

# RENOVO BOROUGH ZONING ORDINANCE

## Part 1 ADOPTION OF ORDINANCE

§ 27-101 **Adoption of Zoning Ordinance Map.**  
[Ord. 639, 7/14/1975; as amended by A.O.]

The Zoning Ordinance Map, as prepared by the Clinton County GIS Department, version May 2016, as amended and supplemented, and incorporated herein by reference, is hereby adopted and approved.

## Part 2 TITLE AND PURPOSES

§ 27-201 **Short Title.**  
[Ord. 639, 7/14/1975]

This Chapter shall be known and may be cited as the "Borough of Renovo Zoning Ordinance."

§ 27-202 **General Intent.**  
[Ord. 639, 7/14/1975]

The intent of this Chapter is to establish a precise and detailed plan for the use of land in the Borough of Renovo based on the master plan for the Borough of Renovo and enacted in order to promote and to protect the public health, safety, morals, comfort, convenience, and the general welfare of the people.

§ 27-203 **Types of Regulations.**  
[Ord. 639, 7/14/1975]

1. This Chapter has been adopted in order to:
  - A. Establish Zoning Districts. Establish zoning districts and therein regulate the use of land and structures for residential, commercial, manufacturing and other purposes.
  - B. Regulate Buildings and Population Density. Regulate the location, height, bulk, and size of buildings and structures, the size of yards, courts and open spaces; the percentage of a lot which may be occupied by a building or a structure, and the density of population.

§ 27-204 **Purposes.**  
[Ord. 639, 7/14/1975]

1. Such regulations are deemed necessary to achieve the following purposes:
  - A. Promote Orderly Development. To protect the character and maintain the stability of residential, business and manufacturing areas within the Borough and to promote the orderly and beneficial development of such areas.
  - B. Limit Street Congestion. To limit congestion in the public streets and to protect the public health, safety, convenience, and the general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles.

- C. **Protect Against Hazards.** To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and the general welfare.
- D. **Regulate Intensity of Use.** To regulate the intensity of use of zoning lots, and to determine the area of open spaces surrounding buildings which spaces shall be necessary to provide adequate light and air, privacy and convenience of access to property, and to protect the public health, and to avoid undue concentrations of population.
- E. **Provide Adequate Facilities.** To facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements.
- F. **Prohibit Incompatible Uses.** To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.
- G. **Establish Standards of Development.** To fix reasonable standards to which buildings or structures shall conform.
- H. **Regulate Alterations of Existing Buildings.** To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
- I. **Conserve Taxable Value of Land.** To conserve the taxable value of land and buildings and encourage the most appropriate use of land throughout the Borough.

### Part 3

## ZONE DISTRICTS AND ZONING MAP

**§ 27-301 Designation of Zoning Districts.**  
**[Ord. 639, 7/14/1975; as amended by Ord. 659, 9/28/1976, § 1.A; and by A.O.]**

- 1. For the purpose of this Chapter, the Borough of Renovo is hereby divided into 11 zoning districts, differentiated according to use and building regulations, to be designated as follows:
  - A. A — Agriculture and Conservation.
  - B. R — Residential.
  - C. S — Services.
  - D. C-3 — General Commercial.
  - E. C-4 — Tourist and Highway Services.
  - F. I-1 — Industrial and Warehousing.
  - G. I-2 — General Industrial.
  - H. I-3 — Heavy Industrial.
  - I. F — Floodplain.

**§ 27-302 Zoning Map.**  
**[Ord. 639, 7/14/1975; as amended by Ord. 659, 9/28/1976, § 1.B; and by A.O.]**

1. The location and boundaries of said zones are hereby established as shown on the Zoning Map of the Borough of Renovo, May 2016, which is attached hereto and is hereby made a part of this Chapter. Said map, or maps, and all notations, references, and designations shown thereon shall be, as such, a part of this Chapter as if the same were all fully described and set forth herein.
2. The boundaries of the two floodplain districts shall be shown on the Official Floodplain Map for the Borough of Renovo which shall be considered an overlay of the Official Zoning Map and declared to be a part of this Chapter.

**§ 27-303 Interpretation of Boundaries.**

**[Ord. 639, 7/14/1975; as amended by A.O.]**

1. Designation of Zone Boundaries. The zone boundary lines are intended generally to follow the boundary lines of streets, the center lines of railroad rights-of-way, existing lot lines, or Borough boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated, or by reference to a contour line delineated by the United States Geological Survey Maps.
2. Determination of Location of Boundaries. In case of uncertainty as to the true location of a zone boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.
3. Division of a Lot in Single Ownership. Where a zone boundary line divides a lot in a single ownership at the time of the passage of this Chapter any use authorized in either zone on such lot may extend to the entire lot, but shall not extend more than 25 feet beyond the boundary line of the zone in which such use is authorized.

**§ 27-304 Degree of Restrictiveness.**

**[Ord. 639, 7/14/1975; as amended by Ord. 659, 9/28/1976, § 1.C]**

1. "More restrictive uses" as employed in this Chapter means the following:
  - A. Those uses permitted in the F and R Zones are the most restrictive.
  - B. All other uses are less restrictive in the order they are permitted in the zones in the sequence shown: A, S, C-3, C-4, I-1, I-2, and I-3.
  - C. Where a use is specifically enumerated in a less restrictive zone, such use shall not be permitted in a more restrictive zone unless it is specifically enumerated as a permitted use therein.

**§ 27-305 Limitation of Land Use.**

**[Ord. 639, 7/14/1975]**

Except as provided in this Chapter, no building or part thereof or other structure shall be erected, altered, added to or enlarged; nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose other than for the uses hereinafter listed (§§ 27-901 — 27-1604 of this Chapter) as permitted in the zone in which such building, land or premises is located.

**§ 27-306 Territory Added to A — Agriculture and Conservation Districts.**

**[Ord. 639, 7/14/1975]**

(Reserved)

**§ 27-307 Territory Added to R — Residential Districts.**  
**[Ord. 639, 7/14/1975; as amended by Ord. 668, -/1979]**

1. Amend and change from the present C-3 classification to an R classification, the parcel of land at Sixteenth Street and Huron Avenue (Pennsylvania Highway Route 120), this said parcel of land being more specifically described and bounded as follows:

Bounded on the West by Fifteenth Street; on the North by St. Clair Avenue; on the East by Sixteenth Street; and on the South by Huron Avenue (Pennsylvania Highway Route 120).

2. Amend and change from the present C-3 classification to an R classification, the parcel of land at Fourteenth Street and Huron Avenue (Pennsylvania Highway Route 120), this said parcel of land being more specifically described and bounded as follows:

Bounded on the East by Fourteenth Street; on the South by Huron Avenue (Pennsylvania Highway Route 120); on the West by land now or formerly of Joseph Perri and by Willow Alley; and on the North by land now or formerly of Earl W. Fox, by land now or formerly of Joseph Kisko, and by St. Clair Avenue.

**§ 27-308 Territory Added to S — Services Districts.**  
**[Ord. 639, 7/14/1975; as amended by Ord. 668, -/1979]**

1. Amend and change from the present C-3 classification to an S classification, the triangular parcel of land at St. Clair Avenue and Huron Avenue (Pennsylvania Highway Route 120), this said triangular parcel of land being more specifically described and bounded as follows:

Bounded on the West by Sixteenth Street; on the North by St. Clair Avenue; and on the South by Huron Avenue (Pennsylvania Highway Route 120).

2. Amend and change from the present I-1 classification to an S classification, the parcel of land situate at Eleventh Street and the Susquehanna River, this said parcel of land being more specifically described and bounded as follows:

Bounded on the North by land now or formerly of Joseph Ransdorf; on the East by Birch Street; on the South by the Susquehanna River; and on the West by the Eastern right-of-way of Eleventh Street.

3. Amend and change from the present R classification to an S classification, the parcel of land situate at Ontario Avenue and Eleventh Street, this said parcel of land being more specifically described and bounded as follows:

Bounded on the North by Ontario Avenue; on the East by the Eastern right-of-way of Eleventh Street; on the South by the Susquehanna River; and on the West by lands now or formerly of Gerald Ransdorf.

4. Amend and change from the present R classification to an S classification, the parcel of land at Ontario Avenue and Eighth Street, this said parcel of land being more specifically described and bounded as follows:

Bounded on the North by Ontario Avenue; on the East by land now or formerly of Gerald Ransdorf; on the South by the Susquehanna River; and on the West by the Western right-of-way of Eighth Street.

**§ 27-309 Territory Added to C-3 — General Commercial Districts.**  
**[Ord. 639, 7/14/1975; as amended by Ord. 668, -/1979]**

1. Amend and change from the present R classification to a C-3 classification, the parcel of land situate

at Huron Avenue (Pennsylvania Highway Route 120) and Thirteenth Street, this said parcel of land being more specifically described and bounded as follows:

Bounded on the North by Huron Avenue (Pennsylvania Highway Route 120); on the East by the Eastern right-of-way of Thirteenth Street; on the South by the Susquehanna River; and on the West by Birch Street.

§ 27-310 **Territory Added to C-4 — Tourist and Highway Services Districts.**  
[Ord. 639, 7/14/1975]

(Reserved)

§ 27-311 **Territory Added to I-1 — Industrial and Warehousing Districts.**  
[Ord. 639, 7/14/1975]

(Reserved)

§ 27-312 **Territory Added to I-2 — General Industrial Districts.**  
[Ord. 639, 7/14/1975]

(Reserved)

§ 27-313 **Territory Added to I-3 — Heavy Industrial Districts.**  
[Ord. 639, 7/14/1975]

(Reserved)

§ 27-314 **Territory Added to F — Floodplain Districts.**  
[Ord. 639, 7/14/1975]

(Reserved)

## Part 4 (RESERVED)

§ 27-401 (Reserved)

## Part 5 SUPPLEMENTARY LOT, HEIGHT, AND YARD REGULATIONS

§ 27-501 **Zone Lot Regulations.**  
[Ord. 639, 7/14/1975; as amended by A.O.]

1. In any district, a structure may be erected on a nonconforming lot-of-record at the effective date of this Chapter irrespective of its area or width if the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with a nonconforming lot-of-record; providing, however, that no lot or lots, in single ownership shall hereafter be reduced so as to create one or more nonconforming lots. In all districts, no front yard and no streetside yard shall be less than 10 feet. In R Districts, a minimum side yard and rear yard of five feet are required, except in cases of hardship the Zoning Hearing Board may waiver or lessen the side yard requirement.

**Commented [1]:** Editor's Note: Former § 27-401, District Regulations Schedules, was repealed by A.O.

2. Lot Size Measurement.

A. For the purpose of lot size measurement the following Soil Districts have been created:

- (1) I-Deep, well drained soils.
- (2) II-Moderately deep, well drained soils.
- (3) III-Wet soils.
- (4) IV-Steep (more than 15% slopes) and shallow soils.
- (5) V-Miscellaneous soils.

B. In Table 27-5-I, is indicated the actual lot dimensions required in each Soil District and to lots-of-record. These Soil Districts are intended to establish minimum lot sizes and must also conform to minimum lot size regulations as set forth by the Pennsylvania Department of Environmental Protection, the county, and municipal requirements for sewage disposal and water supply protection.

**Table 27-5-I**

Soil	Deep, well drained	Moderately deep, well drained	Wet	Steep (+15 percent) and Shallow	Miscellaneous
Lot	20,000 square feet and 100 feet	30,000 square feet and 150 feet	Min. 1 A	Min. 10 A. and 1000'	Variable on-site investigation required

C. The following is a classification of the soils of Clinton County based on the Soil Districts listed in Subsection 2A:

<b>I</b>		<b>Deep, Well Drained Soil District</b>	
<b>Symbol</b>		<b>Name</b>	
AfA		Allenwood Fine Sandy Loam, 0 to 5 percent slopes	
AgB		Allenwood Gravelly Silt Loam, 3 to 8 percent slopes	
AgC2		Allenwood Gravelly Silt Loam, 8 to 15 percent slopes, moderately eroded	
AgC3		Allenwood Gravelly Silt Loam, 8 to 15 percent slopes, moderately eroded	
ChA		Chenango Gravelly Loam, 0 to 3 percent slopes	
ChB		Chenango Gravelly Loam, 3 to 8 percent slopes	

**I****Deep, Well Drained Soil District**

<b>Symbol</b>	<b>Name</b>
HaC	Hagerstown Rocky Silt Loam, 5 to 15 percent slopes
HeA	Hagerstown Silt Loam, 0 to 3 percent slopes
HeA2	Hagerstown Silt Loam, 0 to 3 percent slopes, moderately eroded
HeB2	Hagerstown Silt Loam, 3 to 8 percent slopes, moderately eroded
HeC2	Hagerstown Silt Loam, 8 to 15 percent slopes, moderately eroded
HgB2	Hagerstown Silty Clay Loam, 3 to 8 percent slopes, moderately eroded
HgC2	Hagerstown Silty Clay Loam, 8 to 15 percent slopes, moderately eroded
HgC3	Hagerstown Silty Clay Loam, 8 to 15 percent slopes, severely eroded
HhA	Hartleton Channery Silt Loam, 0 to 3 percent slopes
HhB2	Hartleton Channery Silt Loam, 3 to 8 percent slopes, moderately eroded
HhC2	Hartleton Channery Silt Loam, 8 to 15 percent slopes, moderately eroded
HrA	Hartsells Channery Loam, 0 to 3 percent slopes
HrA2	Hartsells Channery Loam, 0 to 3 percent slopes, moderately eroded
HrB	Hartsells Channery Loam, 3 to 8 percent slopes
HrB2	Hartsells Channery Loam, 3 to 8 percent slopes, moderately eroded
HrC2	Hartsells Channery Loam, 8 to 15 percent slopes, moderately eroded
HsB	Hartsells Very Stony Loam, 0 to 8 percent slopes

**I****Deep, Well Drained Soil District**

<b>Symbol</b>	<b>Name</b>
HvA	Huntington Silt Loam, local alluvium, 0 to 8 percent slopes
HvB	Huntington Silt Loam, local alluvium, 3 to 8 percent slopes
LaB2	Laidig Gravelly Loam, 8 to 15 percent slopes, moderately eroded
LaC2	Laidig Gravelly Loam, 8 to 15 percent slopes, moderately eroded
LdB	Laidig Very Stony Loam, 0 to 8 percent slopes
LnB	Leetonia Very Stony Sandy Loam, 0 to 8 percent slopes
MeB2	Meckesville Silt Loam, 3 to 8 percent slopes, moderately eroded
MeC2	Meckesville Silt Loam, 8 to 15 percent slopes, moderately eroded
MoB	Morrison Cherty Sandy Loam, 3 to 8 percent slopes
MuA	Murrill Gravelly Loam, 0 to 3 percent slopes
MuB2	Murrill Gravelly Loam, 3 to 8 percent slopes, moderately eroded
MuC2	Murrill Gravelly Loam, 8 to 15 percent slopes, moderately eroded
MuC3	Murrill Gravelly Loam, 8 to 15 percent slopes, severely eroded
MvB	Murrill Very Stony Loam, 0 to 8 percent slopes
Sa	Sequatchie Loam
Sf	Sequatchie Fine Sandy Loam, High
UnB	Ungers Loam, 3 to 8 percent slopes
UnB2	Ungers Loam, 3 to 8 percent slopes, moderately eroded
UnC	Ungers Loam, 8 to 15 percent slopes



**I Deep, Well Drained Soil District**

<b>Symbol</b>	<b>Name</b>
UpB	Upshur Silt Loam, acid substratum, 2 to 8 percent slopes

**II Moderately Deep, Well Drained Soil District**

<b>Symbol</b>	<b>Name</b>
BeB2	Berks Channery Silt Loam, 3 to 8 percent slopes, moderately eroded
BeC2	Berks Channery Silt Loam, 8 to 15 percent slopes, moderately eroded
BkB2	Berks Shaly Silt Loam, 3 to 8 percent slopes, moderately eroded
BkC2	Berks Shaly Silt Loam, 8 to 15 percent slopes, moderately eroded
DaA	Dekalb Channery Loam, 0 to 3 percent slopes
DaB	Dekalb Channery Loam, 3 to 8 percent slopes
DaB2	Dekalb Channery Loam, 3 to 8 percent slopes, moderately eroded
DaC	Dekalb Channery Loam, 8 to 15 percent slopes
DaC2	Dekalb Channery Loam, 8 to 15 percent slopes, moderately eroded
DkB	Dekalb Very Stony Soils, 0 to 8 percent slopes
GpA	Gilpin Silt Loam, 0 to 3 percent slopes
GpB	Gilpin Silt Loam, 8 to 15 percent slopes
LkB2	Leck Kill Channery Silt Loam, 3 to 8 percent slopes, moderately eroded
LkC2	Leck Kill Channery Silt Loam, 8 to 15 percent slopes, moderately eroded
LnB	Leetonia Very Stony Sandy Loam, 0 to 8 percent slopes

**III****Wet Soils District**

<b>Symbol</b>	<b>Name</b>
AbB	Albrights Silt Loam, 3 to 8 percent slopes
AbC2	Albrights Silt Loam, 8 to 15 percent slopes, moderately eroded
AnB	Andover Gravelly Loam, 2 to 8 percent slopes
AnB2	Andover Gravelly Loam, 2 to 8 percent slopes, moderately eroded
AnC2	Andover Gravelly Loam, 8 to 15 percent slopes, moderately eroded
AoB	Andover Very Stony Loam, 0 to 8 percent slopes
BrA2	Brinkerton Silt Loam, 0 to 5 percent slopes, moderately eroded
BuB	Buchanan Gravelly Loam, 3 to 8 percent slopes
BuB2	Buchanan Gravelly Loam, 3 to 8 percent slopes, moderately eroded
BuG2	Buchanan Gravelly Loam, 8 to 15 percent slopes, moderately eroded
BuC3	Buchanan Gravelly Loam, 8 to 15 percent slopes, severely eroded
BvB	Buchanan Very Stony Loam, 0 to 8 percent slopes
CaA	Cavode Silt Loam, 0 to 3 percent slopes
CaB	Cavode Silt Loam, 3 to 8 percent slopes
CmA	Comly Silt Loam, 0 to 3 percent slopes
CrnB2	Comly Silt Loam, 3 to 8 percent slopes, moderately eroded
CmC2	Comly Silt Loam, 8 to 15 percent slopes, moderately eroded
CoA	Cookport Loam, 0 to 33 percent slopes

**I****Deep, Well Drained Soil District**

<b>Symbol</b>	<b>Name</b>
CoB	Cookport Loam, 3 to 8 percent slopes
CoB2	Cookport Loam, 3 to 8 percent slopes, moderately eroded
CoC	Cookport Loam, 8 to 15 percent slopes
CpB	Cookport Very Stony Loam, 0 to 8 percent slopes
GuB2	Guthrie Silt Loam, dark surface, 3 to 8 percent slopes, moderately eroded
LeB	Leadvale Silt Loam, 3 to 8 percent slopes
LeC	Leadvale Silt Loam, 8 to 15 percent slopes
LwA	Lickdale Silt Loam, 0 to 5 percent slopes
Lx	Lickdale Very Stony Silt Loam
NoA	Nolo Silt Loam, 0 to 3 percent slopes
NsA	Nolo Very Stony Silt Loam, 0 to 3 percent slopes
Pu	Purdy Silt Loam
Ty	Tygart Silt Loam
WaA	Watson Silt Loam, 0. to 5 percent slopes
WhA2	Whitwell Silt Loam, 0 to 5 percent slopes, moderately eroded
WtA	Wiltshire Silt Loam, 0 to 3 percent slopes
WtB2	Wiltshire Silt Loam, 3 to 8 percent slopes, moderately eroded

**IV****Steep and Shallow Soils District**

<b>Symbol</b>	<b>Name</b>
AgD3	Allenwood Gravelly Silt Loam, 15 to 25 percent slopes, severely eroded

**I****Deep, Well Drained Soil District**

<b>Symbol</b>	<b>Name</b>
AnD2	Andover Gravelly Loam, 15 to 25 percent slopes, moderately eroded
AoC	Andover Very Stony Loam, 8 to 25 percent slopes
BeD	Berks Channery Silt Loam, 15 to 25 percent slopes
BeD2	Berks Channery Silt Loam, 15 to 25 percent slopes, moderately eroded
BeE	Berks Channery Silt Loam, 25 to 35 percent slopes
BeE2	Berks Channery Silt Loam, 25 to 35 percent slopes, moderately eroded
BkD	Berks Shaly Silt Loam, 15 to 25 percent slopes
BkD2	Berks Shaly Silt Loam, 15 to 25 percent slopes, moderately eroded
BkE2	Berks Shaly Silt Loam, 25 to 35 percent slopes, moderately eroded
BmB3	Berks-Montevallo Channery Silt Loams, 3 to 8 percent slopes, severely eroded
BmC3	Berks-Montevallo Channery Silt Loams, 8 to 15 percent slopes, severely eroded
BmD3	Berks-Montevallo Channery Silt Loams, 15 to 35 percent slopes, severely eroded
BmF	Berks-Montevallo Channery Silt Loams, 35 to 100 percent slopes
BmF2	Berks-Montevallo Channery Silt Loams, 35 to 100 percent slopes, moderately eroded
BuD2	Buchanan Gravelly Loam, 15 to 25 percent slopes, moderately eroded
BvC	Buchanan Very Stony Loam, 8 to 25 percent slopes
CpC	Cookport Very Stony Loam, 8 to 25 percent slopes
DaD	Dekalb Channery Loam, 15 to 25 percent slopes

**I****Deep, Well Drained Soil District****Symbol****Name**

DkC	Dekalb Very Stony Soils, 8 to 25 percent slopes
DkE	Dekalb Very Stony Soils, 25 to 100 percent slopes
HaD	Hagerstown Rocky Silt Loam, 15 to 25 percent slopes
HcE	Hagerstown Rocky Silty Clay Loam, 25 to 70 percent slopes
HeD2	Hagerstown Silt Loam, 15 to 25 percent slopes, moderately eroded
HgD3	Hagerstown Silty Clay Loam, 15 to 25 percent slopes, severely eroded
KcD3	Klinesville Channery Silt Loam, 15 to 25 percent slopes, severely eroded
KcE3	Klinesville Channery Silt Loam, 25 to 80 percent slopes, severely eroded
LaD2	Laidig Gravelly Loam, 15 to 25 percent slopes, moderately eroded
LdC	Laidig Very Stony Loam, 8 to 25 percent slopes
LkD2	Leek Kill Channery Silt Loam, 15 to 25 percent slopes, moderately eroded
LkE	Leek Kill Channery Silt Loam, 25 to 35 percent slopes
LkE2	Leek Kill Channery Silt Loam, 25 to 35 percent slopes, moderately eroded
LnC	Leetonia Very Stony Sandy Loam, 8 to 25 percent slopes
LvC	Lehew Very Stony Loam, 8 to 25 percent slopes
LvE	Lehew Very Stony Loam, 25 to 100 percent slopes
MeD2	Meckesville Silt Loam, 15 to 25 percent slopes, moderately eroded
MuD2	Murrill Gravelly Loam, 15 to 25 percent slopes, moderately eroded
MvC	Murrill Very Stony Loam, 8 to 25 percent slopes
Rb	Rubble Land

**I**

**Deep, Well Drained Soil District**

**Symbol**

**Name**

So                                      Stony Land

**V**

**Miscellaneous Undefined Soils District**

**Symbol**

**Name**

Ma                                      Made Land

St                                        Strip Mines

- 3. Lot Frontage and Depth. The minimum lot frontage of any lot shall be measured along the minimum building setback line as required for the district where located. The front yard shall equal not less than 1/3 of the lot depth in residential zones, except for lots-of-record.
- 4. Corner Lots. At all street intersections no obstruction to vision (other than an existing building, post, column, fence, or tree) exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between points along such street lot lines 30 feet distant from their points of intersection.
- 5. Required Area or Space Cannot Be Reduced. The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Chapter; and, if already less than the minimum required by this Chapter, said area or dimension may be continued and shall not be further reduced.

