shall be constructed to a height of greater than four (4') feet on any portion of the side yard on any lot, except that residential properties adjoining nonresidential uses may construct a fence to a height not greater than six (6') feet on any portion of the rear and/or side yard that adjoins a nonresidential use.
- d. No fence in a residential district shall be constructed to a height of greater than six (6') feet on any portion of the rear yard on any lot or piece of ground.
- e. No fence shall be erected on an unoccupied lot unless approved as a variance by the Zoning Hearing Board.
- f. No fence or wall shall be constructed or maintained that contains barbed wire, spikes or dangerous protrusions. Electrified fences shall be prohibited.

- g. Retaining walls used in support of earth shall not extend more than six (6") inches above the top of the earth on the upper side.
- h. No fence or wall shall be placed within six (6") inches of the property line between the property on which the fence is constructed and the adjoining property, unless such adjoining property owner shall agree in writing prior to the issuance of a permit that such fence may be placed upon the property line. \*
- i. No fence (including natural vegetation) and/or wall, at any time shall prevent the clear view of the motor vehicle traffic entering or leaving from adjoining streets and driveways.
- j. An owner of a property which has an unopened street as a side or rear yard line may erect a wall or fence to the right-of-way line provided the owner agrees in writing to the removal of the fence if the street is opened at a later date.
- k. No fence in an Industrial and/or Commercial District shall be constructed to a height of greater than twenty-five (25') feet.
- l. Fences located in an Industrial and/or Commercial District, which adjoin residential properties or face public streets shall be shielded from the street and adjoining properties by screening, in accordance with Section 404.D.3. The screening (i.e.: plants, trees, hedges) is to be placed along adjoining property line with said fence installed behind screening.
- m. In Industrial and/or Commercial Districts, where proposed commercial and industrial uses adjoin an existing residential area, a maintained planted all-season visual barrier of landscape screen and/or earth mounds shall be provided. This visual barrier shall be composed of plants, trees and berms arranged to form both a high level and low level screening.
- n. Corner Lot Situations.
- (1) Upon approval of the Zoning Hearing Board, by variance, one (1) frontage section of a corner property may be designated as a side and/or rear yard (see Exhibit C on following page). This is to allow an approved fence meeting all of the standard regulations of this Section.
- (2) Said fence to be shielded within a reasonable period of time from view from the street and adjoining properties by screening.
- o. Fences, as described throughout this section shall be placed so as to present the most attractive side of the fence (painted, finished, constructed (structural supports to be placed on inside facing installer's side), planted, etc. to the neighbor on whose adjoining land it faces or to the street on which the fence faces.

4. Home Gardening, Nurseries, and Greenhouses - In residential districts, no outdoor storage of equipment shall be permitted.
5. Pets and Animals, Keeping of. NOTE: This section applies only to Accessory Uses. It does not apply to Principal Uses such as Animal Hospitals or Kennels.
  - a. Number. No more than four (4) customary household pets or domestic animals (e.g., dogs, cats, canaries, etc.) may be kept. Six (6) or more adult dogs and/or cats shall constitute a kennel.
  - b. Commercial Use. Commercial breeding or use of these pets shall not be permitted as an accessory use.
  - c. Large Animals and Fowl. Large animals (such as cattle, horses, goats and pigs) and fowl (such as chickens, ducks, turkeys and pigeons) are not permitted.
6. Recreational Vehicle - No recreational vehicle or unit shall be stored for a period of six (6) consecutive months within a yard or within five (5') feet of a side yard or a rear yard line. A recreational vehicle must be stored ten (10') feet behind the building line.
7. Satellite Earth Stations (or Satellite Dishes)
  - a. Location. Satellite Earth Stations shall be permitted in rear yards and on roofs of the principal building on the lot. Roof installation shall be permitted only if it is impossible to obtain a usable satellite signal (as defined in this Ordinance) from the rear yard. Satellite earth stations shall be designed and sited so as to reduce visual impact at ground level and from public streets.
  - b. Number of Stations Per Lot. There shall be a maximum allowable limit of one (1) satellite earth station per lot, except in planned developments where the maximum shall not exceed one (1) per individual use. The use shall be limited to the lot on which it is located.
  - c. Size and Height. No satellite earth station located in the rear yard shall exceed fourteen (14') feet in height. The height restriction of the district shall apply for roof-mounted satellite earth stations. No satellite earth stations shall exceed ten (10') feet in diameter.
  - d. Structure. Satellite earth stations shall be a color that blends with the surrounding environment. Every roof-mounted satellite earth station must be adequately grounded for protection against a direct strike of lightning.
  - e. Screening. Natural plant screening shall be required around all yard-mounted satellite earth stations to the maximum extent possible fourteen (14') feet without obstructing the sight line of the station. Full screening shall be accomplished within four (4) years. Planting must be initiated during the first growing season following installation.

- f. Permits. Prior to installation of any satellite earth station, a permit application shall be filed with the Building Inspector. All applications must be accompanied by mounting and stress analysis specifications sealed by a registered engineer (roof mounted dishes only). Final approval of the permit is contingent upon approval by the Borough Engineer.
  - g. Administrative Standards. When, in the course of administration and enforcement of this Section, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in the Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Section or injurious to the surrounding neighborhood.
8. Storage and Display, Commercial or Industrial Outdoor
- a. Location. Shall not occupy any part of the street right-of-way, area intended or designed for pedestrian use, required parking area, or part of the required front yard.
  - b. Size. Shall occupy an area less than one-half the existing building coverage. A Special Exception may be authorized by the Zoning Hearing Board for no more than twenty-five (25%) percent of the lot area to be used for outdoor storage or display.
9. Swimming Pool, Noncommercial - A noncommercial swimming pool designed to contain a water depth of thirty (30") inches or more shall not be located, constructed or maintained on any lot or land area except in conformity with the following requirements:
- a. Permit. A Zoning Permit shall be required to locate, construct or maintain a noncommercial swimming pool.
  - b. Location. Such pool shall be located in a rear or side yard only. No above or in-ground pool shall be located within eight (8') feet of a side or rear lot line or under any electrical lines; within fifteen (15') feet of any primary structure or over any on-lot sewage disposal field or system; or within three (3') feet of any accessory structure.
  - c. Fence. Every in-ground noncommercial swimming pool shall be entirely enclosed with a screened childproof fence of not less than four (4') feet in height equipped with a self-closing gate or platform.
10. Temporary Structure or Use - A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:
- a. Duration. The life of such permit shall not exceed one (1) year and may be renewed for an aggregate period of not more than two (2) years.

- b. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Borough.

11. Tennis Court

- a. A tennis court shall not be located in front of the principal building and shall not be located within any required yard areas.
- b. No lighting shall shine directly beyond a boundary of the lot where the tennis court is located.

## ARTICLE 4

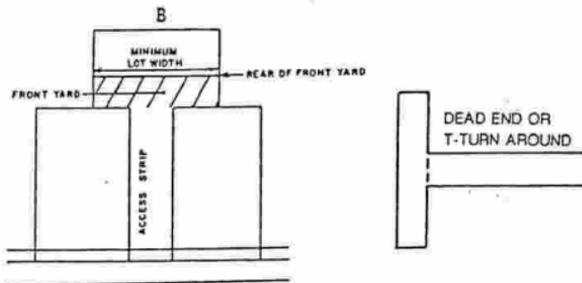
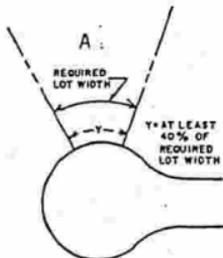
### GENERAL REGULATIONS

401. LIMIT OF ONE PRINCIPAL USE. No more than one (1) principal use shall be permitted on a lot, except for planned developments such as shopping centers and planned industrial parks, or unless specifically permitted by this Ordinance.
402. PRINCIPAL BUILDINGS.
- A. Street Frontage Required. Every principal building shall be built upon a lot with frontage upon a public or private street improved to meet Borough standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance.
- B. Two or More on a Lot. Except for shopping centers and agricultural buildings, two (2) or more principal buildings on a lot shall:
1. be separated by at least twice the required side yard in that District and
  2. conform to the standards and improvements required for a land development by the Subdivision and Land Development Ordinance.
403. MAXIMUM HEIGHT OF BUILDINGS. No building shall exceed the maximum building height standard specified in the relevant district regulations of this Ordinance, except that such standard shall not apply to water towers, church spires, belfries, solar energy collectors (and equipment used for the mounting or operation of such collectors), chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Although exempted from structural height limitations, these structures shall not diminish the solar access of other properties.
404. SPECIAL LOT AND YARD REQUIREMENTS.
- A. In General.
1. The lot, yard, parking and other requirements for any new building or use shall not include any part of a lot, yard or parking area that is required by any other building or use to comply with the requirements of this Ordinance. However, a common parking lot for joint uses shall be permitted in accordance with the provisions of Section 702.G.

2. No required lot area or yard shall include any property (the ownership of which has been transferred subsequent to the effective date of this Ordinance), if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

**B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.**

1. Nonconforming Lots. See Section 407.
2. Irregularly Shaped Lots:
  - a. on cul-de-sacs or courts where the lot frontage measured at the street right-of-way line shall not be less than forty (40%) percent of the minimum lot width (see Sketch A); and
  - b. on flag, keyhole, dead end and T-turn around lots where the rear of the front yard (building setback line) shall be established based upon the distance required to meet the minimum lot width established in Article 3. A required access strip shall be capable of accommodating all vehicles, including emergency vehicles. (See Sketch B)



3. Through Lots. Front yards shall be provided along all portions of a through lot abutting any street, except where a provision of a different yard will comply with the prevailing front yard pattern on adjoining lots.
4. Fences, Walls, Accessory Buildings and Structures, Patios, Terraces and Open Porches. (See Sections 311.B. and 311.C.7. and 311.C.8.)
5. Architectural Projections. Chimneys, leaders, cornices, eaves, gutters and bay windows, and the like, may extend not more than eighteen (18") inches into any required yard.

C. Traffic Visibility Across Corners (Clear Sight Triangle).

1. Clear sight triangles shall be provided at all public street intersections. Within such triangles, no vision obstructing object shall be permitted which obscures vision above the height of thirty (30") inches and below ten (10') feet measured from the centerline grade of intersecting public streets.
2. Such triangles shall be established from distance of:
  - a. Seventy-five (75') feet from the point of intersection of the centerlines, except that, clear sight triangles shall be provided for all intersections with collector and arterial streets in accordance with Pennsylvania Department of Transportation standards.
  - b. Where an intersection is controlled by a stop sign or traffic signal, the site triangle shall be measured from a point in the center of the controlled or lesser street twenty-five (25') feet back from the curb line of the uncontrolled or through street to the distance required above.

D. Buffer Yards. Any nonresidential use and open space uses except as otherwise required, which border any R-12, R-10, R-8 or R-M Residential District shall provide buffer yards which comply with the standards of this section. These buffer yards are also required in the R-8 District, when proposed multi-family dwellings will be located adjacent to existing single-family detached dwellings in the R-12 or R-10 District.

1. Size, Location.

- a. A twenty (20') foot buffer yard shall be required, unless otherwise indicated in this Ordinance.
- b. The buffer yard shall be measured from the district boundary line or from the street right-of-way line (where a street serves as the district boundary line). Buffer yards shall not be within an existing or future street right-of-way and shall be in addition to that right-of-way.

- c. The buffer yard may be contiguous with a required front, side, or rear yard, provided the larger yard requirement shall apply in case of conflict.
2. Characteristics.
- a. The buffer yard shall be a landscaped area free of structures, manufacturing or processing activity, materials, or vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
  - b. In all buffer yards, all areas not within the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, grass more than six (6") inches in height, or weeds.
3. Planting Screen.
- a. Each buffer yard shall include a Planting Screen of trees, shrubs, and/or other plant materials extending the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise.
  - b. Each Planting Screen shall be in accordance with the following requirements:
    - (1) Plant materials used in the planting screen shall be of such species and size as will produce, within two (2) years, a complete year-round visual screen of at least eight (8') feet in height.
    - (2) The Planting Screen shall be permanently maintained by the landowner and any plant material which does not live shall be replaced within one (1) year.
    - (3) The Planting Screen shall be so placed that at maturity it will be at least three (3') feet from any street or property line.
    - (4) The Planting Screen shall be broken only at points of vehicular or pedestrian access and shall comply with Section 404.C.
  - c. In circumstances where it is impractical for a Planting Screen to meet all the requirements of this Section or would create an undue hardship, the Zoning Hearing Board may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements.
4. Plans.
- a. Prior to the issuance of any Zoning Permit, the applicant shall submit plans showing
    - (1) the location and arrangement of each buffer yard,

- (2) the placement, species, and size of all plant materials, and
- (3) the placement, size, materials and type of all fences to be placed in such buffer yard.

b. Such plans shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this Ordinance.

E. Green Space in Front Yards. Ninety (90%) percent of the area of the required front yard, after the deletion of sidewalks, walkways and driveways, shall be maintained in vegetative ground cover, such as grass, trees, plants and shrubs.

405. ESTABLISHMENT OF FUTURE RIGHT-OF-WAY WIDTHS FOR ROADS AND CONSTRUCTION STANDARDS.

A. Purpose. Minimum future right-of-way widths are established for roads where the existing right-of-way is less than that indicated in Section 405.C. for the particular class of road.

B. Measurement.

1. The future right-of-way shall be measured from the centerline of the existing road.
2. All front yards and other appropriate yards shall be measured from the future right-of-way line.
3. The specific classification of each road is shown on the Borough's Official Street Classification Map.

C. Minimum Widths. Minimum Future Rights-of-Way are as follows:

<u>Street Classification</u>	<u>Minimum Future Right-of-Way</u>
Major Traffic Street (Arterial)	80'
Collector Street	60'
Local Street & Marginal Access Street	50'

D. Additional future right-of-way and cartway widths may be required by Borough Council for the following purposes:

1. To promote public safety and convenience.
2. To provide parking space in commercial districts and in areas of high-density residential development.

- E. Short extension of existing streets with lesser right-of-way widths than prescribed by Subsection 405.C. above may be permitted; provided, however, that no section of new right-of-way less than forty (40') feet in width shall be permitted.
- F. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width in conformance with the above standards shall be required.
- G. The applicant is requested to dedicate, or include an offer of future dedication of the street right-of-way to the Borough or the PA. Department of Transportation.
- H. An establishment of a future right-of-way may be waived or reduced by special exception if the applicant proves to the satisfaction of the Zoning Hearing Board that such right-of-way will not serve any valid public purpose or that the proposed use or structure will not create any additional need for such right-of-way.

I. Construction Standards.

- 1. Street Crown. All streets shall be graded to have a parabolic curve crown with a slope of two (2%) percent to two and one-half (2½%) percent.
- 2. Base Course. On the properly rolled and crowned subgrade, there shall be constructed a crushed aggregate base course of six (6") inches minimum depth when compacted, conforming to the Pennsylvania Department of Transportation specifications for Crushed Aggregate Base Course. Should conditions warrant, the Borough Council may require a base course of greater than minimum depth.
- 3. Surface Course. The surface course shall be a bituminous concrete mixture as conforming to the Pennsylvania Department of Transportation ID-2A, placed at a completed depth of two and one-half (2½") inches.

