

Ordinance 2-16: Zoning Code

Millersburg Borough



Ordinance No. 2-16.

AN ORDINANCE INSTITUTING A ZONING CODE FOR THE BOROUGH OF MILLERSBURG AND ESTABLISHING BUILDING REGULATIONS, ZONING MAP, ENFORCEMENT PROCEDURES AND APPEAL PROCESSES AND RELATED ITEMS.

ENACTED AND ORDAINED THIS 10th DAY OF August, 2016.

ATTEST:

BOROUGH OF MILLERSBURG

Ann Bowma Jackson
Borough Secretary

Chris C. Jantz
President of Council

APPROVED THIS 10th DAY OF August, 2016.

Robert D. Johnson
Mayor

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Ordinance 2-16: Zoning Code

Chapter 1 General Provisions



1.1 Authority

1:1:1 Authority. This Ordinance is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code.

1:1:2 Title. This Ordinance shall be known as and may be cited as “The Zoning Ordinance of Millersburg Borough”.

1:1:3 Purpose of Enactment. This Zoning Ordinance is enacted for the following purposes:

- A. To promote , protect and facilitate one or more of the following: the public health, safety, morals, general welfare, the provision of adequate light and air, and other public requirements.
- B. To prevent one or more of the following: overcrowding, blight, loss of health, life or property from fire, flood or other dangers.
- C. To adopt a Zoning Map dividing Millersburg Borough into zoning districts with varying regulations.
- D. To permit, prohibit, regulate and determine the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of buildings and structures, as well as yards and other open areas to be left unoccupied.
- E. To establish the maximum density and intensity of uses.
- F. To protect prime agricultural land.
- G. To provide for the protection of natural and historic features and resources.
- H. To encourage the viability of agricultural operations.
- I. To protect existing residential neighborhoods.
- J. To promote innovative residential design and encourage the creation of a sense of community.
- K. To provide diverse housing opportunities, including housing that is affordable.
- L. To encourage adaptive reuse and infill development.
- M. To provide for the reasonable development of minerals.
- N. To act as an overall plan for the orderly growth and development of Millersburg Borough and as such seek to implement the Millersburg Borough/Upper Paxton Township Joint Comprehensive Plan.

1:1:4 Interpretation.

- A. In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of Millersburg Borough. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all the regulations of the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances. This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than are elsewhere established, the provisions of this Ordinance shall prevail. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern. In interpreting the language of this Ordinance to determine the extent of the

restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.

1:1:5 Applicability.

A. Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Ordinance:

1. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement of extension (vertical or horizontal) of a structure, building or sign, unless relief is granted by the Zoning Hearing Board.
2. Change of the type of use or expansion of the use of a structure, building or area of land.
3. Creation of a lot or alteration of lot lines.
4. Creation of a new use.

B. This Ordinance shall not apply to an existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and Millersburg Borough have notice of the hearing and are granted as opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

1:1:6 Municipality Liability.

A. The granting of a Zoning Permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by Millersburg Borough or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

1:1:7 Disclaimer.

A. "It is recognized that this zoning ordinance is superseded and preempted by: the act of May 31, 1945 (P.L.1198, No.418), known as the "Surface Mining Conservation and Reclamation Act," the act of December 19, 1984 (P.L.1093, No.219), known as the "Noncoal Surface Mining Conservation and Reclamation Act," the act of December 19, 1984 (P.L.1140, No.223), known as the "Oil and Gas Act," the act of April 27, 1966 (1st Special Session, P.L.31, No.1), known as "The Bituminous Mine Subsidence and Land Conservation Act," the act of May 20, 1993 (P.L.12, No.6), known as the "Nutrient Management Act," the act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law," or the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances." Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. Nothing contrary to those Acts shall be mandated by this Zoning Ordinance."

1:1:8 Severability.

A. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

1:1:9 Effective Date.

A. This ordinance shall take effect upon its enactment by the Millersburg Borough Council.

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Chapter 2 Design Standards



2:1 Building Placement Standards

- 2:1:1 Build-to-Line. Buildings and their primary facades shall be located along the Build-to-Line for all stories of a building.
- A. In order to provide for façade articulation, building facades may step back a maximum of 2' from the build-to-line for a maximum of 30% of the building face along a block face.
 - B. Porches and stoops may encroach beyond the build-to-line within the private frontage for a maximum of ten (10) feet.
 - C. Signs, awnings, overhangs, and similar elements, if determined by Millersburg Borough Council to be consistent with the regulations and intent of this code may encroach beyond the build-to-line.
 - D. Individual buildings may be recessed from the build-to-line when required to save an existing tree.
 - E. The build-to-line shall be measured from the front lot line (i.e. the right-of-way line).
 - F. Minimum building frontage standards shall be maintained in accordance with the requirements set forth in the zone which the parcel is located in.

Examples:



2:2 Frontage-Type Standards

2:2:1 Frontage-Type Standards. Frontage type standards shall be applicable to all building frontages, except for along alleys.

A. Allowable Frontages per Zone:

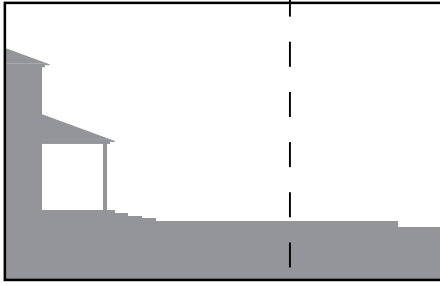
1. Common Lawn: Allowable in RF, RT and RS zones.
2. Porch: Allowable in RF, OT, RT and RS zones.
3. Forecourt: Allowable in OT, RF, RT and C zones.
4. Stoop: Allowable in OT, RF and RT zones.
5. Awning: Allowable in OT, RF, and C zones.
6. Gallery: Allowable in OT and C zones.

2:2:2 Future Development. Future development within Millersburg Borough shall attempt to mimic the existing surrounding frontages.

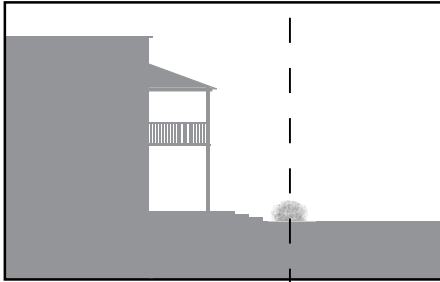
A. Awning frontages shall be only applicable to buildings with ground floor usages with storefronts.

B. Within RS, RT, RF and OT zones, frontage must be determined by the building frontage to either side of the parcel. The build-to line shall fall equal to the building located closest to the street of highest order.

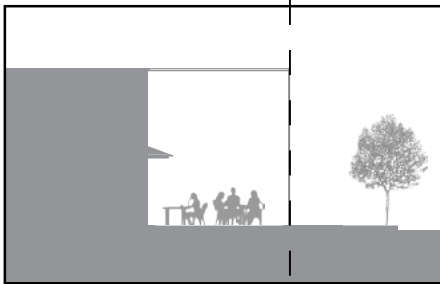
C. All frontage types must maintain proper maintenance standards. Awnings, porches, forecourts, etc must be kept in good condition and replaced or repaired if necessary. Landscaping along primary roads must also be kept well maintained.



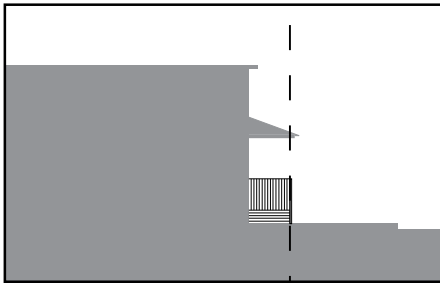
Common Lawn: The main facade of the building has a large setback from the build-to-line. The resulting front yard can be defined or undefined at the build-to-line. This edge is typically defined by a fence or hedge within a traditional neighborhood or undefined within the more rural areas or subdivisions. Large common lawns are typical for larger homes within historic neighborhoods. A front porch is optional, but if it is used, it can be one or two stories.



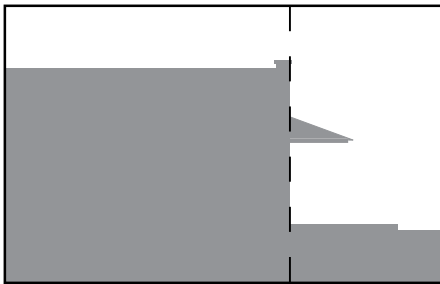
Porch: The main facade of the building has a small setback from the frontage line. The resulting front yard is typically very small and can be defined by a fence or a hedge. The porch can encroach into the setback to the point that the porch extends to the build-to-line. The porch can be one or two stories. A minimum depth of six (6) foot clear is required within the development standards to ensure usability. On downslope lots the setback is typically minimized to improve the development feasibility of the lot. On upslope lots it is maximized to reduce visual impact of the building on the streetscape.