**§ 27-502 Airfield Zones.  
[Ord. 639, 7/14/1975]**

In order to assure adequate approaches for aircraft, height restrictions of one story of a 40-foot maximum may be required by the Planning Commission for any zone district near an airfield. Zoning districts surrounding airfields shall contain the lower case letter "a" following the zone name: i.e., Aa, Ra, Fa, Sa, C-3a, C-4a, I-1a, I-2a, I-3a, Pa.

**§ 27-503 Yard Regulations.  
[Ord. 639, 7/14/1975]**

- 1. Side Yards.
  - A. Side Yard Width May Be Varied. Where the side property line is broken, irregular or not perpendicular to the front lot line, the side yard may be varied. In such cases, the side yard shall be calculated from the edge of the nearest structure to the property line.
  - B. Side Yard of Corner Lot. The side street setback line of any corner lot as it existed at the time of adoption of this Chapter or any corner lot shown on any subdivision plat which received final approval prior to the adoption of this Chapter shall not be less than 1/2 of the depth of the minimum front yard required on any adjoining lot fronting on a side street. Any corner lot delineated by subdivision after the adoption of this Chapter shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street.

2. Front Yard Exception. When an unimproved lot is situated between two improved lots, each having a principal building within 25 feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two adjoining improved lots, but shall be not less than 10 feet; provided, however, that where any lot shall front on a right-of-way which is proposed, on the Official Map of the Borough to be widened, the front yard of such lot shall be as required by Part 3 hereof, and shall be measured from such proposed future right-of-way.
3. Additional Yards Required Where "C" and "I" Uses and Nonresidential "S" Uses Abut R Districts. All uses first permitted in less restrictive district than R which abut, at the lot line or on the same street, an R District, shall provide yards, where they abut, in accordance with the yard requirements for such R District which they abut, except that in such instances the minimum yard in any C-3, C-4, I-1 or I-2 District shall be not less than 50 feet.

**§ 27-504 Number of Buildings Restricted.**  
**[Ord. 639, 7/14/1975]**

There shall not be more than one principal dwelling structure on each R Zone lot except that seasonal or transient dwelling facilities shall not be subject to the provisions of this section.

**§ 27-505 Accessory Structures.**  
**[Ord. 639, 7/14/1975]**

Accessory structures shall comply with the yard requirements for the principal structure, whether attached or unattached.

**§ 27-506 General Landscaping Regulations.**  
**[Ord. 639, 7/14/1975]**

1. Enclosed Uses. Any enclosed use as may be required by this Chapter to be landscaped in accordance with this subsection shall provide a fence eight feet high or a visual screen consisting of evergreen, or evergreen-type hedges or shrubs, spaced at intervals of not more than five feet, located and maintained in good condition within 15 feet of the property line adjoining or abutting an R District.
2. Unenclosed Uses. Any use which is not conducted within a completely enclosed building, except for nurseries, railroads and the display for sales purposes of new or used cars, trucks, trailers, or farm equipment, in operative condition, shall be entirely enclosed by a fence as stated in Subsection 1 and maintained in good condition or evergreen-type hedges or shrubs spaced at intervals of not more than five feet.

**§ 27-507 Miscellaneous Building Regulations.**  
**[Ord. 639, 7/14/1975]**

1. Unenclosed I Uses. All I uses which are not conducted wholly within a completely enclosed building shall be not less than 100 feet distant from any R or S District.
2. Uses to Be Enclosed. All C and I uses shall be conducted wholly within a completely enclosed building except for off-street parking and loading facilities, new and used car lots, service stations, terminals, storage yards and similar uses.
3. Access to Dwellings. No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. Such open space shall be at least 12 feet wide and shall extend from the dwelling to a public street or highway, or to a private highway not less than 20 feet in width and having a cartway so constructed and maintained that vehicles of all kinds may readily pass over it at all seasons of the year. For the purposes of this section, an alley shall not constitute a

public street or highway.

**Part 6**  
**SUPPLEMENTARY REGULATIONS COVERING CERTAIN**  
**USES**

**§ 27-601 Amusement Uses.**  
**[Ord. 639, 7/14/1975]**

1. Amusement Center, Bowling Alley, and Similar Places of Amusement.
  - A. Such uses shall be conducted entirely within an enclosed structure, except amusement parks.
  - B. Parking areas shall be screened from adjoining residential properties in accordance with § **27-506**, Subsection **2**.
  - C. A principal structure shall be not less than 20 feet from any property line.
  - D. There shall be no offensive noise or vibration; such elements may be emitted only in accordance with the performance standards set forth herein.
2. Outdoor Recreation Facilities.
  - A. Such uses shall include golf courses, ice-skating rinks, swimming pools, tennis courts, and amusement parks.
  - B. Unenclosed recreational facilities shall be located not less than 25 feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining dwelling uses in accordance with the provisions of § **27-506**, Subsection **2**.
  - C. Illuminated signs and other lights shall be directed away, or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.
  - D. No permanent public address system is permitted except where such system will not be audible at any property line.
  - E. Private swimming pools, permanent and portable, which shall be regulated as follows; except that these regulations shall not apply to portable swimming pools which shall be not more than two feet in height nor more than 15 feet in length or diameter:
    - (1) May be erected only in the rear yard of such structure and shall be distant not less than 20 feet from front and rear lot lines nor less than 10 feet from any side yard, principal structure or accessory structure attached thereto.
    - (2) Such use shall be landscaped in accordance with the provisions of § **27-506** hereof.
    - (3) Such uses shall be properly fenced to a height of at least 42 inches to prevent access by unsupervised children.
    - (4) Such uses shall not adversely affect the character of any residential neighborhood.



§ 27-602 **Community Facilities.**  
**[Ord. 639, 7/14/1975]**

1. Community Buildings, Clubs, Social Halls, Lodges, Fraternal Organizations and Similar Uses.
  - A. All buildings shall be a minimum of 20 feet from any property line, except where greater distances are otherwise required.
  - B. In R Districts where permitted, there may be included retail sales for guests only.
  - C. All applications for such uses in R Districts shall demonstrate to the satisfaction of the Zoning Hearing Board that the proposed use will serve primarily the residents of the surrounding neighborhood and that said use cannot satisfactorily be located elsewhere to serve said neighborhood.
2. Essential Services, Enclosed or Permanent Structures.
  - A. Public Utility Services. Such uses shall include electric substations, transformers, switches, and auxiliary apparatus serving a distribution area, and water pumping station in R Districts and shall be subject to the following regulations:
    - (1) Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
    - (2) The location, design and operation of such facility may not adversely affect the character of the surrounding residential area.
    - (3) Adequate fences, barriers, and other safety devices shall be provided, and shall be landscaped in accordance with the provisions of § 27-506.
    - (4) Noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards set forth herein.
  - B. Private Utility Services. Such uses shall include all uses identified in Subsection 2A, except that private utility services shall be those that are privately owned and/or serve one property or user. Private utility services shall be permitted in the R Districts subject to the regulations set forth at Subsection 2A(1) through (4). **[Amended by Ord. 789, 5/18/2016]**
3. Essential Services, Open. Such uses shall be limited to the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Where applicable, the landscaping regulations of § 12-506 shall apply.
4. Fire Stations, Police Stations and Railroad Passenger Stations. Such facilities shall be permitted in all R Districts, provided that:
  - A. Such facility is necessary to serve the surrounding residential area where it is not possible to serve such area from a facility located in C-3 or less restrictive districts.

- B. Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
- 5. Hospitals, Churches, or Other Religious or Eleemosynary Institutions. All such uses shall be located on a public street and shall maintain a minimum of 20 feet-wide landscaped strip in accordance with the provisions of § 27-506 on all property lines abutting R Districts and all residential streets.
- 6. Nursery School, Day-care center for More Than Five Children. Such uses shall be situated on a zone lot of not less than 20,000 square feet, except where a greater area is otherwise required herein, and shall be screened in accordance with the provisions of § 27-506.

**§ 27-603 Motels, Motor Courts, Motor Hotels and Similar Uses.**  
**[Ord. 639, 7/14/1975]**

- 1. Such uses shall have a minimum area of 150 square feet per unit and each unit shall consist of at least one bedroom with bath and toilet facilities.
- 2. Illuminated signs and other lights shall be directed away from or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.

**§ 27-604 Retail and Manufacturing Uses.**  
**[Ord. 639, 7/14/1975]**

- 1. Bakeries. Bakeries first permitted in any C-3 District shall be located no closer to an R District than 50 feet and goods produced on the premises shall be sold only at retail on the premises.
- 2. Retail Sales for Guests Only. Where such uses are permitted the following shall apply:
  - A. There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity, other than from within the building.
  - B. There shall be no harm to adjoining existing or potential residential development due to excessive traffic generation or noise or other circumstances.
- 3. Retail Uses in I Districts. Such uses shall be permitted only where the applicant proves that such use is or will be necessary to serve manufacturing uses and will not adversely affect the industrial development of adjoining land.
- 4. Manufacturing Uses. Manufacturing uses in any I-1 District, when abutting any R District, shall be screened from such use in accordance with the provisions of § 27-506 except when the immediately adjoining R District is presently occupied by a nonresidential structure where it abuts an I-1 District.

**§ 27-605 Large-Scale Developments.**  
**[Ord. 639, 7/14/1975]**

- 1. Large-scale developments as defined herein shall be permitted as a special use and shall be developed in accordance with the following requirements:
  - A. Spacing and Orientation of Residential Developments. Spacing between buildings and orientation in residential building groups shall be as follows:
    - (1) In buildings containing multiple dwelling units, walls, containing main window exposures or main entrances, shall be so oriented as to insure adequate light and air exposures.

- (2) Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
- (3) A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible by emergency vehicles and no attached row houses shall extend more than 500 feet in length unless approved by the Planning Commission.
- B. Spacing and Orientation of Commercial and Manufacturing Developments. A building group may not be so arranged that any permanently or temporarily inhabited building is inaccessible by emergency vehicles.
- C. Circulation.
  - (1) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal and illumination.
  - (2) Adequate amount and suitable location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces, and to separate pedestrian walks, malls, and public transportation loading places from general vehicular circulation facilities.
  - (3) Arrangement of buildings and vehicular circulation open space so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
  - (4) All circulation must be approved by the county planner and County Engineer.
- D. Paving and Drainage. Adequate design of grades, paving, gutters, drainage, and treatment of turf to handle stormwaters, prevent erosion and formation of dust. All grading, paving and drainage plans must conform to the local subdivision regulations and be approved by the County Engineer.
- E. Signs and Lighting. Proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent residential districts. All signs and lighting must be approved by the county planner and County Engineer.
- F. Usable Open Space. In residential building groups providing for permanent family occupancy, play areas for children and other recreational areas in safe locations and in an amount equal to not less than 10% of gross land area in the development.
- G. Planting and Screening. In business building groups abutting or within 100 feet of residential districts, fences, walls, or year-round screen planting when necessary to shield adjacent residential districts from parking lot illumination, headlights, fences, heat, blowing papers and dust and to reduce the visual encroachments of commercial architecture, signs and activity on residential privacy and residential neighborhood character.
- H. Conformity with Master Plan. The proposed large-scale development shall conform to the Borough Master Plan in terms of general location.
- I. Justification for Exception. Such exceptions, which may be required from the strict application of this Chapter shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such developments as well as of neighboring properties than would obtain under the normal requirements of this Chapter.

§ 27-606 **Services, Automotive.**  
[Ord. 639, 7/14/1975]

1. **Off-Street Parking.** In all districts, in connection with every manufacturing, business, institutional, residential, recreational, or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking space, without charge, for the use of persons residing on the premises, or employed, or having business thereon.
- A. **Size and Access.** Each off-street parking space shall have an area of not less than 200 square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three spaces.

There shall be adequate provisions for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to several well-defined locations and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts, except where a parking area shall be less than 35 feet in depth.

- B. **Number of Parking Spaces Required.** The number of off-street parking spaces required shall be as set forth in Table 27-6-I in accordance with the definition of "floor area," provided further that in any R District, on any lot having an area of 1 acre or less, private garage space may be provided for not more than five motor vehicles. Space for one additional motor vehicle may be provided for each 1/5 acre by which the area of the lot exceeds 1 acre.

**Table 27-6-I**

<b>Uses</b>	<b>Required Parking Spaces</b>
Churches and schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
Community buildings, and social halls	1 for each 200 square feet of floor area
Bowling alleys	5 for each alley
Dwellings, motels	1 for each family or dwelling unit
Funeral homes, mortuaries	10 for each parlor
Hospital, nursing and convalescing homes	1 for each 3 beds plus 1 for each employee
Hotels, rooming houses and dormitories	1 for each 2 bedrooms
Manufacturing plants, research or testing laboratories, bottling plants	1 for each 1,000 square feet of floor area, plus 1 for each 4 employees in the maximum working shift; the total parking area shall be not less than 25% of the building floor area
Medical or dental clinics, or offices	3 spaces for each doctor or dentist
Offices	1 for each 2 employees

**Table 27-6-I**

<b>Uses</b>	<b>Required Parking Spaces</b>
Restaurants, beer parlors and night clubs	1 for each 2.5 seats
Retail stores, store groups and shops	1 for each 300 square feet of floor area where the floor area shall exceed 1,000 square feet except in a C-3 District where 3 spaces shall be provided for each 300 square feet of floor area
Theaters and other places of assembly	1 for each 3.5 seats
Wholesale establishments or warehouses	1 for each 2 employees in maximum working shift; the total parking area shall be not less than 25% of the building floor area

In any case of a building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar in the opinion of the Zoning Hearing Board shall apply.

- C. Off-Site Facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than 250 feet from that zone lot, and provided further, that required spaces are provided off the site in accordance with the provisions set forth herein and that such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.
- 2. Off-Street Loading. In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, or commercial uses, or distribution of material or merchandise by vehicles, there shall be provided and maintained, on the same zone lot with such building, off-street loading berths in accordance with the requirement of Table 27-6-II following.

**Table 27-6-II**

<b>Uses</b>	<b>Square Feet of Floor Area</b>	<b>Required Off-Street Loading Berths</b>
Schools	15,000 or more	1
Hospitals (in addition to space for ambulances)	From 10,000-30,000	1
	For each additional 30,000 or major fraction thereof	1 additional

**Table 27-6-II**

Uses	Square Feet of Floor Area	Required Off-Street Loading Berths
Undertakers and funeral homes	5,000	1
	For each additional 5,000 or major fraction thereof	1 additional
Hotels and offices	From 10,000 or more	1
Retail, commercial, wholesale, manufacturing, storage, and miscellaneous 15,000 or more	From 10,000-25,000	1
	From 25,000-40,000	2
	From 40,000-60,000	3
	From 60,000-100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

Size and Location. Each loading space shall be not less than 10 feet in width, 25 feet in length and 14 feet in height, and may occupy all or any part of any required yard, except where located adjacent to any R District, where they shall be set back a minimum of six feet from any such property line.

3. Joint Facilities for Parking or Loading. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Zoning Hearing Board in accordance with the purposes and procedures set forth herein.
4. Development and Maintenance of Parking and Loading Areas. Every parcel of land hereafter used as a public or private parking area or loading area including a commercial parking lot shall be developed and maintained. In accordance with the following requirements:
  - A. Screening and Landscaping. Off-street parking areas for more than five vehicles and off-street loading areas shall, be effectively screened on each side which adjoins or faces premises situated in any R District, or institutional premises, by a fence or hedge. Such fence or hedge shall be not less than eight feet nor more than six feet in height and shall be maintained in good condition without any advertising thereon. Any space between such fence or hedge and the side lot line facing premises, in any R District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.
  - B. Minimum Distances and Setbacks. No off-street parking or loading area or part thereof for more than five vehicles shall be closer than 10 feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot. If not in an R District but adjoining such district, the parking area shall not be located within five feet from the established street right-of-way line within 50 feet of any R District.

- C. Surfacing. Any off-street parking or loading area shall be surfaced with an asphaltic or portland cement binder pavement or similar durable and dustless surface which shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for the orderly and safe loading, parking, and storage of self-propelled vehicles. All surfacing must be approved by the County Engineer and all parking lot layouts must be approved by the county planner.
  - D. Lighting. Any lighting used to illuminate any off-street parking or loading areas shall be so arranged as to reflect the light away from the adjoining premises in any R District. All lighting must be approved by the County Engineer.
  - E. Modification of Requirements. The Zoning Hearing Board may authorize on appeal, a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case appealed the peculiar nature of the use, or the exceptional situation or condition must justify such action.
5. Service Stations.
- A. Location of Exits and Entrances. No gasoline filling stations, automobile repair shop, or any vehicular access thereto, shall be located within 200 feet of the following uses, if the property is dedicated or intended to such uses and is located along the same street and on the same block:
    - (1) Schools, playgrounds, churches, hospitals, public libraries, funeral homes, and institutions for dependents for children.
    - (2) Vehicular access to the above automotive uses shall not be closer to the intersection of any two street lot lines than 50 feet, nor shall any such use be located within 25 feet of any boundary line of any R District.
  - B. Location of Appliances or Pits. No gasoline filling station or parking garage shall be permitted where any gasoline or oil pump, or oil draining pit or visible appliance for any such purpose is located within 10 feet of any street lot line, except where such appliance or pit is within a building.

**§ 27-607 Services, General.**  
**[Ord. 639, 7/14/1975]**

- 1. Animal Hospitals, Kennels and Pounds. No such use shall be located closer than 100 feet to any R District, restaurant, or hotel, in any district where permitted and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.
- 2. Crematory, Mausoleum. Any of these uses shall provide entrance on a street or road which shall have a pavement width of not less than 20 feet, with ingress and egress so designed as to minimize traffic congestion, and shall provide a minimum six-foot high fence, evergreen, or evergreen-type hedges or shrubs, at intervals, of not more than six feet, or provide a minimum 20 feet of permanently maintained planting strip on all property lines abutting any R District or residential street.

**§ 27-608 Special Uses.**  
**[Ord. 639, 7/14/1975; as amended by A.O.]**

- 1. Special uses shall be permitted only upon authorization by the Zoning Hearing Board pursuant to § 27-1905, Subsection 7, provided that such uses shall be found by the Board to comply with the following requirements and other applicable requirements as set forth in this Chapter:

- A. The use is a permitted special use as determined by the Zoning Hearing Board.
- B. The use is so designed, located, and proposed to be operated that the public health, safety, welfare and convenience will be protected.
- C. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- D. The use shall be compatible with adjoining development and the proposed character of the zone district where it is to be located.
- E. Adequate landscaping and screening is provided as required in § 27-506 and as otherwise provided herein.
- F. Adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- G. The use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale development.