406. FRONTAGE DEVELOPMENT ALONG ARTERIAL AND COLLECTOR STREETS. In order to encourage the sound development of frontage along arterial and collector streets (as defined on the Borough's Official Street Classification) and to minimize traffic congestion and hazard, the following special provisions shall apply:

- A. Off-Street Parking and Loading. All areas for off-street parking, off-street loading and unloading, and the storage or movement of motor vehicles shall be physically separated from the highway or street by a raised curb, planting strip, wall, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading or storage area. All parking areas or lots shall be designed to prohibit vehicles from backing out on the street, and the capacity of each lot shall provide adequate storage area and distribution facilities upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot.

- B. Access. Each use with less than one hundred (100') feet of frontage on an arterial or collector street shall have not more than one (1) accessway to each such street, and no business or other use with one hundred (100') feet or more of frontage on an arterial or collector street shall have more than two (2) accessways to any one street for each three hundred (300') feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway in order to avoid direct access to an arterial or collector street.
- C. Street Intersection. To the fullest extent possible, intersections with collector and arterial streets shall be located not less than 1,000 feet apart, measured from centerline to center line. Exceptions shall be those cases deemed to require closer spacing without endangering the public's safety.
- D. Planned Developments. In the case of a planned development, shopping center, office complex, group of multiple family dwellings, or similar grouping of principal buildings on a lot, and in any other case where practicable:
1. Each principal building shall front upon a marginal access street, service road, common parking lot, or similar area and not directly upon a public street.
  2. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the unified development, without undue congestion to, or interference with normal traffic flow within the Borough.
  3. All streets and accessways shall conform to the specifications determined by the Borough Engineer and the requirements of the Borough Subdivision and Land Development Ordinance. Provision shall be made for adequate signalization, turn, standby and deceleration lanes, and similar facilities where deemed necessary by the Borough Engineer.
  4. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those related to a dwelling shall be adequately illuminated during night hours of use at no cost to the Borough.
- E. Reverse Frontage Encouraged. Direct vehicular access from individual lots abutting arterial or collector streets shall be strongly discouraged and reverse frontage shall be encouraged.

#### 407. NONCONFORMITIES.

- A. Registration of Nonconforming Uses and Structures. Upon adoption of this Ordinance, the Borough Zoning Officer may identify and register nonconforming uses and structures.

B. Continuation. Any registered nonconforming use, structure, or lot may be continued, maintained, improved, and repaired, provided it conforms to the remainder of this section.

C. Alteration or Extension.

1. Nonconforming Structure.

- a. A nonconforming structure may be altered, reconstructed, or enlarged provided that such alteration, reconstruction or enlargement does not increase the nonconformance or the nonconforming part of the structure. No structure shall be enlarged in such a way as to increase a nonconformity of the structure unless a variance is granted by the Zoning Hearing Board.
- b. In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension or enlargement shall also meet the requirements of Section 407.C.3.

2. Nonconforming Lot.

- a. Nonresidential Lots. A building may be constructed and expanded on a nonconforming, nonresidential lot provided the yard and lot coverage requirements of this ordinance are met and all DER requirements are met.
- b. Residential Lots. A building may be constructed and expanded on a nonconforming, residential lot provided the minimum yard and maximum lot coverage requirements listed for the Particular District are complied with.
- c. Exceptions. When a lot of record existing at the effective date of this Ordinance cannot meet the yard and maximum lot coverage requirement of the Particular District, a variance may be requested from the Zoning Hearing Board. Where two (2) adjacent lots of record with less than the required area and width are held by one (1) owner, the request for a zoning permit shall be referred to the Zoning Hearing Board, which may require that the two (2) lots be combined and used for one (1) principal building. Where three (3) or more adjacent lots of record with less than the required area and width are held by one (1) owner, the Zoning Hearing Board may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance. When making these decisions relating to this section, the Zoning Hearing Board shall consider among other factors the existing character of the area.

3. Nonconforming Use. As a special exception use, a nonconforming use may be enlarged by a maximum of 50 percent in total building floor area beyond what existed at the time of the use becoming nonconforming, provided all required setbacks are met. A nonconforming use shall not be demolished and reconstructed except as provided for in Section 407.D. "Restoration."

D. Restoration. A nonconforming building or any building containing a nonconforming use destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned. An Application must be made for a building permit to rebuild.

E. Ownership. Whenever a nonconforming use, structure, or lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner, provided that the new owner shall re-register the nonconforming use with the Zoning Officer within sixty (60) days after final settlement.

F. Abandonment.

1. If a nonconforming use of a building or land is discontinued, razed, removed, or abandoned for 365 consecutive days, subsequent use of such building or land shall conform with the regulations of the district in which it is located.

2. The act of abandonment and the intent to abandon shall be presumed to commence on the date when customary efforts to continue the use (operation, lease, sale, etc.) cease.

G. Changes.

1. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

2. A nonconforming use may be changed to another nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board after the following conditions are met:

a. The applicant shall show that the nonconforming use cannot reasonably be changed to a conforming use.

b. The applicant shall show that the proposed change will be equally or less objectionable in external effects than the existing nonconforming use with regard to:

- (1) Traffic generation and congestion (including truck, passenger car, bicycle and pedestrian traffic),
- (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration,
- (3) Storage and waste disposal, and
- (4) Appearance.

H. District Changes. When boundaries of a district are changed so as to transfer an area from one district to another district, any resulting nonconforming use shall be subject to the provisions of Section 407.G.

408. TEMPORARY STRUCTURE OR USE. A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:

- A. The life of such permit shall not exceed one (1) year and may be renewed for an aggregate period of not more than two (2) years.
- B. Such structure or use shall be removed completely upon expiration of the permit without cost to the Borough.

409. SITE PLAN REVIEW.

A. Scope. Before a zoning permit is issued for any use designated in Article 3 as requiring Site Plan Review, the procedures of this Section shall be followed in order to more effectively administer, enforce, and implement the purposes, intent, and requirements of this Ordinance.

B. Procedure.

- 1.
  - a. When the applicant applies to the Zoning Officer for a Zoning Permit, the applicant shall submit ten (10) complete sets of Site Plans.
  - b. No Zoning Permit shall be granted until after the Planning Commission submits its recommendation to the Zoning Officer or after sixty (60) days of the date the Site Plans were submitted.
  - c. Site Plan approval shall not relieve the applicant from any other provisions of this Ordinance nor constitute a recommendation for a variance or other relief that the applicant may seek from the Zoning Hearing Board.
- 2. The Zoning Officer shall forward seven (7) copies of the Site Plan to the Planning Commission within seven (7) days of the date of official plan submission.
- 3.
  - a. The Planning Commission shall make a written recommendation to the Zoning Officer within sixty (60) days of the date the Plan was submitted on whether the Site Plan indicates that a Zoning Permit should be granted or denied.
  - b. The written recommendation shall include the underlying findings and reasons affecting the recommendation.
  - c. Failure to make a written recommendation within such sixty (60) days shall be considered a recommendation to issue such Zoning Permit.
- 4.
  - a. The Zoning Officer shall review the Site Plan and the Planning Commission's recommendations and issue or deny the Zoning Permit within sixty (60) days after the Site Plan was officially submitted.

- b. The decision of the Zoning Officer shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than the day following the decision.
  - c. The decision shall indicate the specific provisions of this Ordinance and other laws which have not been met and the specific reasons therefor.
- C. Site Plan Requirements. The following information shall be included on the site plan:
- 1. A statement describing the proposed use.
  - 2. A site layout drawn to a scale of not less than one inch (1") equals fifty (50') feet showing the location, dimensions, and area of each lot, the location, dimensions and height of proposed buildings, structures, streets, and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
  - 3. The location, dimensions (numbers shown), and arrangements of all open spaces and yards, landscaping, fences, and buffer yards including methods and materials to be employed for screening.
  - 4. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
  - 5. The dimensions (numbers shown), location, and methods of illumination for signs and exterior lighting.
  - 6. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
  - 7. Provisions to be made for treatment and disposal of sewage and industrial wastes and water supply.
  - 8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
  - 9. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.

- b. The decision of the Zoning Officer shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than the day following the decision.
  - c. The decision shall indicate the specific provisions of this Ordinance and other laws which have not been met and the specific reasons therefor.
- C. Site Plan Requirements. The following information shall be included on the site plan:
- 1. A statement describing the proposed use.
  - 2. A site layout drawn to a scale of not less than one inch (1") equals fifty (50') feet showing the location, dimensions, and area of each lot, the location, dimensions and height of proposed buildings, structures, streets, and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
  - 3. The location, dimensions (numbers shown), and arrangements of all open spaces and yards, landscaping, fences, and buffer yards including methods and materials to be employed for screening.
  - 4. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
  - 5. The dimensions (numbers shown), location, and methods of illumination for signs and exterior lighting.
  - 6. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
  - 7. Provisions to be made for treatment and disposal of sewage and industrial wastes and water supply.
  - 8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
  - 9. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.

3. **Surface Water Drainage.** Give special attention to proper site surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all storm water from all roofs, canopies, and paved areas. Collect surface water from all paved areas to permit vehicular and pedestrian movement.
4. **Utility Service.** Place electric and telephone lines underground, where possible. Locate, paint, and undertake any other treatment to ensure that any utilities which remain above ground will have a minimal adverse impact on neighboring properties.
5. **Advertising Features.** Ensure that the size, location, lighting, and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.
6. **Special Features.** Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
7. **Preservation of Landscape.** Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.
8. **Solar Energy Use.** Consider the desirability and feasibility of active and passive solar energy use. Orient proposed buildings and provide structures to provide for solar energy use and to preserve solar access of adjoining properties.

## ARTICLE 5

### ENVIRONMENTAL PROTECTION

#### 501. ENVIRONMENTAL PRESERVATION REQUIRED.

- A. All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site.
- B. All uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading and destruction of the ground surface, the preservation of substantial stands of trees and forested areas, and the preservation of attractive views and any other natural features existing on the site.

#### 502. NUISANCES. Nuisances are prohibited pursuant to Ordinance No. 6.

#### 503. STEEP SLOPES.

- A. Intent. The intent of this section is to control the intensity of development on lands that are steeply sloped to avoid severe erosion and sedimentation problems, to avoid the construction of steep roads that are extremely difficult to maintain and keep free of snow and ice, to avoid the safety hazards of driving in snow and ice on steep streets and driveways, to avoid severe storm water runoff problems often created by construction in steeply sloped areas, to avoid the high public expense of repairing and maintaining utilities on steeply sloped lands and to steer development to lands that are more physically suited for it.
- B. Applicability. This section shall apply to all land, buildings and uses and all grading of land in preparation for building in all zoning districts.
- C. Definitions. For the purposes of this section the following definitions shall apply:
  1. Fifteen (15%) Percent Slope. Areas of land that have a net vertical change averaging fifteen (15') feet vertically for every one hundred (100') feet of horizontal distance, when measured between the contours required to be submitted under this section.
  2. Twenty-Five (25%) Percent Slope. Areas of land that have a net vertical change averaging twenty-five (25') feet vertically for every one hundred (100') feet of horizontal distance, when measured between the contours required to be submitted under this section.

3. Thirty-five (35%) Percent Slope. Areas of land that have a net vertical change averaging thirty-five (35') feet vertically for every one hundred (100') feet of horizontal distance, when measured between the contours required to be submitted under this section.
4. Building Site. The land area proposed to include the actual location of a principal building and an area of twenty-five (25') feet around all outside structural walls of such building.
5. Impervious Cover. The percent of the lot area covered by surfaces that have a runoff coefficient of 0.8 or higher. In case of uncertainty, the Borough Engineer shall have the authority to determine the runoff coefficient of a type of material.

D. Submission.

1. Any application for subdivision or land development or any application for a zoning or building permit for a principal building or principal use or any proposal to extensively alter the pre-existing contour of land shall include the submission of a detailed topographic map if the existing lot involved includes any areas of fifteen (15%) percent or greater slope that total greater than one thousand (1000) square feet.
2. The topographic maps shall be at a scale of 1"=50' and shall show the pre-existing contours of all lands proposed for any subdivision, land development, building or use. Such contours shall be at intervals of five (5') feet of vertical change. Contours shall be based on an actual field survey supervised and certified by a registered land surveyor.
3. The topographic map shall clearly identify areas that have a pre-existing slope of between fifteen (15%) and twenty-five (25%) percent slope, between twenty-five (25%) and thirty-five (35%) percent slope and greater than thirty-five (35%) percent slope.
4. The applicant shall clearly designate the proposed building site, including an area twenty-five (25') feet around the proposed building location, for each lot that includes or is proposed to include any areas of fifteen (15%) percent or greater slopes. Such building location shall then become binding, once approved, unless a subsequent submission and approval occurs under this section.

E. Uses and Lot Areas.

1. Permitted Uses. The only uses that shall be permitted on a building site that includes lands of fifteen (15%) percent slope or greater square feet shall be the following:

- a. Single-Family Detached Dwellings, each on one individual lot.
- b. Uses serving a governmental purpose and owned by the Borough of Wind Gap.
- c. Public Recreation Uses owned by a government agency.
- d. Uses that are clearly customarily and incidentally accessory to a use permitted by this section.
- e. Nature preserves, not involving any principal buildings or commercial use.

2. Lot Areas.

- a. If a proposed building site would include any areas with pre-existing slopes of between fifteen (15%) and twenty-five (25%) percent, but would not include any areas of twenty-five (25%) percent or greater slope, the following requirements shall apply to each lot:
  - (1) A minimum lot area of 43,560 square feet,
  - (2) A minimum lot width of 120 feet measured at the minimum front yard setback line,
  - (3) 30 feet minimum setbacks along the front yard, the rear yard and each of two side yards, and
  - (4) A maximum impervious cover of 30 percent.
- b. If a proposed building site would include any areas with pre-existing slopes of twenty-five (25%) percent or greater, but would not include any areas of thirty-five (35%) percent or greater slope, the following requirements shall apply to each lot:
  - (1) A minimum lot area of 3 acres,
  - (2) A minimum lot width of 200 feet measured at minimum front yard setback line,
  - (3) 30 feet minimum setbacks along the front yard, the rear yard and each of two side yards, and
  - (4) A maximum impervious cover of 20 percent.
- c. If a proposed building site would include any areas with pre-existing slopes of thirty-five (35%) percent or greater, the following requirements shall apply to each lot:
  - (1) A minimum lot area of 5 acres,
  - (2) A minimum lot width of 250 feet measured at minimum front yard setback line,
  - (3) 30 feet minimum setbacks along the front yard, the rear yard and each of two side yards, and
  - (4) A maximum impervious cover of 10 percent.

F. Slopes of Roads and Driveways.

1. No portion of any street proposed to be dedicated to the Borough shall have a finished slope in excess of ten (10%) percent.