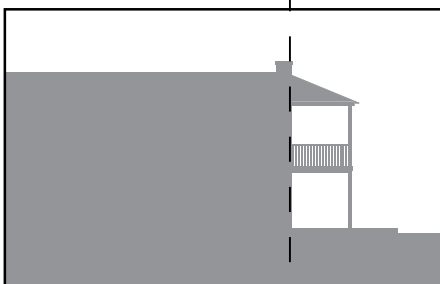
Forecourt: The main facade of the building is at or near the build-to-line and a small percentage of it is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial zones. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. This frontage type should be used sparingly and should not be repeated within a block. A short wall, hedge, or fence shall be placed along the undefined edge.



Stoop: The main facade of the building is near the build-to-line and the elevated stoop engages the sidewalk. The stoop should be elevated a minimum of twenty-four (24) inches above the sidewalk to ensure privacy within the building. The stairs from the stoop may lead directly to the sidewalk or may be side loaded. The minimum width and depth of the stoop should be five (5) feet. This type is appropriate for residential uses with small setbacks.



Awning: The main facade of the building is at or near the build-to-line and the canopy or awning element may overlap the sidewalk. The canopy is structural, cantilevered and shed roof. The awning is canvas or similar material and is often retractable. The coverings should extend far enough from the building to provide adequate protection for pedestrians. This type is appropriate for retail and commercial uses only because of the lack of a raised ground story.



Gallery: The main facade of the building is at the build-to-line and the gallery element overlaps the sidewalk. The entry should be at the same grade as the sidewalk. This type can be one or two stories and is intended for retail uses. The gallery should extend close enough to the curb so that a pedestrian cannot bypass it. Due to the overlap of the right-of-way, an easement is usually required. A minimum depth is required within the development standards to ensure usability. This type is appropriate for ground commercial uses.

2:3 Signage Standards

2:3:1 Purpose and Intent. These sign regulations are intended to appropriately limit the placement, type, size, and number of signs allowed within each zone, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

- A. Avoid traffic safety hazards to motorists, bicyclists, and pedestrians, caused by visual distractions and obstructions;
- B. Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the Borough as a place to live, work, and shop;
- C. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically designed and proportioned in relation to adjacent structures and the structures to which they are attached; and
- D. Safeguard and protect the public health, safety, and general welfare.
- E. Permit Required. A zoning permit shall be required for all signs except for: (a) those exempted in this Ordinance; and (b) non-illuminated window signs constructed of paper, poster board or similar materials that are not of permanent nature.
- F. Changes on Signs. Any lawfully existing sign (including legally nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Article, provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Article.

2:3:2 General Regulations for All Signs.

- A. No sign shall be erected that in any way creates a traffic hazard or obstructs traffic.
- B. Signs shall not exceed the maximum size or height allowed under the specific zone regulation unless Millersburg Borough Council determines that exceptional site conditions such as topography, location of existing preserved vegetation, or lot configuration necessitate a larger or taller sign, provided however, the maximum increase allowed shall not exceed 50% more than otherwise allowed.
- C. Materials for signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance. Durable materials include but are not limited to the following: Wood, metal, acrylic or Plexiglas, and shall exclude foam, regardless of density.
- D. Signs shall not contain selling slogans or other advertising that is not an integral part of the name, business or other identification of the enterprise.
- E. Signs shall be located so as not to interrupt, obscure, or hide the continuity of columns, cornices, roof eaves, sill lines, or other elements of building structure and where possible, should reflect and emphasize building structural form.
- F. Illuminated signs shall be lit by steady light through the use of sharp cutoff fixtures and top-down lighting. Signs may be illuminated by floodlights or spot lights that are shielded so there is no direct light transmitted to other properties or public right-of-ways.
- G. Building markers, or signs identifying the building or indicating the name, the date of construction, or other incidental information about the building's construction or history shall not be regulated as signs.
- H. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape.
- I. The Millersburg Borough Police Department, Zoning Officer, his/her designee, Borough Official or the owner of a pole or tree shall have the authority to remove and dispose of signs attached to a utility pole or tree.

2:3:3 Allowable Sign Types

A. Wall Sign Building-Mounted (Flush Mount) and Painted

1. No more than one (1) wall sign per business.
2. The sign shall not have a depth of more than five (5) inches. All exposed edges of the sign shall be finished.
3. Historically significant painted wall signs shall be retained or recreated when possible.
4. Signs shall not be electrified in any way. Lighting shall be limited to that of a white or yellow color. Neon lighting or lighting which twinkles, or flashes is not allowable.

B. Awning/Valence Sign

1. Signs must be applied directly to the awning's valence either through fabric or other acceptable material/paint.
2. Sign shall have an eight (8) foot minimum clearance from sidewalk.
3. Sign face height may be eighteen (18) inches maximum.
4. Signs shall not be electrified in any way. Lighting shall be limited to that of a white or yellow color. Neon lighting or lighting which twinkles, or flashes is not allowable.

C. Projecting Sign Building-Mounted

1. All projecting signs must be designed on a small, pedestrian scale. The sign may not exceed a four (4) square foot maximum area, with a thickness of five (5) inches maximum.
2. The signs should be out of reach of pedestrians, with a clearance height of eight (8) feet minimum and shall not block the passage of pedestrians on sidewalks in any manner.
3. All exposed edges of the sign shall be finished.
4. Projecting signs shall be limited to one per building use.
5. Signs shall not be electrified in any way. Lighting shall be limited to that of a white or yellow color. Neon lighting or lighting which twinkles, or flashes is not allowable.

D. Window Sign

1. Window signs shall only be placed on street facing windows and windows in entry doors.
2. Window signs shall be applied directly to the inside of the glass.
3. Window signs must have a clear background
4. Letters shall not exceed nine (9) inches in height or cover more than twenty-five (25) percent of a window area and shall not exceed a maximum size of twenty (20) square feet.
5. Window signs may not be internally illuminated.

2:3:4 Sign Maintenance

- A. Each sign and supporting hardware, including temporary signs and awning signs, shall be maintained in good repair and functioning properly at all times. Any damage to a sign or its illumination, including the failure of illumination shall be repaired or Borough should be notified on repair status within a maximum of 14 days from the date of damage or failure.
- B. A repair to a sign shall be of materials and design of equal or better quality as the original sign.

- C. A sign that is not properly maintained and is dilapidated shall be deemed a public nuisance, and may be abated in compliance with the Millersburg Borough Municipal Code.
- D. When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed and the surface it was attached to repaired and painted to match the building.

2:3:5 Miscellaneous Signs Not Requiring Permits

Type and definition of signs not requiring permits	Maximum number of signs per lot	Maximum sign area per sign in the RS & RT zoning districts	Maximum sign area per sign in all other zoning districts	Other requirements
Athletic Field Signs: Such as those commonly found on the inside of outfield walls/fences at baseball fields	N/A	N/A	N/A	Signs shall only be placed facing the ball field
Christmas Tree Sign: Advertises the seasonal sale of Christmas Trees	2	8 sf	20 sf	On premise sign. Shall only be posted during seasons when such products are actively offered for sale
Charitable/Special Event Sign: Advertises a charitable or special event that is primarily held to benefit an established tax-exempt nonprofit organization	2	8 sf	20 sf	May be permitted off-premise. See section 2:4:10
Contractor's Sign: Advertises a building trades-person, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of work	1 per company working on the site	8 sf	40 sf	Shall only be permitted while such work is actively and clearly underway. Shall not be illuminated.
Flag: A banner or pennant made of fabric or materials with a similar appearance that is hung from a pole or railing	1	4 sf	4 sf	Governmental flags and flags without an advertising message are not regulated by this Article
Garage, Yard, or Porch Sale Sign: Advertises an occasional garage, yard or porch sale.	1 per event	4 sf	4 sf	
Home Occupation Sign: Advertises a permitted home occupation	1	4 sf	4 sf	
Open House Sign: Advertises the temporary and periodic open house of a property for sale or rent	2 per event	4 sf	4 sf	
Political Sign: Advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern	Maximum of 1 sign per candidate or issue	4 sf	20 sf	Persons posting political signs shall maintain a written list of locations of such signs, unless posting sign on their own property. Political signs shall not be placed on property without the prior consent of the owner. If the political sign does not meet these requirements, then it shall be regulated as an "off-premise sign." Not permitted in the public right-of-way
Public Service Sign: Advertises the availability of restroom, telephone or other similar public convenience	No maximum	2 sf	2 sf	Shall not include advertising of on premise use