§ 27-609 **Miscellaneous Uses.**  
**[Ord. 639, 7/14/1975]**

- 1. **Conversions, Nonresidential.** No commercial or manufacturing structure, originally designed for other than residential use, shall be converted to a dwelling structure, nor shall any such structure which was so converted prior to the adoption of this Chapter be further converted to provide for additional dwellings.
- 2. **Home Occupations.** Permitted home occupations operated in any dwelling unit may be operated only if it complies with all of the following conditions:
  - A. **Where Permitted.** Within a single dwelling unit, or in a building or other structures accessory to a dwelling unit and only by the person or persons maintaining a dwelling therein and not more than one additional person shall be employed in the home occupation.
  - B. **Evidence of Use.** Does not display or create outside the building any evidence of the home occupation, except that one unanimated, non-illuminated flat or window sign having an area of not more than two square feet shall be permitted on each street front of the zone lot on which the building is situated.
  - C. **Extent of Use.** Does not utilize more than 50% of the gross floor area of the dwelling. One off-street parking space must be provided per employee and two spaces for customers, not to include the driveway. All off-street parking must conform with the provisions for such in this Chapter.
  - D. **Permitted Uses.** Includes not more than one of the following uses:
    - (1) Medical and dental offices.
    - (2) Rooming and/or boarding of not more than four persons, except that the rooming and/or boarding of diseased or mentally ill persons is prohibited.
    - (3) Foster family care (for not more than six children simultaneously.)
    - (4) Tutoring for not more than four students simultaneously.



- (5) Barber shop, beauty shop, milliner, seamstress, tailor, interior decorator.
  - (6) Professional offices including but not limited to: lawyer, engineer, planner, landscape architect, architect, accountant, secretarial services, insurance and manufacturer's representatives.
  - (7) Teaching of music for one pupil at one time; teaching of dancing for not more than a group of six pupils.
  - (8) Other uses approved by the Zoning Officer.
3. Outdoor Storage Areas. Such uses shall not abut existing residential development, a residential street or any R District and the operation thereof shall be governed by the following provisions and any other conditions as may be required by the Zoning Hearing Board upon the recommendation of the Planning Commission to protect the public health, safety, comfort; convenience, and general welfare and especially with regard to abutting properties and the occupants thereof.
- A. Inflammable and Explosive Liquids. No highly inflammable or explosive liquids, solids, or gases shall be stored in bulk aboveground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
  - B. Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be distant not less than 20 feet from all property lines which abut an R District or existing residential development, but in any other case shall be distant not less than 10 feet from any property line and shall be distant not less than 25 feet from any public street.
  - C. Deposit of Wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
  - D. Other Hazardous Materials. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
4. Signs. Signs may be erected and maintained only when in compliance with the following provisions:
- A. Signs in Residential Districts. The following types of non-illuminated, nonadvertising signs are permitted in all Residential Districts as follows:
    - (1) Nameplates and Identification Signs.
      - (a) Signs indicating the name and/or address of the occupant, or a permitted home occupation, provided that they shall not be larger than two square feet in area. Only one such sign per dwelling unit shall be permitted except in the case of corner lots where two such signs (one facing each street) shall be permitted for each dwelling unit.
      - (b) For hotels and for buildings other than dwellings a single identification sign not exceeding six square feet in area and indicating only the name and address of the building and the name of the management may be displayed, provided that on a corner lot two such signs (one facing each street) shall be permitted.
    - (2) Sale or Rental Signs. Signs advertising the sale or rental of the premises upon which they, are erected by the owner or broker or any other person interested in the sale or rental of such premises, and signs bearing the word "sold" or "rented" with the name of persons effecting the sale or rental

may be erected or maintained, provided:

- (a) The size of any such sign is not in excess of six square feet.
  - (b) Not more than two signs are placed on any property unless such property fronts upon more than one street, in which event two more signs may be erected on each additional frontage.
- (3) Institutional Signs. Signs of schools, colleges, churches, hospitals, sanatoria, or any other institutions of a similar public or semi-public nature may be erected and maintained, provided:
- (a) The size of any such sign is not in excess of 20 square feet.
  - (b) Not more than one such sign is placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.
- (4) Signs Accessory to Parking Areas. Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two square feet each shall be permitted. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.
- (5) Development Signs. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, may be erected and maintained, provided:
- (a) The size of any sign is not in excess of 20 square feet.
  - (b) Not more than two signs are placed on any property, unless such property fronts upon more than one street, in which event two such signs may be erected on such frontage.
  - (c) Any such sign shall be removed by the developer within 30 days of the final sale of property.
- (6) Directional Signs. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:
- (a) The size of any such sign is not in excess of six square feet, and not in excess of four feet in length.
  - (b) Not more than one such sign is erected on each 500 feet of street frontage.
- (7) Artisans' Signs. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:
- (a) The size thereof is not in excess of 12 square feet.
  - (b) Such signs are removed promptly upon completion of the work.
- (8) Private Driveways. Signs indicating the private nature of a driveway, or trespassing signs, provided that the size of any such sign shall not exceed two square feet.
- (9) Height and Projection of Signs. No sign in an R District shall project into the public way or project higher than one story or 20 feet, whichever is lower.

B. Signs in A, F, C, and I Districts. Business signs shall be permitted as follows:

- (1) Size of Signs. No sign shall have a gross surface area of more than 100 square feet in any C District or more than 150 square feet in any A, F, or I District, except that where only one surface of such sign is visible the gross surface area shall be reduced by 50%.
- (2) Location of Signs. In any C-3 or C-4 District all signs shall be securely attached to a building. Free-standing signs shall be permitted in all other A, F, C, and I Districts only, provided that no such sign shall be nearer to any property line than 50 feet.
- (3) Illumination of Signs. Flashing signs and revolving illuminated signs shall be considered as a special use permitted in I Districts provided that such signs shall not create any traffic hazard, or abut or face any residential property or any residential zone lot. Stationary illuminated signs are permitted in C, A, F, and I Districts only.
- (4) Produce Signs. Signs advertising the sale of farm products may be erected as follows:
  - (a) The size is not in excess of six square feet.
  - (b) Not more than two signs may be used.
  - (c) The sign(s) shall only be displayed when products are on sale.

C. General Regulations. The following regulations shall apply to all permitted signs:

- (1) Maintenance. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
  - (2) Projection of Signs. Attached signs shall not project from any building more than three feet in the direction of the street; provided further, that no such sign shall extend over the public street or public sidewalk area.
  - (3) Height of Signs. No sign shall be higher than the height limit in the district where such sign is located nor shall any sign be located upon the roof of any building.
  - (4) Permits (Building) for Signs. Building permits shall be required for all signs except signs provided for in Subsection 4A and other accessory residential signs. For signs in the interest of the public information and convenience, the Zoning Officer, upon approval by the Zoning Hearing Board, following the recommendation of the County Planning Commission, may issue a temporary permit for a period to be designated by the said Board. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.
  - (5) Fees. No fee shall be charged for any permit connected with the erection of a sign necessary to the public welfare.
5. Temporary Tract Office. A temporary tract office in any district shall be located on the property to which it is appurtenant; shall be limited to a six months period at the expiration of which time the applicant may request a further extension of time. Otherwise the tract office shall be removed at the expense of the owner.

Such temporary tract office may also be conducted in a building in a housing development as a real estate office for said development.

6. Rooming and/or Boarding Houses. Rooming and/or boarding houses, other than accessory home

occupations, may be permitted as a special use, provided, however, that they conform with regulations of the district where they are permitted, the off-street parking requirements of § 27-601 and the following requirements.

- A. The minimum lot area of such a use shall be 8,000 square feet.
- B. The minimum lot area per rooming unit shall be not less than 1,000 square feet.
- C. No sign shall be erected other than one unanimated, non-illuminated flat or window sign having an area of not more than two square feet which shall be permitted on each street front of the zone lot on which the building is situated.

## Part 7 PERFORMANCE STANDARDS

### § 27-701 General Application. [Ord. 639, 7/14/1975]

Permitted and special uses enumerated in the C-4 and I Districts, and uses accessory thereto, are subject to the following performance standards and procedures. If the Zoning Officer or the Zoning Hearing Board, upon the recommendations of the Planning Commission, has reasonable grounds for believing that any other use will violate these performance standards, such use, existing or proposed, shall also be subject to these performance standards.

### § 27-702 Performance Standards Procedure. [Ord. 639, 7/14/1975]

1. Prior to Construction and Operation. Any application for a building permit for a use, which shall be subject to performance standards, shall be accompanied by a sworn statement by the owner of subject property that said use will be operated in accordance with the performance standards set forth herein.
2. Continued Compliance. Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be enforced by the Zoning Officer or Zoning Hearing Board.
3. Determination of Violation. The Zoning Officer shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall notify the Zoning Hearing Board of the occurrence or existence of a probable violation thereof. Said Board shall investigate the alleged violation. If after public hearings on due notice, and upon the recommendation of the Planning Commission, said Board finds that a violation occurred or exists, such violation shall be terminated as provided in Subsection 4 following.
4. Termination of Violation. All violations as ascertained in accordance with Subsection 3 above shall be terminated within 30 days of the decision of the Zoning Hearing Board or shall be deemed a separate violation for each day following and subject to fines as set forth herein, except that certain uses established before the effective date of this Chapter and nonconforming as to performance standards shall be given a reasonable time in which to conform therewith as determined by said Board.

### § 27-703 Regulation of Nuisance Elements. [Ord. 639, 7/14/1975]

1. Definition of Elements. No land or building in any C-4 or I Districts which shall be used or occupied for manufacturing purposes shall be operated in such a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable, fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare; or other substance, condition or element in such amount as to adversely affect the surrounding area or premises (referred to herein as "dangerous or objectionable elements"); provided that any use permitted by this Chapter may be undertaken and maintained in any C-4 or I District if it conforms to the regulations of this subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.
2. Locations Where Determinations Are to be Made for Enforcement of Performance Standards. The determination of the existence of any dangerous and objectionable elements shall be made at:
  - A. The property lines of the use creating such elements for vibration, glare and odors.
  - B. The property lines receiving the noise.

**§ 27-704 Standards to be Enforced.  
[Ord. 639, 7/14/1975]**

1. Fire and Explosion Hazards. In all activities involving, and all storage of, inflammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of commonwealth and local laws and regulations shall also apply.
2. Radioactivity or Electrical Disturbance. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
3. Noise. **[Amended by Ord. 789, 5/18/2016]**
  - A. At the points of measurement specified in this section, the maximum Leq(A) sound pressure level by any use of the facility (other than transportation facilities, construction, infrequent occurrences, and periods of startup and shutdown, testing, or emergency operation of the facility) shall not exceed the values given in Table III after applying the corrections shown in Table IV.
  - B. The Leq(A) sound pressure level shall be measured in accordance with ANSI S12.9-2013/Part 3, with an integrating-averaging sound level meter conforming to standards prescribed by the American National Standards Institute (ANSI). American National Standard Specification for Sound Level Meters ANSI S1.4-1983(R 2006) and ANSI S1.4A, and Specifications for Integrating-Averaging Sound Level Meters ANSI/ASA S1.43-1997(R2007) or latest approved revision thereof, shall be used.

**Table III**  
**Sound Levels in Decibels (dBA)**

<b>Location</b>	<b>Maximum Leq(A) Sound Level (dBA)</b>
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**Table III**  
**Sound Levels in Decibels (dBA)**

<b>Location</b>	<b>Maximum Leq(A) Sound Level (dBA)</b>
At a lot line of a residential use in a Residential District - R	58
At a lot line of a Tourist and Highway Services District — C-4	63
At a lot line of a General Commercial District — C-3	60
At a lot line of an Agricultural and Conservation District I-1	60
At a lot line of a Services District — S or Industrial and Warehousing District I-1	60
At a lot line of a General Industrial District I-2	65
At a lot line of a Heavy Industrial District I-3	70

**Table IV**

<b>Type or Location of Operation or Character of Noise</b>	<b>Correction (dBA)</b>
1. Daytime operation only*	+5
2. Noise source operations less than**	
a. 20% of any one-hour period	+10
b. 50% of any one-hour period	+5
* Daytime operation is defined as 7:00 a.m. to 9:00 p.m.	
** Apply no more than one of these corrections in a particular situation.	
4. Vibration. No vibration shall be permitted which is detectable without instruments at the points of measurement specified in § 27-703.	
5. Glare. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement	

specified in § 27-703. This restriction shall not apply to signs otherwise permitted by the provisions of this Chapter.

6. Smoke. No emission shall be permitted from any chimney or otherwise of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringelmann Chart, published by McGraw-Hill Publishing Co., Inc., and copyrighted 1954 (being a direct facsimile reduction of a standard Ringelmann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for 4 minutes in any 30 minutes.
7. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable at the property line of the zone lot from which they are emitted without instruments.
8. Other Forms of Air Pollution. No emission of fly ash, dust, fumes, vapors, gases, and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

**§ 27-705 Removal of Abandoned Wireless Communications Towers.  
[Added by Ord. 789, 5/18/2016]**

1. Definition. As used in this section, the following terms shall have the meanings indicated:

**ABANDONED**

Any wireless telecommunications tower that is not in use for a continuous period of 12 months will be considered abandoned. If there are two or more users of a tower, this section will not become effective until all users cease using the tower. For purposes of this provision, a tower is in use at any time the owner is receiving, has the right to receive, or is engaged in negotiations for the right to receive revenue arising out of or related to its ownership of the tower.

2. Removal. Unless otherwise agreed in writing by the Borough, the owner must remove an abandoned wireless communications tower within 180 days after the tower's owner receives written notice from the Borough notifying the owner of such abandonment. Failure to remove an abandoned tower within the one-hundred-eighty-day period will be grounds for the Borough to remove, or cause the removal of, the tower at the owner's expense. Any written agreement permitting an abandoned tower to remain in place will toll the running of the one-hundred-eighty-day period, which will not resume until the tower's owner actually receives written notice from the Borough revoking such agreement.
3. Notice and Penalty. If the owner of any wireless telecommunications tower to whom a written notice of abandonment was given fails to complete removal of the abandoned telecommunications tower within 180 days of receipt of the written notice of abandonment, the owner shall be guilty of a violation of this section, and upon conviction thereof, shall be sentenced to pay a fine of not more than \$100 and costs of prosecution; provided, each day's continuance of a violation shall constitute a separate offense.
4. Applicability. Notwithstanding any other provision within Part 7, this § 27-705 and Subsections 1 through 3 shall be applicable in all zoning districts.

## Part 8 NONCONFORMING USES AND BUILDINGS

**§ 27-801 Continuation of Use.  
[Ord. 639, 7/14/1975]**

A use, building or structure, lawfully in existence at the effective date of this Chapter, which shall be made nonconforming at the passage of this Chapter or any applicable amendment thereto may be continued except as otherwise provided in this Part.

**§ 27-802 Regulation of Nonconforming Uses.**  
**[Ord. 639, 7/14/1975]**

1. No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted, or structurally altered except when changed to a conforming use, or when required to do so by law or order and as follows:
  - A. Restoration. Any nonconforming building or structure damaged less than 50% of its then existing floor area may be restored, reconstructed, or used as before, provided that the volume of such use, building, or structure shall not exceed the volume of which existed prior to such damages by more than 25%, or as provided under § 27-804 hereof, and that it be completed within one year of such happening, and provided that such, restorations shall be in conformity with the requirements of this Chapter.
  - B. Displacement. A nonconforming use shall not be extended to displace a conforming use.
  - C. Change of Use.
    - (1) A conforming use or structure shall not be changed into a nonconforming use or structure.
    - (2) A nonconforming use may be changed into a conforming use.
    - (3) A nonconforming use which is not permitted in any district or which is permitted only as a special use may only be changed into a conforming use.
    - (4) When a nonconforming use shall be changed in accordance with the provisions hereof, the use of the building or other structure or tract of land shall not thereafter be changed again except in accordance with these regulations.
  - D. Repairs.
    - (1) Normal maintenance and repairs and incidental alteration of a building or other structure containing a nonconforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use.
    - (2) A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.
  - E. Prior Approval. Nothing herein contained shall require any change in the plans, construction or designated use of a building complying with existing laws, a permit for which has been duly granted and the construction of which shall have been started before the date of adoption of this Chapter or any applicable amendment thereto, and the ground-story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit, and which entire building shall have been completed, according to such plans as have been filed, within one year of the date of adoption of this Chapter or any applicable amendment thereto.

**§ 27-803 Termination of Nonconforming Uses.**  
**[Ord. 639, 7/14/1975]**



1. Abandonment. The discontinuance of a nonconforming use for a period of one year and/or the change of use to a more restricted or conforming use for any period of time shall be considered an abandonment of (nonconforming use) and such nonconforming use shall not hereafter be revived. Intent to resume active operations shall not affect the foregoing.
2. Partial Destruction. When 50% or more of the existing floor area or volume of a nonconforming building or structure, or use of land is destroyed by fire or other casualty or act of God, the use of such building, structure, or land as a nonconforming use shall thereafter be terminated.

**§ 27-804 Expansion.**  
**[Ord. 639, 7/14/1975]**

A nonconforming use or structure may be expanded up to a volume which shall not exceed 25% of its volume as it exists at the time of the adoption of this Chapter. No such use shall be expanded, however, into a more restrictive district than where it is located; and no such use shall be permitted to expand except in accordance with all of the building regulations contained herein.

**§ 27-805 Registration of Nonconforming Uses and Nonconforming Structures.**  
**[Ord. 639, 7/14/1975]**

The Zoning Officer shall establish, maintain and at all times keep current a record identifying and registering all nonconforming uses and nonconforming structures in the Borough.

## Part 9

### A-AGRICULTURE AND CONSERVATION DISTRICT

**§ 27-901 General Description and Purpose.**  
**[Ord. 639, 7/14/1975]**

1. This District is hereby established to provide space for agricultural and conservation uses which comprise an important part of the economy. The intent herein is to permit lands best suited for agriculture and conservation to be utilized for these purposes and to prevent the encroachment of urban and other incompatible land uses to protect the physical and economic well-being of agricultural and conservation activities.
2. Further, this District is intended to provide suitable locations on the fringes of the urban areas for urbanization which will occur in the foreseeable future. It is not intended that this District provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. Rather, this District should (A) promote an organized, efficient pattern of urban development by providing conditions conducive to continued use of land for agricultural purposes in appropriate locations, thereby reducing economic pressures which would otherwise lead to a scattered, inefficient, inconvenient patterns of urban activities, and (B) to conserve the county's natural forest and recreational resources. The types of uses, area and intensity of use of land authorized in this District are designed to encourage and protect any agricultural or conservation uses until urbanization is warranted and the appropriate changes in districts can be made.

**§ 27-902 Permitted Principal and Accessory Uses and Structures.**  
**[Ord. 639, 7/14/1975]**

1. Property and buildings in the AC — Agricultural and Conservation District shall be used only for the following purposes:

- A. Agricultural and conservation uses and their accessory structures.
- B. Farm homes and summer camp homes.
- C. Utility substations, transportation and utility easements, alleys, and rights-of-way.
- D. Signs not over the size allotted for C Districts as regulated in § 27-609, Subsection 4.

**§ 27-903 Area Regulations.**  
**[Ord. 639, 7/14/1975; as amended by A.O.]**

- 1. Land Area. All building sites derived from the division of farm land or any other parcel of land must be a minimum of three acres unless a single lot-of-record under 3 acres exists; in this instance the lot may be utilized for the development of a one-family dwelling. This regulation does not apply to campsites or summer homes as the land area for campsite parcels is based upon the approval of the Pennsylvania Department of Environmental Protection, but in all cases shall contain a land area exceeding one acre.
- 2. Setbacks. All structures must be set back a minimum of 35 feet from the road right-of-way line and 10 feet minimum from all other property lines. When an Agricultural District abuts a Residential District, all farm buildings must be located not less than 35 feet from the property line.

**Part 10**  
**R-RESIDENTIAL DISTRICT**

**§ 27-1001 General Description and Purpose.**  
**[Ord. 639, 7/14/1975]**

The Residential District is hereby established to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas appropriate by location and character for occupancy by single and multifamily dwellings. One of the important purposes of this District is to create adequate standards of residential development in order to prevent a recurrence of the overcrowded and unhealthy housing conditions which have long been a major problem. The intensity of land use should not be so great as to cause congestion of buildings or traffic or to preclude the amenities of good housing. Densities should be limited to provide adequate usable open space and daylight for dwellings and adequate open space for all related facilities.

**§ 27-1002 Permitted Principal and Accessory Uses and Structures.**  
**[Ord. 639, 7/14/1975; as amended by Ord. 651, 9/8/1975, § 1]**

- 1. Property and buildings in an R District shall be used only for the following purposes:
  - A. Single-family dwellings.
  - B. Duplexes (two families) and mobile home parks.
  - C. Apartments and dormitories (three or more families).
  - D. Planned residential developments.
  - E. Upon Planning Commission approval, professional and retail businesses conducted for the convenience of the occupants of an apartment building, provided there shall be no entrance to such

place of business except from the inside of the building.