2. No portion of any private street, accessway or driveway shall have a finished slope in excess of twelve (12%) percent.
  3. If road or driveway slope standards that are more restrictive are required under another applicable ordinance, those more restrictive standards shall apply.
- G. Grading. The requirements of this section shall apply to the contours of land that existing at the time of the adoption of this Article. The contours of land regulated by this section shall not be changed prior to submission and regulation under this section.
- H. Floodplain. See Section 507 which regulates construction within the 100-year floodplain.
504. DEVELOPMENT ALONG STREAMS. All developments along streams shall comply with the Wind Gap floodplain regulations (Section 507) and regulations of the Pennsylvania Department of Environmental Resources.
505. FLOODPLAINS. All proposed uses in designated floodplains shall comply with Section 507 relating to floodplain regulations.
506. FILLING, EXCAVATION AND GRADING.
- A. Permit Required. All activities which require the moving of earth or the filling or excavation of an area, except for street construction, shall obtain a Zoning Permit issued by the Zoning Officer with the concurrence of the Borough Engineer. Finish grading or incidental grading of a lot and minor earthmoving from one place to another on a lot for landscaping or agricultural purposes shall not require a Zoning Permit.
- B. Grading Regulations.
1. The existing grade shall not be increased so that unstable slopes are created.
  2. The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structure.
  3. The deposit of soils, detritus or other debris (as a result of site preparation, grading, or excavating) shall not be unsightly or detrimental to any property, street, sewer, or natural waterways.
  4. All PA Department of Environmental Resource and County Soil and Water Conservation District regulations shall apply.

507. FLOODPLAIN REGULATIONS.

- A. Purpose. The purpose of the Floodplain Regulations is to:
1. Promote the general health, welfare and safety of the community.
  2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
  3. Minimize danger to public health by protecting water supply and natural drainage.
  4. Reduce financial burdens imposed on the community, its governmental units, and its residents by preventing excessive development in areas subject to flooding.
  5. Regulate development in Flood Hazard Areas in accordance with the Federal Insurance Administration's Requirements for Flood Management and the Pennsylvania Floodplain Management Act.
- B. Definitions. The following words, terms and phrases shall have the following meanings for the purposes of Section 507:
1. 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.
  2. Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.
  3. Development. Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.
  4. 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.
  5. Flood. A temporary inundation of normally dry land areas.
  6. Flood Fringe Area. That portion of the floodplain outside of the floodway area.
  7. Floodplain. (See "Flood Prone Areas")

8. 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.
9. Flood Prone 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.
10. Floodway Area. The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year flood magnitude.
11. Manufactured Home. For the purpose of Floodplain Management, a Manufactured Home is 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 connected to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles placed on a site for more than 180 consecutive days.
12. Manufactured Home Park. A parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more manufactured homes.
13. Minor Repair. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment.
14. Obstruction. Any wall, dam wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or flood prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.
15. One Hundred (100) Year Flood. - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).
16. Regulatory Flood Elevation. The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½') feet.

C. Administration.

1. Zoning Permits Required. A Zoning Permit shall be required before any development, new construction, reconstruction, enlargement, alteration or relocation of any building or structure is undertaken in a flood prone area.
2. Application Procedures. If any proposed new construction is located within or adjacent to any flood prone area, the applicant for a Zoning Permit shall also provide the following:
  - a. A plan which accurately locates or shows:
    - (1) Flood prone area boundaries, stream channels, flood elevation, velocities, pressures, impact and uplift forces associated with the one hundred (100) year flood, soil types and existing and proposed contours, and
    - (2) the exact size and location of the proposed construction and existing buildings or structures, including the location and elevations of streets, water supply and sanitary sewage facilities, proposed lowest floor and basement elevations in relation to mean sea level based on the National Geodetic Vertical Datum of 1929, and flood proofing measures.
  - b. All plans for proposed subdivision and/or land development to assure that:
    - (1) All such proposals are consistent with the need to minimize flood damage;
    - (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
    - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
  - c. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevation, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood.
  - d. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot at any point.

3. Review by County Conservation District.
  - a. The Zoning Officer shall submit a copy of all applications and plans for new construction in any flood prone area to be considered for approval to the County Conservation District for review and comment prior to the issuance of a Zoning Permit.
  - b. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.
4. Review of Application by Others. The Zoning Officer may submit a copy of all plans and applications for new construction in any flood prone area to be considered for approval to any appropriate agencies and/or individuals (e.g., Planning Commission, Borough Engineer, etc.) for review and comment.
5. Other Permit Issuance Requirements.
  - a. Prior to the issuance of any Zoning Permit, the Zoning Officer shall review the application for such permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained (including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Water Obstruction Act of 1913 and the Federal Water Pollution Control Act Amendments of 1972. Section 404, 33, U.S.C. 1334).
  - b. No Zoning Permit shall be issued until this determination has been made.
6. Changes. After the issuance of a Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specification of other documents submitted with the application without the written consent or approval of the Zoning Officer.
7. Start of Construction.
  - a. Work on the proposed construction shall begin within six (6) months after the date of issuance of the Zoning Permit or such permit shall expire (unless a time extension is granted in writing by the Zoning Officer).
  - b. Construction shall be considered to have started with the first placement of permanent construction of the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings,

plers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

8. Inspection and Revocation.

- a. During the construction period, the Zoning Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough laws and ordinances.
- b. In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by the applicant, the Zoning Officer shall revoke the Zoning Permit.

D. Identification of Flood Prone Areas.

1. Identification of Flood Prone Areas.

- a. The identified floodplain area shall be those areas of Wind Gap Borough which are subject to the one hundred (100) year flood, as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Borough by the Federal Emergency Management Agency (FEMA), dated May 19, 1981 or the most recent revision thereof.
- b. A map showing all areas considered to be flood prone is available for inspection at the Borough Building.
- c. For the purposes of this Ordinance the following nomenclature is used in referring to the various kinds of flood prone areas:
  - (1) The AE Area shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which one hundred (100) year flood elevations have been provided in the FIS.
  - (2) The A Area shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one hundred (100) year flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State or other acceptable sources shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest to the construction site.

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

2. Changes in Identification of Flood Prone Areas.

- a. The areas considered to be flood prone may be reviewed or modified by the Council where studies or information provided by a qualified agency or person documents the need or possibility for such revision.
- b. No modification or revision of any area identified as flood prone in Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administrator.

3. Boundary Disputes.

- a. Should a dispute arise concerning the boundary of any flood prone area, an initial determination shall be made by the Zoning Officer and any party aggrieved by this decision may appeal to the Borough Council.
- b. The burden of proof in any appeal of such a boundary dispute shall be on the Appellant.

E. Technical Provisions.

1. In General.

- a. 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, and until all required permits or approvals have been first obtained from the Commonwealth.
- b. The Federal Insurance Administration and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.
- c. Within any identified flood-prone area, the following general provisions shall apply:
  - (1) The development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Borough.

- (2) Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.
- (3) Within any AE Area, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1') foot at any point.
- (4) The following development and/or uses shall be prohibited:
  - (a) Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises: acetone, ammonia, benzene, calcium, carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid and oxides of nitrogen, petroleum products (gasoline, fuel oil, etc.), phosphorus, potassium, sodium, sulphur and sulphur products, pesticides (including insecticides, fungicides and rodenticides) and radioactive substances, insofar as such substances are not otherwise regulated.
  - (b) The filling of marshlands, dredging, removal of topsoil or damming or relocation of any watercourse except with the approval of the Commonwealth of Pennsylvania Department of Environmental Resources.
  - (c) Sanitary landfill, dump, junkyard, outdoor storage or disposal of vehicles and/or materials including manure and hazardous substances listed in Section 507.E.1.c.(4)(a).
  - (d) Public or private hospitals, public or private nursing homes, jails, new manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.

## 2. Evaluation and Floodproofing Requirements.

- a. Residential Structures - Within any identified flood-prone area, the lowest floor (including basement) of any new or improved residential structures shall be at least at, or above, the Regulatory Flood Elevation.
- b. Nonresidential Structures - Within any identified flood-prone area, the lowest floor (including basement) of any new or improved residential structures shall be at least at, or above, the Regulatory 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.

All plans and specifications for such flood-proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

- c. Enclosed areas below the lowest floor (including basements) are prohibited.
3. Design and Construction Standards. The following minimum standards shall apply for any construction proposed to be undertaken within any identified floor prone area:
- a. Fill. If fill is used, it shall:
    - (1) extend laterally at least fifteen (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, securing or settling,
    - (4) be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Borough Council, 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:
    - (1) convey the flow of surface waters without damage to persons or property,
    - (2) to insure drainage at all points along streets, and provide positive drainage away from buildings, and
    - (3) to prevent the discharge of excess runoff onto adjacent properties.
  - c. Public Sanitary Sewer Facilities. All new and replacement public sanitary sewer facilities (including all pumping stations and collector systems):
    - (1) shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into the flood waters, and
    - (2) should be located and constructed to minimize or eliminate flood damage and impairment.
  - d. Public Water Facilities. All new and replacement public water facilities shall be designed to minimize or eliminate infiltration of flood water into the system, and be located and constructed to minimize or eliminate flood damages.

- e. Streets. The finished elevation of proposed new streets shall be no more than one (1') foot below the Regulatory Flood Elevation.
- f. Utilities. All utilities such as gas lines, electrical and telephone systems being placed in flood prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- g. Storage. No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal or plant life, shall be stored below the Regulatory Flood Elevation.
- h. Minimum Construction by Buildings and Structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- i. Anchoring.
  - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
  - (2) 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.
- j. 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.
- k. Paints and Adhesives.
  - (1) Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.
  - (2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.
  - (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.

1. Electrical Systems and Components.

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

m. Plumbing.

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

- n. Resisting Hydrostatic/Hydrodynamic Loads and Pressures, Buoyancy, Etc. Notwithstanding any of the above, however, all structures shall be designated and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy and other forces associated with the one hundred (100) year flood.

4. Special Requirements for Manufactured Homes. The following additional minimum standards shall apply for any manufactured home proposed to be constructed within any identified flood prone area:

- a. Anchoring and Ties. All manufactured homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with:

- (1) the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Mobile Homes including Mobile Home Park Requirements (NFPA No. 501A-1974 [ANSI A119.3-1975]) as amended for Mobile Homes in Hurricane Zones or
- (2) other Appropriate Standards such as:

- e. Streets. The finished elevation of proposed new streets shall be no more than one (1') foot below the Regulatory Flood Elevation.
- f. Utilities. All utilities such as gas lines, electrical and telephone systems being placed in flood prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- g. Storage. No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal or plant life, shall be stored below the Regulatory Flood Elevation.
- h. Minimum Construction by Buildings and Structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- i. Anchoring.
  - (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
  - (2) 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.
- j. 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.
- k. Paints and Adhesives.
  - (1) Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.
  - (2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.
  - (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.

1. Electrical Systems and Components.

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

m. Plumbing.

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

n. Resisting Hydrostatic/Hydrodynamic Loads and Pressures, Buoyancy, Etc. Notwithstanding any of the above, however, all structures shall be designated and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy and other forces associated with the one hundred (100) year flood.

4. Special Requirements for Manufactured Homes. The following additional minimum standards shall apply for any manufactured home proposed to be constructed within any identified flood prone area:

a. Anchoring and Ties. All manufactured homes and any additions thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with:

- (1) the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Mobile Homes including Mobile Home Park Requirements (NFPA No. 501A-1974 [ANSI A119.3-1975]) as amended for Mobile Homes in Hurricane Zones or
- (2) other Appropriate Standards such as:

- (a) Over-the-top ties provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50') feet or more in length, and one (1) additional tie per side for units less than fifty (50') feet in length.
  - (b) Frame ties provided at each corner of the manufactured home, with five (5) additional ties per side at intermediate locations for units fifty (50') feet or more in length, and four (4) additional ties per side for units less than fifty (50') feet in length.
  - (c) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.
- b. Elevated. All manufactured homes and any additions thereto shall also be elevated in accordance with the following requirements:
- (1) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the manufactured home will be at or above the elevation of the Regulatory Flood.
  - (2) Adequate surface drainage shall be provided.
  - (3) Adequate access for a hauler shall be provided.
  - (4) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10') feet apart; reinforcement shall be provided for pilings that will extend for six (6') feet or more above the ground level.
- c. Evacuation Plan. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Borough for manufactured home parks and manufactured home subdivisions.
- d. Prohibited in Floodway Area. No manufactured home shall be placed within any floodway area, or within fifty (50') feet landward from the top-of-bank of any watercourse, whichever is greater.
- e. Permanent Foundation. All manufactured homes shall be placed on a permanent foundation.

#### F. Variations.

- 1. If compliance with the elevation or floodproofing requirements of this Ordinance would result in an exceptional hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirement.
- 2. Requests for variations shall be considered by the Zoning Hearing Board in accordance with the following procedures:

- a. 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 (100) year flood elevation.
  - b. No variance shall be granted for any construction, development, use or activity within any AE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1') foot at any point.
  - c. If granted, a variance shall involve only the least modification necessary to provide relief.
  - d. In granting any variance, the Zoning Hearing Board may 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.
  - e. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
    - (1) the granting of the variance may result in increased premium rates for flood insurance.
    - (2) such variance may increase the risks to life and property.
  - f. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
    - (1) that there is good and sufficient cause,
    - (2) that failure to grant the variance would result in exceptional hardship to the applicant,
    - (3) that the granting of the variance will not result in unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public or conflict with any other applicable local or State ordinances and regulations.
  - g. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
  - h. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy, and other forces associated with the one hundred (100) year flood.
- G. Existing Structures in Flood Prone Areas. Any structure existing in any identified flood prone area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain subject to the following:

1. Existing structures located in any designated floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
2. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50%) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
3. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of fifty (50%) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

508. OUTDOOR STORAGE CONTROL

- A. No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground, except for tanks or drums of less than 600 gallons of fuel directly connecting with energy devices, heating devices or appliances located and operated on the same lot as the tanks or drums of fuel.
- B. All outdoor storage facilities for fuel, raw materials and products stored outdoors (including those permitted in Section 508.A.) shall be enclosed by a fence of a type, construction and size as shall be adequate to protect and conceal the facilities from any adjacent properties.
- C.
  1. No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transported off by natural causes or forces.
  2. No substance shall be allowed to enter any groundwater or surface water which can
    - a. contaminate groundwater or surface water,
    - b. render groundwater or surface water undesirable as a source of water supply or recreation, or
    - c. destroy aquatic life.
  3. Applicable Department of Environmental Resources regulations shall apply.
- D.
  1. All materials or wastes stored outdoor which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be enclosed in containers adequate to eliminate such hazards.
  2. Applicable Department of Environmental Resources and National O.S.H.A. regulations shall apply.