Type and definition of signs not requiring permits	Maximum number of signs per lot	Maximum sign area per sign in the RS & RT zoning districts	Maximum sign area per sign in all other zoning districts	Other requirements
Real Estate Sign: Advertises the availability of property on which the sign is located for sale, rent or lease	1 per street that the lot abuts	6 sf	15 sf	Shall only be placed on the property while it is actively for sale, lease or rent
Service Organization/Place of Worship Sign: An off-premise sign stating the name of a recognized incorporated service organization or place of worship and states the place and times of meetings or services and/or an arrow directing persons to such location	1	4 sf	4 sf	
Special Sale Signs; Temporary banners, flags and other signs that advertise a special sales event or grand opening at a lawful principal commercial business	2 per lot	8 sf	Total 30 sf for all such banners, flags and other temporary signs	Signs shall not flash or obstruct safe sight distances
Trespassing Sign: Indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot	No maximum	2 sf	2 sf	

2:3:6 Signs Not Regulated by This Ordinance

- A. Historic Sign. A sign that memorializes an important historic place, event or person and specifically authorized by Millersburg Borough, Dauphin County, Commonwealth of Pennsylvania or a Federal Agency.
- B. Holiday Decorations. Decorations for government recognized holidays, that do not include advertising.
- C. Official Sign. A sign erected by the Commonwealth of Pennsylvania, Dauphin County, Millersburg Borough or other legally constituted governmental body, or specifically authorized by a Millersburg Borough ordinance or resolution, and which exists for public purposes, such as, but not limited to, identifying public transit stops.
- D. Required Sign. A sign that only includes information required to be posted outdoors by a government agency.
- E. Right-of-way Sign. A sign posted within the existing right-of-way of a public street and officially authorized by Millersburg Borough, or PennDOT.
- F. Signs authorized by Chapter 19, Part 1: Erecting and Placing of Signs or Banners Across State Highways; of the Millersburg Borough Municipal Code.

2:3:7 Freestanding, Wall and Window Signs

- A. The following signs are permitted within the specified zoning districts, in compliance within the following regulations.

Zoning District or Type of Use	Maximum Total Height of Free-Standing Signs	Maximum Areas of Wall Signs	Maximum Area of Window Signs	Maximum Area and Number of Free Standing Signs
RS Residential Suburban and RT Residential Town	4 feet	15 sf	Include in Wall Sign area	One sign on each street the lot abuts, each with a maximum sign area of 12 sf

Zoning District or Type of Use	Maximum Total Height of Free-Standing Signs	Maximum Areas of Wall Signs	Maximum Area of Window Signs	Maximum Area and Number of Free Standing Signs
OT Oldtown	4 feet	15% of the building face per business	Include in Wall Sign area	One sign on each street the lot abuts, each with a maximum sign area of 12 sf
C Commercial	10 feet	15% of the building face on which the signs are attached, but in no case exceeding a maximum total of 175 sf per building for all Wall Signs combined.	Include in Wall Sign area	One sign on each street the lot abuts, each with a maximum sign area of 20 sf.
RF Riverfront	10 feet	15% of the building face on which the signs are attached, but in no case exceeding a maximum total of 175 sf per building for all Wall Signs combined.	Include in Wall Sign area	One sign on each street the lot abuts, each with a maximum sign area of 20 sf.
I Industrial	10 feet	15% of the building face on which the signs are attached, but in no case exceeding a maximum total of 175 sf per building for all Wall Signs combined.	Include in Wall Sign area	One sign on each street the lot abuts, each with a maximum sign area of 20 sf.
OS/R Open Space/ Recreational	As required by PA DCNR or other governmental agency.	As required by PA DCNR or other governmental agency.	As required by PA DCNR or other governmental agency.	As required by PA DCNR or other governmental agency.

B. Time and Temperature Signs.

1. A time and temperature sign shall be permitted with the sole purpose to announce the current time and temperature and any non-profit public service messages. A maximum of one (1) sign shall be permitted per lot. Not permitted in RS or RT zoning districts. In all other districts, the maximum size shall be 12 sf. Shall not include advertising.

2:3:8 Portable Signs

A. General Provisions.

1. Illumination of any portable sign is prohibited.
2. Hours of Display.
 - a. Signs shall not be displayed on any premises before 6:00AM and shall be removed each day at or before 10:00 PM. However, all portable signs must be taken in during hours of non-operation of the business being advertised.
 - b. All portable signs must be taken in during inclement weather.

B. One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.

C. Size.

1. Each sign shall have a maximum height of three and one-half (3.5) feet.

2. Signs shall have a maximum area of seven (7) sf per sign face.

D. Sign Placement.

1. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
2. The sign must be located on the premises, and within 12 feet of the primary public entrance, of the establishment it advertises. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or lot.
3. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.

2:3:9 Temporary Sign Regulations.

- A. Signs advising the public of employment opportunities may be erected, provided that they do not exceed 8 square feet in area and are erected for a maximum of sixty (60) days.
- B. Temporary window signs, describing products for sale, services available, community activities, or other information may be erected within a window so that the information is visible from the exterior of the building. Window signs may not be larger than three (3) square feet, and may not be internally illuminated.
- C. No more than two (2) temporary signs per business are permitted.

2:3:10 Off-Premise Signs (Including Billboards)

- A. Official, Political or Public Services signs may be placed on property to which they do not relate
- B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- C. PennDOT Sign. Signs erected and maintained by PennDOT are permitted By Right in all Zoning Districts.
- D. Permitted Off-Premise Sign.
 1. An off-premise sign, other than those permitted in Section 2:3:5 shall be permitted only in the Commercial (C) District.
 2. An off-premise sign, other than those permitted in Section 2:3:5 shall be setback a minimum of 10 feet from all residential lot lines and street rights-of-way, unless otherwise regulated by PennDOT.
 3. Maximum Sign Area. An off-premise sign, other than those permitted in Section 2:3:5 shall have a maximum sign area of 72 square feet.
 4. Spacing. An off-premise sign, other than those permitted in Section 2:3:5 shall be separated by a minimum of 300 feet from any other such off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one such off-premise sign.
 5. Maximum Height. An off-premise sign, other than those permitted in Section 2:3:5 shall have a maximum height of 35 feet above the elevation of the adjacent street or highway, measured at the street or highway centerline.
 6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except a sign may have 2 sign faces, each of the maximum permitted square footage, if they are placed back-to-back.
 7. The sign shall be maintained in good and safe condition. The area around the sign shall be kept free of debris.
 8. Identification of Sign Owner. All off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.

2:3:11 Permits to Build New Permanent Signs or Alter or Move Existing Permanent Signs.

- A. No Permanent sign shall hereafter be erected, structurally altered or moved until the person proposing to erect, alter or move such a sign shall have obtained a permit from the Zoning Officer. Such permit shall be issued only when the Zoning Officer is satisfied that such sign shall, comply with all the applicable provisions of this Ordinance. The fee for granting such a permit shall be as per the Millersburg Borough schedule of officially approved fees.

2:3:12 Nonconforming Signs

- A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of this Ordinance shall be considered nonconforming signs. A nonconforming sign shall not be expanded or extended in any manner that would make it more nonconforming.

Signage Examples



Projecting Sign

Awning/Canopy Sign



Wall Sign Building-Mounted

Window Sign

2:4 Parking Standards

2:4:1 Purpose and Intent: Promote a “park once” environment that will enable people to conveniently park and access a variety of commercial, residential and civic places in a pedestrian friendly environment by encouraging shared parking.

- A. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.
- B. Maximize on-street parking.
- C. Increase visibility and accessibility of public parking.