- 2. There shall be no show windows, signs or other advertising material visible from the outside of an apartment building. A minimum lot size of 3,300 square feet and a minimum lot frontage of 60 feet shall be required. Lot sizes to be a minimum of 55 feet by 60 feet.

**§ 27-1003 Area Regulations.**  
**[Ord. 639, 7/14/1975]**

All structures must be set back from the road right-of-way a minimum distance of 10 feet. There are no side or rear yard requirements for structures in this zone, except for special use structures such as churches, and except that the maximum length or frontage for row houses and apartments shall be 500 feet. An open space of 20 feet minimum shall be provided for fire and emergency vehicles between all buildings. On corner lots, side yards on the road side must contain a minimum depth of 10 feet measured from the right-of-way line to the building. Setbacks for structures abutting commonwealth roads shall be a minimum of 20 feet.

**§ 27-1004 Usable Open Space.**  
**[Ord. 639, 7/14/1975]**

Either on the same lot as the apartment building or within 500 feet from said structure, usable open space shall be provided as follows:

Stories	Apartment Units	Minimum Usable Open Space per Unit
		(square feet)
3	Over 3	400
4 to 6	Over 4	300
7 to 9	Over 7	200
Over 9	Over 9	100

Said usable open space may include a neighborhood park or playground that does not entail the crossing of a collector or major street to reach. In cases where over three apartment units occupy less than three stories, four units occupy less than four stories, seven units occupy less than seven stories and nine units occupy less than nine stories, the open space regulations corresponding to the number of units shall apply. Usable open space is defined to mean yard or lawn space to be used for recreational purposes.

**§ 27-1005 Condominiums.**  
**[Ord. 639, 7/14/1975]**

An apartment building may be a condominium; i.e., the owner may sell individual apartments: however all open space and yard regulations must be complied with whether the original owner retains title to the open land or a corporation consisting of the members of the condominium retains the title.

**§ 27-1006 Mobile Home Parks.**  
**[Ord. 639, 7/14/1975]**

1. The following property development standards shall apply for all mobile home parks:
  - A. No parcel of land containing less than two mobile home spaces, available at the time of first occupancy shall be used for a mobile home park.
  - B. The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
  - C. Yards.
    - (1) Each mobile home park shall have a front yard of 10 feet extending for the full width of the parcel devoted to said use.
    - (2) Each mobile home park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than five feet.
  - D. A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than seven feet in height that are adjacent to residential structures. Such wall, fence, or hedge shall not be constructed or planted within the required front yard setback.
  - E. Each mobile home park shall be permitted to display on each street frontage, one identifying sign of a maximum of nine square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.
  - F. Each mobile home space shall be of sufficient size that, in addition to the trailer, the following areas shall be provided:
    - (1) Each mobile home space shall be clearly defined by permanent markers.
    - (2) There shall be a front yard setback of 10 feet from all access roads within the mobile home park.
    - (3) Mobile homes shall be so harbored on each space so that there shall be at least a ten-foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall be not less, than 10 feet. No mobile home shall be located closer than 20 feet from any commercial or service building within the mobile home park.
    - (4) There shall be at least one off-street parking space for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the rear or side yard of said mobile home space.
    - (5) Each mobile home space shall be provided with a paved patio of at least 200 square feet and having a storage locker of at least 100 cubic feet. Storage lockers may be located in locker compounds.

**§ 27-1007 General Provisions for Mobile Home Parks.  
[Ord. 639, 7/14/1975; as amended by A.O.]**

1. There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one for every four mobile home sites.
2. Access roads within a mobile home park shall be paved to a width of not less than 20 feet. Where access roads are paved to a width of 32 feet or more, the required guest parking area shall be waived.
3. Mobile home spaces may abut upon a driveway of not less than 20 feet in width, which shall have

unobstructed access to the access road within the mobile home park. The sole vehicular access shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.

4. Walkways not less than two feet wide shall be provided from the mobile home spaces to service buildings.
5. Each mobile home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the Pennsylvania Department of Environmental Protection.
6. There shall be provided a park and recreation area having a minimum of 150 feet for each mobile home space. Areas shall be consolidated into usable areas with minimum dimensions of not less than 30 feet.
7. Each mobile home park shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment, and laundry facilities equipped with washing machines and dryers. Outside drying yards shall be enclosed with a six-foot-high solid fence.
8. Trailers, with or without toilet facilities, that cannot be connected to a sanitary sewer line shall not be permitted in a mobile home park.
9. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home parks except for home occupations.

**§ 27-1008 Application for Permit for Mobile Home Park.  
[Ord. 639, 7/14/1975; as amended by A.O.]**

1. The application for a permit shall be filed with and issued by the Zoning Officer. Each application shall be accompanied by three copies of the plot plan drawn to scale, and prepared by a licensed engineer or architect. Such copies shall be reviewed and approved by the Planning Commission, the Pennsylvania Department of Environmental Protection, and the Zoning Officer. The following information shall be shown:
  - A. The location of the proposed mobile home park.
  - B. Plans and specifications of all buildings, improvements, and facilities constructed within the mobile home park.
  - C. The proposed use of buildings shown on the site.
  - D. The location and size of all mobile home spaces.
  - E. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
  - F. The location of all landscaping to be provided.
  - G. The location of all lighting standards to be provided.
  - H. The location of all walls and fences and the indication of their height and the materials of their construction.
  - I. The location of all off-street parking facilities.

- J. The name and address of the applicant.
- K. Such other architectural and engineering data as may be required to permit the Zoning Officer and Planning Commission to determine if the provisions of this Chapter are being complied with.
- 2. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.
- A. Parking for Apartment Complexes. Off-street parking must be provided with 500 feet of the apartment building and designed according to the off-street parking regulations in this Chapter.
- B. Prohibited Uses. The following uses are prohibited in multifamily districts:
  - (1) Commercial uses except in apartment buildings serving the residents of said building only.
  - (2) Industrial uses.
  - (3) Wholesaling.

**§ 27-1009 Churches and Other Special Uses.  
[Ord. 639, 7/14/1975]**

Churches and other special uses shall contain a minimum side and rear yard of 20 feet from the structure edge to the property line, unless said special use borders a Commercial or Industrial District in which case rear and side yards of the special use property adjacent to a Commercial or Industrial District are not required. In addition, the church or special use shall not cover over 25% of the lot area including all accessory buildings.

## Part 11 S-SERVICES DISTRICT

**§ 27-1101 General Description and Purpose.  
[Ord. 639, 7/14/1975]**

This District is hereby established to provide areas for professional and business offices, federal, commonwealth, county and municipal government operations, and other cultural and civic uses. The intent herein is to provide centralized, compact locations for business and governmental offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.

**§ 27-1102 Permitted Uses.  
[Ord. 639, 7/14/1975; as amended by Ord. 789, 5/18/2016]**

Same as R Districts, plus communications facilities, offices, clinics, medical and dental buildings, retail uses incidental to serving the offices, such as supply stores and cafes.

**§ 27-1103 Prohibited Uses.  
[Ord. 639, 7/14/1975]**

- 1. The following uses are prohibited in Service Districts:
  - A. Retail stores serving more than the offices in the particular locale.

- B. Commercial uses not outlined in the permitted uses.
- C. Industrial uses.
- D. Wholesale houses.

**§ 27-1104 Area Regulations.**  
**[Ord. 639, 7/14/1975]**

As regulated in R Districts, except for office, business and special uses must contain off-street loading facilities with a depth of 30 feet from the building, not including any road right-of-way.

## Part 12

### C-3 GENERAL COMMERCIAL DISTRICT

**§ 27-1201 General Description and Purpose.**  
**[Ord. 639, 7/14/1975]**

This Commercial District is for personal and business services, general retail and wholesale business. Districts in this zone category are intended to include areas where commercial development has displaced or is displacing residential development or is occupying vacant land. These regulations herein are designed to guide future change so as to discourage the formation of future commercial slums, to preserve the carrying capacity of the roads, and to provide for off-street parking and loading. It is not the intent of this District to encourage the extension of existing "strip" commercial areas along roads, but rather to provide concentrations of general commercial activities.

**§ 27-1202 Area Regulations.**  
**[Ord. 639, 7/14/1975]**

1. The following requirements shall apply to all uses permitted in a C-3 District:
  - A. Front Yard. All buildings shall be set back from the road right-of-way line a minimum of 10 feet except when abutting commonwealth roads, the setback shall be 20 feet.
  - B. Side Yard. On corner lots, a minimum side yard of 10 feet is required except that the width of a side yard which abuts a residential zone shall be a minimum of 20 feet.
  - C. Rear Yard. Where a commercial building is to be serviced from the side or rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in depth. The depth of a rear yard which abuts a Residential District shall be a minimum of 20 feet. In all other cases no side or rear yard is required.

**§ 27-1203 Other.**  
**[Ord. 639, 7/14/1975]**

1. Wholesaling and Distributing Centers. Wholesaling and distributing centers may be located in C-3 Districts that do not involve over 5,000 square feet of storage to be wholesaled or distributed, nor the use of any delivery vehicle rated at more than a two-ton empty weight capacity, nor a total of more than five delivery vehicles.
2. Accessory Uses. On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and

structures which are customarily accessory and incidental to permitted or permissible uses and structures and are not of a nature prohibited.

**§ 27-1204 Permitted Uses and Structures.**  
**[Ord. 639, 7/14/1975]**

1. All uses permitted in C-3 Districts.
2. Bowling alleys, major repair garages.
3. Small plants: bakeries, bottling plants, dairies:
  - A. Bookbinding, creamery, laundry, small-scale cleaning and dyeing establishments.
  - B. Building material sales yard or storage and rental or equipment commonly used by a contractor.
  - C. Carpenter, cabinet making, furniture repair and upholstery, electrician, metal working, tinsmith, welding shops, plumbing, gas, steam, or hot water fitting shops, when these shops are in a completely enclosed building and are primarily sales and service shops and not manufacturing plants.
  - D. Florists or nurseries, provided that all incidental equipment and supplies including fertilizers and empty cans are kept within the building.
  - E. New and used car lots, trailer coach sales, automobile service stations including major repair.
  - F. Trucking terminals, freight stations, produce markets.
  - G. Truck, trailer and farm implement establishments including major repair.

**§ 27-1205 Prohibited Uses and Structures.**  
**[Ord. 639, 7/14/1975]**

1. Mobile home parks, single-family and two-family dwellings.
2. Manufacturing, except as provided under permitted uses.
3. Elementary schools.
4. Bulk petroleum products storage.
5. Any use which the Planning Commission, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous, or offensive to adjacent occupancies in the same or neighboring districts or to those who pass on roads, by reason of odor, smoke, noise, glare, fumes, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation, or likely for other reasons to be incompatible with the character of the district.
6. Junkyards, salvage yards.

**§ 27-1206 Open Storage Regulations.**  
**[Ord. 639, 7/14/1975]**

1. All open storage and display of merchandise material and equipment shall be screened by adequate



ornamental fencing or evergreen planting at the side and rear of the lot on which open storage or display occurs that abuts a Residential District; provided that such screening shall be a minimum of six feet in height.

2. All of the lot utilized for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be constructed and maintained in such a manner that no dust will be produced by continued use.
3. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
4. Driveways used for ingress and egress shall not exceed 25 feet in width, exclusive of curbs.
5. Outdoor lighting shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets.

**§ 27-1207 Points of Ingress and Egress.**  
**[Ord. 639, 7/14/1975]**

Where properties front commonwealth and major local roads or streets, so designated by the county planning director or local Planning Commission in the temporary absence of a county director, no driveway ingress and egress points shall be closer than 50 feet measured from driveway edge to driveway edge, except where a particular lot or unified contiguous commercial development frontage exists, in which case only one entrance and one exit are allowable per street side per lot or unified development. There shall be a maximum width of 25 feet per driveway entrance and all ingress and egress points shall be located 30 feet from any intersection right-of-way line. The distance along the road frontage between guard railing, concrete or asphaltic curbs, guard fencing, solid hedges, or a similar material to prohibit ingress and egress by vehicles at points other than those designated. The traffic barriers shall be placed by the property owner fronting said road. Where the Planning Commission deems it necessary, a service road shall be provided by the property owner(s) to further limit ingress and egress points. All points of ingress and egress must be clearly defined. This section of the chapter is hereby retroactive and enforceable on existing properties in this District.

## Part 13

### C-4 TOURIST AND HIGHWAY SERVICE COMMERCIAL DISTRICT

**§ 27-1301 General Description and Purpose.**  
**[Ord. 639, 7/14/1975]**

The tourist Commercial District is hereby established to provide areas in which the principal use of land is devoted to commercial establishments and resort areas which cater specifically to the needs of tourist-oriented trade. The intent herein is to reserve lands, which because of particular location and natural features are adopted for tourist uses, and to encourage the development of these locations with such uses and in such manner as to minimize traffic hazards and interference with other uses in the vicinity.

**§ 27-1302 Uses Permitted.**  
**[Ord. 639, 7/14/1975]**

1. The following uses are permitted in the Tourist and Highway Service Commercial District:
  - A. Hotels and motels.

- B. Restaurants, truck stops, bars, clubs.
- C. Gasoline service stations and auto repair.
- D. Souvenir, antique and gift shops.
- E. Resorts, marinas, camping facilities and grounds, tourist trailer parks.
- F. Utility substations.
- G. Dwellings as part of a complex lived in by the owner or the owner's employee and family.
- H. Similar uses approved by the Zoning Officer.

**§ 27-1303 Prohibited Uses.**  
**[Ord. 639, 7/14/1975]**

- 1. The following uses are prohibited in this District:
  - A. All dwellings including apartments, except the type listed under "uses permitted."
  - B. All uses prohibited in C-3 zones.
  - C. All non-tourist and non-highway service uses.
  - D. Used and new car lots.
  - E. Wholesaling enterprises.
  - F. Mobile home parks.

**§ 27-1304 Area Regulations.**  
**[Ord. 639, 7/14/1975]**

A site plan for the proposed complex must be presented to the Planning Commission, the county planner and the County Engineer for approval and all uses must be compatible with existing uses within the outlined zone. Depending upon the characteristics of the zone location, the Planning Commission may require service roads, design criteria to fit the site, structure use approval, and circulation recognizing principles of civic design, land use planning and landscape architecture.

**§ 27-1305 Marina Development.**  
**[Ord. 639, 7/14/1975]**

- 1. The following regulations shall apply to all marina developments:
  - A. Purpose and Uses.
    - (1) The purpose of this regulation is to insure the proper development of marinas and the safe operation of marine equipment.
    - (2) Permitted and coincidental uses include assembly buildings, caretaker's residence, docks, fueling and supply facilities, house boating, launching and storage facilities, parking areas, repair and maintenance areas, restaurants, signs, supplementary recreational facilities, tourist residence, and

tourist-oriented trailer parks not for permanent residence.

- B. Access. The tract of marina development shall have adequate access to thoroughfares. This adequacy shall be based on the relationship of the size of marina facilities to the practical capacity of the thoroughfares.
- C. Area Regulations.
  - (1) There is no minimum lot size required; however, the site size shall be sufficient to assure for present facilities and for future expansion. Development must conform to the following yard requirements:
    - (a) Front Yard. The minimum depth of the front yard shall be the same as required in the districts where marinas are permitted.
    - (b) Side Yard. Minimum side yards of 50 feet shall be provided between adjacent tracts of land and marina facilities including all floating structures.
  - (2) The site shall be developed in such a way as to preserve its natural character. A mass planting strip at least six feet in height shall be located between the marina and adjacent residential areas, except, that no planting shall be required between marina facilities and a public road. Yards may be used for parking but no parking shall be closer than 15 feet to any property line.
- D. Control of Opposite Shoreline. When the proposed marina development is situated on a cove or embayment which is less than 300 feet in width (at normal pool as defined by the Corps of Engineers) the applicant must own or control the shoreline opposite such development to a minimum depth of 100 feet from the shoreline. However, the Planning Commission may waive this requirement if the property opposite the proposed development site, because of topography and/or existing land use, is not adversely affected by the proposed development.

**§ 27-1306 Administrative Procedures for Tourist and Highway Service Complex Development.  
[Ord. 639, 7/14/1975; as amended by A.O.]**

- 1. Application for a tourist and highway service complex permit shall be filed with and issued by the Zoning Officer. Each application shall be accompanied by four copies of the plot plan drawn to scale, and prepared by a licensed engineer, or architect. Such copies shall be reviewed and approved by the Planning Commission, the Pennsylvania Department of Environmental Protection, the Zoning Officer, the county planner, and the County Engineer. The following information shall be shown:
  - A. The location of the proposed development.
  - B. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the development.
  - C. The proposed use of buildings shown on the site.
  - D. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
  - E. The location of all landscaping to be provided.
  - F. The location of all lighting standards to be provided.
  - G. The location of all off-street parking facilities.
  - H. The name and address of the applicant.

- I. Such other planning, architectural and engineering data as may be required to permit the Planning Commission, Pennsylvania Department of Environmental Protection, and Zoning Officer to determine if the provisions of this Chapter are being complied with.
2. A time schedule for the development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.

## Part 14

### **I-1 LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT**

**§ 27-1401 General Description and Purpose.**  
**[Ord. 639, 7/14/1975]**

This Industrial District is hereby established to provide areas in which the principal use of land is for "heavy" commercial activities, light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution. It is the intent that permitted uses are conducted so that noise, odor, dust, and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air, or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the General and Heavy Industrial Districts. Regulations herein are intended to prevent frictions between uses within the district and also to protect nearby Residential Districts.

**§ 27-1402 Permitted Uses.**  
**[Ord. 639, 7/14/1975]**

1. All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be screened by ornamental walls and fences or evergreen planting, and in no case shall materials be stacked or stored so as to exceed the height of the screen where I-1 Districts abut Residential Districts.
  - A. All commercial uses.
  - B. Watchman's or maintenance man's dwelling quarters, located on or adjacent to the property.
  - C. Wholesale business, storage, or warehousing.
  - D. All C-3 principal permitted commercial uses.
    - (1) Administrative, executive and financial offices.
    - (2) Agricultural uses.
    - (3) Distribution plants, parcel delivery, and service industries.
    - (4) Laboratories.
    - (5) Machine and welding shops, excluding punch press over 20 tons rated capacity, drop hammers.
    - (6) Manufacture of electric and electronic instruments and devices, such as television, radio and phonograph equipment.

(7) Optical and textile manufacturing.

**§ 27-1403 Prohibited Uses.**  
**[Ord. 639, 7/14/1975]**

Dwelling units, schools, churches, yards for scrap and salvage operations, auto junkyards, second-hand automobile parts, all uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards outlined in this Chapter.

**§ 27-1404 Area Regulations.**  
**[Ord. 639, 7/14/1975]**

1. Front Yard. All buildings shall be set back from road right-of-way line a minimum of 25 feet.
2. Side Yard. On corner lots where an I-1 property abuts roads, all buildings shall set back a minimum of 25 feet from the right-of-way line. Where any I-1 District abuts a Residential District, a minimum side yard of 40 feet in depth is required. In all other cases, no side yards are required.
3. Rear Yard. Where a building is to be serviced from the side or rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in depth. The depth of a rear yard which abuts a Residential District shall be a minimum of 40 feet. In all other cases no rear yard shall be required. In cases where a building is to be served from a railroad siding, no rear yard shall be required either.

**§ 27-1405 Points of Ingress and Egress.**  
**[Ord. 639, 7/14/1975]**

Where properties front commonwealth and major local roads or streets so designated by the county planning director or local Planning Commission in the temporary absence of a county director, no driveway ingress and egress points shall be closer than 50 feet measured from driveway edge to driveway edge, except where a particular lot or unified contiguous commercial development frontage exists, in which case only one entrance and one exit are allowable per street side per lot of unified development. There shall be a maximum width of 25 feet per driveway entrance and all ingress and egress points shall be located 30 feet from any intersection right-of-way line. The distance along the road frontage between points of ingress or egress shall contain a traffic barrier consisting of guard railing, concrete or asphaltic curbs, guard fencing, solid hedges, or a similar material to prohibit ingress and egress by vehicles at points other than those designated. The traffic barriers shall be placed by the property owner fronting said road. Where the Planning Commission deems it necessary, a service road shall be provided by the property owner(s) to further limit ingress and egress points. All points of ingress and egress must be clearly defined. This section is hereby retroactive and enforceable on existing properties in this District.

**§ 27-1406 Screening and Landscaping.**  
**[Ord. 639, 7/14/1975]**

All yard areas and open space existing around buildings shall be landscaped and maintained in a neat condition.

## Part 15

### I-2 GENERAL INDUSTRIAL DISTRICT

**§ 27-1501 General Description and Purpose.**  
**[Ord. 639, 7/14/1975]**

This Industrial District is hereby established to provide areas in which the principal use of land is for manufacturing, assembling, fabrication, and for warehousing. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air, or highway transportation routes and terminals. Such uses have some adverse effects on surrounding properties and are not properly associated with nor compatible with residential, institutional and retail commercial uses.

**§ 27-1502 Permitted Uses.**  
**[Ord. 639, 7/14/1975]**

1. The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, film, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
2. The manufacturing, compounding, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceuticals, and food products except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils, pottery and figurines or other similar ceramic products, using only clay and kilns fired only by electricity or gas.