3. Any operation involving storage tanks shall be approved by the State Fire Marshal and the Pennsylvania Department of Environmental Resources.
509. DUST, DIRT, SMOKE, VAPORS, GASES AND ODORS CONTROL. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not conform with the standards established under the State Air Pollution Control Act of January 9, 1960, Public Law 2119, as amended, and Title 25, Rules and Regulations, Department of Environmental Resources, Subpart C, Protection of Natural Resources, Article III Air Resources.
510. LIGHT, GLARE AND HEAT CONTROL. All uses shall minimize the production of light, heat or glare that is perceptible beyond any property line of the lot on which the light, heat or glare is produced.
511. ELECTRIC, DIESEL, GAS OR OTHER POWER. Every use requiring power shall be so operated that any service lines, substations or other facility shall
- A. Conform to the highest applicable safety requirements,
  - B. Be constructed and installed as an integral part of the architectural features of the plant, and
  - C. Be concealed by evergreen planting from residential properties.
512. CONTROL OF RADIOACTIVITY, ELECTRICAL EMISSIONS AND ELECTRICAL DISTURBANCES.
- A. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not comply with the regulations of the Pennsylvania Department of Environmental Resources' Division of Radiology, the Federal Nuclear Regulatory Commission and the Federal Interstate Commerce Commission.
  - B. No person shall conduct or permit any use to be conducted which causes electrical disturbances (except from domestic household appliances) to adversely affect any equipment at any time other than the equipment creating the disturbance.
513. MOVING OF EARTH. No activities which require the moving of earth or the filling or excavation of an area shall occur without first notifying the Zoning Officer. Finish grading or incidental grading of a lot and minor earthmoving from one place to another on a lot for yard establishment or landscaping shall not require a Zoning Permit. The deposit of soils, detritus or other debris which would be detrimental to surrounding properties, streets, sewers and natural waterways as a result of site preparation, grading and/or excavation shall be prohibited.

514. WETLANDS AND HYDRIC SOILS. If a subdivision or land development includes wetlands or hydric soils, the Borough may require the applicant to submit either a written determination from the U. S. Army Corps of Engineers that the area does not contain wetlands, or copies of permits for the proposed activity from the U. S. Army Corps of Engineers pursuant to Sections 9 and 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine Protection Research and Sanctuaries Act and from the PA. Department of Environmental Resources pursuant to the Dam Safety and Encroachment Act.

515. NOISE CONTROL.

A. No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any 15 second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use:

Sound Level Limits by Receiving Land Use and Time

Receiving Land Use Category	Time	Sound Level	
			Limit
Residential, Public Space, Open Space or Institutional	1) 7:00 a.m. - 10:00 p.m.	60 dBA	
	2) 10:00 p.m. - 7:00 a.m. plus Sundays and legal holidays		50 dBA
Commercial or Business	1) 7:00 a.m. - 10:00 p.m.	65 dBA	
	2) 10:00 p.m. - 7:00 a.m. plus Sundays and legal holidays	60 dBA	
Industrial	At all times	70 dBA	

B. For any source of sound which emits a pure tone, the maximum sound level limits set forth in Section 515.A. shall be reduced by 5 dBA.

C. The maximum permissible sound level limits set forth in Section 508.A. shall not apply to any of the following noise sources:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
2. Emergency work to provide electricity, water or other public utilities when public health or safety are involved.

3. Domestic power tools between the hours of 7:00 a.m. and 9:00 p.m. on Mondays through Fridays and between 8:00 a.m. and 9:00 p.m. on Saturdays and 10:00 a.m. to 5:00 p.m. on Sunday.
  4. Explosives and construction operations.
  5. Agricultural.
  6. Motor vehicles travelling on a road or highway.
  7. Public celebrations, specifically authorized by the Borough.
  8. Surface carriers engaged in commerce by railroad.
  9. The unamplified human voice.
- D. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any 15 second interval) the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound pressure level, regardless of time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971.

516. VIBRATION CONTROL.

- A. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source (if on private property) or at fifty (50') feet from the source (if on a public space or public right-of-way).
- B. For the purposes of Section 516.A., "vibration perception threshold" means the minimum ground-or-structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

## ARTICLE 6

### SIGNS

#### 601. SCOPE AND APPLICABILITY.

A. Purpose. The purposes of the regulations contained in this Article are to:

1. Promote and maintain overall community beautification,
2. Establish reasonable time, place, and manner regulations on the exercise of free speech,
3. Promote traffic safety, and
4. Promote the most appropriate uses of the land.

B. Conformance. Any sign hereafter erected or maintained shall conform with the provisions of this Article and any other ordinance or regulations of the Borough of Wind Gap relating thereto. Replacement signs and major repair of signs shall require conformance to this Ordinance.

#### C. Permit Required.

1. A Sign Permit is required for any sign not excepted by Section 601.C.2.
  - a. A permit shall be required prior to the erection, alteration or placement of any sign, building, structure or portion thereof, prior to the use or change in use of a building or land and prior to the change or extension of a nonconforming use.
  - b. Applications for permits shall be made to the Borough on such forms as may be furnished by the Borough. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this chapter; the information displayed by the sign shall be accompanied by a scaled drawing to show compliance with this ordinance.
  - c. Written consent of the owner of the property on which the sign is to be located shall accompany the application when the applicant is other than the owner or the tenant responsible for maintenance of the building.
  - d. No building or zoning permit shall be issued until the Zoning Officer has certified that the proposed sign, building or alteration and the proposed use of the property complies with all the provisions of this chapter.

2. A Sign Permit is not required for
- a. any temporary sign,
  - b. any sign specifically authorized by laws, regulations or resolutions of the Federal, State, County or Borough Government. The sign regulations of this Ordinance do not apply to these signs.
3. Each sign shall comply with the standards of this Ordinance, whether or not a Sign Permit is required.

D. Nonconforming Signs.

1. Signs existing at the date of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
2. Once a nonconforming sign is removed, it may be replaced only with a conforming sign.
3. Except as provided in Section 601.C.4., nonconforming signs (including existing lighting) may be repainted or repaired provided such repainted or repaired sign does not exceed the dimensions of the existing sign; wording must not be changed.
4. Nonconforming signs over three (3) years of age shall be replaced and conform to the provisions of this Article.

602. SIGNS IN RESIDENTIAL DISTRICTS. The following types of signs shall be permitted in the R-12, R-10, R-8 and R-M Zoning Districts:

A. Official traffic signs.

B. Professional or nameplate signs, provided that:

1. The size of any such sign shall not exceed two hundred (200) square inches.
2. Not more than one (1) such sign shall be erected for each permitted use of dwelling unit.

C. Identification signs for schools, churches, hospitals and similar permitted uses other than dwellings, provided that:

1. The size of any such sign shall not exceed twenty (20) square feet.
2. Not more than one (1) such sign shall be placed on premises held in single and separate ownership unless such premises fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.

- D. Identification signs for multi-family dwellings or apartment houses, provided that:
1. The size of any such sign shall not exceed twenty (20) square feet.
  2. Not more than one (1) such sign shall be placed on premises held in single and separate ownership unless such premises fronts on more than one (1) street, in which case one (1) such sign may be erected on each street frontage.
  3. Only multi-family dwellings of ten (10) or more units shall be permitted to have signs.
- E. Real estate signs, including:
1. Signs advertising the sale or rental of premises, provided that:
    - a. The size of any such sign shall not exceed six (6) square feet.
    - b. Not more than one (1) such sign shall be placed on premises held in single and separate ownership unless such premises front on more than one (1) street, in which case one (1) such sign may be placed on each street frontage.
    - c. Sold signs must be removed within two (2) weeks.
    - d. Rental signs must be removed immediately after execution of lease.
  2. Development signs, provided that:
    - a. The size of any such sign shall not exceed twenty-four (24) square feet.
    - b. Not more than one (1) such sign shall be erected for each five hundred (500') feet of street frontage.
    - c. All such signs shall be removed upon completion of active work on the development.
  3. No real estate or other sign shall be erected containing information which states or implies that a property may be sold or used for any purpose not permitted under the provisions of this ordinance. Any such misrepresentation shall be considered as violation of this ordinance and such sign shall be subject to immediate removal from the property.
- F. No trespassing sign or sign indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two (2) square feet.
- G. Artisans' signs, provided that:
1. Such signs shall be erected only on the premises where such work is being performed.

2. The size of any such sign shall not exceed six (6) square feet.
  3. Such signs shall be removed promptly upon completion of active work.
  4. Artisans working on developments must include their sign on the same signs permitted in 602.E.2.
- H. Bulletin board signs for churches and schools, provided that the sign area does not exceed twenty (20) square feet.
- I. Signs on nonconforming use premises, provided that:
1. The total area of all such signs relating to a single use at the effective date of this ordinance or at the effective date of any amendment of this section by which any sign shall be made nonconforming shall not be increased.
  2. No such sign shall be changed or replaced except when authorized as a special exception by the Zoning Hearing Board.

603. SIGNS IN BUSINESS DISTRICTS. The following types of signs shall be permitted in the Community Commercial District (C):

- A. Any sign permitted in residential district which relates to a use permitted in the district.
- B. Real estate signs advertising the sale or rental of premises, provided that:
  1. The size of any such sign shall not exceed twenty-four (24) square feet.
  2. Not more than one (1) such sign shall be placed on premises held in single and separate ownership unless such premises fronts on more than one (1) street, in which case one (1) such sign may be placed on each street frontage.
  3. Sold signs must be removed in two (2) weeks.

604. SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS. The following types of signs shall be permitted in the Community Commercial (C), Industrial and Heavy Commercial (I-C), Industrial and Shopping Center (I-SC), and Extractive Industrial (I-E) Districts:

- A. Individual Uses. Industrial and Business or related signs in conjunction with a permitted use, provided that:
  1. The total sign area on one (1) side of all signs placed on a lot or facing any one (1) street frontage of any one (1) premises

shall not exceed one (1) square foot for each lineal foot of building frontage.

2. The total sign area on any one (1) freestanding sign structure shall in no case exceed forty (40) square feet.
3. No more than one (1) freestanding sign structure may be permitted on each street frontage, relating to and directing persons to the Business or Industrial district as a whole.

B. Planned Developments (including Shopping Centers and Planned Industrial Parks.

1. In planned developments which include more than five (5) acres or have buildings which exceed 400 lineal feet of frontage, two-sided signs with no more than two hundred (200) square feet of signage per side shall be permitted.
2. Wall signs shall be permitted on the building front of each of the tenants, provided:
  - a. each sign does not exceed forty (40) square feet in size for smaller buildings, or
  - b. for larger buildings, one (1) square foot of signage per lineal foot of building frontage.
3. Tenants which have backs facing a limited-access expressway may also have wall signs located on the rear or side of their buildings, in addition to the sign at the face of the building fronts.

605. TEMPORARY SIGNS.

- A. Real Estate. A temporary sign may be permitted within the property lines, advertising the prospective or completed sale or rental of the premises upon which it is located, provided that such sign shall be maintained and removed within seven (7) days after consummation of the lease or sale transaction.
- B. Construction Sites. A nonilluminated temporary sign (developer/contractor sign or mechanic/subcontractor/other artisan sign) may be permitted on a construction site, provided such sign shall be removed within seven (7) days after completion of the construction work.

606. GENERAL SIGN REGULATIONS. The following restrictions shall apply to all permitted sign uses:

- A. No sign shall be placed in such a position that it will cause danger to traffic by obscuring the view.

- B. No sign other than signs authorized by Section 601.C.2.b. shall be erected within the lines of any public street or public sidewalk or shall be closer to a curb than ten (10') feet.
- C. Banners, spinners, flags, pennants or any moving object used for commercial advertising purposes (whether containing a message or not), except for use during not more than four (4) special occasions in one (1) calendar year by a use located in the C, I-C or I-SC Districts for a period of not more than a total of twenty (20) days per calendar year.
- D. No sign shall project over a public sidewalk.
- E. Each sign must be maintained in good condition and repair.
- F. If a sign has become dilapidated, the Zoning Officer shall notify the owner or the lessee of the property to correct the conditions within thirty (30) days. The owner or lessee may appeal the decision of the Zoning Officer to the Zoning Hearing Board within the same time period.
- G. If, after thirty (30) days, the condition has not been corrected and the notice has not been appealed, the Zoning Officer may cause the dilapidated sign to be removed at the expense of the owner or lessee.
- H. If the Zoning Officer determines that the conditions of the sign pose an imminent danger to the public safety, he may order the sign removed immediately. The owner or lessee shall have a right of appeal after the fact to the Zoning Hearing Board.
- I. All signs shall be made a harmonious part of the architectural design of a new commercial construction or major alteration of existing buildings. Drawings submitted for sign permits shall show size, location and illumination in detail.
- J. Any sign shall be erected only on the premises where the related business or use is located.
- K. No such sign shall be illuminated except by self-contained lighting within the sign itself or ground lights.
- L. No sign shall project above the parapet or roof of a building.
- M. No sign shall be painted on any wall surface.
- N. The area on one (1) side of a directional sign shall not exceed six (6) square feet, except in planned developments where one (1) side of a directional sign shall not exceed forty (40) square feet.
- O. Projecting signs are prohibited.

- \* F. All signs shall be securely mounted or fastened to the building upon which they are erected, or, if freestanding, must be securely and safely installed in the ground. The installation of all signs must be approved by the Building Inspector.
- Q. The actual signage portion of the sign in freestanding signs shall not exceed twenty-five (25') feet in height in nonresidential districts and eight (8') feet in height in residential districts. In nonresidential districts, architectural features at the top of the structure shall not exceed forty (40) feet in height.
- \* R. Council may authorize civic, charitable or community signs where appropriate.
- S. Signs should be designed in such a way as to be consistent with the architecture and landscaping of the building.
- T. No sign shall be painted, pasted, placed on any tree, telegraph, electric light or public utility pole, or upon a natural feature.
- U. Freestanding signs, when permitted by this ordinance, shall not exceed one such sign per lot, per tract or parcel, except in the case of planned developments where one (1) additional freestanding sign shall be permitted for each access road and for each outparcel development separated from the principal building.
- V. Awning signs shall be permitted provided they are internally lighted and meet the other applicable provisions of this Article.

607. PROHIBITED SIGNS.

- A. Signs on mobile stands are prohibited in all zoning districts.
- B. Any sign not specifically permitted by this Ordinance is specifically prohibited.

## ARTICLE 7

### OFF-STREET PARKING AND LOADING

#### 701. REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

##### A. Requirement.

1. Each use established, enlarged, or altered in any district shall provide and satisfactorily maintain off-street parking spaces in accordance with Table 7.1, the regulations of this Article and the Wind Gap Subdivision and Land Development Ordinance.
2. Uses not specifically listed in Table 7.1 shall comply with the requirements for the most similar use listed in Table 7.1.
3. Where a proposed use contains or includes more than one type of use (regardless of whether each use is listed in Table 7.1 or is an unlisted use), the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Where the computation of required parking spaces results in a fractional number, the fraction of one-quarter ( $1/4$ , 0.25) or more shall be counted as one (1).

##### B. Conditional Reduction in Off-Street Parking Areas.

1. The Borough recognizes
  - a. the importance of providing adequate, well-designed off-street parking areas,
  - b. the need to limit the amount of paved parking areas to preserve open space and limit storm water runoff, and
  - c. that unique circumstances associated with a land use may justify a reduction in the parking requirements of Section 701.A.
2. The Zoning Hearing Board may permit a reduction, through the Special Exception review process of Section 313.B., of the number of parking spaces to be initially developed as required by Section 701.A., provided each of the following conditions are satisfied:
  - a. The Applicant shall demonstrate to the Board, using existing and projected (five years) employment, customer, or other relevant data, that a reduction in the off-street parking spaces to be initially developed as required by Section 701.A. is warranted.