2:4:2 Minimum Parking Requirements

A. Reserved parking. Surface and structured parking spaces may be reserved for a specific tenant or unit, provided that the following standards are met:

Use	Reserved (non-shared) spaces
Residential	1.0 minimum/No maximum per single-family dwelling unit 1.0 minimum/No maximum per one-bedroom multifamily unit 1.0 minimum/No maximum per two-or more-bedroom multifamily units
Non-Residential	No minimum/1.0 per 1,000 square feet non-residential GFA maximum

B. Shared Parking.

1. Non-Residential: There are no minimum shared parking requirements where the non-residential Gross Floor Area (GFA) is under 10,000 square feet. Sites over 10,000 square feet in non-residential shall have a minimum of 1 and ¼ spaces per each additional 1,000 square feet over 10,000 square feet of non-residential provided as shared parking.
2. Residential: A minimum of ¼ parking space per residential unit can be provided as shared parking.
3. Any time or hour of the day restrictions on shared parking shall be subject to approval by the Zoning Administrator. The Zoning Administrator may give approval based on a finding that: the parking is visible and accessible to the public, at least 12 hours of public parking are provided in any 24-hour period, and that at least 8 of those hours are provided during either business or nighttime hours depending on whether the Zoning Administrator determines that the primary use will be for Non-Residential or Residential uses.
4. There are no maximum limits on the amount of shared parking.
5. Shared parking shall be designated by appropriate signage and markings (parking shall be clearly visible and accessible to the public) as determined by the Zoning Administrator.
6. Sites abutting one another shall physically connect their surface parking areas at the lot line to create connecting drive aisles. Where such surface parking areas lie within 50 feet of one another, a mutual access easement acceptable to the Zoning Administrator shall be executed.

C. Achieving Parking Requirements.

1. These parking requirements may either be met on-site or within an 800 foot walking distance of the development.
2. At least 50% of the required parking shall be met onsite.

3. Parking shall be located in compliance with the parking setback/regulations for the site on which it is located as indicated in Chapter 3.

D. Permissive parking and loading facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities

2:4:4 Special Parking Standards

A. Joint Parking. Sites abutting one another shall physically connect their surface parking areas at the lot line to create connecting drive aisles. Where such surface parking areas lie within 50 feet of one another, a mutual access easement acceptable to the Zoning Administrator shall be executed.

B. On-Street Parking

1. A parking space located on a public street may be included in the calculation of shared parking requirements if it is adjacent to the building site (where more than 50% of the space is fronting).

2. Each on-street parking space may only be counted once.

C. Off-Site Parking

1. Off-site parking must be located within a walking distance of 800 feet from the site it is serving.

2:4:5 Loading Facilities

A. No loading facilities are required.

B. Where loading facilities are provided, they shall be located on the secondary street frontage.

2:4:6 Fire Lanes

A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the Millersburg Fire Company #1.

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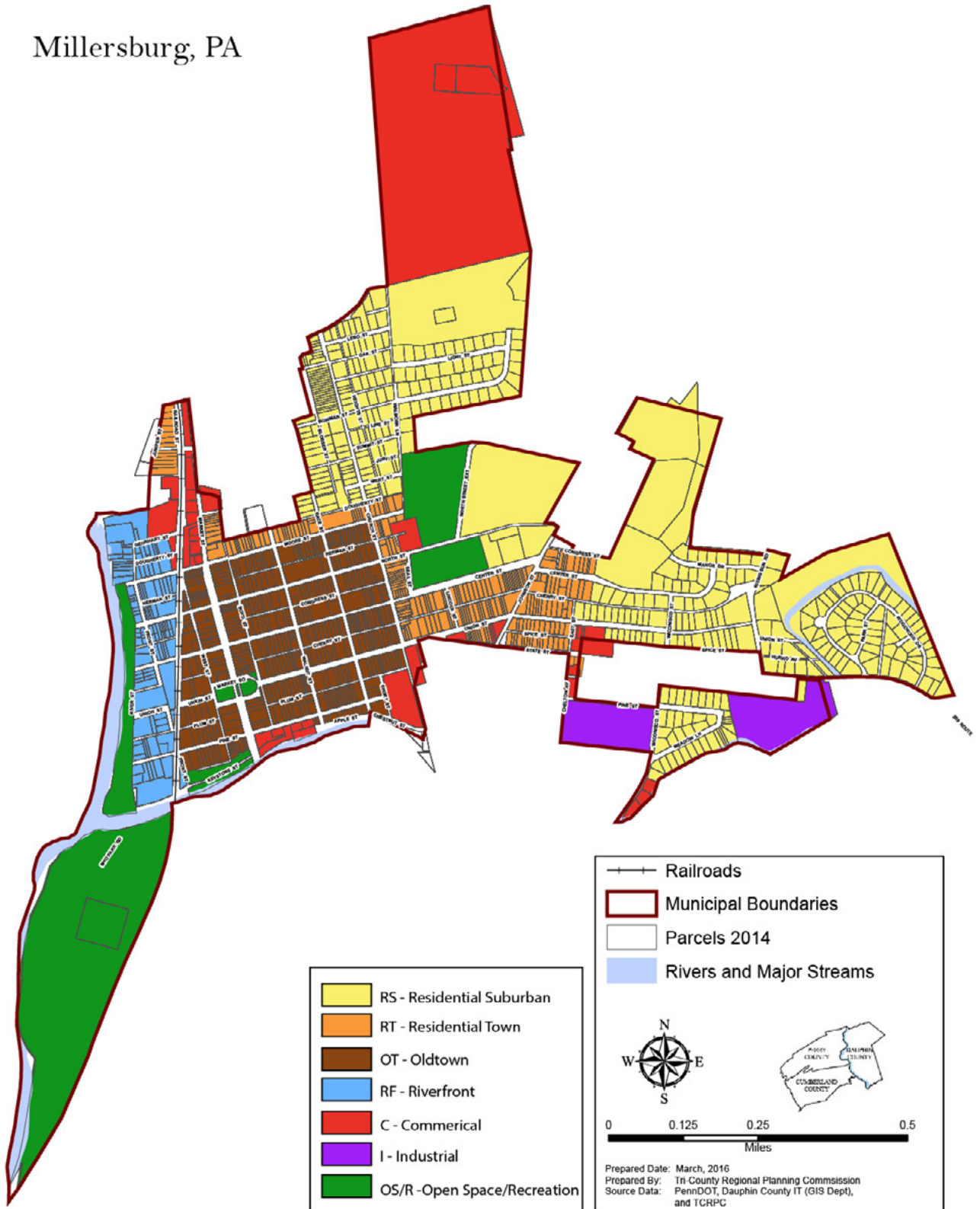
Ordinance 2-16: Zoning Code

Part 3
Regulating Plan
and Zones



3:1 Zone Map

Millersburg, PA



3:2 Zone Description

3:2:1 ZONE GROUPING STANDARDS. Zones were identified by grouping together parcels which contained similar densities and usage types. The objective of each zone is to provide cohesion for Millersburg Borough and promote types of growth which will strengthen the community as a whole.

- A. Oldtown (OT)
- B. Riverfront (RF)
- C. Residential Town (RT)
- D. Residential Suburban (RS)
- E. Commercial (C)
- F. Industrial (I)
- G. Open Space-Recreation (OS-R)

3:3 Oldtown (OT) Zoning District

- A. Purpose. To allow a mixture of residential and commercial uses in the Millersburg Borough “Downtown” area.
- B. Maintenance. Changes occurring to the external structure of a building within the OT zone should maintain or enhance the aesthetic quality of the neighborhood.
- C. Area and Design Requirements. The purpose for these regulations is to protect and enhance the development patterns and characteristics of well established neighborhoods in Millersburg Borough by accommodating applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment that are consistent and compatible with the character and scale of the established development patterns and distinctive features of the Borough’s neighborhoods.
 - 1. Lot Area
 - a. Single-family detached dwellings: 4,500 sq. ft. minimum
 - b. Single-family semi-detached dwellings (duplex or double house): 3,000 sq. ft. per dwelling unit minimum
 - c. Two-family detached dwellings (one over the other): 3,000 sq. ft. per dwelling unit minimum
 - d. Single-family attached dwellings (row house or townhouse): 2,000 sq. ft. per dwelling unit minimum
 - e. Apartments: 750 sq. ft. per dwelling unit minimum
 - f. Other uses: based on required setbacks, coverage, parking, and other applicable standards
 - g. The maximum lot depth for all uses shall be 200’.
 - 2. Lot Width at Lot Frontage
 - a. Single-family detached dwellings: 30’ minimum
 - b. Single-family semi-detached dwellings (duplex or double house): 30’ per dwelling unit minimum
 - c. Two-family detached dwellings (one over the other): 30’ per dwelling unit minimum
 - d. Single-family attached dwellings (row house or townhouse): 20’ per dwelling unit minimum
 - e. Other uses: based on required setbacks, coverage, parking, and other applicable standards
 - f. The maximum lot width at lot frontage for all uses shall be 125’.
 - 3. Impervious Lot Coverage
 - a. All residential uses: 60% maximum
 - b. Other permitted uses: 80% maximum
 - 4. Building Height
 - a. Building height shall be a minimum of 22’ and a maximum of 40’.

b. Accessory buildings shall have a maximum height of 24'.