**§ 27-1503 Prohibited Uses.**  
**[Ord. 639, 7/14/1975]**

Dwelling units including mobile home parks and apartments, and motels, schools, churches, and retail commercial uses unless it serves or is auxiliary to the needs of the industrial plants or employees thereof, and any use not conforming to the performance standards set forth in this Chapter.

**§ 27-1504 Area Regulations.**  
**[Ord. 639, 7/14/1975]**

1. Front Yard. All buildings shall set back from road right-of-way line a minimum of 25 feet.
2. Side Yards. On corner lots where a I-1 property abuts roads, all buildings must be set back a minimum of 10 feet from the right-of-way line. Where any I-1 District abuts a Residential District, a minimum side yard of 75 feet in depth is required. In all other cases, no side yards are required.
3. Rear Yards. Where a building is to be serviced from the side or rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in depth. The depth of a rear yard which abuts a Residential District shall be a minimum of 75 feet. In all other cases no rear yard shall be required. In cases where a building is to be served from a railroad siding, no rear yard shall be required either.

**§ 27-1505 Points of Ingress and Egress.**  
**[Ord. 639, 7/14/1975]**

Where properties front commonwealth and major local roads or streets so designated by the county planning director or local Planning Commission in the temporary absence of a county director, no driveway ingress and egress points shall be closer than 50 feet measured from driveway edge to driveway edge, except where a particular lot or unified contiguous commercial development frontage exists, in which case only one entrance and one exit are allowable per street side per lot of unified development. There shall be a maximum width of 25 feet per driveway entrance and all ingress and egress points shall be located 30 feet from any intersection right-of-way line. The distance along the road frontage between points of ingress or egress shall contain a traffic barrier consisting of guard railing, concrete or asphaltic curbs, guard fencing, solid hedges, or a similar material to prohibit ingress and egress by vehicles at

points other than those designated. The traffic barriers shall be placed by the property owner fronting said road. Where the Planning Commission deems it necessary, a service road shall be provided by the property owner(s) to further limit ingress and egress points. All points of ingress and egress must be clearly defined. This section is hereby retroactive and enforceable on existing properties in this District.

## Part 16 I-3 HEAVY INDUSTRIAL DISTRICT

### § 27-1601 **General Description and Purpose.** [Ord. 639, 7/14/1975]

This Industrial District is hereby established to provide areas in which the principal use of land is manufacturing and other "heavy" uses with which there are associated adverse effects on surrounding property.

### § 27-1602 **Permitted Uses.** [Ord. 639, 7/14/1975]

1. A retail service use only when it directly serves or is auxiliary to the needs of industrial plants or employees thereof.
2. Watchman's or maintenance man's quarters, located on same or adjacent parcel.
3. Any manufacturing, research, wholesale or storage uses permitted in I-1 District and any retail or commercial uses such as restaurants and service stations which are appropriate and necessary to serve the I-2 District.
4. Any following manufacturing use including primary production from raw materials provided such uses are located not less than 200 feet from the nearest R District: aniline dyes, ammonia, carbides, caustic soda, cellulose, carbon and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastics, synthetic resins, pyroxylin, rayon yarn; asphalt, charcoal, fuel briquettes, coal, coke and tar products, except as otherwise provided herein; flour mills, lime kilns, manufacturing or processing of cement; rubber, soaps including fat rendering; turpentine, mastics, paint, and plastics.
5. Brewing or distilling of liquors or perfume manufacture.
6. Brick, stone or monument works.
7. Gas manufacture and storage.
8. Grain elevators and bulk storage of petroleum and similar products.
9. Metal fabricating including automobile and metal appliance manufacturing and assembly, structural steel and machine shops, forges and foundries.
10. Quarrying including rock crushing, grinding, polishing or cutting.
11. Railroad yards, repair shops and roundhouses.
12. Auto junkyards.

13. Power-generation facilities. [Added by Ord. 789, 5/18/2016]

**§ 27-1603 Prohibited Uses.**  
**[Ord. 639, 7/14/1975]**

Dwelling units including mobile home parks and apartments, and motels, schools, churches, and retail commercial uses unless it serves or is auxiliary to the needs of the industrial plants or employees thereof, and any use not conforming to the performance standards set forth in this Chapter.

**§ 27-1604 Area Regulations.**  
**[Ord. 639, 7/14/1975]**

1. Front Yard. All buildings shall set back from road right-of-way lines a minimum of 25 feet.
2. Side Yard. On corner lots where an I-3 property abuts roads, all buildings must set back a minimum of 25 feet from the right-of-way line. Where any I-3 District abuts a Residential District, a minimum side yard of 100 feet in depth is required. In all other cases, no side yards are required.
3. Rear Yard. Where a building is to be serviced from the side or rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in depth. The depth of a rear yard which abuts a Residential District shall be a minimum of 100 feet. In all other cases, no rear yard shall be required. In cases where a building is to be served from a railroad siding, no rear yard shall be required either.

## Part 17 FLOODPLAINS

### Article A. Statutory Authorization.

**§ 27-1701 Authorization.**  
**[Ord. 788, 5/11/2016]**

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the Borough of Renovo does hereby order as follows.

### Article B. General Provisions.

**§ 27-1711 Intent.**  
**[Ord. 788, 5/11/2016]**

1. The intent of this Part is to:
  - A. Promote the general health, welfare, and safety of the community.
  - B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
  - C. Minimize danger to public health by protecting water supply and natural drainage.



- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

**§ 27-1712 Applicability.**  
**[Ord. 788, 5/11/2016]**

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Renovo unless a permit has been obtained from the Floodplain Administrator.

**§ 27-1713 Abrogation and Greater Restrictions.**  
**[Ord. 788, 5/11/2016]**

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

**§ 27-1714 Severability.**  
**[Ord. 788, 5/11/2016]**

If any section, subsection, paragraph, sentence, clause, or phrase of this Part shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the chapter, which shall remain in full force and effect, and for this purpose the provisions of this Part are hereby declared to be severable.

**§ 27-1715 Warning and Disclaimer of Liability.**  
**[Ord. 788, 5/11/2016]**

- 1. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.
- 2. This Part shall not create liability on the part of the Borough of Renovo or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

Article C.  
**Identification of Floodplain Areas.**

**§ 27-1721 Identification.**  
**[Ord. 788, 5/11/2016]**

- 1. The identified floodplain area shall be:
  - A. Any areas of Borough of Renovo, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 26, 2008 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above-referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Borough of Renovo and declared to be a part of this Part.

**§ 27-1722 Description and Special Requirements of Identified Floodplain Areas.  
[Ord. 788, 5/11/2016]**

1. The identified floodplain area shall consist of the following specific areas:
  - A. The floodway area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.
    - (1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
    - (2) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
  - B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
    - (1) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
    - (2) AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
      - (a) No permit shall be granted within any AE Zone without floodway, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.
      - (b) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
  - C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base 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 base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

- D. The AO and AH Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by one-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

**§ 27-1723 Changes in Identification of Area.**  
**[Ord. 788, 5/11/2016]**

The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the special flood hazard area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See § 27-1731, Subsection 2, for situations where FEMA notification is required.

**§ 27-1724 Boundary Disputes.**  
**[Ord. 788, 5/11/2016]**

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough of Renovo and any party aggrieved by this decision or determination may appeal to the Council. The burden of proof shall be on the appellant.

**§ 27-1725 Jurisdictional Boundary Changes.**  
**[Ord. 788, 5/11/2016]**

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR 60.3.

Article D.  
**Technical Provisions.**

**§ 27-1731 General.**  
**[Ord. 788, 5/11/2016]**

1. Alteration or Relocation of Watercourse.
  - 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 by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
  - B. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the

watercourse in any way.

- C. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
2. When Borough of Renovo proposes to permit the following encroachments:
- Any development that causes a rise in the base flood elevations within the floodway; or
  - Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
  - Alteration or relocation of a stream (including but not limited to installing culverts and bridges);

The applicant shall (as per 44 CFR Part 65.12):

- A. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
- B. Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.
- C. Upon completion of the proposed encroachments, the Borough of Renovo or applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
3. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances and regulations.

**§ 27-1732 Elevation and Floodproofing Requirements.**  
**[Ord. 788, 5/11/2016]**

1. Residential Structures.
- A. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
- B. In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § 27-1722, Subsection 1C, of this Part.
- C. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- D. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401-405, as amended) shall be utilized, where they are more restrictive.

2. Nonresidential Structures.
- A. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
- (1) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
  - (2) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- B. In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with § 27-1722, Subsection 1C, of this Part.
- C. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
- D. Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built floodproofing certificate prior to the issuance of the certificate of occupancy.
- E. Any nonresidential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the nonresidential floodproofing certificate and prior to the issuance of the certificate of occupancy:
- (1) An inspection and maintenance plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include, at a minimum:
    - (a) Mechanical equipment such as sump pumps and generators;
    - (b) Flood shields and closures;
    - (c) Walls and wall penetrations; and
    - (d) Levees and berms (as applicable).
  - (2) Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
    - (a) An established chain of command and responsibility with leadership responsibilities clearly defined

for all aspects of the plan.

- (b) A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
  - (c) A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
  - (d) An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
  - (e) A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
- F. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 Pa. Code (Chapters 401–405, as amended) shall be utilized, where they are more restrictive.
3. Space Below the Lowest Floor.
- A. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
  - B. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space installed on two separate walls.
    - (2) The bottom of all openings shall be no higher than one foot above grade.
    - (3) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
4. Historic Structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Part, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from chapter requirements will be the minimum necessary to preserve the historic character and design of the structure.
5. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
- B. Floor area shall not exceed 200 square feet.
- C. The structure will have a low damage potential.
- D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- E. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
- F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- G. Sanitary facilities are prohibited.
- H. The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
  - (2) The bottom of all openings shall be no higher than one foot above grade.
  - (3) Openings may be equipped with screens, louvers, etc. or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- I. For accessory structures that are 200 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Part 8. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the certificate of occupancy.
- J. Prohibit the storage of hazardous materials in accessory structures.

**§ 27-1733 Design and Construction Standards.  
[Ord. 788, 5/11/2016]**

- 1. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:
  - A. Fill. If fill is used, it shall:
    - (1) Extend laterally at least 15 feet beyond the building line from all points;
    - (2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;
    - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
    - (4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

- (5) Be used to the extent to which it does not adversely affect adjacent properties.
- B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Water and Sanitary Sewer Facilities and Systems.
- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- (3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- (4) The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.
- D. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in § 27-1734, Development Which May Endanger Human Life, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.
- G. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings.
- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.



- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. Paints and Adhesives.

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

K. Electrical Components.

- (1) Electrical distribution panels shall be at least three feet above the base flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment.

- (1) Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation and shall be anchored to resist flotation, collapse, and lateral movement.
- (2) Ductwork shall be elevated to or above the regulatory flood elevation or floodproofed to remain water resistant.

M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination. The Standards and Specifications contained in 34 Pa. Code (Chapters 401–405), as amended, and not limited to the following provisions shall apply to the above and other sections and subsections of this Part, to the extent that they are more restrictive and supplement the requirements of this Part.

International Building Code (IBC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:

Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

§ 27-1734 **Development Which May Endanger Human Life.**  
[Ord. 788, 5/11/2016]

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
  - A. Will be used for the production or storage of any of the following dangerous materials or substances;
  - B. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
  - C. Will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- 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)

- Radioactive substances, insofar as such substances are not otherwise regulated
2. Within any floodway area, any structure of the kind described in Subsection 1, above, shall be prohibited. Where permitted within any identified floodplain area, any new or substantially improved residential structure of the kind described in Subsection 1, above, shall be elevated to remain completely dry up to at least 1 1/2 feet above base flood elevation and built in accordance with §§ 27-1731, 27-1732 and 27-1733.
  3. Where permitted within any identified floodplain area, any new or substantially improved nonresidential structure of the kind described in Subsection 1 above, shall be built in accordance with §§ 27-1731, 27-1732 and 27-1733, including:
    - A. Elevated, or designed and constructed to remain completely dry up to at least 1 1/2 feet above base flood elevation; and
    - B. Designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

**§ 27-1735 Special Requirements for Subdivisions and Development.**  
**[Ord. 788, 5/11/2016]**

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in identified floodplain areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

**§ 27-1736 Special Requirements for Manufactured Homes.**  
**[Ord. 788, 5/11/2016]**

1. Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:
  - A. Placed on a permanent foundation;
  - B. Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation;
  - C. And anchored to resist flotation, collapse, or lateral movement.
2. Equipment requirement:
  - A. Water heaters, furnaces, air-conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist flotation, collapse, and lateral improvement.
  - B. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water-resistant.

3. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto, and 34 Pa. Code, Chapter 401-405, shall apply.
4. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 Pa. Code, as amended, where appropriate, and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

**§ 27-1737 Special Requirements for Recreational Vehicles.**  
**[Ord. 788, 5/11/2016]**

1. Recreational vehicles in Zones A, A1-30, AH and AE must either:
  - A. Be on the site for fewer than 180 consecutive days; and
  - B. Be fully licensed and ready for highway use; or
  - C. Meet the permit requirements for manufactured homes in § 27-1736.

**Article E.**  
**Activities Requiring Special Permits.**

**§ 27-1741 General.**  
**[Ord. 788, 5/11/2016]**

1. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the Borough of Renovo:
  - A. Nursing homes.
  - B. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities are prohibited. No variance or special permit shall be issued:
    - (1) Hospitals.
    - (2) Jails or prisons.
    - (3) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

**§ 27-1742 Application Requirements for Special Permits.**  
**[Ord. 788, 5/11/2016]**

1. Applicants for special permits shall provide five copies of the following items:

- A. A written request including a completed permit application form.
- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
  - (1) North arrow, scale and date;
  - (2) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two feet;
  - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - (4) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  - (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - (6) The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
  - (7) The location of all proposed buildings, structures, utilities, and any other improvements; and
  - (8) Any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
  - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
  - (4) Detailed information concerning any proposed floodproofing measures, including the Flood Emergency Operation Plan and the Inspection and Maintenance Plan;
  - (5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
  - (6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
  - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
- (2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
- (3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
- (4) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
- (5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
- (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
- (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

**§ 27-1743 Application Review Procedures.**  
**[Ord. 788, 5/11/2016]**

1. Upon receipt of an application for a special permit by the Borough of Renovo the following procedures shall apply in addition to those of Part 3:
  - A. Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough of Renovo Planning Commission and Borough of Renovo Engineer for review and comment.
  - B. If an application is received that is incomplete, the Borough of Renovo shall notify the applicant in writing, stating in what respect the application is deficient.
  - C. If the Borough of Renovo decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
  - D. If the Borough of Renovo approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic

Development, by registered or certified mail, within five working days after the date of approval.

- E. Before issuing the special permit, the Borough of Renovo shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the Borough of Renovo.
- F. If the Borough of Renovo does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant.
- G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough of Renovo and the applicant, in writing, of the reasons for the disapproval, and the Borough of Renovo shall not issue the special permit.

**§ 27-1744 Special Technical Requirements.**  
**[Ord. 788, 5/11/2016]**

- 1. In addition to the requirements of Article D of this Part, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in Article D of this Part or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- 2. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - A. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - (1) The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
    - (2) The lowest floor (including basement) will be elevated to at least 1 1/2 feet above base flood elevation.
    - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
  - B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Borough of Renovo and the Department of Community and Economic Development.

Article F.  
**Existing Structures in Identified Floodplain Areas.**

**§ 27-1751 Existing Structures.**  
**[Ord. 788, 5/11/2016]**

The provisions of this Part do not require any changes or improvements to be made to lawfully existing

structures. However, when an improvement is made to any existing structure, the provisions of § 27-1752 shall apply.

§ 27-1752 **Improvements.**  
[Ord. 788, 5/11/2016]

1. The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
  - A. No expansion or enlargement of an existing structure shall be allowed within any floodway area/district that would cause any increase in BFE.
  - B. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
  - C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part.
  - D. The above activity shall also address the requirements of the 34 Pa. Code, as amended, and the 2009 IBC and the 2009 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
  - E. Within any floodway area/district (see § 27-1722, Subsection 1A), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
  - F. Within any AE Area/District Without Floodway (see § 27-1722, Subsection 1B), no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

Article G.  
**Variances.**

§ 27-1761 **General.**  
[Ord. 788, 5/11/2016]

If compliance with any of the requirements of this Part would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough of Renovo Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

§ 27-1762 **Variance Procedures and Conditions.**  
[Ord. 788, 5/11/2016]

1. Requests for variances shall be considered by the Borough of Renovo Zoning Hearing Board in accordance with the procedures contained in § 27-1820 and the following:
  - A. No variance shall be granted for any construction, development, use, or activity within any floodway area/district that would cause any increase in the BFE.
  - B. No variance shall be granted for any construction, development, use, or activity within any AE



Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

- C. No variances shall be granted for a proposed accessory structure that exceeds 200 square feet in size. A signed nonconversion agreement is required as a condition of receiving the variance.
- D. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Article E of this Part) or to development which may endanger human life (§ 27-1734).
- E. No variance shall be granted for activities listed in § 27-1741, Subsection 1B.
- F. If granted, a variance shall involve only the least modification necessary to provide relief.
- G. In granting any variance, the Borough of Renovo Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Part.
- H. Whenever a variance is granted, the Borough of Renovo 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 variances may increase the risks to life and property.
- I. In reviewing any request for a variance, the Borough of Renovo Zoning Hearing Board shall consider, at a minimum, 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:
    - (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;
    - (b) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- J. A complete record of all variance requests and related actions shall be maintained by the Borough of Renovo Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent-annual-chance flood.

#### Article H. **Terminology.**

§ 27-1771 **Word Usage.**  
[Ord. 788, 5/11/2016]

Unless specifically defined below, words and phrases used in this Part shall be interpreted so as to give this Part its most reasonable application.

§ 27-1772 **Definitions.**  
[Ord. 788, 5/11/2016]

**ACCESSORY USE OR STRUCTURE**

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**BASE FLOOD**

A flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood" or one-percent annual chance flood).

**BASE FLOOD DISCHARGE**

The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

**BASE FLOOD ELEVATION (BFE)**

The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.

**BASEMENT**

Any area of the building having its floor below ground level on all sides.

**BUILDING**

A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

**DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT)**

A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

**DEVELOPMENT**

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

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a

community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD**

A temporary inundation of normally dry land areas.

**FLOOD INSURANCE RATE MAP (FIRM)**

The Official Map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)**

The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**FLOODPLAIN AREA**

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

**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.

**FLOODWAY**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**HIGHEST ADJACENT GRADE**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURES**

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

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

**IDENTIFIED FLOODPLAIN AREA**

This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See §§ 27-1721 and 27-1722 for the specifics on what areas the community has included in the identified floodplain area.

**LOWEST FLOOR**

The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area, is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this Part.

**MANUFACTURED HOME**

A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**MANUFACTURED HOME PARK OR SUBDIVISION**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION**

Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after December 28, 1976, and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**PERSON**

An individual, partnership, public or private association or corporation, firm, trust, estate,

municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**POST-FIRM STRUCTURE**

A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM) dated December 28, 1976, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

**PRE-FIRM STRUCTURE**

A structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated December 28, 1976, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

**RECREATIONAL VEHICLE**

A vehicle which is:

1. Built on a single chassis;
2. Not more than 400 square feet, measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck,
4. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOOD ELEVATION**

The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet. The freeboard safety factor also applies to utilities and ductwork.

**SPECIAL FLOOD HAZARD AREA (SFHA)**

An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

**SPECIAL PERMIT**

A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks/subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**START OF CONSTRUCTION**

Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land

preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

#### **STRUCTURE**

A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

#### **SUBDIVISION**

The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

#### **SUBSTANTIAL DAMAGE**

Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the or more of the market value of the structure before the damage occurred.

#### **SUBSTANTIAL IMPROVEMENT**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

#### **UNIFORM CONSTRUCTION CODE (UCC)**

The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

#### **VARIANCE**

A grant of relief by a community from the terms of a floodplain management regulation.

#### **VIOLATION**

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5),

(c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Article I.  
Enactment.**

**§ 27-1781 Adoption.  
[Ord. 788, 5/11/2016]**

This Part shall be effective on May 11, 2016, and shall remain in force until modified, amended or rescinded by Borough of Renovo, Clinton County, Pennsylvania.

**Part 18  
ADMINISTRATION AND ENFORCEMENT**

**§ 27-1801 Administration.  
[A.O.]**

1. An agent to be appointed by the Borough Council, who shall be known as the Zoning Officer, shall enforce the provisions of this Chapter. The Zoning Officer may have designated as his/her assistant an employee of the Borough, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
2. The duties of the Zoning Officer shall be:
  - A. Administer the Zoning Ordinance (this Chapter) in accordance with its literal terms;
  - B. To receive, examine and process all applications and permits as provided by the terms of this Chapter. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved;
  - C. To record and file all applications for zoning permits or certificates of occupancy, and accompanying plans and documents, and keep them for public record;
  - D. To inspect properties to determine compliance with all provisions of this Chapter as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;
  - E. Determine the date before which steps for compliance must be commenced and the date before which the steps must be completed. The Zoning Officer shall determine an appropriate duration of time for compliance of the specified activity, not to exceed 30 days. Extensions up to a total of 90 days from the date of receipt of the enforcement notice may be granted at the discretion of the Zoning Officer if applied for in writing;
  - F. Upon the request of the Council or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
  - G. To be responsible for keeping this Chapter and the Official Zoning Map up-to-date, including any amendments thereto;
  - H. To revoke a permit or approval issued under the provisions of this Chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or

approval was based or for any other cause set forth in this Chapter, or otherwise permitted by law;

- I. To review proposed subdivisions and land developments for compliance with this Chapter; and
- J. To take enforcement actions as provided by the PA MPC, as amended.