**TABLE 7.1  
OFF-STREET PARKING REQUIREMENTS**

USE	ONE (1) OFF-STREET PARKING SPACE REQUIRED FOR EACH	PLUS ONE (1) OFF-STREET PARKING SPACE REQUIRED FOR EACH
<p><b>A. RESIDENTIAL USES</b></p> <ol style="list-style-type: none"> <li>Single Family, Two Family, Multi-family Dwellings and Accessory Apartments</li> <li>Home Occupation</li> <li>Housing for the Elderly</li> <li>Rooming/Boarding House; Group Home; Fraternity; and other Similar Places</li> </ol>	<p>0.5 Dwelling Unit (2 Spaces per Dwelling Unit) 0.5 Dwelling Unit 4 Dwelling Units 1 per Boarder/Resident</p>	<p align="center">-----</p> <p>Nonresident Employee working during an 8 hour period Full-time Employee on Shift of Highest Employment Each Employee per shift</p>
<p><b>B. PUBLIC OR PRIVATE RECREATIONAL USES</b></p> <ol style="list-style-type: none"> <li>Commercial Swimming Pools &amp; Outdoor Recreation</li> <li>Private or Membership Clubs or Lodges</li> <li>Driving Ranges, Miniature Golf</li> <li>Bowling Alleys</li> <li>Theaters, Auditoriums, Libraries, Skating Rinks, Stadiums</li> </ol>	<p>4 Persons of Total Capacity 6 Members or 6 Persons of Total Capacity 1 per Tee 0.25 Lanes (4 Spaces per Lane) 5 Seats (Bench Capacity computed at 1 Seat for each 20 inches)</p>	<p align="center">Employee Employee Employee Two Employees Two Employees</p>
<p><b>C. INSTITUTIONAL AND EDUCATIONAL USES</b></p> <ol style="list-style-type: none"> <li>Churches or Other Places of Worship</li> <li>Hospital/Nursing Home</li> <li>Medical or Dental Office; Clinic</li> <li>Nursery/Day Care Center</li> <li>School</li> <li>Utility Substation</li> <li>Animal Hospital/Veterinarian</li> <li>Meeting or Assembly Halls for Fraternal or Civic Organizations</li> </ol>	<p>2 Seats 3 Patient Beds 4 Spaces per Practitioner Employee 0.8 Faculty and Other Full-Time Employees Vehicle Normally Required to Service Such Facility Employee 50 sq.ft. of Floor Area*</p>	<p>100 sq.ft. of Meeting Room Area Plus 1 Space for Each 2 Employees Staff or Visiting Doctor Plus 1 Space for Each 2 Employees on Shift of Highest Employment Employee 12 Students 8 Students Aged 16 Years or Older ----- 0.25 Doctor (4 Spaces per Doctor) Two Employees</p>

**TABLE 7.1  
OFF-STREET PARKING REQUIREMENTS (CONTINUED)**

USE	ONE (1) OFF-STREET PARKING SPACE REQUIRED FOR EACH	PLUS ONE (1) OFF-STREET PARKING SPACE REQUIRED FOR EACH
<b>D. RETAIL AND COMMERCIAL SERVICE USES</b>		
1. Auto, Gas/Service/Repair	Employee	0.33 Service Bay (3 Spaces per Bay) + 1 Space for Each 300 sq.ft. of Retail Sales Area
2. Auto, Truck, Recreational Vehicle or Boat Sales	10 Vehicles on Display	Employee
3. Business Services such as Banks, Savings & Loan, Other Financial Institutions, Credit Unions	100 sq.ft. of Floor Area used for Servicing Customers*	Employee
4. Fast Food Restaurant	100 sq.ft. of Gross Floor Area	Table or Booth, Plus 1 Space for Each 2 Counter Stools, + 1 Space for Each 2 Employees
5. Funeral Home	2 Seats for Patron Use or 50 sq.ft. of Gross Floor Area	Employee
6. Hotel/Motel	Rental Unit	Employee
7. Laundromat	3 Washing or Dry-Cleaning Machines	Employee
8. Office with Floor Area -400 sq.ft. or Less -More than 400 sq.ft.	200 sq.ft.** 150 sq.ft.** 100 sq.ft.*	---- ---- Two Employees
9. Personal Service Business (Barber Shops, Photo Shops, Appliance Repair)	3 Seats for Customers	Two Employees
10. Restaurant, Tavern	300 sq.ft.*	Two Employees
11. Retail Store, General Merchandise Store	300 sq.ft. of Sales Floor Area	Employee
12. Furniture or Appliance Store	Stall	Employee
13. Car Wash		----
14. Shopping Centers	220 sq.ft. of Retail Sales Area (4.5 Spaces per 1,000 sq.ft.)	
<b>E. INDUSTRIAL WHOLESAL AND WAREHOUSING USES</b>		
1. Wholesaling & Warehousing	200 sq.ft. of Office & Customer-Service Floor Area**	1.5 Full-time Employees
2. Manufacturing & Industrial Uses	4 Employees on Largest Shift	Company Vehicle Based at Plant

\* Of all area occupied by equipment, furnishings, or inventory accessible to customers or patrons, but not including corridors, toilet rooms, and other such accessory rooms as may be provided.

\*\* Of all area occupied by equipment, furnishings, or inventory accessible to employees, but not including corridors, toilet rooms, and other such accessory rooms as may be provided.

- b. (1) The Applicant shall submit plans of the parking lot(s) which designate a layout for the total number of parking spaces needed to comply with the parking requirement in Section 701.A.
- (2) The plans shall clearly designate which of these parking spaces are proposed for immediate use and which spaces are proposed to be conditionally reserved for potential future use.
- (3) The portion of the required parking spaces conditionally reserved for potential future use shall not be within areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Ordinance.
- (4) Areas conditionally reserved for potential future use shall be attractively landscaped and remain in open space.
- c. (1) The Applicant shall enter into an agreement with the Borough requiring the Applicant to (a) maintain each conditionally reserved area as attractively landscaped open space and (b) convert some or all of the conditionally reserved area to additional off-street parking if at any time the Board finds (based upon the results of field investigations and recommendations of the Borough Engineer) that additional parking is needed.
- (2) This agreement shall be recorded to the deed as a covenant running with the land.

702. GENERAL REGULATIONS APPLYING TO REQUIRED OFF-STREET PARKING FACILITIES.

- A. Existing Parking. Structures and uses in existence at the effective date of this Ordinance shall not be subject to the requirements of this Article, provided that the kind or extent of use is not changed and that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this Ordinance.
- B. Changes in Use. Whenever a building or use (including those specified in Section 702.A.) is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Section 701. for an increase of ten (10%) percent or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement so required.

C. Handicapped Parking.

1. Number of Spaces. Any lot including four (4) or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:

TOTAL NUMBER OF REQUIRED PARKING SPACES ON THE LOT	REQUIRED MINIMUM NUMBER/PERCENT OF HANDICAPPED PARKING SPACES
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size. Each required handicapped parking space shall be at least ten (10') feet by twenty (20') feet. In addition, each space shall be adjacent to a five (5') feet wide access aisle. Such access aisle may be shared by two (2) handicapped spaces by being placed between them. However, one (1) out of every eight (8) required handicapped parking spaces shall have an adjacent access aisle of eight (8') feet width instead of five (5') feet.
4. Slope. Handicapped parking spaces shall be located in areas of less than six (6%) percent slope in any direction.
5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.

D. Continuing Character of Obligation.

1. All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists.
2. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.

E. Conflict With Other Uses. No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

F. Location of Parking Spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within four hundred (400') feet walking distance of the principal use.

G. Joint Use.

1. Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as specified in subsection 702.F.2.
2. Up to fifty (50%) percent of the parking spaces for a) bowling alleys, theaters, auditoriums or private clubs, and up to one hundred (100%) percent of the parking spaces required for churches or meeting halls, may be provided collectively and used jointly by b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in a); provided, however, that a written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the Borough Solicitor, and filed with the application for the Zoning Permit.

H. Parking of Commercial Vehicles. Only one (1) commercial motor vehicle may park on a residential lot within a Residential District, provided that it does not exceed 11,000 lbs. Gross Vehicle Weight.

I. Temporary Parking for Civic and Charitable Events. Parking will be provided at the rate of one (1) space for every three (3) persons expected to attend the event, estimated from attendance in previous years, if available, and one (1) space for every two (2) workers. Also, the proper law enforcement officials shall be contacted and safe access and traffic control provided.

703. DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES.

A. General Requirements.

1. The design standards specified in this Section shall be mandatory for all new off-street parking facilities with a capacity of six (6) or more vehicles.
2. Every parking facility shall be designed so that its use does not constitute a nuisance, hazard or unreasonable impediment to traffic.
3. Every parking area shall be arranged for orderly, safe movement.
4. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space.
5. Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
6. No parking area shall be located in a required buffer yard, unless the buffer area adjoins property of similar use or an area of no possible development.
7. Parking lots shall be asphalt, concrete or other hardened surface approved by the Borough.

B. Parking Spaces.

1. Each parking space shall have a stall width of at least ten (10') feet.
2. Each parking space shall have a stall depth of
  - a. at least eighteen (18') feet for 30° angle parking,
  - b. at least twenty (20') feet for 45°, 60° and 90° angle parking,  
or
  - b. at least twenty-two (22') feet for parallel parking.
3. All spaces shall be marked so as to indicate their location, except those of a single family or two-family dwelling.

C. Aisles.

1. Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
Parallel	12 feet
30 degrees	14 feet
45 degrees	16 feet
60 degrees	18 feet
90 degrees	20 feet

2. Each aisle providing access to stalls for two-way traffic shall be at least twenty-five (25') feet in width.

D. Entrance and Exit Drives.

1. Each entrance and exit drive shall have a minimum width of eighteen (18') feet at the street line for one-way use only and a minimum width of thirty (30') feet at the curb line for two-way use.
2. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
3. At least forty (40') feet shall be provided between any two (2) access drives along one (1) street for one (1) lot.
4. No access drive or driveway shall be less than thirty (30') feet from any street intersection. Clear sight triangle provisions as described in Article 4, Section 404.C.2. shall apply to these access points.
5. Where sidewalks and curbing exist on adjoining property, or are required for the subject property, adequate provisions shall be made for continuous curbing and sidewalks across the entrance and exit drives.

- E. Grading, Surface Drainage. Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways, shall be graded, surfaced with asphalt or other suitable material, as approved by the Borough Engineer, and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties, in a manner approved by the Borough Engineer.

F. Nighttime Illumination.

1. Any parking area designed for use by four (4) or more cars after dusk shall be adequately illuminated.
2. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public streets and adjoining properties.

- G. Street Separations. Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single family residences shall be physically separated from any public street by an approved curb and by a planting strip which shall not be less than ten (10') feet in depth. This planting strip shall be parallel to the right-of-way line and shall be measured from the right-of-way line.

- H. Screening and Landscaping. Any parking area of six (6) or more spaces which is not within a building and abuts or is across a street from any lot in an R-12 and R-10 Residential District, shall be provided with a suitable fence, wall, or evergreen planting at least four (4') feet in height, designed to screen visibility and headlight glare from such residential lot. Said plantings shall be maintained.

704. OFF-STREET LOADING.

- A. General Requirement. Off-street loading sufficient to accommodate the maximum demand generated by the use of the lot and with proper access from the street or alley as determined by the Zoning Officer or another applicable review agent for the Borough shall be provided on any lot on which a building for business or industry is hereafter erected. All off-street loading and unloading spaces shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Borough Engineer to the extent necessary to protect adjoining property.
- B. Minimum Size. Each off-street loading and unloading space shall be a minimum of fourteen (14') feet by seventy-five (75') feet and in addition have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.
- C. Driveways. In the Medium Density Residential (R-8), Commercial, and Industrial Districts the maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty-five (35') feet; the minimum width shall be twenty (20') feet. In all other residential districts (R-12, R-10, R-M) the maximum width of driveways and sidewalk openings measured at the street lot line shall be eighteen (18') feet; the minimum width shall be ten (10') feet.

## ARTICLE 8

### ADMINISTRATION

#### 801. GENERAL PROCEDURE.

- A. Persons desiring to undertake any new construction, structural or site alteration, or changes in the use of a building or lot shall apply to the Zoning Officer for a Zoning Permit by filling out the appropriate application form and by submitting the required fee. \*
- B. The Zoning Officer shall either issue the Zoning Permit or shall refuse the Permit, indicating in writing the reason for refusal. Certain construction, alterations or uses require approval of the Zoning Hearing Board and/or of Borough Council, and/or the recommendations of the Planning Commission.
- C. If refused a Permit by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board for further consideration.
- D. After the Zoning Permit has been received by the applicant, he may undertake the action permitted by the Zoning Permit.
- E. Upon completion of such action, the applicant shall apply to the Zoning Officer for an Occupancy Permit (where such a permit is required).
- F. If the Zoning Officer finds that the action of the applicant is in accordance with the Zoning Permit and any other required permits, he shall issue an Occupancy Permit allowing the premises to be occupied.

#### 802. PERMITS AND CERTIFICATES.

##### A. Zoning Permit.

1. Scope.
  - a. No person shall erect, alter, or convert any structure or building, nor alter the use of any land or structure, until the Zoning Officer issues a Zoning Permit to the person for said change or construction.
  - b. No building shall be approved without an approved sewage permit, where applicable.
  - c. No zoning permit is required for normal maintenance and repairs.
2. Types of Uses.
  - a. Permitted Use. A Zoning Permit for a Permitted Use may be issued by the Zoning Officer.

- b. Special Exception, Variance. A Zoning Permit for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing following an opportunity for review by the Planning Commission. An application for a Special Exception, Variance, or for interpretation of any part or provision of this Ordinance shall be made to the Zoning Hearing Board on forms which may be obtained from the Zoning Officer.

3. Application.

- a. All applications for a Zoning Permit shall be in writing on a form provided by the Zoning Officer and shall be submitted to the Zoning Officer.
- b. All applications for a Zoning Permit shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Zoning Officer or the Zoning Hearing Board may require any additional information which he or it deems necessary to properly evaluate the application for the purpose of determining its conformity with this Ordinance.
- c. Prior to the issuance of any Zoning Permit, the Zoning Officer shall review the application for such permit to determine if all other necessary governmental permits (such as those required by State and Federal laws such as Act 537, the Pennsylvania Sewage Facilities Act, the Water Obstruction Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972. Section 404, 33, U.S.C. 1334) have been obtained. No permit shall be issued until this determination has been made.
- d. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g., Planning Commission, Borough Engineer, etc.) for review and comment.

4. Issuance.

- a. The Zoning Officer shall issue or refuse an application for a Zoning Permit within fifteen (15) days after the date such application was made, except as specifically provided for in this Ordinance.
- b. A Zoning Permit shall be issued in at least triplicate.
- c. One (1) copy shall be kept conspicuously on the premises. No person shall perform building operations of any kind unless a Zoning Permit is being displayed as required by this Ordinance.
- d. After the issuance of a Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, Permit, plans, specifications, or other documents submitted with the application without the written consent or approval of the Zoning Officer.

- e. The Zoning Officer shall be notified at least twenty-four (24) hours prior to the commencement of work at the site under the Zoning Permit.