5. Front Yard Setbacks

a. For a lot proposed for development, the minimum front yard setback shall be no closer than the closest to the street right-of-way, while the maximum front yard setback shall be no further than 2' greater than the average front yard setback within that block, on that side of the street.

b. Where there is no development within the block of the proposed development, there shall be a minimum setback of 3' and a maximum setback of 8'.

6. Side Yard Setbacks

a. For a lot proposed for development, no minimum single side yard setback shall be established. However, one side yard on the lot must be a minimum of 4'. The maximum side yard setback shall be no larger than the average side yard setback within that block, on that side of the street.

b. Where there is no development within the block of the proposed development, the maximum side yard setback shall be no larger than 8' and both side yard setbacks shall not add to a total greater than 12'.

7. Rear Yard Setbacks

a. For a lot proposed for development, the minimum rear yard setback for a principle structure shall be 15'. The minimum rear yard setback for an accessory structure shall be 0.

D. Building Form. The building form should remain in character with the existing development pattern of the urban mixed-use neighborhood in terms of its mass, orientation and placement.

1. All buildings shall have a primary ground-floor entrance that faces the primary or side street.

2. Loading docks, overhead doors, and other service entries are prohibited on highest order street-facing facades.

3. Any building over 50' wide shall be broken down to read as a series of buildings no wider than 50' each.

4. Finished ground floor level for all buildings shall be a minimum of 6" and a maximum of 24" above the sidewalk or grade.

E. Access. Existing single access driveways from a secondary street to an individual lot shall be maintained. Shared driveways are also appropriate. Sidewalks located on any property boundary shall not be disrupted or blocked in any manner. New construction of access points shall occur along the lowest order street accessible to the property. Access from a primary street is permitted only when no other streets are accessible to the property.

F. Parking. Parking is allowable on private lots within driveways, parking lots and garages, both enclosed and open, and on public streets, so long as no access ways or public safety tools are blocked. Parking shall comply with all applicable standards contained within Chapter 2:4 of this Ordinance.

1. Parking areas shall be a minimum of 30' from the highest order street right-of-way line, and a minimum of 5' from all other property lines.

2. Driveway widths accessing public parking areas shall be a maximum of 16' wide.

3. Bicycle parking may be provided and in a secure environment.

G. Historic Preservation. Buildings which possess original stylistic architecture should attempt to maintain that architecture.

H. Landscaping. Choice in landscaping shall remain at the discretion of the building owner. Landscaping shall remain well maintained, and not infringe on pedestrian access to sidewalks, driveways, or entranceways.

- I. Lot Frontage & Appropriate Fencing.
 - 1. Along highest order street frontage
 - a. Fencing height shall be a maximum height of 48”.
 - b. Fencing shall only be permitted along the portion of the frontage not occupied by building.
 - 2. All other fencing
 - a. Fencing shall be a maximum height of 96”.
 - 3. All fencing shall be located a minimum of 2” from closest lot line.
- J. Infill Development. All infill development must be constructed in a style which maintains or enhances the aesthetic quality of the OT zone. New development must adhere to all requirements for existing buildings within the zone - frontage, setback, scale, parking requirements, etc.
- K. Fenestration along highest order street frontage
 - 1. Ground floor facades shall have a minimum of 40% fenestration.
 - 2. Upper floor facades shall have a minimum of 25% fenestration.
- L. Encroachments. Canopies, Awnings, and Balconies may encroach over the property line along public streets, but must maintain a minimum of 8’ height from any public sidewalk or walkway. Encroachments may not be in the public right-of-way.
- M. Compliance with General Provisions. All uses shall comply with all applicable General Provisions contained within Chapter 4:2 of this Ordinance.

3:4 Riverfront (RF) Zoning District

- A. Purpose. To encourage and promote an appropriate mix of uses in proximity to the Susquehanna River.
- B. Maintenance. Changes occurring to the external structure of a building within the RF zone should maintain or enhance the aesthetic quality of the neighborhood.
- C. Area and Design Requirements. The purpose for these regulations is to protect and enhance the development patterns and characteristics of well established neighborhoods in Millersburg Borough by accommodating applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment that are consistent and compatible with the character and scale of the established development patterns and distinctive features of the Borough's neighborhoods.
 - 1. Lot Area
 - a. Single-family detached dwellings: 4,500 sq. ft. minimum
 - b. Single-family semi-detached dwellings (duplex or double house): 3,000 sq. ft. per dwelling unit minimum
 - c. Two-family detached dwellings (one over the other): 3,000 sq. ft. per dwelling unit minimum
 - d. Single-family attached dwellings (row house or townhouse): 2,000 sq. ft. per dwelling unit minimum
 - e. Apartments: 1,000 sq. ft. per dwelling unit minimum
 - f. Other uses: based on required setbacks, coverage, parking, and other applicable standards
 - g. The maximum lot depth for all uses shall be 200'.
 - 2. Lot Width at Lot Frontage
 - a. Single-family detached dwellings: 30' minimum
 - b. Single-family semi-detached dwellings (duplex or double house): 30' per dwelling unit minimum
 - c. Two-family detached dwellings (one over the other): 30' per dwelling unit minimum
 - d. Single-family attached dwellings (row house or townhouse): 20' per dwelling unit minimum
 - e. Other uses: based on required setbacks, coverage, parking, and other applicable standards
 - f. The maximum lot width at lot frontage for all uses shall be 150'.
 - 3. Impervious Lot Coverage
 - a. All residential uses: 40% maximum
 - b. Other uses: 60% maximum
 - 4. Building Height
 - a. Building height shall be a minimum of 22' and a maximum of 40'.

b. Accessory buildings shall have a maximum height of 24'.

5. Front Yard Setbacks

a. For a lot proposed for development, the minimum front yard setback shall be no closer than the closest to the street right-of-way, while the maximum front yard setback shall be no further than 2' greater than the average front yard setback within that block, on that side of the street.

b. Where there is no development within the block of the proposed development, there shall be a minimum setback of 6' and a maximum setback of 12'.

6. Side Yard Setbacks

a. For a lot proposed for development, no minimum single side yard setback shall be established. However, one side yard on the lot must be a minimum of 4'. The maximum side yard setback shall be no larger than the average side yard setback within that block, on that side of the street.

b. Where there is no development within the block of the proposed development, the minimum side yard setback shall be no less than 4'.

7. Rear Yard Setbacks

a. For a lot proposed for development, the minimum rear yard setback for a principle structure shall be 15'. The minimum rear yard setback for an accessory structure shall be 0.

D. Building Form. The building form should remain in character with the existing development pattern of the riverfront neighborhood in terms of its mass, orientation and placement.

1. All buildings shall have a primary ground-floor entrance that faces the primary or side street.

2. Loading docks, overhead doors, and other service entries are prohibited on highest order street-facing facades.

3. Finished ground floor level for all buildings shall be a minimum of 6" above the sidewalk or grade.

4. All buildings must conform to applicable standards set in the Floodplain Chapter of Borough Ordinance.

E. Access. Existing single access driveways from a secondary street to an individual lot shall be maintained. Shared driveways are also appropriate. Sidewalks located on any property boundary shall not be disrupted or blocked in any manner. New construction of access points shall occur along the lowest order street accessible to the property. Access from a primary street is permitted only when no other streets are accessible to the property.

F. Parking. Parking is allowable on private lots within driveways, parking lots and garages, both enclosed and open, and on public streets, so long as no access ways or public safety tools are blocked. Parking shall comply with all applicable standards contained within Chapter 2:4 of this Ordinance.

1. Parking areas shall be a minimum of 30' from the highest order street right-of-way line, and a minimum of 10' from all other property lines.

2. Driveway widths accessing public parking areas shall be a maximum of 16' wide.

3. Bicycle parking may be provided and in a secure environment.

G. Historic Preservation. Buildings which possess original stylistic architecture should attempt to maintain that architecture.

H. Landscaping. Choice in landscaping shall remain at the discretion of the building owner. Landscaping shall remain well maintained, and not infringe on pedestrian access to sidewalks, driveways, or entranceways.

- I. Lot Frontage & Appropriate Fencing.
 - 1. Along highest order street frontage
 - a. Fencing height shall be a maximum height of 48”.
 - 2. All other fencing
 - a. Fencing shall be a maximum height of 96”.
 - 3. All fencing shall be located a minimum of 2” from closest lot line.
- J. Infill Development. All infill development must be constructed in a style which maintains or enhances the aesthetic quality of the RF zone. New development must adhere to all requirements for existing buildings within the zone - frontage, setback, scale, parking requirements, etc.
- K. Fenestration along highest order street frontage.
 - 1. Ground floor facades shall have a minimum of 35% fenestration.
 - 2. Upper floor facades shall have a minimum of 15% fenestration.
- L. Encroachments. Canopies, Awnings, and Balconies may encroach over the property line along public streets, but must maintain a minimum of 8’ height from any public sidewalk or walkway. Encroachments may not be in the public right-of-way.
- M. Compliance with General Provisions. All uses shall comply with all applicable General Provisions contained within Chapter 4:2 of this Ordinance.