**Commented [2]:** Editor's Note: See 53 P.S. § 10101 et seq.

3. Designation of the Floodplain Administrator. The President of Council is hereby appointed to administer and enforce this Chapter and is referred to herein as the "Floodplain Administrator."

A. The Floodplain Administrator may:

- (1) Fulfill the duties and responsibilities set forth in these regulations;
- (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; or
- (3) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations.

B. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22. In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Vice President of Council.

**§ 27-1802 Permits, Certificates and Notifications.**

**[A.O.]**

1. A zoning permit indicates that a zoning application complies with this Chapter to the best knowledge of the Zoning Officer or his/her designee. No zoning permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this Chapter. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

A. A zoning permit is required to be issued prior to the start of any of the following activities:

- (1) Erection, construction, movement, placement, razing, demolition, removal, alteration or expansion (vertical or horizontal) of a structure, building or sign.
- (2) Change of the type of use or expansion of the use of a structure or area of land.
- (3) Creation of a new use.
- (4) Demolition of a building.
- (5) Other activities required to have a permit by this Chapter.
- (6) The alteration or development of any improvement or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations for underground utilities, provided the final grade is not altered.
- (7) The erection or alteration of any signs specified in Part 6 of this Chapter.
- (8) No zoning permit shall be required for repairs or maintenance of any structure or land provided such



repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Chapter.

- B. The Borough may, at its option, issue combined or separate building permits and zoning permits and/or may utilize a single or separate application for the permits.
- C. The only determination by the Zoning Officer that shall be official shall be a written determination after the Zoning Officer receives a duly submitted written official application.
- D. Such zoning permits shall be granted or refused within 30 days from date of application.
- E. No zoning permit shall be issued except in conformity with:
  - (1) All applicable regulations of this Chapter;
  - (2) Any conditions imposed upon the site by the Zoning Hearing Board or the Council; and
  - (3) Any recorded subdivision or land development plan.
- F. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.
- G. Application for a zoning permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization of the owner or the qualified person making the application, that the proposed work is authorized by this owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- H. The Zoning Officer may call upon other staff and/or municipal appointed consultants in the review of submitted materials for applications;
- I. The Zoning Officer may revoke a permit or approval issued under the provisions of this Chapter in case of any false statement or misrepresentation of fact in the application or on the plans which the permit or approval was based or for any other cause set forth in this Chapter.
- J. Where a zoning permit is required by this Chapter, but the work is commenced or changed prior to obtaining such permit, and after notice by the Borough, the fees set by ordinance or resolution of the Council for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Borough resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Chapter or any other applicable Borough ordinances or from any penalties or enforcement actions authorized by this Chapter.
- K. Issuance of Permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefor. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of this Chapter and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefor as soon as

practical but not later than 30 days from receipt of the application.

- L. **Reconsideration of Application.** An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. Additional fees may apply as set by the Council.
- M. **Expiration of Zoning Permit.** The permit shall expire after one year from the date of issuance; provided, however, that the same may be extended one time for one additional year, upon written request by the applicant on a form provided by the Borough.
- N. **Compliance with Chapter.** The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of this Chapter, except as stipulated by the Zoning Hearing Board.
- O. **Compliance with Permit and Plot Plan.** All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan.
- P. **Display of Zoning Permit.** All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of occupancy.
- Q. **Inspections.** Inspections of the property in question by the Zoning Officer or other duly appointed official may be required at various intervals during the construction process. By submitting an application for a zoning permit, the landowner authorizes the Borough to perform such inspections as required.

**§ 27-1803 Notices Regarding Dangerous Structures.**

**[A.O.]**

- 1. Whenever the Borough Codes Enforcement Office shall find upon investigation and/or examination that any structure, completed or in the process of construction, or any portion thereof, is in a dangerous condition or is a nuisance, he shall give written notice of same, specifying the exact condition, to the Borough Council Secretary and shall cause written notice of same to be served upon the owner of each structure.
- 2. The written notice served upon the owner of such structure shall specify the condition of such structure and in what respect or respects the Borough Code Enforcement Officer considers such structure to be dangerous or to be a nuisance, and whether such structure is capable of being properly repaired or whether it should be removed as a dangerous structure or as a nuisance.
- 3. The owner of such structure is required to commence repair or removal of such structure within 30 days of such notice and to complete such repairs or removal within 90 days thereof; provided, in any case where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure instead of making the repairs thereto, within said time limit.

**§ 27-1804 Certificate of Use and Occupancy.**

**[A.O.]**

- 1. It shall be unlawful to use and/or occupy any structure, sign, land area or portion thereof for which a zoning permit is required until a certificate of use and occupancy for such activity has been issued by the Zoning Officer.

2. The staff may permit the zoning permit application to serve as the application for the certificate of use and occupancy.
3. The certificate of use and occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Chapter, to the best knowledge of the Zoning Officer.
4. The applicant shall keep a copy of the certificate of use and occupancy available for inspection.
5. Upon request of the applicant, the Zoning Officer may issue a temporary certificate of use and occupancy. Such temporary certificate may permit an activity to occur in all or part of a structure before the entire work covered by the zoning permit has been completed.
  - A. However, such temporary certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
  - B. The temporary certificate shall establish in writing a maximum time period under which it is valid. A six-month maximum time period shall apply if not otherwise specified.
  - C. Failure to receive a permanent certificate of use and occupancy within such time period shall be a violation of this Chapter.
  - D. The temporary certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
6. The Zoning Officer shall inspect any structure, building, or sign within 10 days upon notification that the proposed work that was listed under a zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of use and occupancy for the intended use listed in the original application. Where a building permit is required under the Construction Code, a certificate of use shall not be issued until a final inspection by the Construction Code Official is complete and found to be satisfactory.

**§ 27-1805 Sign Permits and Fees.**

**[A.O.]**

All signs except, those enumerated in § 27-609, Subsection 4A, require a zoning permit in accordance with this Section. No permanent or temporary sign as described in this Chapter shall be erected until a permit therefor has been issued by the Zoning Officer. The Zoning Officer can only issue the permit when such sign complies in every respect with all applicable provisions of this Chapter.

1. The party erecting a sign shall apply for a sign permit. The Zoning Officer will process the application within one week upon receipt of the written request to erect a sign and payment of a fee; provided, the size and nature of the sign is in conformity with the provisions of this Chapter and all other effective and applicable ordinances. The Zoning Officer's refusal for a sign permit shall include a written statement to the applicant citing specific Sections of this Chapter containing the reasons for denial.
2. The Borough Council will adopt a sign permit fee schedule.
3. An application for a sign permit shall be made on a form provided by the Zoning Officer. Any additional relevant information and material may also be required by the Zoning Officer.
4. Permits are valid indefinitely unless the sign is structurally altered, moved or replaced. A new permit is required prior to any structural alteration, movement or replacement, and its issuance by a Zoning

Officer can only be made when such signs comply in every respect with all applicable provisions of this Chapter.

5. Exceptions to permits are as follows:
  - A. Replacing copy or advertising message on an approved sign such as a billboard, theater marquee or similar approved sign device which is specifically designed for the use of replaceable copy. This provision does not apply to painted lettering, symbols, etc., which utilizes a building for the sign surface. Any such sign shall be considered a new sign and requires a permit.
  - B. Maintenance, including cleaning and normal repair, unless a structural change is made.
  - C. Signs in existence when this Chapter was adopted, unless they are structurally altered, moved, replaced or painted.

**§ 27-1806 Temporary Uses and Structures Permit.**

**[A.O.]**

1. The Zoning Officer may issue a permit for a temporary or permanent use or structure may be issued by the Zoning Officer for any of the following:
  - A. Customary, routine and accessory short-term special events, including but not limited to:
    - (1) Christmas tree sales in any zoning district;
    - (2) Carnival, circus, street fairs or bazaar-type events in any zoning district; and
    - (3) Mobile amusement and lighting equipment for promotion, advertisement, and grand openings in nonresidential zoning districts; provided that only a well-established nonprofit organization or a permitted place of worship proposing a temporary use demonstrates clearly that the proposed use will primarily serve a charitable, public service or religious purpose in order to be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted.
  - B. Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway;
  - C. Such other activities that the applicant proves are routine, customary and temporary.
2. The Zoning Officer may require reasonable safeguards to be made so that the temporary use or structures does not endanger the health, safety and welfare of the public.
3. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a six-week maximum period shall apply. A temporary permit may be renewed for a maximum of two additional weeks during any one calendar year for just cause, unless otherwise specified in this Chapter.
4. There shall be no fee required.

**§ 27-1807 Types of Uses.**

**[A.O.]**

1. Permitted-by-Right Uses. The Zoning Officer shall issue a zoning permit under this Chapter in response to an application for a use that is permitted by right if it meets all of the requirements of

this Chapter.

2. **Special Exception Use.** A zoning permit under this Chapter for a use requiring a special exception permit shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board and any conditions required by this Chapter.
3. **Conditional Use.** A zoning permit under this Chapter for a use requiring a conditional use permit shall be issued by the Zoning Officer only in response to a written approval by the Borough Council, following a hearing, and compliance with any conditions by the Borough Council and any conditions required by this Chapter.
4. **Application Requiring a Variance.** A permit under this Chapter for a use requiring a variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board.

**§ 27-1808 Zoning Permit Applications.**

**[A.O.]**

1. **Submittal.** All applications for a zoning permit shall be made in writing on a form provided by the Borough. Such completed application, with required fees, shall be submitted to the Zoning Officer.
2. **Site Plan.** The applicant shall submit a minimum of two copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:
  - A. Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and location of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features.
  - B. Notes showing the dimensions of all buildings from lot lines and street rights-of way.
  - C. Location of any watercourses and any one-hundred-year floodplain.
  - D. Proposed lot areas, lot widths and other applicable dimensional requirements.
  - E. Locations and widths of existing and proposed sidewalks.
3. **Additional Information.** Any application under this Chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Chapter:
  - A. Address of the lot.
  - B. Name and address of the applicant, and of the owner of the property if different from the applicant.
  - C. Description of the proposed use of the property.
  - D. All other applicable information listed on the official Renovo Borough application form.
  - E. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Chapter.
  - F. Applications for Zoning Permits in All Residential Zoning Districts. In addition to the information

required in § 27-1908 of this Chapter, applications for the construction of new principal buildings or additions/alterations to existing principal buildings in all residential zoning districts shall be submitted with the following information:

- (1) A complete set of calculations (i.e., averages of heights, setbacks, etc.) used to determine and demonstrate compliance with all applicable standards set forth in the dimensional requirements of Parts 4 through 8 of this Chapter.
  - (2) A schematic architectural drawing of the principal building's front facade.
4. Application for zoning permits for uses in all commercial and industrial zones (excluding demolition permits) shall include the following:
    - A. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of 200 lineal feet from all tract boundaries;
    - B. A plot plan certified by a professional surveyor or engineer of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features;
    - C. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation;
    - D. Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with state and federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the Borough which have been contracted to dispose of the materials used and wastes generated on-site. The zoning permit shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future such that the materials used or wastes generated change significantly, either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section;
    - E. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation;
    - F. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained;
    - G. The proposed number of shifts to be worked and the maximum number of employees on each shift;
    - H. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees; and
    - I. Submission, approval and recordation of a subdivision or land development plan, as required.
  5. Construction Code. Where the proposed use is regulated under the Construction Code, the applicant shall submit an application of building permit concurrently with the zoning permit. A zoning permit will not be issued until satisfactorily meeting the requirements of the Construction Code.

**Commented [3]:** Editor's Note: See Ch. 4, Buildings.

6. Submittals for Special Exception or Conditional Uses. In addition to the information listed above, an application for a special exception or conditional use requiring a site plan and action by the Zoning Hearing Board or Borough Council shall also include the following information, unless the Zoning Officer determines that such information is not necessary to determine compliance with this Chapter:
  - A. Present zoning district and major applicable lot requirements.
  - B. For nonresidential use:
    - (1) Description of the proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.
    - (2) Maximum hours of operation.
  - C. Existing directions of stormwater flow (and any proposed revisions) and any proposed methods of stormwater management.
  - D. Listing of any sections of this Chapter from which a variance is being requested.
  - E. Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 lineal feet of the boundaries of the tract, and description of uses of adjoining properties (such as "funeral home" or "single-family detached dwelling").
  - F. Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting.
  - G. Name and address of person who prepared the site plan.
  - H. Signed acknowledgement of the site plan by the applicant.
  - I. Such additional information required under applicable sections of this Chapter.

**§ 27-1809 Floodplain Construction Permit.**

**[A.O.]**

1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Renovo unless a permit has been obtained from the Floodplain Administrator.
2. The Floodplain Administrator shall issue a permit for construction in the floodplain only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
3. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.
4. In the case of existing structures, prior to the issuance of any development/permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination

**Commented [4]:** Editor's Note: See 35 P.S. § 750.1 et seq.

**Commented [5]:** Editor's Note: See 32 P.S. § 693.1 et seq.

**Commented [6]:** Editor's Note: See 35 P.S. § 691.1 et seq.

can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.

5. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
6. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.
7. In the event the Floodplain Administrator 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 any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Council for whatever action it considers necessary.
8. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this Chapter including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
9. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
10. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in Part 17, Floodplains, as the Floodplain Administrator/Manager.
11. The Floodplain Administrator shall consider the requirements of the 2015 IBC and the 2015 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

**§ 27-1810 Floodplain Construction Application Procedures and Requirements.**

**[A.O.]**

1. Application for such permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Borough of Renovo. Such application shall contain the following:
  - A. Name and address of applicant.
  - B. Name and address of owner of land on which proposed construction is to occur.
  - C. Name and address of contractor.
  - D. Site location, including address.
  - E. Listing of other permits required.
  - F. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
  - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing building or structures.
2. If any proposed construction or development is located entirely or partially within any identified



floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

- A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
  - C. Adequate drainage is provided so as to reduce exposure to flood hazards;
  - D. Structures will be anchored to prevent flotation, collapse, or lateral movement;
  - E. Building materials are flood-resistant;
  - F. Appropriate practices that minimize flood damage have been used; and
  - G. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- A. A completed Permit Application Form.
  - B. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
    - (1) North arrow, scale, and date;
    - (2) Topographic contour lines, if available;
    - (3) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
    - (4) The location of all existing streets, drives, and other accessways; and
    - (5) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - (1) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
    - (2) The elevation of the base flood;
    - (3) Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
  - D. The following data and documentation:

- (1) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
  - (2) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
  - (3) Documentation, certified by a registered professional engineer or architect, to show that the effect of any proposed development within a floodway area (see § 27-1722, Subsection 1A) will not increase the base flood elevation at any point.
  - (4) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (see § 27-1722, Subsection 1B, ) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point within the community.
  - (5) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
  - (6) Detailed information needed to determine compliance with § 27-1733, Subsection 1F, Storage, and § 27-1734, Development Which May Endanger Human Life, including:
    - (a) The amount, location and purpose of any materials or substance referred to in § 27-1733, Subsection 1F, and § 27-1434, which are intended to be used, produced, stored or otherwise maintained on site.
    - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substance listed in § 27-1734 during a base flood.
  - (7) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - (8) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
- E. Applications for permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.
4. Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer, etc.) for review and comment.
  5. Changes. After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.
  6. Placards. In addition to the Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

7. **Start of Construction.** Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. Then issuance of development permit does not refer to the zoning approval.
- A. The "actual start of construction" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- B. Time extensions shall be granted only if a written requests is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with this Chapter and FIRM/FIS in effect at the time the extension is granted.

**§ 27-1811 Issuance of Permits.**  
**[A.O.]**

1. At least one copy of each zoning permit application and any other zoning approvals shall be retained in the Renovo Borough files.
2. PennDOT Permit. Where necessary for access onto a State road, a Renovo Borough zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

**§ 27-1812 Revocation of Permits; Appeal of Permit or Approval.**  
**[A.O.]**

1. **Revocation.** The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this Chapter in the case of one or more of the following:
  - A. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
  - B. Upon violation of any condition lawfully imposed by the Zoning Hearing Board for a special exception use or a variance.
  - C. Upon violation of any condition lawfully imposed by the Borough Council for a conditional use.
  - D. Any work being accomplished or use of land or structures in such a way that does not comply with this Chapter or an approved site plan or approved permit application.
  - E. Any other just cause set forth in this Chapter.
2. **Appeals.** A party with legitimate standing, or as otherwise provided by State law, may appeal decisions made under this Chapter within the provisions of the PA MPC. Such appeal shall occur

**Commented [7]:** Editor's Note: See 53 P.S. § 10101 et seq.

within the time period established by the MPC.

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Chapter may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Zoning Officer or Floodplain Administrator.
- B. Upon receipt of such appeal, the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State, including the Pennsylvania Flood Plain Management Act.
3. Should the appellant or applicant fail to obtain the necessary permits within said two-year period, or having obtained the permit should he fail to commence work thereunder within such two-year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Borough Council.
4. Should the appellant commence construction or alteration within said two-year period, but should he fail to complete such construction or alteration within said three-year period, the Council may, upon 10 days' notice in writing, rescind or revoke the granted conditional use, if the Borough Council finds that no good cause appears for the failure to complete within such three-year period, and if the Borough Council further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.
5. As an alternative to the preceding, an applicant can request, as part of the original application before the Borough Council, the granting of a timetable associated with the request which would supersede the deadlines imposed in this Part. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Council must establish and bind a definite time frame for: (a) issuance of a zoning permit; and (b) completion of construction of the project.

**§ 27-1813 Compliance with Clinton County Subdivision and Land Development Ordinance (SALDO).**

**[A.O.]**

If an application under this Chapter would also be regulated by the SALDO, then any permit or approval under this Chapter shall automatically be conditioned upon compliance with the SALDO. For example, if an applicant applies for a permit for a single-family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision and land development approval and the lot is officially recorded by the Clinton County Recorder of Deeds.

**§ 27-1814 General Procedure for Permits.**

**[A.O.]**

1. After receiving a proper application, the Zoning Officer shall either issue the applicable permit(s) or deny the application(s) as submitted, indicating one or more reasons in writing to the applicant.
2. After the permit under this Chapter has been issued, the applicant may undertake the action specified in the permit, in compliance with other Renovo Borough ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty-day

appeal period shall be at the risk of the applicant.

**§ 27-1815 Enforcement, Violations and Penalties.**  
**[A.O.]**

1. All of the enforcement, violations and penalty provisions of the PA MPC are hereby incorporated into this Chapter by reference.
2. Violations. Any person who shall commit or who shall permit any of the following actions violates this Chapter:
  - A. Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof.
  - B. Placement of false statements on or omitting relevant information from an application for a zoning permit.
  - C. Undertaking any action in a manner which does not comply with an approved zoning permit.
  - D. Violation of any conditions imposed by a decision of the Zoning Hearing Board in granting a variance, special exception or other approval.
  - E. Violation of any condition imposed by a decision of the Borough Council in granting a conditional use.
3. Causes of Action; Enforcement; Remedies.
  - A. Enforcement. Whenever the Borough determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, or of any regulations adopted pursuant thereto, the Borough shall initiate enforcement proceedings by sending an enforcement notice in writing of such alleged violation as hereinafter provided. Prior to sending an official enforcement notice, the Zoning Officer or Floodplain Administrator, as applicable may at his/her option informally request compliance.
  - B. Enforcement Notice. The enforcement notice shall be in writing and sent to the owner of record or his/her agent of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state the following, at minimum:
    - (1) The name of the owner of record and any other person against whom the municipality intends to take action.
    - (2) The location of the property in violation.
    - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
    - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
    - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter.

- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- (7) Such notice shall:
  - (a) Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;
  - (b) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Chapter.
- C. Evidence and Fees. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to an appeal to an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Renovo Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- D. Cause of Action. If the enforcement notice is not complied with, within the specified time period, the Zoning Officer, Solicitor, or other officer of the may notify the Renovo Borough Council. With the consent of the Borough Council, the Renovo Borough Solicitor or other officer of the Borough may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.
- E. Violations and Penalties.
  - (1) Any person, partnership or corporation who or which has violated or permitted the violation of the requirements or the provisions of this Chapter or who fails or refuses to comply with any notice, order of direction of the Zoning Officer, Floodplain Administrator or any other authorized employee of the municipality shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough of Renovo, pay a fine of not less than \$25 nor more than \$600 plus all court costs, including the reasonable attorney's fees incurred by the Borough as a result thereof. In addition to the above penalties, all other actions are hereby reserved, including an action in equity or the proper enforcement of this Chapter.
  - (2) No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.
  - (3) The imposition of a fine or penalty for any violation of or noncompliance with this Chapter shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Each day that a violation continues shall constitute a separate violation, unless a Magisterial District Judge, in the course of determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Chapter shall be paid over to the Borough. Imprisonment shall not be authorized by this Chapter.
  - (4) Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Chapter may be declared by the Council to be a public nuisance and abatable as such.