B. Occupancy Permit.

1. Scope. Prior to the use, occupancy, or re-occupancy of any land or building, or for any change of use of any existing building or for any change of use of land, an Occupancy Permit shall be secured from the Zoning Officer.
2. Application. All applications for an Occupancy Permit shall be in writing on a form furnished by the Zoning Officer.
3. Issuance.
  - a. The Zoning Officer shall grant or refuse an application for an Occupancy Permit within five (5) days after being notified of the completion of authorized construction or alteration, or (where no construction or alteration is involved) within five (5) days after receipt of such application.
  - b. A copy of the Occupancy Permit shall be kept upon the premises, and shall be displayed upon request made by any officer of the Borough.
4. No Occupancy Permit will be issued without the following: review fees, sewer permit, Pennsylvania Department of Labor and Industry's approved plan, final electrical inspection, fire company review, plumbing and sewer inspection.

- \* C. Driveway and Other Permits. Permits are needed to install driveways. The Borough may require additional permits specified in other related ordinances and laws.

D. Certificate of Nonconforming Use or Structure.

1. The owner of the premises occupied by a lawful nonconforming use or structure may secure a Certificate of Nonconforming Use or Structure from the Zoning Officer.
2. Such Certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure.

803. ZONING OFFICER.

A. Appointment.

1. The Zoning Officer shall be appointed by Borough Council, shall be a resident of the Borough and shall not hold any elective office. The residency requirement may be waived by Borough Council.

2. The Zoning Officer or staff shall continue to serve the Borough until such time as Borough Council declares otherwise.

B. Duties and Powers.

1. The Zoning Officer shall:
  - a. administer the Zoning Ordinance in accordance with its literal terms;
  - b. identify and register nonconforming uses and nonconforming structures;
  - c. receive and examine all applications required under the terms of this Ordinance;
  - d. issue or refuse permits within fifteen (15) days of the receipt of the application, except as specifically provided for in this Ordinance;
  - e. receive complaints of violation of this Ordinance;
  - f. issue a written notice of violation to any person violating any provision of this Ordinance;
  - g. keep records of applications, permits, and certificates issued, of variances granted by the Board, of complaints received, of inspections made, of reports rendered, and of notice or orders issued; and
  - h. make all required inspections and perform all other duties as called for in this Ordinance.
2. The Zoning Officer shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.
3. Should the said Zoning Officer be in doubt as to the meaning or intent of any provision of this Ordinance, or as to the location of any District boundary line on the Zoning Map, or as to the propriety of issuing a Zoning Permit or a Certificate of Occupancy in a particular case related to the provision of this Ordinance, he shall appeal the matter to the Zoning Hearing Board for interpretation and decision.
4. The Zoning Officer shall adopt rules of procedure, consistent with this Ordinance, for the purpose of assuring efficient and uniform administration of its provisions. Code sections shall be specifically cited when appropriate.

804. ZONING HEARING BOARD.

A. Appointment.

1. The Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by Borough Council.

2. Board members shall serve terms of three (3) years, so fixed that the term of office of one member shall expire each year.
3. Members of the Board shall hold no other office in the Borough.
4. The Borough Council may appoint a maximum of two (2) alternate Zoning Hearing Board members. The terms of office for alternate members shall be three years. Alternate members shall hold no other public office. Alternates shall be designated to sit on the Board in accordance with the procedures described in Article IX of the Pennsylvania Municipalities Planning Code, as amended.
5. Board members shall not be compensated for their duties.

B. Vacancies.

1. The Board shall promptly notify Borough Council of any vacancies which occur.
2. Appointments to fill vacancies shall be only for the unexpired portion of a term.

C. Removal.

1. Any Board member may be removed for just cause by a majority vote of Borough Council, if the member has received fifteen (15) days notice of the intent to take such a vote.
2. A hearing shall be held in connection with the vote, if the member so requests it in writing.

D. Organization.

1. The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
2. For the conduct of any hearing and taking of any action, a quorum shall be not less than a majority of all members of the Board. However, the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties involved may waive further action by the Board.
3. The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Borough ordinances and laws of the Commonwealth.
4. The fees for all proceedings, hearings, and actions by the Board shall be paid by the Applicant.

E. Zoning Hearing Board Functions. The Zoning Hearing Board shall have exclusive jurisdiction for hearing and rendering a decision on the following matters in accordance with Article IX of the Pennsylvania Municipalities Planning Code as amended:

1. Substantive challenges to the validity of any land use ordinance except curative amendments brought under Section 609.1. of the Pennsylvania Municipalities Planning Code, as amended.
2. Procedural challenges to the validity of any land use ordinance, including challenges raising questions of defective enactment.
3. Appeals from any determination of a zoning officer.
4. Appeals from determinations by a municipal engineer or zoning officer in matters relating to the administration of floodplain or flood hazard ordinances.
5. Applications for a variance from a zoning, floodplain or flood hazard ordinance.

- a. The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner) which allege that the provisions of this Ordinance inflict unnecessary hardship upon the applicant.
- b. The Board may grant a variance only if the following findings, where relevant, are made:

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

6. Applications for special exceptions pursuant to a zoning, flood-plain or flood hazard ordinance.
  - a. The Board shall hear and decide requests for all special exceptions filed with the Board in writing by any landowner (or any tenant with the permission of such landowner), as provided in this Ordinance and in accordance with such standards and criteria contained in this Ordinance.
  - b. The Board shall have the authority to require market feasibility, environmental and/or traffic studies to reach a fair decision regarding special exception uses.
  - c. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.
7. Appeals from a zoning officer's determination about compliance with applicable ordinance and map requirements.
8. Appeals of determinations by the municipal engineer or zoning officer concerning sedimentation, erosion, control and storm water management.

F. Zoning Hearing Board Procedures.

1. Hearings. The Board shall conduct hearings and make decisions in accordance with Section 805.
  2. Records and Reports. The Board shall keep full public records of its business and shall submit an annual report of its activities to Borough Council.
  3. Court Appeals.
    - a. In the case of an appeal from the Board to the Court of Common Pleas, the Board shall make the return required by law, and shall promptly notify the Borough Solicitor of such appeal and furnish him with a copy of the return including the transcript of testimony.
    - b. Any decision of the Board not appealed within 30 days after notice thereof shall be final.
- G. Applications to the Board.
1. All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board.
  2. Every appeal or application shall include the following:
    - a. The name and address of the applicant, or appellant;
    - b. The name and address of the owner of the property to be affected by such proposed change or appeal;

- c. A brief description and location of the property to be affected by such proposed change or appeal;
- d. A statement of the present zoning classification of the property in question, the improvements thereon and the present use thereof;
- e. A statement of the section of this Ordinance under which the appeal is made and reasons why it should be granted, or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal; and
- f. A reasonably accurate description of the additions or changes intended to be made under this application, indicating the size, material, and general construction of such proposed improvements. A plot plan of the property to be affected, indicating the location and size of the lot and the size of existing and intended improvements, shall be attached to the description.

H. Time Limitations and Stay of Proceeding Procedures. The time limitations for raising certain issues and filing certain proceedings with the Board and Stay of Proceeding Procedures shall be in accordance with the provisions of Act 247, as amended.

#### 805. HEARINGS.

The Board shall conduct hearings and make decisions in accordance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247, as amended):

A. Notice of Hearings. Public notice shall be given of all hearings of the Board.

1. Notice to the public shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough.
  - a. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the hearing.
  - b. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
2. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
3. Notice shall be given to the Applicant, the Zoning Officer, the Commission, the Borough Council, adjoining property owners (including those across the street) and any other person or group (including civic or community organizations) who has made a timely request for such notice, by personally delivering or mailing a copy of the published notice.

4. a. In any matter which relates to a property which lies within two hundred (200') feet of the boundary of another municipality, the Secretary of the Board shall transmit to the municipal clerk of this other municipality a copy of the official notice of the public hearing on such matters, not later than one (1) day after publication thereof.
  - b. The other municipality shall have the right to appear and to be heard at the public hearing.
5. The Borough Council may establish reasonable fees, based on cost, to be paid by the Applicant for any notice required by this Ordinance and by persons requesting any notice not required by Ordinance. Fees to be set by Resolution of Borough Council.

B. Parties.

1. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board.
2. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

C. Oaths and Subpoenas. The chairman or acting chairman of the Board presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

D. Representation by Counsel. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

E. Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

F. Record.

1. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.
2. A transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

G. Ex Parte Communications.

1. The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate.
2. The Board shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed.
3. After the commencement of hearings, the Board shall not inspect the site or its surroundings with any party or his representative, unless all parties are given an opportunity to be present.

H. Referral to Planning Commission.

1. The Board shall refer to the Planning Commission:
  - a. all applications for Special Exceptions, and
  - b. any other application or appeal which in the opinion of the Board requires review by the Commission.
2. In its review of a Special Exception, the Commission shall evaluate compliance with the standards and criteria set forth in this Ordinance.
3. In all cases the Commission shall report in writing its findings and recommendations to the Board within thirty (30) days of their receiving the request for review.
4. The Board and Commission shall establish mutually acceptable procedures to assure that the review is accomplished in time to permit the Board to make its required decision.

I. Decision/Findings.

1. The Board shall render a written decision or make written findings (when no decision is called for) on the application, within forty-five (45) days after the last hearing before the Board or hearing officer.
2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.
3. Any conclusion based on any provision of Act 247, as amended, or of this Ordinance, or of any other ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

J. Notice of Decision.

1. A copy of the final decision or a copy of the findings (when no decision is called for), shall be delivered to the Zoning Officer and the applicant personally or mailed to him not later than the day following its date.
2. The Zoning Hearing Board shall provide (by mail or otherwise) a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined to all other persons who have filed their name and addresses with the Zoning Hearing Board not later than the last day of the hearing.
3. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as described in Section 805.I., the Borough shall give public notice of said decision within ten (10) days in the same manner as provided in Section 805.A.

806. APPEALS.

- A. Article X-A of the Pennsylvania Municipalities Planning Code, as amended, sets forth procedures governing the appeal of a land use decision rendered pursuant to this Ordinance. These provisions shall be the exclusive mode for securing review of any such decision.

807. AMENDMENTS.

- A. The Borough may, on its own motion or by petition, amend, supplement, change, modify, or repeal this Ordinance.
- B. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a map change, notice of public hearing must be posted on the affected property at least one (1) week prior to the hearing.
- C. In the case of an amendment other than that prepared by the Planning Commission, such amendment shall be submitted to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment and permit the Commission an opportunity to submit recommendations. In the case of an amendment proposed by a landowner, the landowner shall submit the requested amendment, along with the required fee, to the Zoning Officer. The Zoning Officer shall then send a copy to the Planning Commission for review.
- D. The Planning Commission shall submit the proposed amendment to the County Planning Commission for recommendations at least thirty (30) days prior to the hearing on such proposed amendment.

- E. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- F. Proposed zoning amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
1. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
  2. An attested copy of the proposed ordinance shall be filed in the Northampton County Law Library.
- G. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Borough Council shall, at least ten (10) days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- H. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.
- I. A certified copy of the enacted amendment must be sent to the County Planning Commission within 30 days of enactment.

808. CURATIVE AMENDMENTS.

- A. A landowner who desires to challenge on substantive grounds the validity of this which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in the Pennsylvania Municipalities Planning Code (Act 247, as amended).

- B. Borough Council shall commence a hearing thereon within sixty (60) days of the request unless the landowner requests a consent to an extension of time.

809. FILING FEES AND COSTS.

- A. Borough Council has established by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Ordinance. A revised or new fee schedule and collection procedures may be adopted from time to time.
- B. No application shall be considered filed until all fees are paid.

810. REMEDIES AND PENALTIES.

- A. Enforcement Remedies. If any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Borough Council or its authorized representative and/or the Zoning Officer may, in addition to other remedies, institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

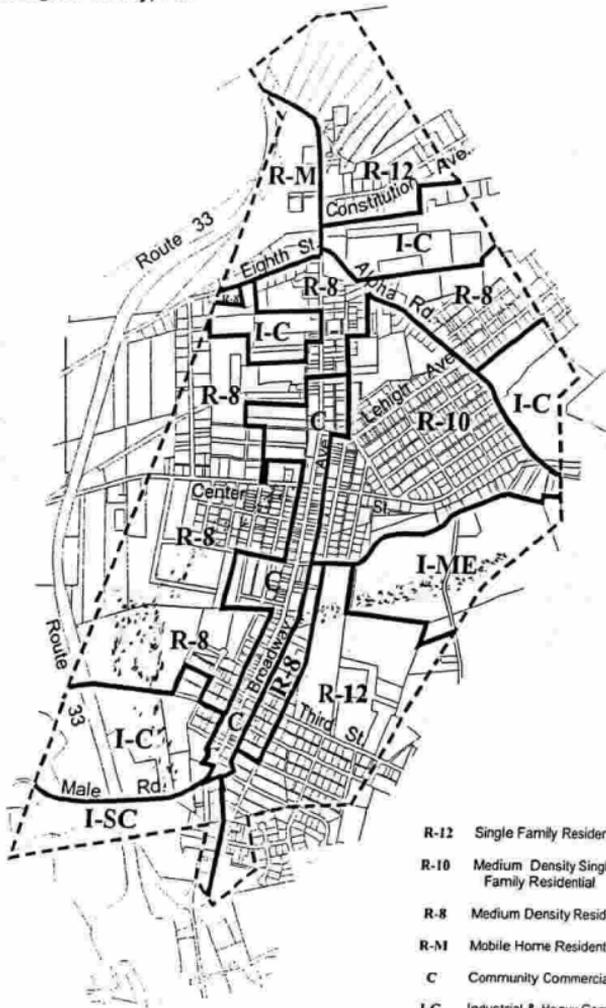
B. Enforcement Penalties.

1. Any person, partnership or corporation who violates this Ordinance shall, upon being found liable in a civil enforcement proceeding, pay a fine of not more than five-hundred (\$500.00) dollars plus all court costs and attorney fees incurred by the Borough.
2. Each day that a violation is continued shall constitute a separate offense in accordance with the procedures described in the Pennsylvania Municipalities Planning Code as amended.
3. All fines collected for the violation of this Ordinance shall be paid to the Borough.

# WIND GAP BOROUGH

Northampton County, Pa.

# ZONING MAP



- R-12 Single Family Residential
- R-10 Medium Density Single Family Residential
- R-8 Medium Density Residential
- R-M Mobile Home Residential
- C Community Commercial
- I-C Industrial & Heavy Commercial
- I-SC Industrial & Shopping Center
- I-ME Extractive Industry

*1116 wrap slopes*

*... Flood plain*



BOROUGH OF WIND GAP  
COUNTY OF NORTHAMPTON  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 389

AN ORDINANCE OF THE BOROUGH OF WIND GAP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE WIND GAP BOROUGH ORDINANCE AS ENACTED AND ORDAINED ON MAY 24, 1993 TO PROVIDE FOR THE REZONING, AMENDMENT OF USES, AND DESCRIPTION OF USES WITHIN THE ORDINANCE APPLICABLE TO THE ESTABLISHED R-8, MEDIUM DENSITY RESIDENTIAL; C, COMMUNITY COMMERCIAL; IC, INDUSTRIAL AND HEAVY COMMERCIAL; AND, R-M, MOBILE HOME RESIDENTIAL DISTRICTS AS DEFINED IN THE WIND GAP BOROUGH ZONING ORDINANCE.