3:5 Residential Town (RT) Zoning District

- A. Purpose. To provide for medium density residential neighborhoods.
- B. Maintenance. Changes occurring to the external structure of a building within the RT zone should maintain or enhance the aesthetic quality of the neighborhood.
- C. Area and Design Requirements. The purpose for these regulations is to protect and enhance the development patterns and characteristics of well established neighborhoods in Millersburg Borough by accommodating applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment that are consistent and compatible with the character and scale of the established development patterns and distinctive features of the Borough's neighborhoods.
 - 1. Lot Area
 - a. Single-family detached dwellings: 4,500 sq. ft. minimum
 - b. Single-family semi-detached dwellings (duplex or double house): 3,000 sq. ft. per dwelling unit minimum
 - c. Two-family detached dwellings (one over the other): 3,000 sq. ft. per dwelling unit minimum
 - d. Single-family attached dwellings (row house or townhouse): 2,000 sq. ft. per dwelling unit minimum
 - e. Apartments: 1,000 sq. ft. per dwelling unit minimum
 - f. Other uses: based on required setbacks, coverage, parking, and other applicable standards
 - g. The maximum lot depth for all uses shall be 200'.
 - 2. Lot Width at Lot Frontage
 - a. Single-family detached dwellings: 30' minimum
 - b. Single-family semi-detached dwellings (duplex or double house): 30' per dwelling unit minimum
 - c. Two-family detached dwellings (one over the other): 30' per dwelling unit minimum
 - d. Single-family attached dwellings (row house or townhouse): 20' per dwelling unit minimum
 - e. Other uses: based on required setbacks, coverage, parking, and other applicable standards
 - f. The maximum lot width at lot frontage for all uses shall be 125'.
 - 3. Impervious Lot Coverage
 - a. All residential uses: 60% maximum
 - b. Other uses: 60% maximum
 - 4. Building Height
 - a. Building height shall be a minimum of 22' and a maximum of 40'.

b. Accessory buildings shall have a maximum height of 24'.

5. Front Yard Setbacks

a. For a lot proposed for development, the minimum front yard setback shall be no closer than the closest to the street right-of-way, while the maximum front yard setback shall be no further than 2' greater than the average front yard setback within that block, on that side of the street.

b. Where there is no development within the block of the proposed development, there shall be a minimum setback of 5' and a maximum setback of 10'.

6. Side Yard Setbacks

a. For a lot proposed for development, no minimum single side yard setback shall be established. However, one side yard on the lot must be a minimum of 4'. The maximum side yard setback shall be no larger than the average side yard setback within that block, on that side of the street.

b. Where there is no development within the block of the proposed development, the maximum side yard setback shall be no larger than 10' and both side yard setbacks shall not add to a total greater than 16'.

7. Rear Yard Setbacks

a. For a lot proposed for development, the minimum rear yard setback for a principle structure shall be 15'. The minimum rear yard setback for an accessory structure shall be 3'.

D. Building Form. The building form should remain in character with the existing development pattern of the neighborhood in terms of its mass, orientation and placement.

1. All buildings shall have a primary ground-floor entrance that faces the primary or side street.

2. Loading docks, overhead doors, and other service entries are prohibited on highest order street-facing facades.

3. Any building over 50' wide shall be broken down to read as a series of buildings no wider than 50' each.

4. Finished ground floor level for all buildings shall be a minimum of 6" and a maximum of 24" above the sidewalk or grade.

E. Access. Existing single access driveways from a secondary street to an individual lot shall be maintained. Shared driveways are also appropriate. Sidewalks located on any property boundary shall not be disrupted or blocked in any manner. New construction of access points shall occur along the lowest order street accessible to the property. Access from a primary street is permitted only when no other streets are accessible to the property.

F. Parking. Parking is allowable on private lots within driveways, parking lots and garages, both enclosed and open, and on public streets, so long as no access ways or public safety tools are blocked. Parking shall comply with all applicable standards contained within Chapter 2:4 of this Ordinance.

1. Parking areas shall be a minimum of 30' from the highest order street right-of-way line, and a minimum of 5' from all other property lines.

2. Driveway widths accessing public parking areas shall be a maximum of 16' wide.

3. Bicycle parking may be provided and in a secure environment.

G. Historic Preservation. Buildings which possess original stylistic architecture should attempt to maintain that architecture.

H. Landscaping. Choice in landscaping shall remain at the discretion of the building owner. Landscaping shall remain well maintained, and not infringe on pedestrian access to sidewalks, driveways, or entranceways.

- I. Lot Frontage & Appropriate Fencing.
 - 1. Along highest order street frontage
 - a. Fencing height shall be a maximum height of 48”.
 - 2. All other fencing
 - a. Fencing shall be a maximum height of 96”.
 - 3. All fencing shall be located a minimum of 2” from closest lot line.
- J. Infill Development. All infill development must be constructed in a style which maintains or enhances the aesthetic quality of the RT zone. New development must adhere to all requirements for existing buildings within the zone - frontage, setback, scale, parking requirements, etc.
- K. Fenestration along highest order street frontage.
 - 1. Ground floor facades shall have a minimum of 35% fenestration.
 - 2. Upper floor facades shall have a minimum of 15% fenestration.
- L. Encroachments. Canopies, Awnings, and Balconies may encroach over the property line along public streets, but must maintain a minimum of 8’ height from any public sidewalk or walkway. Encroachments may not be in the public right-of-way.
- M. Compliance with General Provisions. All uses shall comply with all applicable General Provisions contained within Chapter 4:2 of this Ordinance.

3:6 Residential Suburb (RS) Zoning District

- A. Purpose. To provide for low density single family residential neighborhoods consistent with traditional suburban development.
- B. Maintenance. Changes occurring to the external structure of a building within the RS zone should maintain or enhance the aesthetic quality of the neighborhood.
- C. Area and Design Requirements. The purpose for these regulations is to protect and enhance the development patterns and characteristics of well established neighborhoods in Millersburg Borough by accommodating applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment that are consistent and compatible with the character and scale of the established development patterns and distinctive features of the Borough's neighborhoods.
 - 1. Lot Area
 - a. Single-family detached dwellings: 4,500 sq. ft. minimum
 - b. Other uses: 4,500 sq. ft. minimum
 - c. The maximum lot depth for all uses shall be 200'.
 - 2. Lot Width at Lot Frontage
 - a. Single-family detached dwellings: 45' minimum
 - b. Other uses: 45' minimum
 - c. The maximum lot width at lot frontage for all uses shall be 150'.
 - 3. Impervious Lot Coverage
 - a. All residential uses: 40% maximum
 - b. Other uses: 60% maximum
 - 4. Building Height
 - a. Building height shall be a minimum of 22' and a maximum of 40'.
 - b. Accessory buildings shall have a maximum height of 24'.
 - 5. Front Yard Setbacks
 - a. For a lot proposed for development, the minimum front yard setback shall be no closer than the closest to the street right-of-way, while the maximum front yard setback shall be no further than 2' greater than the average front yard setback within that block, on that side of the street.
 - b. Where there is no development within the block of the proposed development, there shall be a minimum setback of 10'.

6. Side Yard Setbacks

- a. For a lot proposed for development, no minimum single side yard setback shall be established. However, one side yard on the lot must be a minimum of 4'. The maximum side yard setback shall be no larger than the average side yard setback within that block, on that side of the street.
- b. Where there is no development within the block of the proposed development, the minimum side yard setback shall be no less than 6'.

7. Rear Yard Setbacks

- a. For a lot proposed for development, the minimum rear yard setback for a principle structure shall be 10'. The minimum rear yard setback for an accessory structure shall be 3'.

D. Building Form. The building form should remain in character with the existing development pattern of the neighborhood in terms of its mass, orientation and placement.

1. All buildings shall have a primary ground-floor entrance that faces the primary or side street.
2. Secondary entries should be consistent with the location of the off-street parking.

E. Access. Existing single access driveways from a secondary street to an individual lot shall be maintained. Shared driveways are also appropriate. Sidewalks located on any property boundary shall not be disrupted or blocked in any manner. New construction of access points shall occur along the lowest order street accessible to the property. Access from a primary street is permitted only when no other streets are accessible to the property.