§ 27-1816 **Dangerous Structures.**

[A.O.]

1. The owner of a dangerous structure shall commence repair or removal of such structure within 30 days of such notice and to complete such repairs or removal within 90 days thereof; provided, in any case where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure instead of making the repairs thereto within said time limit.
2. The notice required by the § 27-1802 of this Part shall be served personally upon the owner of the structure, if such owner resides in the Borough, or upon the agent of such owner, if such agent has a residence or place of business within the Borough. If neither the owner nor the agent thereof can be served within the Borough as hereby provided, such notice shall be sent to the owner of such structure by registered mail at the last known address thereof.
3. If the owner of any nuisance or any dangerous structure, to whom or which a written notice to repair or remove such structure shall be sent or given under the provisions of this Chapter, fails to commence or to complete such repair or removal within the time limit prescribed by such notice, he shall be guilty of a violation of this Chapter, and upon conviction thereof, shall be sentenced to pay a fine of not more than \$25 and costs of prosecution; provided, each day's continuance of a violation shall constitute a separate offense.
4. If the owner of any nuisance or any dangerous structure, to whom or which a written notice to repair or to remove such structure shall be given or sent under the provisions of this Chapter, fails to commence or to complete such repair or removal within the time limit prescribed by such notice, the Borough Code Enforcement Officer shall be empowered to cause such work of repair or removal to be commences and/or completed by the Borough, and the cost and expense thereof, with a penalty of 10% shall be collected from the owner of such structure in the manner provided by law; provided, the recovery of such cost and expense, together with the penalty, may be in addition to the penalty imposed as provided in the § 27-1815 of this Chapter.

§ 27-1817 **Fees.**

[A.O.]

The Borough Council may, by resolution, establish fees for the administration of this Chapter. All fees shall be determined by a schedule that is made available to the general public. The Renovo Council may reevaluate the fees schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Chapter and may be adopted at any public meeting of the Borough Council.

§ 27-1818 **Amendments.**

[A.O.]

1. **Power of Amendment.** The Borough Council may from time to time, amend, supplement, change or repeal this Chapter including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Planning Commission, the Borough Council or by a petition to the Borough Council by an interested party.
2. **Hearing and Enactment Procedures for Zoning Amendments:**
  - A. **Public Hearing.** Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Council shall conduct a public hearing to inform the general public of the nature of the amendment and to obtain public comment. Such public hearing shall be conducted after public notice (as defined herein and listed below) has been given.
  - B. **Public Notice.** Before conducting a public hearing, the Borough Council shall provide public notice

as follows:

- (1) Notice shall be 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 30 days, and the second publication shall not be less than seven days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail.
  - (2) For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time, municipality, location of the hearing.
  - (3) In addition to the requirement that notice be posted on the subject property, where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Borough at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. The provisions of this Section shall not apply when the rezoning constitutes a comprehensive rezoning.
  - (4) For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
  - (5) If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- C. Enactment Notice. In addition to the public notice requirements defined herein, the Borough Council must publish a reference to the time and place of the meeting at which passage of the ordinance or amendment will be considered, and a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in Borough not more than 60 days nor less than seven days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding Subsection.
- D. Borough Planning Commission Referrals. For amendments proposed by parties other than the Planning Commission, the Borough Council shall submit each amendment at least 30 days prior to the public hearing to the Planning Commission for review and comment. The Planning Commission shall submit a report of its review, together with any recommendations, to the Borough Council within 45 days from the date of said referral. The recommendation of the Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Chapter and any officially adopted Comprehensive Plan of the Borough. The Borough Council cannot act upon the amendment until it has received a recommendation from the Planning Commission; however, should the Planning Commission fail to submit its recommendation within 45 days, the Borough Council may proceed without its recommendation.
- E. Clinton County Planning Commission Referrals. All proposed amendments shall be submitted to the Planning Commission at least 30 days prior to public hearing on such amendments. The Planning Commission may submit recommendations to the Borough Council within 45 days of such referral. The Borough Council cannot act upon the amendment until it has received a recommendation from



the Planning Commission; however, should the Planning Commission fail to submit its recommendation within 45 days, the Borough Council may proceed without its recommendation.

- F. Adjournment of Public Hearing. If during the public hearing process, the Borough Council needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a specific time and place.
- G. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Planning Commission.
- 3. Amendment Initiated by the Planning Commission. When an amendment, supplement, change or repeal is initiated by the Planning Commission, the proposal shall be presented to the Borough Council, which shall then proceed in the same manner as with a petition to the Borough Council which has already been reviewed by the Planning Commission.
- 4. Amendment Initiated by the Borough Council. When an amendment, supplement, change or repeal is initiated by the Borough Council, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under 1214.B. of this Chapter.
- 5. Amendment Initiated by a Petition from an Interested Party. A petition for amendment, supplement, change or repeal for a portion of this Chapter shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting the truth and correctness of all the facts and information presented in the petition. A fee to be established by Borough Council shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Borough Council may require duplicate sets of petition materials.
- 6. Curative Amendment by a Landowner. A landowner, who desires to challenge on substantive grounds the validity of this Chapter or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Council, including all of the reasons supporting the request to be considered, with a written request that his challenge and proposed amendment be heard and decided as provided in the PA MPC. The Borough Council shall commence a hearing thereon within 60 days of the request. The curative amendment shall be referred to the Planning Commission as provided for in § 27-1818, Subsection 2, of this Part and public notice of the hearing shall be provided as defined herein.
  - A. In reviewing the curative amendment, the Borough Council may deny the request, accept the request as submitted, or may adopt an alternative amendment, which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
    - (1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
    - (2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
    - (3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features.

- (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
  - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- B. The Borough Council shall render its decision within 45 days after the conclusion of the last hearing.
- C. If the Borough Council fails to act on the landowner's request within the time limits referred to above, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
- D. Public notice of the hearing shall include notice that the validity of the Ordinance or Zoning Map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.
- E. The challenge shall be deemed denied when:
- (1) The Borough Council fails to commence the hearing within 60 days;
  - (2) The Borough Council notified the landowner that it will not adopt the curative amendment;
  - (3) The Borough Council adopts another curative amendment which is unacceptable to the landowner; or
  - (4) The Borough Council fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.
- F. Where a curative amendment proposal is approved by the grant of a curative amendment application by the Borough Council pursuant to this Section or a validity challenge is sustained by the Zoning Hearing Board or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval for a subdivision, land development or planned residential development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of the PA MPC shall apply.
- G. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under the SALDO, the developer shall have one year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purposes of awarding such supplemental relief as may be necessary.
7. Curative Amendment by the Borough Council.
- A. The Borough Council, by formal action, may declare this Chapter or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration proposal, the Council shall:

- (1) By resolution, make specific findings setting forth the declared invalidity of the ordinance or portions thereof which may include:
    - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
    - (b) References to a class of use or uses which require revision; or
    - (c) References to the entire ordinance which requires revisions.
  - (2) Begin to prepare and consider a curative amendment to the ordinance to correct the declared invalidity.
- B. Within 180 days from the date of the declaration and proposal, the Borough Council shall enact a curative amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions required by the PA MPC in order to cure the declared invalidity of the ordinance.
- C. Upon the date of the declaration and proposal, the Borough Council shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the ordinance subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of this Chapter, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the Borough Zoning Ordinance for which the Borough Council propose to prepare a curative amendment.
- D. The Borough Council, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided, however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Borough by virtue of a decision by any court of competent jurisdiction, the Borough Council may utilize the provisions of this Section to prepare a curative amendment to the ordinance to fulfill this duty or obligation.
8. Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Borough Clerk/Manager and shall thereafter be refiled as part of the permanent records of the Borough.

**§ 27-1819 Conditional Uses.**  
**[A.O.]**

The Borough Council shall hear and decide requests for conditional use upon application as provided for and following the procedures set forth in this Section of this Chapter and subject to all applicable requirements, including but not limited to:

1. General Criteria. Each applicant must demonstrate compliance with the following:
  - A. The proposed use shall be consistent with the purpose and intent of this Chapter.
  - B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
  - C. The proposed use will not effect a change in the character of the subject property's neighborhood.

- D. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.).
  - E. The proposed use complies with Part 17 of this Chapter regarding flood damage control standards.
  - F. The proposed use shall comply with those criteria specifically listed in Part 6 of this Chapter. In addition, the proposed use must comply with all other applicable regulations of this Chapter.
  - G. The proposed use will not substantially impair the integrity of the Borough Comprehensive Plan.
2. Filing of Conditional Use. In addition to the information required on the zoning permit application, the conditional use application must show:
    - A. Ground floor plans and elevations of proposed structures.
    - B. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
    - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter.
    - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.
  3. Referral to Borough Planning Commission. All applications for a conditional use shall be referred to the Borough Planning Commission at least 30 days prior to the hearing held upon an application to provide the Borough Planning Commission an opportunity to submit recommendations. However, the Borough Council shall meet the time limits for a decision provided in this Part, regardless of whether the Borough Planning Commission has provided comments.
  4. Conditions. The Borough Council, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter.
  5. Site Plan Approval. Any site plan presented in support of the conditional use shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another conditional use approval.
  6. Hearing Procedures. The Borough Council shall conduct the hearing or the Borough Council may appoint any member or an independent attorney as a hearing officer. The decision, or, where there is no decision, the findings shall be made by the Borough Council. However, the appellant or the applicant, as the case may be, in addition to may, prior to the decision of the hearing, waive decision or findings by the Borough Council and accept the decision or findings of the hearing officer as final.
  7. Application.
    - A. All action before the Borough Council shall be initiated by a written application for hearing, which shall be filed with the Zoning Officer at least three weeks prior to the meeting at which time the

matter is to be heard along with all maps, plans and text which may be relevant to the request. All applications shall be made on forms specified by the Council. No application shall be accepted unless the same shall be fully and legibly completed and unless all exhibits and supplemental material required by the application shall be attached and until all fees required shall have been paid.

- B. The Zoning Officer shall transmit the request and any information received therewith, along with his file on said issue, forthwith to the Borough Council.
8. Fees. The Borough Council may prescribe reasonable fees with respect to hearings before the Borough Council. Fees for said hearings may include compensation for the secretary, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Borough Council, expenses for engineering, architectural or other technical consultants or expert witness costs.
9. Hearing Schedule. The Borough Council may conduct hearings and make decisions at any regular or special meeting. In no instance will a hearing be scheduled later than 60 days from the date of the applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
10. Notification of Hearing.
  - A. Whenever a hearing has been scheduled, public notice shall be given to the general public by means of publication once each week for two successive weeks in a newspaper of general circulation within the community. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall not be more than 30 days and the second publication shall not be less than seven days prior to the date of the hearing.
  - B. Written notice shall be given to the applicant, the Borough Planning Commission, the Zoning Officer and to any person who has made timely request for such notice.
  - C. In addition to the notice provided herein, the Zoning Officer shall conspicuously post notice of said hearing on the affected tract of land no less than seven days prior to the date of the hearing.
  - D. The applicant shall, at least five days prior to the time appointed for said hearing, give personal notice to all owners of property within 200 lineal feet of the affected property by either handing a copy thereof to the said property owner(s) or by leaving a copy at their usual place of abode or by sending written notification by certified mail/return receipt requested to the last known address of the property owner(s). Where the owner(s) are a partnership, service upon any partner as above provided shall be sufficient, and where the owner(s) are corporations, service upon any officer as above set forth shall be sufficient.
11. Conduct of Hearing. The hearing shall be conducted by the Borough Council. The decision, or where no decision is called for, the findings, shall be made by the Borough Council; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Borough Council and accept the decision or findings of the hearing as final.
  - A. Order of Hearing.
    - (1) Hearing called to order.
    - (2) Chairman's statement of reason for hearing.
    - (3) Chairman's statement of parties to hearing.

- (4) Identification of other parties wishing to be heard.
  - (5) Outline of procedures to be followed during hearing.
  - (6) Applicant's presentation of their case.
    - (a) Objectors cross-examine applicant's witnesses.
    - (b) Borough Council cross-examines applicant's witnesses.
  - (7) Statement of the Zoning Officer.
    - (a) Applicant's cross-examination.
    - (b) Objector's cross-examination.
    - (c) Borough Council's cross-examination.
  - (8) Objector's presentation of their case.
    - (a) Applicant cross-examines objector's witnesses.
    - (b) Borough Council cross-examines objector's witnesses.
  - (9) Other testimony and evidence.
  - (10) Rebuttal by applicant.
  - (11) Rebuttal by objectors.
  - (12) Concluding remarks and notice of when decision is expected to be made.
  - (13) Adjournment of hearing.
- B. Record. The Borough Council shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Borough Council. A transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. The cost of the original transcript shall be paid by the Borough Council if the transcript is ordered by the Borough Council or shall be paid by the person appealing from the decision of the Borough Council if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- C. Parties. The parties to the hearing shall be any person affected by the application who has made timely appearance of record before the Borough Council and any other person, including civic or community organizations permitted to appear by the Borough Council. All persons who wish to be considered parties shall enter appearances, in writing, on forms provided by the Borough Council for that purpose. Persons aggrieved shall not be denied standing because they do not reside nor have a property interest within the municipal boundaries.
- D. Representation. All parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument, and to cross-examine adverse witnesses on all relevant issues.

- E. Witnesses. All witnesses shall testify under oath. The chairman or acting chairman of the Council 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.
- F. Evidence. The Borough Council shall not be bound by strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or evidence. The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Borough Council.
- G. Communication. The Borough Council shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from the Borough Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- H. Decisions.
- (1) The Borough Council shall render a written decision, or when no decision is called for, make written findings within 45 days after the last hearing before the Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with reasons therefor. Conclusions based on any provisions of this Chapter or the MPC shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
  - (2) The Borough Council shall conduct its deliberations and vote on all matters in public session at the meeting in which evidence is concluded. If additional time for deliberation is necessary, the Borough Council shall reschedule the deliberations to a date within the allotted forty-five-day time limit.
  - (3) All matters shall be decided by a roll-call vote. Decisions on any matter before the Borough Council shall require the affirmative vote of those present and voting unless otherwise specified herein.
  - (4) No member of the Borough Council shall sit in hearing or vote on any matter in which he is personally or financially interested. Said member shall not be counted by the Borough Council in establishing the quorum for such matters.
  - (5) No member of the Borough Council shall vote on the adjudication of any matter unless he has attended the public hearing thereon.
  - (6) A tie vote shall be considered a rejection of the application under consideration. However, if a person aggrieved has appealed the grant of a permit or approval, a tie vote upholds the prior approval.
  - (7) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the next business day following its date. To all other persons who have filed their name and address with the Council not later than the last day of the hearing, the Borough Council shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- I. Continuances. On its own motion, or by any party to the proceeding or on approval of requests by applicant, appellants or their authorized agents, the Borough Council may provide for continuances of cases on which hearings have begun. Such continuances shall be permitted only for good cause,

stated in the motion and, unless time and place is stated, shall require new public notice, with fees paid by applicants or appellants if continuances are at their request or result from their actions. A notice of the place, date and time of the continued hearing shall also be posted prominently at the municipal office where the hearing will be continued.

- J. Failure to Hold Hearing or Render Decision. Where the Borough Council fails to render a decision within the period required, or fails to hold a hearing within the period required, the decision shall be deemed to have been rendered in favor of the applicant unless otherwise specified in the MPC. However, failure to act on a validity challenge results in a deemed denial. When a decision has been rendered in favor of the applicant because of the failure of the Borough Council to meet or render a decision, the Borough Council shall give public notice of deemed approval within 10 days from the last day it could have met to render a decision in the same manner as in Subsection 1H hereinabove.
- 12. Time Limitation. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within three years of said date. For good cause, the Council may, at any time, upon application in writing, extend either of these deadlines.

**§ 27-1820 Variances.**  
**[A.O.]**

- 1. General. If compliance with any of the requirements of this Chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough of Renovo Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements. If granted, a variance shall involve only the least modification necessary to provide relief.
- 2. Variance Procedures and Conditions. Requests for variances shall be considered by the Borough of Renovo Zoning Hearing Board in accordance with the procedures contained in this Section and the following:
  - A. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
  - B. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
  - C. No variances shall be granted for a proposed accessory structure that exceeds 200 square feet in size. A signed non-conversion agreement is required as a condition of receiving the variance.
  - D. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Part 17, Article E) or to development which may endanger human life (§ 27-1734).
  - E. In granting any variance, the Borough of Renovo Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.
  - F. Whenever a variance is granted, the Borough of Renovo 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 variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Borough of Renovo Zoning Hearing Board shall consider, at a minimum, 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:
    - (a) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor
    - (b) Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- H. A complete record of all variance requests and related actions shall be maintained by the Borough of Renovo Zoning Hearing Board. In addition, a report of all variances, granted during the year shall be included in the annual report to the FEMA.
- I. Notwithstanding any of the above, however, all structures shall be designed and constructed to have the capability of resisting the one-percent annual chance flood.

## Part 19 ZONING HEARING BOARD

### § 27-1901 Creation and Appointment.

[A.O.]

1. Zoning Hearing Board Members. A Zoning Hearing Board is hereby created, which Board shall have all of the powers and duties as set forth in the MPC or this Chapter. The membership of said Board shall consist of three residents of the Borough appointed by Council. The terms of office of each member of the Board shall be three years and shall be so fixed that the term of office of one member of the Board shall expire each year. The Board shall promptly notify Borough Council of any vacancies which occur. Appointment to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office (including appointed or elected) in the Borough, including membership on the Planning Commission and Zoning Officer.
2. Alternate Members. The Borough Council may appoint by resolution at least one but no more than three residents of the Council to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated in accordance with § 27-1903, Subsection 2, of this Part, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth on this Chapter and otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Board but shall not be entitled to vote as a member of the Zoning Board nor be compensated pursuant to § 27-1904, Subsection 2, of this Part unless designated as a voting alternate member pursuant to § 27-1903, Subsection 2, of this Part.

§ 27-1902 **Removal of Members.**  
[A.O.]

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Council, taken after the member has received 15 days' advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§ 27-1903 **Organization of Zoning Hearing Board.**  
[A.O.]

1. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, § 908 of the MPC.
2. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
3. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the, and shall submit a report of its activities to Borough Council as requested by Borough Council.

Commented [8]: Editor's Note: See 53 P.S. § 10908.

§ 27-1904 **Expenditures For Services.**  
[A.O.]

1. The Borough Council shall make provision in its budget for appropriate funds for the operation of the Zoning Hearing Board. Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
2. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council. Alternate members of the Board may receive compensation, as may be fixed by the Borough Council, for the performance of their duties when designated as alternate members § 27-1903, Subsection 2, of this Part, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Borough Council.

§ 27-1905 **Powers and Duties.**  
[A.O.]

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before Borough Council pursuant to §§ 609.1 and 916.1(a)(2) of the MPC.
  - B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
  - C. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application thereof, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - D. Appeals from a determination by a Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
  - E. Applications for variances from the terms of this Chapter or such provisions within a land use ordinance, pursuant to § 910.2 of the MPC.
  - F. Applications for special exceptions under this Chapter or such provisions within a land use ordinance, pursuant to § 912.1 of the MPC.
  - G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.
  - H. Appeals from the Zoning Officer's determination under § 916.2 of the MPC.
  - I. Appeals from the determination of the Zoning Officer or Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII application of the MPC.
2. The Zoning Hearing Board shall hear requests for variances from the requirements of this Chapter where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the application following the procedures set forth in § 27-1906 of this Part.
  3. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case:
    - A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size 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 Chapter in the neighborhood or district in which the property is located.
    - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of variance is therefore necessary to enable the reasonable use of the property.
    - C. That such unnecessary hardship has not been created by the appellant.
    - D. That 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

**Commented [9]:** Editor's Note: See 53 P.S. §§ 10609.1 and 10916.1(a)(2), respectively.

**Commented [10]:** Editor's Note: See 53 P.S. § 10910.2.

**Commented [11]:** Editor's Note: See 53 P.S. § 10912.1.

development of adjacent property, nor be detrimental to the public welfare.

- E. That 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.
- 4. Conditions. The Zoning Hearing Board, in approving variance applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions will constitute a violation of this Chapter.
- 5. Filing Requirements. In addition to the required zoning permit, each variance application shall include the following:
  - A. Ground floor plans and elevations of existing and/or proposed structures.
  - B. Names and addresses of adjoining property owners, including properties directly across a public right-of-way. This information is provided by the Borough staff based on the current tax records.
  - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter.
  - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.
- 6. Site Plan Approval. Any site plan presented in support of a variance shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted site plan.
- 7. The Zoning Hearing Board shall hear and decide requests for special exceptions upon the application as provided for and following the procedures set forth in § **27-1906** of this Part and subject to all applicable requirements, including, but not limited to:
  - A. General Criteria. Each applicant must demonstrate compliance with the following:
    - (1) The proposed use shall be consistent with the purpose and intent of this Chapter.
    - (2) The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
    - (3) The proposed use will not substantially change the character of the subject property's neighborhood.
    - (4) Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
    - (5) The proposed use complies with Part **17** of this Chapter regarding flood damage control standards.
    - (6) The proposed use shall comply with those criteria specifically listed in Part **6** of this Chapter. In addition, the proposed use must comply with all other applicable regulations contained in this Chapter.
    - (7) The proposed use will not substantially impair the integrity of the Borough Comprehensive Plan.
- 8. Filing Requirements. In addition to the required zoning permit information, each special exception application shall include the following:

- A. Ground floor plans and elevations or proposed structures.
  - B. Names and address of adjoining property owners, including properties directly across a public right-of-way. This information is provided by the staff based on the current tax records.
  - C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter.
  - D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.
9. Conditions. The Zoning Hearing Board, in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. The conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Chapter.
10. Site Plan Approval. Any site plan presented in support of the special exception shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another special exception approval.