SHORT TITLE: THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE ZONING ORDINANCE OF THE BOROUGH OF WIND GAP, AS AMENDED.

Be enacted and ordained by the Council of the Borough of Wind Gap, County of Northampton and Commonwealth of Pennsylvania; and it is hereby ordained and enacted as follows:

1. The Community Commercial "C" zoning district as depicted upon the zoning map of the Borough of Wind Gap shall be amended and increased to extend westerly along the southern curbline of existing West Street to the northwest boundary of lands identified by Northampton County Parcel Identifier Number E8SW4D-11-1A; thence in a general southerly direction along the western boundary of said lot identified as E8SW4D-11-1A to a point in the northern boundary line of a certain 4.17 acre parcel of

land identified as Northampton County Parcel Identifier Number E8SW4D-2-2; thence, in an easterly direction along the northern boundary of Northampton County Parcel Identifier Number E8SW4D-2-2; and, E8SW4D-2-2A to a point at the northwest corner of Water Street to intersect with the Community Commercial District as now depicted on the zoning map of the Borough of Wind Gap, thence continuing as now depicted in said map.

The Community Commercial "C" zoning district shall now include the following Northampton County Parcel Identifiers: E8SW4D-11-11; E8SW4D-11-1A; E8SW4D-11-1; and shall encompass those portions of Washington Street which lie south of West Street and which terminate in the northern boundary of E8SW4D-2-2A; and, South Street between E8SW4D-11-11; and, E8SW4D-2-2A.

2. Section 309.C of the Wind Gap Zoning Ordinance as it defines "Special Exception Uses" in the Community Commercial "C" District shall be amended to add to the existing twelve (12) uses the following two (2) additional uses permitted by a special exception which shall number thirteen (13) and fourteen (14), respectively:

C. Special Exception Uses.

13. Light Manufacturing

14. Warehousing and Distribution

3. Article 2. Definitions, Section 202 of the Wind Gap Zoning Ordinance is amended to include the following definitions of Light Manufacturing and Warehousing:

"Light Manufacturing" The application of labor and skill to material whereby the original article is changed into a new, different and useful article through a substantial transformation in form, quality and adaptability in use from the original material with the result being a new article or creation and not merely a superficial change in the original materials. Light manufactured products shall not exceed 1,000 pounds combined net weight of each finished product.

"Warehousing and Distribution" A building or group of buildings used for the commercial storage, transfer, and distribution of products and materials.

4. The R-M Medium Density Residential and Mobile Home Park District shall be amended to change Section 308.E Lot area, width, building coverage, impervious surface coverage and height regulations as follows:

Principal Use	Minimum Lot Area* (sq. ft.)	Minimum Lot Width** (feet)	Maximum Building Coverage (%)	Max Building Height (feet)	Max Impervious Surf. Coverage (%)
1. Single-Family Detached Dwelling	12,000	80	30	35	40
2. Two-Family Dwelling	5,000*	50**	30	35	40
3. Single-Family Attached Dwelling	5,000***	20*	30	35	40
5. Low-Rise Multi-Family Dwelling	5,000***	150	30	35	40
6. Mobile Home Park****	(see Sec. 313)		30	35	40
7. Any Other Use	12,000	75	30	35	40

\*Per dwelling unit for residential uses.

\*\*Measured at the Minimum Front Yard listed in Section 308.F for the particular use.

\*\*\*Minimum average lot area per dwelling unit.

\*\*\*\*See Section 313 for Mobile Home Park lot area and density requirements.

5. The "IC", Industrial and Heavy Commercial District shall amend Article 3, Section 310. The Industrial and Heavy Commercial "IC" zoning district as depicted upon the zoning map of the Borough of Wind Gap shall be amended and increase to extend from the intersection of Second and Jefferson Streets thence northerly along the western curbline of Jefferson Street to the intersection of Jefferson and Third Street; thence along the northern curbline of Third Street to the intersection of Third and Washington Streets; thence along the eastern curbline of Washington Street to the intersection of Washington and Second Streets.

The Industrial and Heavy Commercial "IC" zoning district shall now include the following Northampton County Parcel Identifiers: F8NW1D-1-1 and F8NW1D-8-2A.

6. The "R-8" Medium Density Residential District shall amend Article 3, Section 307.C of the Wind Gap Zoning ordinance as it defines "Special Exception Uses" in the Medium Density Residential District (R-8) to add to the existing nine (9) uses the following use permitted by Special Exception which shall be numbered ten (10):

10. Tavern.

7. Article 2. Definitions, Section 202 of the Wind Gap Zoning Ordinance is amended to include the following definitions of Tavern:

"Tavern" A restaurant which serves alcoholic beverages with an "R" License as defined by the Pennsylvania Liquor Control Code and which is subject to all of the regulations pertaining to such licenses by the Pennsylvania Liquor Control Board of the Commonwealth of Pennsylvania.

8. There shall be added to Article 3 (Zoning Districts and Use Regulations), Section 313 captioned "Additional Requirements for Certain Permitted by Right Uses and Special Exception Uses" found at page 3-29 an additional provision which shall be numbered 313. C. 42: which shall read as follows:

42. Tavern.

- a. Must be located on an arterial road.
- b. Can not be located within 500' of a structure whose principal use is as a place of worship (a church).
- c. Will require a buffer yard between the use and any adjacent residential uses in accordance with Section 404 (D) of this Ordinance.

9. A listing of standards and conditions for permitted by right with additional requirement uses and special exception uses, as they are numbered shall be renumbered so that Section 313. C. 42. shall now be captioned "Tavern"; Section 313. C. 43 shall now be captioned "Tennis Club"; Section 313. C. 44. shall now be captioned "Truck/Bus Repair"; and, Section 313. C. 45 shall be captioned "Wholesale and Warehousing".

ORDAINED AND ENACTED into an Ordinance this 1<sup>st</sup> day of July, 1996.

ATTEST:

BOROUGH OF WIND GAP

Doris Bruch  
Doris Bruch, Secretary

By: Thomas R. Wills, Sr.  
Thomas Wills, Sr., President

APPROVED this 1<sup>st</sup> day of July, 1996.

ATTEST:

Doris Bruch  
Doris Bruch, Secretary

By: Kenneth L. George  
Kenneth L. George, Mayor

**BOROUGH OF WIND GAP  
COUNTY OF NORTHAMPTON  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 446**

AN ORDINANCE OF THE BOROUGH OF WIND GAP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING ITS EXISTING ZONING ORDINANCE TO CLARIFY THAT EVERY PRINCIPAL BUILDING SHALL BE CONSTRUCTED UPON EITHER A PUBLIC OR PRIVATE STREET WHERE SAID STREET MUST BE IMPROVED TO MEET BOROUGH STANDARDS AND SPECIFICATIONS

WHEREAS, the Borough of Wind Gap is a duly organized and existing municipality and political subdivision with the County of Northampton, Commonwealth of Pennsylvania with offices located at 29 Mechanic Street, Wind Gap, Northampton County, PA 18091; and,

WHEREAS, pursuant to the Borough Code, the Borough has the specific authority to enact and enforce ordinances relating to building and housing, their construction and related matters [53 P.S. Section 46202(24)] and, pursuant to the PA Municipalities Planning Code (PA MPC), to enact, amend and repeal zoning ordinances (53 P.S. Section 10601); and,

WHEREAS, the Borough has enacted a Zoning Ordinance wherein one of the ordinance provisions require that every principal building shall be built upon a lot with frontage upon a public or private street improved to meet Borough standards.

(ARTICLE 4, GENERAL REGULATIONS, Section 402. PRINCIPAL BUILDINGS.);

and,

WHEREAS, some confusion has arisen regarding whether or not this ordinance provision applies to NONCONFORMITIES as found in Section 407 (and the subsections thereunder) of the aforesaid Borough Zoning Ordinance; and,

WHEREAS, it is the intention of this ordinance to clarify that the provisions of Section 407 – NONCONFORMITIES (and the subsection thereunder) shall not supersede the requirements of Section 402; and,

WHEREAS, the hereinafter referred zoning ordinance amendment was forwarded for comment to both the Borough Planning Commission and the Lehigh Valley Planning Commission [as required by the PA MPC, Section 10606(c) and (e)] and a public hearing on the amendment was held after public notice [as required by PA MPC, Section 10609(b)].

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED, by the Council of the Borough of Wind Gap, County of Northampton and Commonwealth of Pennsylvania, as follows:

SECTION 1. All of the above recitals are herein incorporated by reference.

SECTION 2. Section 402A of the Borough Zoning Ordinance is amended to read as follows (the added language is denoted by the italics):

402. PRINCIPAL BUILDINGS

- A. Street Frontage Required Every principal building shall be built upon a lot with frontage upon a public or private street *where said street is improved to meet Borough standards and specifications\* or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance.*
1. *The provisions of Section 407 NONCONFORMITIES (and the subsections thereunder) shall not supersede the requirements of this Section 402 – Street Frontage Required.*
  2. *If said public or private street is not so improved, it shall be the responsibility and obligation of the lot owner to incur the costs and expenses of improving said public or private street to Borough standards and specifications.*

SECTION 3. The terms, conditions and provisions of this Ordinance are severable. If any such term, condition or provision of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining terms, conditions or provisions of this Ordinance; and, it is hereby declared to be the intent of the Borough that this Ordinance would have been adopted and enacted had such unconstitutional, illegal or invalid term, condition or provision not been included herein.

SECTION 4. The terms, conditions and provisions of any other Borough ordinances which are inconsistent herewith shall be deemed vacated and/or repealed; but, any other terms, conditions and provisions of that or any other Borough ordinances which are not inconsistent herewith shall remain in full force and effect.

SECTION 5. This Ordinance shall become effective immediately or as otherwise provided by law.

ORDAINED AND ENACTED into an Ordinance this 19<sup>th</sup> day of April, 2005.

ATTEST:

BOROUGH OF WIND GAP

Louise Firestone  
Louise Firestone, Secretary

By: Kerry Gassler  
Kerry Gassler, President

APPROVED this 19<sup>th</sup> day of April, 2005.

ATTEST:

Louise Firestone  
Louise Firestone, Secretary

By: Kenneth L. George  
Kenneth L. George, Mayor

BOROUGH OF WIND GAP  
COUNTY OF NORTHAMPTON  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 454

AN ORDINANCE OF THE BOROUGH OF WIND GAP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING ITS EXISTING ZONING ORDINANCE TO CLARIFY THAT CLEAR SIGHT TRIANGLES ARE REQUIRED AT ALL PUBLIC INTERSECTIONS (INCLUDING INTERSECTIONS WITH ALLEYS) AND TO INCLUDE AND INCORPORATE AS PART OF THE ZONING ORDINANCE ANY AND ALL AMENDMENTS TO THE EXISTING BOROUGH NUISANCE ORDINANCE

WHEREAS, the Borough of Wind Gap is a duly organized and existing municipality and political subdivision with the County of Northampton, Commonwealth of Pennsylvania with offices located at 29 Mechanic Street, Wind Gap, Northampton County, PA 18091; and,

WHEREAS, pursuant to the Borough Code, the Borough has the specific authority to enact and enforce ordinances relating to building and housing, their construction and related matters [53 P.S. Section 46202(24)] and, pursuant to the PA Municipalities Planning Code (PA MPC), to enact, amend and repeal zoning ordinances (53 P.S. Section 10601); and,

WHEREAS, the Borough has enacted a Zoning Ordinance wherein one of the ordinance provisions require that clear sight triangles shall be provided at all public street intersections (ARTICLE 4. GENERAL REGULATIONS, Section 404 C – Traffic Visibility Across Corners (Clear Sight Triangle)); and,

WHEREAS, the aforesaid Zoning Ordinance also contains provisions whereby nuisances are prohibited pursuant to Borough Ordinance No. 6 (ARTICLE 5. ENVIRONMENTAL PROTECTION, Section 502. Nuisances); and,

404. Traffic Visibility Across Corners (Clear Sight Triangle).

1. Clear sight triangles shall be provided at all public street intersections. Within such triangles, no vision obstructing object shall be permitted which obscures vision above the height of two (2) feet thirty (30") inches and below ten (10') feet measured from the centerline grade of intersecting public streets.
2. Such triangles shall be established from distance of:
  - a. Seventy-five (75') feet from the point of intersection of the centerlines, except that, clear sight triangles shall be provided for all intersections with collector and arterial streets in accordance with Pennsylvania Department of Transportation standards.
  - ~~b. Where an intersection is controlled by a stop sign or traffic signal, the site triangle shall be measured from a point in the center of the controlled or lesser street twenty-five (25') feet back from the curb line of the uncontrolled or through street to the distance required above.~~
  - c. Where there is an intersection of a through street and an alley, the sight triangle shall be measured from a point in the center of the alley twenty five (25) feet back from the curb line of the through street to the distance required above.
  - d. A drawing showing the clear sight triangle is attached to this ordinance as Exhibit "A" and is hereby made a part hereof.

SECTION 3: Section 502 of the Borough Zoning Ordinance is amended to read as follows (the additions are noted by underlining):

502. NUISANCES.

Nuisances are prohibited pursuant to Ordinance No. 6 and any amendments, revisions or updated reenactments of said Ordinance No. 6.

SECTION 4. The terms, conditions and provisions of this Ordinance are severable. If any such term, condition or provision of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or

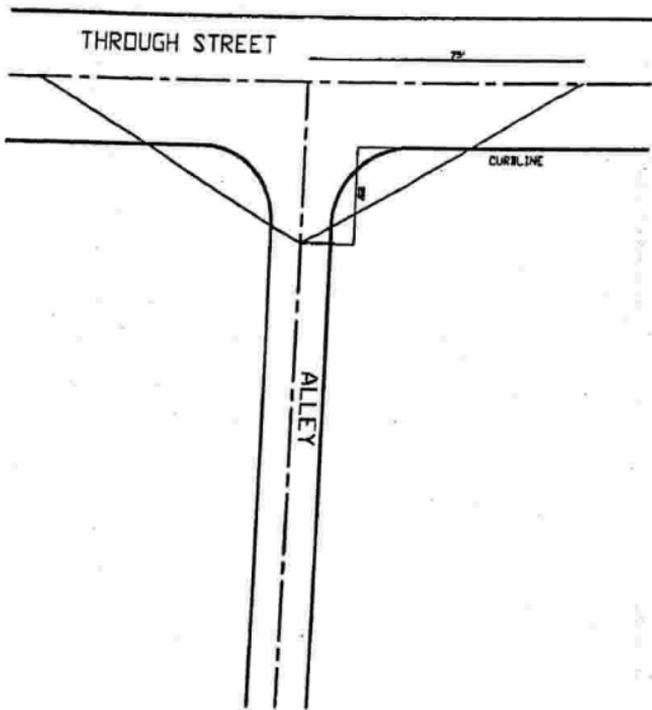


EXHIBIT "A"

Right-Of-Ways

BOROUGH OF WIND GAP  
COUNTY OF NORTHAMPTON  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 426

AN ORDINANCE OF THE BOROUGH OF WIND GAP, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, ORDAINING OR LAYING OUT AND OPENING CERTAIN EXISTING STREETS PREVIOUSLY LAID OUT AND/OR OPENED.