F. Parking. Parking is allowable on private lots within driveways, parking lots and garages, both enclosed and open, and on public streets, so long as no access ways or public safety tools are blocked. Parking shall comply with all applicable standards contained within Chapter 2:4 of this Ordinance.

1. Parking areas shall be a minimum of 30' from the highest order street right-of-way line, and a minimum of 10' from all other property lines.
2. Driveway widths accessing public parking areas shall be a maximum of 20' wide.
3. Bicycle parking may be provided and in a secure environment.

G. Historic Preservation. Buildings which possess original stylistic architecture should attempt to maintain that architecture.

H. Landscaping. Choice in landscaping shall remain at the discretion of the building owner. Landscaping shall remain well maintained, and not infringe on pedestrian access to sidewalks, driveways, or entranceways.

I. Lot Frontage & Appropriate Fencing.

1. Along highest order street frontage
 - a. Fencing height shall be a maximum height of 48".
2. All other fencing
 - a. Fencing shall be a maximum height of 96".
3. All fencing shall be located a minimum of 2' from closest lot line.

J. Infill Development. All infill development must be constructed in a style which maintains or enhances the aesthetic quality of the RS zone. New development must adhere to all requirements for existing buildings within the zone - frontage, setback, scale, parking requirements, etc.

- K. Fenestration along highest order street frontage.
 - 1. Ground floor facades shall have a minimum of 35% fenestration.
 - 2. Upper floor facades shall have a minimum of 15% fenestration.
- L. Encroachments. Canopies, Awnings, and Balconies may encroach over the property line along public streets, but must maintain a minimum of 8' height from any public sidewalk or walkway. Encroachments may not be in the public right-of-way.
- M. Compliance with General Provisions. All uses shall comply with all applicable General Provisions contained within Chapter 4:2 of this Ordinance.

3:7 Commercial (C) Zoning District

- A. Purpose. To provide an appropriate mix of retail, service, public, institutional, and residential uses.
- B. Maintenance. Changes occurring to the external structure of a building within the C zone should maintain or enhance the aesthetic quality of the neighborhood.
- C. Area and Design Requirements. The purpose for these regulations is to protect and enhance the development patterns and characteristics of well established neighborhoods in Millersburg Borough by accommodating applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment that are consistent and compatible with the character and scale of the established development patterns and distinctive features of the Borough's neighborhoods.
 - 1. Lot Area
 - a. Apartments: 1,000 sq. ft. per dwelling unit minimum
 - b. Other uses: based on required setbacks, coverage, parking, and other applicable standards
 - c. The maximum lot depth for all uses shall be 200'.
 - 2. Lot Width at Lot Frontage
 - a. The maximum lot width at lot frontage for all uses shall be 150'.
 - 3. Impervious Lot Coverage
 - a. All uses: 80% maximum
 - 4. Building Height
 - a. Building height shall be a minimum of 22' and a maximum of 40'.
 - b. Accessory buildings shall have a maximum height of 24'.
 - 5. Front Yard Setbacks
 - a. For a lot proposed for development, the minimum front yard setback shall be no closer than the closest to the street right-of-way, while the maximum front yard setback shall be no further than 2' greater than the average front yard setback within that block, on that side of the street.
 - b. Where there is no development within the block of the proposed development, there shall be a minimum setback of 15'.
 - 6. Side Yard Setbacks
 - a. For a lot proposed for development, no minimum single side yard setback shall be established. However, one side yard on the lot must be a minimum of 4'. The maximum side yard setback shall be no larger than the average side yard setback within that block, on that side of the street.
 - b. Where there is no development within the block of the proposed development, the minimum side yard

setback shall be no less than 10’.

- c. The minimum side yard setback for an accessory structure shall be 3’.

7. Rear Yard Setbacks

- a. For a lot proposed for development, the minimum rear yard setback for a principle structure shall be 15’.
- b. The minimum rear yard setback for an accessory structure shall be 3’.

D. Building Form. The building form should remain in character with the existing development pattern of the neighborhood in terms of its mass, orientation and placement.

- 1. All buildings shall have a primary ground-floor entrance that faces the primary or side street.
- 2. Secondary entries should be consistent with the location of the off-street parking.

E. Access. Existing single access driveways from a secondary street to an individual lot shall be maintained. Shared driveways are also appropriate. Sidewalks located on any property boundary shall not be disrupted or blocked in any manner. New construction of access points shall occur along the lowest order street accessible to the property. Access from a primary street is permitted only when no other streets are accessible to the property.

F. Parking. Parking is allowable on private lots within driveways, parking lots and garages, both enclosed and open, and on public streets, so long as no access ways or public safety tools are blocked. Parking shall comply with all applicable standards contained within Chapter 2:4 of this Ordinance.

- 1. Parking areas shall be a minimum of 20’ from the highest order street right-of-way line, and a minimum of 10’ from all other property lines.
- 2. Driveway widths accessing public parking areas shall be a maximum of 20’ wide.
- 3. Bicycle parking may be provided and in a secure environment.

G. Historic Preservation. Buildings which possess original stylistic architecture should attempt to maintain that architecture.

H. Landscaping. Choice in landscaping shall remain at the discretion of the building owner. Landscaping shall remain well maintained, and not infringe on pedestrian access to sidewalks, driveways, or entranceways.

I. Lot Frontage & Appropriate Fencing.

- 1. Along highest order street frontage
 - a. Fencing height shall be a maximum height of 48”.
- 2. All other fencing
 - a. Fencing shall be a maximum height of 96”.
- 3. All fencing shall be located a minimum of 2” from closest lot line.

J. Infill Development. All infill development must be constructed in a style which maintains or enhances the aesthetic quality of the C zone. New development must adhere to all requirements for existing buildings within the zone - frontage, setback, scale, parking requirements, etc.

- K. Fenestration along highest order street frontage.
 - 1. Ground floor facades shall have a minimum of 50% fenestration.
 - 2. Upper floor facades shall have a minimum of 25% fenestration.
- L. Encroachments. Canopies, Awnings, and Balconies may encroach over the property line along public streets, but must maintain a minimum of 8' height from any public sidewalk or walkway. Encroachments may not be in the public right-of-way.
- M. Compliance with General Provisions. All uses shall comply with all applicable General Provisions contained within Chapter 4:2 of this Ordinance.

3:8 Industrial (I) Zoning District

- A. Purpose. To permit and encourage industrial development and to consolidate locations of industrial related land uses which because of their shipping, storage and other requirements exert special demands on Millersburg Borough.
- B. Maintenance. Changes occurring to the external structure of a building within the I zone should maintain or enhance the aesthetic quality of the neighborhood.
- C. Area and Design Requirements. The purpose for these regulations is to protect and enhance the development patterns and characteristics of well established neighborhoods in Millersburg Borough by accommodating applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment that are consistent and compatible with the character and scale of the established development patterns and distinctive features of the Borough's neighborhoods.
 - 1. Lot Area
 - a. The minimum lot depth for all uses shall be based on required setbacks, coverage, parking, and other applicable standards
 - 2. Lot Width at Lot Frontage
 - a. The maximum lot width at lot frontage for all uses shall be based on required setbacks, coverage, parking, and other applicable standards.
 - 3. Impervious Lot Coverage
 - a. All uses: 80% maximum
 - 4. Building Height
 - a. Building height shall be a minimum of 22' and a maximum of 40'.
 - b. Accessory buildings shall have a maximum height of 24'.
 - 5. Front Yard Setbacks
 - a. For a lot proposed for development, the minimum front yard setback shall be no closer than the closest to the street right-of-way, while the maximum front yard setback shall be no further than 10' greater than the average front yard setback within that block, on that side of the street.
 - b. Where there is no development within the block of the proposed development, there shall be a minimum setback of 50'.
 - 6. Side Yard Setbacks
 - a. For a lot proposed for development, no minimum single side yard setback shall be established. However, one side yard on the lot must be a minimum of 15'. The maximum side yard setback shall be no larger than the average side yard setback within that block, on that side of the street.
 - b. Where there is no development within the block of the proposed development, the minimum side yard setback shall be no less than 25'.

c. The minimum side yard setback for an accessory structure shall be 3’.

7. Rear Yard Setbacks

a. For a lot proposed for development, the minimum rear yard setback for a principle structure shall be 25’.

b. The minimum rear yard setback for an accessory structure shall be 3’.

D. Building Form. The building form should remain in character with the existing development pattern of the neighborhood in terms of its mass, orientation and placement.

