

ARTICLE 8
GENERAL REGULATIONS

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

801.A. Frontage Required onto Improved Street. Every principal building shall be built upon a lot with permanent access upon a public street or a private street that is improved to meet Borough standards including a street right-of-way. In the case of townhouses or low-rise apartments, each unit may have access onto a parking court which then has access onto a private street meeting Borough standards.

801.B. Principal Use Per Lot. No lot shall include more than one permitted principal use.

801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area.

802. HEIGHT EXCEPTIONS. The maximum structure height specified for each district shall not apply to: communications towers, standard antenna, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, skylights, windmills, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.

803. SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to, setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and ladders.

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

1. Corner Lots. For a corner lot, the side yard abutting a public street shall be equal to the minimum front yard setback.
2. Projections Into Required Yards.
 - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, "Bilko"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
 - b. Steps, stoops, fire escapes and landings necessary to provide entrance to a building may be located within a required setback area. Residential porches or decks that are not enclosed, not screened in and that are not raised an average of more than 5 feet above ground level may intrude into a required setback area.

803.C. Sight Clearance at Intersections. See the Borough Subdivision and Land Development Ordinance. As of 1997, relevant provisions were in Section 5.29 of such Ordinance.)

803.D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations:

1. Buffer Yard Width, When Required. Buffer yards shall have a minimum width of 10 feet, unless a larger width is required by another provision of this Ordinance. Buffer yards shall include evergreen screening and shall be required in the following situations, or where otherwise required by this Ordinance:

Buffer Yard to be Provided by the Following:	When the Use Providing the Screening and Buffer Is:
1. Along side and rear lot lines of any newly developed or expanded principal commercial or industrial use, other than along a "street".	Abutting or across a street or alley from a primarily residential use within a residential district.
2. Along side and rear lot lines of any newly developed or expanded portion of: a) an industrial storage or loading area (other than within an enclosed building), or b) an area routinely used for the keeping of 3 or more tractor-trailer trucks or trailers of a tractor-trailer combination.	Visible from and within 250 feet of a public street or dwelling.

2. Location of Buffer Yards.

- a. The buffer yard shall be measured from the district boundary line, future street right-of-way line or lot line, whichever is applicable.
- b. Plants needed for the visual screen shall not be placed within a future or existing street right-of-way. The required buffer yard width shall be in addition to the required future street right-of-way.
- c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.

3. Characteristics of Buffer Yards.

- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
- b. Maintenance. In buffer yards, all areas not covered by trees and shrubs shall be well-maintained in an all-season vegetative ground cover (such as grass) and shall be kept free of debris, noxious weeds, rubbish and grass higher than 12 inches.

- c. As a special exception use, the applicant may prove to the satisfaction of the Zoning Hearing Board that an alternative method will satisfactorily avoid conflicts between uses and provide an attractive appearance.
- d. Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening.

4. Plant Screen.

- a. Each buffer yard shall include a planting screen of trees or shrubs extending the full length of the lot line.
- b. Each planting screen shall meet the following requirements:
 - i) Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of 1 shade or ornamental deciduous tree shall be placed for each 50 feet of length of the buffer yard. Such trees may be clustered or spaced unevenly.
 - ii) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 4 years an 80 percent year-round visual screen at least 6 feet in height.
 - iii) The plant screen shall be permanently maintained by present and future landowners. Any plants needed to form the visual screen that die or are removed shall be replaced within 180 days.
 - iv) The plant screen shall be placed so that at maturity the plants will be at least 5 feet from any cartway and will not grow over an exterior lot line.
 - v) The plant visual screen shall be interrupted only at: a) approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with the sight distance requirements of Section 804 and c) locations needed to meet other specific State and Borough requirements.

5. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - i) the location and arrangement of each buffer yard,
 - ii) the placement, general selection of species and initial size of all plant materials, and
 - iii) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Ordinance.

804. LANDSCAPING.

804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.

804.B. See the buffer yard provisions in Section 803.

804.C. On a lot including a principal commercial or industrial use or 3 or more apartment dwelling units, a minimum of 10 percent of the lot shall be landscaped in trees and shrubs.

805. NONCONFORMITIES. (Including existing lots, structures and uses that do not conform to this Ordinance.)

805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

805.B. Continuation. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.

805.C. Expansion of or Construction Upon Nonconformities.

1. Nonconforming Structure.

- a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
 - (i) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, and
 - (ii) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

2. Nonconforming Lots.

- a. Permitted Construction on a Nonconforming Lot. New permitted structures for a single lawful principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record as a permitted by right use if minimum setback requirements are met.
- b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.

3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
- b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
- c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.
 - (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.

- d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded in floor area as a permitted by right use provided that: a) the number of dwelling units is not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe (including the building area within the required setback area).
 5. Nonconforming Sign. The provisions of this Ordinance shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.
- 805.D. Damaged or Destroyed Nonconformities. A nonconforming structure that has been destroyed or damaged may rebuild in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterwards and continues, and c) no nonconformity may be created or increased by any reconstruction. Property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- 805.E. Abandonment of a Nonconformity.
1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section.
 2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
 3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.
- 805.F Changes from One Nonconforming Use to Another.
1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
 2. A nonconforming use may be changed to a different nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
 3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - (a) Traffic safety and generation (especially truck traffic),
 - (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
 - (c) Amount and character of outdoor storage,
 - (d) Hours of operation, if the use would be close to dwellings and
 - (e) Compatibility with the character of the surrounding area.

4. A nonconforming use shall not be changed to a nonconforming Adult Use.

805.G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

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