**§ 27-1906 Procedures.**  
**[A.O.]**

- 1. Application.
  - A. All action before the Board shall be initiated by a written application hearing which shall be filed with the Zoning Officer at least three weeks prior to the meeting at which time the matter is to be heard along with all maps, plans and text which may be relevant to the request. All applications shall be made on forms specified by the Board. No application shall be accepted unless the same shall be fully and legibly completed and unless all exhibits and supplemental material required by the application shall be attached and until all fees required shall have been paid.
  - B. The Zoning Officer shall transmit the request and any information received therewith, along with his file on said issue forthwith to the Zoning Hearing Board.
- 2. Fees. The Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- 3. Time Limitations.
  - A. Landowner Appeals. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.
  - B. Appeal of Persons Aggrieved. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by the appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or to

limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

4. Hearing Schedule. The Board may conduct hearings and make decisions at any regular or special meeting. In no instance will a hearing be scheduled later than 60 days from the date of the applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
5. Notification of Hearing.
  - A. Whenever a hearing has been scheduled, public notice shall be given to the general public by means of publication once each week for two successive weeks in a newspaper of general circulation within the community. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall not be more than 30 days and the second publication shall not be less than seven days prior to the date of the hearing.
  - B. Written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for such notice.
  - C. In addition to the notice provided herein, the Zoning Officer shall conspicuously post notice of said hearing on the affected tract of land no less than seven days prior to the date of the hearing.
  - D. The applicant shall, at least five days prior to the time appointed for said hearing, give personal notice to all owners of property within 200 lineal feet of the affected property by either handing a copy thereof to the said property owner(s) or by leaving a copy at their usual place of abode or by sending written notification by certified mail/return receipt requested to the last known address of the property owner(s).
    - (1) Where the owner(s) are a partnership, service upon any partner as above provided shall be sufficient, and where the owner(s) are corporations, service upon any officer, as above set forth, shall be sufficient.
6. Conduct of Hearing. The hearing shall be conducted by the Zoning Hearing Board. The decision, or where no decision is called for, the findings, shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing as final.
7. Order of Hearing.
  - A. Hearing called to order.
  - B. Chair's statement of reason for hearing.
  - C. Chair's statement of parties to hearing.
  - D. Identification of other parties wishing to be heard.
  - E. Outline of procedures to be followed during hearing.
  - F. Applicant's presentation of their case.
    - (1) Objectors cross-examine applicant's witnesses.

- (2) Board cross-examines applicant's witnesses.
- G. Statement of the Zoning Officer.
  - (1) Applicant's cross-examination.
  - (2) Objector's cross-examination.
  - (3) Board's cross-examination.
- H. Objector's presentation of their case.
  - (1) Applicant cross-examines objector's witnesses.
  - (2) Board cross-examines objector's witnesses.
- I. Other testimony and evidence.
- J. Rebuttal by applicant.
- K. Rebuttal by objectors.
- L. Concluding remarks and notice of when decision is expected to be made.
- M. Adjournment of hearing.
- 8. Record. The Zoning Hearing Board shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. A transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- 9. Parties. 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. All persons who wish to be considered parties shall enter appearances, in writing, on forms provided by the Board for that purpose. Persons aggrieved shall not be denied standing because they do not reside nor have a property interest within the municipal boundaries.
- 10. Representation. All parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument, and to cross-examine adverse witnesses on all relevant issues.
- 11. Witnesses. All witnesses shall testify under oath. The chairman or acting chairman of the Zoning Hearing 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.
- 12. Evidence. The Zoning Hearing Board shall not be bound by strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or evidence. The Chairman shall rule on all questions relating to the admissibility of evidence, which may be

overruled by a majority of the Zoning Hearing Board.

13. Communication. The Zoning Hearing Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from the Zoning Hearing Board Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
14. Decisions.
  - A. The Board shall render a written decision, or when no decision is called for; make written findings within 45 days after the last hearing before the Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with reasons therefor. Conclusions based on any provisions of this Chapter or the MPC shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
  - B. The Board may conduct its deliberations and shall vote on all matters in public session at the meeting in which evidence is concluded. If additional time for deliberation is necessary, the Board shall reschedule the deliberations to a date within the allotted forty-five-day time limit.
  - C. All matters shall be decided by a roll call vote. Decisions on any matter before the Board shall require the affirmative vote of those present and voting unless otherwise specified herein.
  - D. No member of the Board shall vote on any matter in which he is personally or financially interested. Said member may be counted by the Board in establishing the quorum for such matters.
  - E. No member of the Board shall vote on the adjudication of any matter unless he has attended the public hearing thereon.
  - F. A tie vote shall be considered a rejection of the application under consideration. However, if a person aggrieved has appealed the grant of a permit or approval, a tie vote upholds the prior approval.
  - G. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the next business day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
15. Continuances. On its own motion, or by any party to the proceeding or on approval of requests by applicant, appellants or their authorized agents, the Board may provide for continuances of cases on which hearings have begun. Such continuances shall be permitted only for good cause, stated in the motion and, unless time and place is stated, shall require new public notice, with fees paid by applicants or appellants if continuances are at their request or result from their actions. A notice of the place, date and time of the continued hearing shall also be posted prominently at the municipal office where the hearing will be continued.
16. Failure to Hold Hearing or Render Decision. Where the Board fails to render a decision within the period required, or fails to hold a hearing within the period required, the decision shall be deemed to have been rendered in favor of the applicant unless otherwise specified in the MPC. However, failure



to act on a validity challenge results in a deemed denial. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision, the Board shall give public notice of deemed approval within 10 days from the last day it could have met to render a decision in the same manner as in Subsection 14 hereinabove.

**§ 27-1907 Effect of Zoning Hearing Board's Decision.**  
**[A.O.]**

1. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within one year after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within two years of said date. For good cause, the Zoning Hearing Board may at any time, upon application in writing, extend either of these deadlines.
2. Should the appellant or applicant fail to obtain the necessary permits within said one-year period, or having obtained the permit, should he fail to commence work thereunder within such one-year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.
3. Should the appellant or applicant commence construction or alteration within said one-year period, but should he fail to complete such construction or alteration within said two-year period, the Zoning Hearing Board may, upon 10 days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such two-year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
4. As an alternative to the preceding, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Zoning Hearing Board must establish and bind a definite time frame for: (a) issuance of a zoning permit; and (b) completion of construction of the project.

**§ 27-1908 Applicant Procedures for Zoning Hearings.**  
**[A.O.]**

1. Information Required on Appeal Application. All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:
  - A. The name and address of the applicant, or the appellant.
  - B. The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
  - C. A brief description and location of the zone lot to be affected by such proposed change or appeal.
  - D. A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.

- E. A statement of the Section of this Chapter under which the appeal is made and reasons why it should be granted, or a statement of the Section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed and reasons for this appeal.
- F. A description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials and general construction thereof. In addition, there shall be attached a plot plan drawn to scale of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

**§ 27-1909 Stay of Proceedings.**  
**[A.O.]**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board after the notice of appeal shall have been filed, that by reason of facts stated in the certificate stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board after notice to the Building Inspector or by the Court of Common Pleas.

**§ 27-1910 Appeals.**  
**[A.O.]**

The procedure set forth in Article X-A of the MPC shall constitute the exclusive mode of appeal from any decision of the Zoning Hearing Board.

**Commented [12]:** Editor's Note: See 53 P.S. § 11001-a et seq.

## Part 20 **AMENDMENTS**

**§ 27-2001 Borough Council May Amend.**  
**[Ord. 639, 7/14/1975]**

Such regulations, restriction, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. However, such amendment shall not become effective except by the favorable vote of not less than a quorum of the members of the Borough Council.

## Part 21 **INTERPRETATION AND VALIDITY**

**§ 27-2101 Interpretation.**  
**[Ord. 639, 7/14/1975]**

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

**§ 27-2102 Validity.**  
**[Ord. 639, 7/14/1975]**

If any section, subsection, sentence, clause, or phrase of this Chapter or the location of any district

boundary shown on the Zoning Map that forms a part hereof is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Chapter or Zoning Map. The Borough Council hereby declares that it would have passed this Chapter and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

## Part 22 DEFINITIONS

### § 27-2201 **General and Specific Terms.**

[Ord. 639, 7/14/1975; as amended by Ord. 651, 9/8/1975, § 2 and § 3; by Ord. 659, 9/28/1976; and by Ord. 662, 8/8/1977, § 2]

1. Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Chapter.
  - A. Words used in the present tense include the future.
  - B. The singular number shall include the plural, and the plural the singular.
  - C. The word "building" shall include the word "structure."
  - D. The word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used."
  - E. The word "shall" is mandatory and not optional.
  - F. The word "abut" shall include the words "directly across from."

### **ACCESSORY USE OR STRUCTURE**

A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

### **AGENT OF OWNER**

Any person who can show written proof that he has authority to act for the property owner.

### **ALLEY**

A public thoroughfare which affords only a secondary means of access to abutting property.

### **AUTOMOBILE OR TRAILER SALES AREA**

An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

### **AUTOMOBILE SERVICE STATION OR FILLING STATION**

A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail, and where the following services may be rendered:

- (1) Minor Repair.

- (a) Sale and servicing of spark plugs and batteries.
- (b) Tire repair and servicing, but no recapping.
- (c) Replacement of mufflers and tail pipes, water hose, fan belts, brake and transmission fluids, light bulbs, floor mats, seat covers (where this shall not be the principal use), windshield wipers, grease retainers and wheel bearings.
- (d) Radiator cleaning and flushing.
- (e) Washing and polishing, not including mechanical and/or automatic car wash establishments.
- (f) Greasing and lubrication.
- (g) Installation of fuel pumps and fuel lines.
- (h) Minor servicing and replacement of carburetors.
- (i) Emergency wiring repairs.
- (j) Adjustment and installation of brakes.
- (k) Tuning engines, except for grinding valves, cleaning carbon, or removing engine heads and crankcases.
- (l) Any similar minor service or repair not listed below under "major repair."
- (2) Major Repair. In addition to those repairs and services listed above as "minor repair," any general repair, rebuilding or reconditioning not listed above, collision service including body, frame or fender straightening or repair, painting or paint shop, mechanical car-wash establishments, but not including any operations which require the heating or burning of rubber.

**BAKERY**

Bakeries, which are permitted in the I-1 District only, include such baking establishments which manufacture quantities of goods for retail elsewhere than on the premises.

**BASEMENT**

A story whose floor is more than 12 inches, but not more than half of its story height, below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level). No portion of any basement shall be used as a dwelling unit.

**BOROUGH COUNCIL**

Council of the Borough of Renovo.

**BUILDING**

Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements.

**BUILDING GROUP**

Any building, such as a store group, which is divided into separate parts by one or more unpierced walls, extending from the ground up.

**BUILDING HEIGHT**

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

**BUILDING, PRINCIPAL**

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

**COMMERCIAL VEHICLE**

A commercial vehicle shall be any vehicle other than a private passenger vehicle, including trucks, trailers, and construction equipment.

**COMMUNICATIONS FACILITY**

Communications antennas, buildings, structures and towers associated with the communications industry including, without limitation, any device used for transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals and any and all unmanned buildings or cabinets containing equipment required for the operation of a communications antenna. Wireless telecommunications towers are communications facilities.

[Added by Ord. 789, 5/18/2016]

**COUNTY**

The County of Clinton.

**COUNTY COMMISSIONERS**

The Board of County Commissioners of the County of Clinton.

**COURT**

A court is any open, unoccupied area which is bounded by three or more attached building walls.

**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. This also includes the term subdivision as contained in the Borough subdivision regulations.

**DISTRICT**

A district or a zone shall be any portion of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

**DWELLING**

Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, except a mobile home and as otherwise provided herein.

**SINGLE-FAMILY ATTACHED DWELLING** — A building designed for and occupied exclusively as a residence for one family only and having a party wall on each side in common with an adjacent building.

**SINGLE-FAMILY DETACHED DWELLING** — A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building.

**SINGLE-FAMILY SEMI-DETACHED DWELLING** — A building designed for and occupied exclusively as a residence for only one family and having but one party wall in common with an adjacent building.

**TWO-FAMILY ATTACHED DWELLING** — A building designed for and occupied exclusively as a residence for two families with one family living wholly or partly over the other and having a party wall on each side in common with an adjacent building.

**TWO-FAMILY DETACHED DWELLING** — A building designed for and occupied exclusively as a residence for two families with one family living wholly or partly over the other and having no party wall in common with an adjacent building.

**TWO-FAMILY SEMI-DETACHED DWELLING** — A building designed for and occupied exclusively as a residence for two families with one family living wholly or partly over the other and having but one party wall in common with an adjacent building.

**DWELLING, MULTIFAMILY** — A building designed for and occupied exclusively as a residence for three or more families living independently of one another.

#### **DWELLING STRUCTURE**

Any structure which shall contain one or more rooms providing sleeping and sanitary facilities, not including a hotel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house, boarding house or similar structure.

#### **DWELLING UNIT**

One or more rooms, including a kitchen or kitchenette, and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.

#### **ESSENTIAL SERVICES**

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

#### **FAMILY**

An individual, or two or more persons living together as a single housekeeping unit in a dwelling

unit.

**FLOOD**

A temporary inundation of normally dry land areas.

**FLOOD FRINGE**

That portion of the floodplain outside the floodway.

**FLOODPLAIN**

(1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODWAY**

The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter the floodway shall be capable of accommodating a flood of the one hundred year magnitude.

**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 type of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incident to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.

**GARAGE, PRIVATE PARKING**

A detached accessory building or a portion of a principal building used only for the storage of automobiles by the families resident upon the premises; and provided that such garage shall not be used for storage of more than one commercial vehicle and such commercial vehicle shall not be larger than one ton rated capacity per family resident upon the premises.

**GARAGE, PUBLIC PARKING**

A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of automobiles; not including a structure or part thereof used only for storage or display of automobiles for other than transients.

**HOTEL**

A building with guest rooms designed for occupancy as the temporary residence of individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

**LIMITED ACCESS HIGHWAY**

A highway designed in such a manner so as to provide no direct access to properties abutting its right-of-way and including all highways designated as limited access highways as adopted by the Planning Commission.

**LOT OR ZONE LOT**

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this Chapter, and having frontage on a public street.

**LOT, CORNER**

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. The point of intersection of the street lot lines is the "corner."

LOT AREA — The computed area contained within the lot lines.

LOT, DEPTH — The mean horizontal distance between the front and the rear lot lines.

LOT LINES — The property lines bounding the lot.

LOT LINE, FRONT — The line separating the lot from a street.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

LOT LINE, STREET OR ALLEY — A lot line separating the lot from a street or alley.

LOT WIDTH — The mean width of the lot measured at right angles to its depth.

**MOTELS, MOTOR COURTS AND MOTOR MOTELS**

A series of attached or semi-attached dwelling structures, where each unit has convenient access to parking space for the use of the unit's occupants. The units, with the exception of the manager's office or caretaker's unit, are designed to provide sleeping accommodations for automobile transients or overnight guests.

**NONCONFORMING LOT**

Any zone lot in single ownership, where the owner of said lot does not own any adjoining property, the subdivision of which could create one or more conforming lots, which does not conform with the minimum area and/or dimensions required in the district where such lot is situated or for any special use, as the case may be.

**NONCONFORMING STRUCTURE**

A sign or structure, the design or size of which does not conform to the regulations of this Chapter for the district in which it is located.

**NONCONFORMING USE**

A building, structure or premises, other than a dwelling, legally existing and/or used at the time of adoption of this Chapter, or any amendment thereto, and which does not conform with the use regulations of the district in which located.



**NURSING HOME**

Any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire, or a home operated by a nonprofit group and operated as an institution.

**OFFICE BUILDING**

A building, comprised of more than 50% of offices, as compared with "offices" and as compared with home occupations where offices are considered as a secondary or incidental use.

**ONE-HUNDRED-YEAR FLOOD**

A flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year); for purposes of this Chapter, the regulatory flood.

**PARKING AREA, PRIVATE**

An open area for the same uses as a private garage, and regulated as a private garage.

**PARKING AREA, PUBLIC**

An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

**PLANNING COMMISSION**

The Planning Commission of the Borough of Renovo.

**POWER -GENERATION FACILITY**

A facility that generates electric power for the purpose of transmission of such electricity to other users not located at the site where the electricity is generated.

[Added by Ord. 789, 5/18/2016]

**PROFESSIONAL OFFICE**

The office of a member of a recognized profession. When conducted in a Residential District, a professional office shall be incidental to the residential occupation, shall be conducted by a member of the residential family entirely within a residential building, and shall include offices of doctors or physicians, dentists, optometrists, ministers, architects, landscape architects, planners, engineers, lawyers, artists, authors, musicians, and such other similar professional occupations which may be so designated by the Zoning Hearing Board upon finding by the Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property right in any zone to a greater extent than for the professional activities listed herein. The issuance of a commonwealth or local license for regulations of any gainful occupation need not be deemed indicative of professional standing.

**RECREATION**

RECREATION, COMMERCIAL — Recreation facilities operated as a business and open to the general public for a fee.

RECREATION, PRIVATE, NONCOMMERCIAL — Clubs or recreation facilities, operated by a nonprofit organization and open only to bona fide members of such organization.

**RECREATION PUBLIC**

Recreation facilities operated as a nonprofit enterprise by any governmental entity or any nonprofit organization and open to the general public.

**REGULATORY FLOOD**

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

**REGULATORY FLOOD ELEVATION**

The one-hundred-year flood elevation.

**RESIDENTIAL STREET**

A street, between two intersecting streets, upon which an R District abuts, or where 50% or more of the abutting street frontage is in predominantly residential use.

**ROOMING HOUSE**

A building containing a single dwelling unit and rooms for the rooming and/or boarding of at least three persons, but not more than 25 persons by pre-arrangement for definite periods of not less than one week.

**SEASONAL DWELLING**

A seasonal dwelling shall be any detached dwelling designed or used for occupancy primarily during the summer months by not more than two families.

**SIGN**

A "sign" is a name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business.

However, a "sign" shall not include any display of official court, or public office, notices nor any official traffic control devices, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school, or a religious group. A "sign" shall not include a sign located completely within an enclosed building except for illuminated or animated signs within show windows. Each display surface of a sign shall be considered to be a "sign."

**SIGN, BUSINESS**

A "business sign" is a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

**SIGN, FLASHING**

A "flashing sign" is an illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Chapter any revolving, illuminated sign shall be considered a "flashing sign."

**SIGN, GROSS SURFACE AREA OF**

The "gross surface area" of a sign shall be the entire area within a single continuous perimeter

enclosing the extreme limits of such and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

**SPECIAL USE**

A "special use" is a use which because of its unique characteristics requires individual consideration in each case by the Zoning Hearing Board and/or the Planning Commission, as specified in Part 19; in accordance with the provisions of this Chapter, the Planning Commission may require certain conditions and safeguards before such a use is permitted.

[As amended by A.O.]

**STORY**

That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling above it.

STORY, FIRST — The lowest story or the ground story of any building the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

STORY, HALF — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story shall not be used for residence purposes, other than for a janitor or caretaker or his family.

**STREET**

A public or private thoroughfare not less than 30 feet in width if in existence prior to the passage of this Chapter nor less than 50 feet in width if established subsequent to the passage of this Chapter which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.

SIDE STREET — Any street, the length of which shall be not more than 50% of the length of the largest street line of the [city] blocks of which it is a part.

**STRUCTURE**

Any change in the structural members of a building, such as walls, beams, columns, or girders.

**TOWNSHIP SUPERVISORS**

Supervisors of the Township of Chapman or the Township of Noyes.

**VARIANCE**

The Zoning Hearing Board authorized departure to a minor degree from the terms of this Chapter in direct regard to hardship peculiar to an individual lot in accordance with the procedures set forth in this Chapter, see § 27-1820.

**WIRELESS TELECOMMUNICATIONS TOWER**

A structure intended to support equipment, such as an antenna, used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

[Added by Ord. 789, 5/18/2016]

**YARD**

An open space, as may be required by this Chapter, of uniform width, or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

**YARD, FRONT** — An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Chapter.

**YARD, REAR** — An open space extending the full width of the lot, between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Chapter.

**YARD, SIDE** — An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this Chapter.

**ZONING HEARING BOARD (ZHB)**

The Zoning Hearing Board of the Borough of Renovo.

**ZONING MAP**

The Zoning Map or Maps of the County of Clinton, Pennsylvania, together with all amendments subsequently adopted.

**ZONING OFFICER**

The person appointed by Council and charged with the administration of this Chapter.