Be it enacted and ordained by the Council of the Borough of Wind Gap, County of Northampton, and Commonwealth of Pennsylvania; and it is hereby ordained and enacted as follows:

1. Attached hereto and made a part hereof and incorporated herein by reference as Exhibit "A" are the descriptions for each of the streets within the Borough of Wind Gap to be laid out or ordained and opened by this Ordinance.
2. The proper officers and other personnel of the Borough of Wind Gap are hereby authorized and empowered to take all such further action and execute all such additional documents as are necessary and appropriate to carry out the intent and purpose of this Ordinance.
3. The following streets or portions thereof as delineated on Exhibit "A" are hereby ordained or laid out and opened:

1. Alpha Avenue
2. Alpha Road (Lehigh Avenue south to Borough Line)
3. Burdette Street
4. Genoga Street
5. Liberty Street
6. Maple Street
7. Oak Street
8. Poplar Street
9. Roosevelt Street
10. Washington Street (West Second Street to Cul-de-sac)
11. West Street (Water Street to Alpha Road)
12. Wood Street
13. Woodward Street
14. East 2<sup>nd</sup> Street
15. West 2<sup>nd</sup> Street
16. 4<sup>th</sup> Street
17. 5<sup>th</sup> Street
18. West 6<sup>th</sup> Street
19. 8<sup>th</sup> Street
20. 10<sup>th</sup> Street

4. Any previous resolutions or ordinances or any portion thereof of the Borough of Wind Gap which are inconsistent herewith are hereby superseded.

5. In the event that any provision, section or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section or part of this Ordinance.

**ORDAINED AND ENACTED** into an Ordinance this 6<sup>th</sup> day of September, 2001.

ATTEST:

BOROUGH OF WIND GAP

Louise Firestone  
Louise Firestone, Secretary

Winton Male, Jr.  
Winton Male, Jr., President

APPROVED this                      day of September, 2001.

ATTEST:

BOROUGH OF WIND GAP

Louise Firestone  
Louise Firestone, Secretary

Kenneth L. George  
Kenneth L. George, Mayor

WIND GAP BOROUGH  
NORTHAMPTON COUNTY, PENNSYLVANIA  
2001 ORDINATION OF EXISTING STREETS  
PREVIOUSLY LAID OUT AND/OR OPENED

1. ALPHA AVENUE

Alpha Avenue was laid out within the 1910 Parkside Plan (lands of Dr. J. C. Keller), recorded in the Northampton County Recorder of Deeds office, Book Volume No. 3, Page 37.

Alpha Avenue has a fifty-foot (50') wide right-of-way and an approximate thirty-four-foot (34') wide cartway, curb to curb. Alpha Avenue exists from the center of its intersection with Park Avenue to the center of its intersection with Alpha Road, crossing and intersecting with Genoga and Burdette Streets, having a total approximate length of seventeen hundred forty feet (1,740').

2. ALPHA ROAD (Lehigh Avenue south to Borough Line)

Alpha Road is illustrated in the above-referenced 1910 Parkside Plan. The northern section of Alpha Road, from Lehigh Avenue north to North Broadway, was once owned by the Pennsylvania Department of Highways. This section of Alpha Road was conveyed to the Borough and ordained in Borough Ordinance No. 186.

Alpha Road, from Lehigh Avenue south to the Borough municipal boundary with Plainfield Township, is believed to have an existing forty-foot (40') wide right-of-way and an approximate twenty-eight-foot (28') wide cartway, curb to curb, toward Lehigh Avenue and a twenty-four-foot (24') wide edge of pavement toward the municipal line. Alpha Road (south) exists from the southern curb line of Lehigh Avenue (State Route 512) south to the municipal boundary with Plainfield Township, crossing and intersecting with Fairview Avenue, Alpha Avenue, Delaware Avenue, Center Street, East West Street, and four intermittent alleys, having a total approximate length of seventeen hundred fifty feet (1,750').

3. BURDETTE STREET

Burdette Street was laid out within the above-referenced 1910 Parkside Plan. Burdette Street was also redefined and laid out within the Final Subdivision Plan of Emanuel Vito and recorded in Northampton County Recorder of Deeds office, Book Volume 91, Page 37. Burdette Street is also partially described in Borough Ordinance No. 386.

Burdette Street has a forty-foot (40') wide right-of-way and an approximate twenty-eight-foot (28') wide cartway, curb to curb, from Lehigh Avenue south to Delaware Avenue. Burdette Street exists from the southern curb of Lehigh Avenue (State Route 512) south to the intersection of Delaware Avenue, crossing and intersecting Fairview Avenue, Alpha Avenue, and three intermittent alleys, having a total approximate length of nine hundred fifteen feet (915').

Burdette Street has a fifty-foot (50') wide right-of-way and an approximate thirty-six-foot (36') wide cartway, curb to curb, from Delaware Avenue south to Center Street. This portion of Burdette Street has a total length of three hundred ten feet (310') from the center of the intersection of Delaware Avenue to the intersection of Center Street.

4. GENOGA STREET

Genoga Street was laid out within the above-referenced 1910 Parkside Plan and redefined and laid out within the above-referenced 1991 Vito Plan. Genoga Street is also partially described in Borough Ordinance Nos. 342 and 386.

Genoga Street (south) has a forty-foot (40') wide right-of-way and an approximate twenty-eight-foot (28') wide cartway, curb to curb, from the southern curb line of Lehigh Avenue (State Route 512) south to Delaware Avenue, crossing and intersecting Fairview Avenue, Alpha Avenue, and three intermittent alleys, having a total approximate length of nine hundred fifteen feet (915').

Genoga Street has a fifty-foot wide right-of-way and an approximate thirty-six-foot (36') wide cartway, curb to curb, from Delaware Avenue south to Center Street. This portion of Genoga Street has a total length of three hundred ten feet (310') from the center of the intersection of Delaware Avenue to the intersection of Center Street.

Genoga Street (north) was laid out within the above-referenced 1910 Parkside Plan from Lehigh Avenue north to Poplar Street as a forty-foot (40') wide right-of-way, having an approximate length of two hundred eighty feet (280') from the northern right-of-way line (30 feet from center) of Lehigh Avenue (State Route 512). However, the current Genoga Street (north) exists as a stone road approximately fifteen feet (15') wide from the Lehigh Avenue curb line north to the center of Railroad Alley approximately one hundred forty feet (140'). No road improvements exist north of Railroad Alley.

5. LIBERTY STREET

Liberty Street is believed to have a forty-foot (40') wide right-of-way and an approximate twenty-eight-foot (28') wide cartway, curb to curb. Liberty Street exists from the center of its intersection with Alpha Road east through its intersection with Woodward Street and beyond to a dead end, having an approximate total length of one hundred fifty-five feet (1,055').

6. MAPLE STREET

Maple Street is believed to have a forty-foot (40') wide right-of-way and an approximate twenty-eight-foot (28') wide cartway, curb to curb. Maple Street exists from the center of its intersection with Alpha Road east to its intersection with Woodward Street, having an approximate total length of six hundred twenty feet (620').

7. OAK STREET

Oak Street is partially illustrated in the 1995 Subdivision Plan of Hill Mount Estates II, located in Plainfield Township. Oak Street is also partially described in Borough Ordinance No. 232.

Oak Street has a forty-foot (40') wide right-of-way and an approximate thirty-foot (30') wide cartway, curb to curb. Oak Street exists from its intersection with the southern curb line of Third Street (State Route 1023) south to the municipal boundary with Plainfield Township, (approximately located on the northern right-of-way line of Sycamore Court). Oak Street intersects through East Second Street, East First Street, and three intermittent alleys, having an approximate total length of nine hundred feet (900').

8. POPLAR STREET

Poplar Street was laid out within the above-referenced 1910 Parkside Plan, from Utica Avenue east to Genoga Street as a forty-foot (40') wide right-of-way, having an approximate total length of five hundred seventy-five feet (575'). However, the current Poplar Street exists as a stone road approximately fifteen feet (15') wide from the east curb line of Utica Avenue approximately three hundred ten feet (310') east. No road improvements exist east of this point.

9. ROOSEVELT STREET

Roosevelt Street is partially described in Borough Ordinance Nos. 215 and 231.

Roosevelt Street is believed to have a forty-foot (40') wide right-of-way and an approximate thirty-foot (30') wide cartway, curb to curb. Roosevelt Street exists from the north curb line of West Center Street (State Route 1028) north to the municipal boundary of Plainfield Township, having an approximate total length of eleven hundred eighty feet (1,180').

10. WASHINGTON STREET (West Second Street to Cul-de-sac)

Washington Street is partially described in Borough Ordinance Nos. 166, 317, and 344.

Washington Street is believed to have a fifty-foot (50') wide right-of-way and an approximate thirty-three-foot (33') wide cartway, curb to curb. Washington Street exists from the center of its intersection with West Second Street through its intersection with West Third Street to a cul-de-sac, including two intermittent alleys, having an approximate total length of six hundred fifty feet (650') to the center of the cul-de-sac. The cul-de-sac is believed to have a forty-foot (40') radius to the curb line and a fifty-foot (50') radius to the right-of-way.

11. **WEST STREET** (Water Street to Alpha Road)

West Street is partially illustrated in the above-referenced 1910 Parkside Plan and is partially described in Borough Ordinance Nos. 168 and 301. East West Street was laid out from Fairview Street to Alpha Road within the Condemnation plan prepared by East Penn Engineering Co., Ltd., dated October 30, 1997, and was recorded in the Northampton County Recorder of Deeds office.

West Street is believed to have a forty-foot (40') wide right-of-way and an approximate twenty-eight-foot (28') wide cartway, curb to curb. This portion of West Street exists from the center of its intersection with Water Street east to the western curb line of Broadway (State Route 512), having an approximate total length of two hundred ninety feet (290').

East West Street is also believed to have a forty-foot (40') wide right-of-way and an approximate twenty-eight-foot (28') wide cartway, curb to curb from the eastern curb line of Broadway (State Route 512) to the center of its intersection with Fairview Street, crossing and intersecting with Lehigh Avenue. This portion of East West Street exists, having an approximate total length of six hundred fifty feet (650').

East West Street has a fifty-foot (50') wide right-of-way and a proposed twenty-eight-foot (28') wide cartway from the center of its intersection with Fairview Street east past Longcore Road to the center of its intersection with Alpha Road, having a total length of twenty-eight hundred feet (2,800'), as condemned.

12. **WOOD STREET**

Wood Street is partially illustrated in the above-referenced 1910 Parkside Plan, adjacent to an old railroad right-of-way.

Wood Street is believed to have a thirty-foot (30') wide right-of-way and an approximate twenty-five-foot (25') wide cartway, curb to curb. Wood Street exists as a stone road from the western curb line of Broadway (State Route 1937) west to its intersection with the center of Mountain Alley, having an approximate total length of one hundred eighty-five feet (185').

13. **WOODWARD STREET**

Woodward Street is believed to have a forty-foot (40') wide right-of-way and an approximate twenty-eight-foot (28') wide cartway, curb to curb. Woodward Street exists from the northern curb line of Lehigh Avenue (State Route 512) north through the intersection with Liberty Street to the center of its intersection with Maple Street, having an approximate total length of six hundred fifty feet (650').

14. EAST 2<sup>nd</sup> STREET

Second Street is partially described in the Borough Ordinance Nos. 198, 225, 253, and 275. East 2<sup>nd</sup> Street is believed to have a fifty-foot (50') wide right-of-way and an approximate thirty-three-foot (33') wide cartway, curb to curb. East 2<sup>nd</sup> Street exists from the eastern curb line of Broadway (State Route 512) east through its intersection with Lehigh Avenue, Oak Street, and Cherry Lane to the center of its intersection with Midval Avenue (the approximate location of the municipal boundary with Plainfield Township), having an approximate total length of nineteen hundred ten feet (1,910').

15. WEST 2<sup>nd</sup> STREET

Second Street is partially described in the Borough Ordinance Nos. 198, 225, 253, and 275. West 2<sup>nd</sup> Street is believed to have a fifty-foot (50') wide right-of-way and an approximate thirty-three-foot (33') wide cartway, curb to curb. West 2<sup>nd</sup> Street exists from the western curb line of Broadway (State Route 512) west through its intersection with Washington Street to a dead end, having an approximate total length of nine hundred seventy feet (970').

16. 4<sup>th</sup> STREET

East 4<sup>th</sup> Street is believed to have a fifty-foot (50') wide right-of-way and an approximate thirty-three-foot (33') wide cartway, curb to curb. East 4<sup>th</sup> Street exists from the eastern curb line of Broadway (State Route 512) east to the center of its intersection with Lehigh Avenue, having an approximate total length of four hundred ninety feet (490').

West 4<sup>th</sup> Street is believed to have a fifty-foot (50') wide right-of-way from Broadway to the center of F Alley. However, the current West 4<sup>th</sup> Street exists as a stone road approximately fifteen feet (15') wide from the western curb line of Broadway (State Route 512) west to the center of F Alley, having an approximate total length of one hundred forty feet (140').

17. 5<sup>th</sup> STREET

East 5<sup>th</sup> Street is believed to have a fifty-foot (50') wide right-of-way and an approximate thirty-three-foot (33') wide cartway, curb to curb. East 5<sup>th</sup> Street exists from the eastern curb line of Broadway (State Route 512) east to the center of its intersection with Lehigh Avenue, having an approximate total length of four hundred ninety feet (490').

West 5<sup>th</sup> Street is believed to have a fifty-foot (50') wide right-of-way from Broadway to the center of F Alley. However, the current West 5<sup>th</sup> Street exists as a stone road approximately fifteen feet (15') wide from the western curb line of Broadway (State Route 512) west to the center of F Alley, having an approximate total length of one hundred thirty feet (130'). No curb radius currently exists at Broadway. Vehicles drive over the curb and sidewalk to the stone road.

18. WEST 6<sup>TH</sup> STREET

Sixth Street is partially described in Borough Ordinance No. 311.

West 6<sup>th</sup> Street is believed to have a fifty-foot (50') wide right-of-way from Broadway to the center of F Alley. However, the current West 6<sup>th</sup> Street exists as a stone road approximately fifteen feet (15') to thirty feet (30') wide from the western curb line of Broadway (State Route 512) west to the center of F Alley, having an approximate total length of one hundred forty-five feet (145').

19. 8<sup>TH</sup> STREET

8<sup>th</sup> Street is believed to have a forty-foot (40') wide right-of-way and an approximate twenty-eight-foot (28') cartway. 8<sup>th</sup> Street exists from the western curb line of Broadway (State Route 1007) west to the municipal boundary of Plainfield Township (east of Roosevelt Street), having an approximate total length of thirteen hundred seventy-five feet (1,375'), to a point marked by an east bound speed limit sign and two storm inlets.

20. 10<sup>TH</sup> STREET

10<sup>th</sup> Street is believed to have a thirty-foot (30') wide right-of-way and an approximate seventeen-foot (17') wide cartway. 10<sup>th</sup> Street exists from the western curb line of Broadway (State Route 1007) west, having an approximate total length of three hundred fifty feet (350').

June 20, 2000

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