1. All buildings shall have a primary ground-floor entrance that faces the primary or side street.

2. Secondary entries should be consistent with the location of the off-street parking.

E. Access. Existing single access driveways from a secondary street to an individual lot shall be maintained. Shared driveways are also appropriate. Sidewalks located on any property boundary shall not be disrupted or blocked in any manner. New construction of access points shall occur along the lowest order street accessible to the property. Access from a primary street is permitted only when no other streets are accessible to the property.

F. Parking. Parking is allowable on private lots within driveways, parking lots and garages, both enclosed and open, and on public streets, so long as no access ways or public safety tools are blocked. Parking shall comply with all applicable standards contained within Chapter 2:4 of this Ordinance.

1. Parking areas shall be a minimum of 20’ from the highest order street right-of-way line, and a minimum of 10’ from all other property lines.

2. Driveway widths accessing public parking areas shall be a maximum of 20’ wide.

3. Bicycle parking may be provided and in a secure environment.

G. Historic Preservation. Buildings which possess original stylistic architecture should attempt to maintain that architecture.

H. Landscaping. Choice in landscaping shall remain at the discretion of the building owner. Landscaping shall remain well maintained, and not infringe on pedestrian access to sidewalks, driveways, or entranceways.

I. Lot Frontage & Appropriate Fencing.

1. Along highest order street frontage

a. Fencing height shall be a maximum height of 48”.

2. All other fencing

a. Fencing shall be a maximum height of 96”.

3. All fencing shall be located a minimum of 2’ from closest lot line.

J. Buffer Regulations

1. A landscaped buffer shall be provided within the required side or rear yard setback adjacent to residential uses and/or residentially zoned property in existence at the time of development.

2. The landscaped buffer shall extend the entire length of the property line adjacent to the residential use or residentially zoned property.

3. All buffer areas shall meet the following requirements:
- a. No buffer yard or part thereof shall be used for parking, storage, loading and unloading.
 - b. Buffer areas may be crossed by access roads, service drives or easements with a maximum width of thirty-five (35') feet. However, no turning or maneuvering of vehicles shall be permitted in the buffer area.
 - c. All screening materials and landscaping shall not encroach upon the adjoining property line at full maturity.
 - d. The buffer area shall be free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity or materials.
 - e. Buffer areas shall primarily include native species of evergreen plants.
 - f. Shrubs shall have a minimum height when planted of 3 feet.
 - g. Trees shall have a minimum height of 6 feet and a minimum caliper of 2 inches at planting.
 - h. The landscape buffer is intended to form a visual screen and shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height.
 - i. 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 safe sight distance requirements, and (c) locations needed to meet other specific State, Millersburg Borough and utility requirements.
 - j. If Shade trees are used in buffer, they shall conform to the Borough's Shade Tree Commission's list of acceptable trees.
 - k. If more than 20 plants are proposed, no more than 50 percent shall be of one species.
 - l. Where space allows, trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
 - m. The plant screen shall be maintained in a healthy condition. Any landscaping that dies or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of 150 days.
 - n. Any fence in a buffer area shall be placed on the inside of any required plant screening.

K. Infill Development. All infill development must be constructed in a style which maintains or enhances the aesthetic quality of the I zone. New development must adhere to all requirements for existing buildings within the zone - frontage, setback, scale, parking requirements, etc.

L. Fenestration along highest order street frontage.

- 1. Ground floor facades shall have a minimum of 25% fenestration.
- 2. Upper floor facades shall have a minimum of 10% fenestration.

M. Encroachments. Canopies, Awnings, and Balconies may encroach over the property line along public streets, but must maintain a minimum of 8' height from any public sidewalk or walkway. Encroachments may not be in the public right-of-way.

N. Compliance with General Provisions. All uses shall comply with all applicable General Provisions contained within Chapter 4:2 of this Ordinance.

3:9 Open Space - Recreation (OS-R) Zoning District

- A. Purpose. To permit open space and recreational uses. Provide protections for the preservation of open space.
- B. Maintenance. Changes occurring to the external structure of a building within the OS-R zone should maintain or enhance the aesthetic quality of the neighborhood.
- C. Area and Design Requirements. The purpose for these regulations is to protect and enhance the development patterns and characteristics of well established neighborhoods in Millersburg Borough by accommodating applications for new development activity specifically including but not limited to new uses, replacement, infill, and redevelopment that are consistent and compatible with the character and scale of the established development patterns and distinctive features of the Borough's neighborhoods.
 - 1. Lot Area
 - a. The minimum lot depth for all uses shall be based on required setbacks, coverage, parking, and other applicable standards
 - 2. Lot Width at Lot Frontage
 - a. The maximum lot width at lot frontage for all uses shall be based on required setbacks, coverage, parking, and other applicable standards.
 - 3. Impervious Lot Coverage
 - a. All uses: 20% maximum
 - 4. Building Height
 - a. Building height shall be a minimum of 22' and a maximum of 30'.
 - b. Accessory buildings shall have a maximum height of 24'.
 - 5. Front Yard Setbacks
 - a. For a lot proposed for development, the minimum front yard setback for all structures shall be 15'.
 - 6. Side Yard Setbacks
 - a. For a lot proposed for development, the minimum side yard setback for a principle structure shall be 15'
 - b. The minimum side yard setback for an accessory structure shall be 3'.
 - 7. Rear Yard Setbacks
 - a. For a lot proposed for development, the minimum rear yard setback for a principle structure shall be 15'.
 - b. The minimum rear yard setback for an accessory structure shall be 3'.
- D. Building Form. The building form should remain in character with the existing development pattern of the

neighborhood in terms of its mass, orientation and placement.

1. All buildings shall have a primary ground-floor entrance that faces the primary or side street.
 2. Secondary entries should be consistent with the location of the off-street parking.
- E. Access. Existing single access driveways from a secondary street to an individual lot shall be maintained. Shared driveways are also appropriate. Sidewalks located on any property boundary shall not be disrupted or blocked in any manner. New construction of access points shall occur along the lowest order street accessible to the property. Access from a primary street is permitted only when no other streets are accessible to the property.
- F. Parking. Parking is allowable on private lots within driveways, parking lots and garages, both enclosed and open, and on public streets, so long as no access ways or public safety tools are blocked. Parking shall comply with all applicable standards contained within Chapter 2:4 of this Ordinance.
1. Parking areas shall be a minimum of 0' from the highest order street right-of-way line, and a minimum of 15' from all other property lines.
 2. Driveway widths accessing public parking areas shall be a maximum of 20' wide.
 3. Bicycle parking may be provided and in a secure environment.
- G. Historic Preservation. Buildings which possess original stylistic architecture should attempt to maintain that architecture.
- H. Landscaping. Choice in landscaping shall remain at the discretion of the building owner. Landscaping shall remain well maintained, and not infringe on pedestrian access to sidewalks, driveways, or entranceways.
- I. Compliance with General Provisions. All uses shall comply with all applicable General Provisions contained within Chapter 4:2 of this Ordinance.

Ordinance 2-16: Zoning Code

Chapter 4 Administration and Definitions



4:1 Administration and Enforcement

4:1:1 Applicability of this Ordinance

- A. This Zoning Ordinance shall apply throughout Millersburg Borough. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.

4:1:2 Administration

- A. The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Millersburg Borough Council who shall be known as the Zoning Administrator. The Zoning Administrator may designate an employee of Millersburg Borough as his Assistant, who shall exercise all the powers of the Zoning Administrator during the temporary absence or disability of the Zoning Administrator.
- B. The duties of the Zoning Administrator shall be:
 - 1. Administer the Zoning Ordinance in accordance with its literal terms;
 - 2. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Administrator shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved;
 - 3. To record and file all applications for zoning permits or certificates of occupancy, and accompanying plans and documents, and keep them for public record;
 - 4. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;
 - 5. Determine the date before which steps for compliance must be commenced and the date before which the steps must be completed. The Zoning Administrator 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 Administrator if applied for in writing;
 - 6. Upon the request of the Millersburg Borough Council, Planning Commission 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;
 - 7. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto;
 - 8. To revoke a permit or approval issued under the provisions of this Ordinance 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 the Zoning Ordinance, or otherwise permitted by law;
 - 9. To review proposed subdivisions and land developments for compliance with this Ordinance; and
 - 10. To take enforcement actions as provided by the State Municipalities Planning Code, as amended.

4:1:3 Permits & Certificates

- A. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the Zoning Administrator 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 Ordinance. The Zoning Administrator may be authorized to

institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

1. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 - a. Erection, construction, movement, placement, razing, demolition, removal, alteration or expansion (vertical or horizontal) of a structure, building or sign;
 - b. Demolition of a building
 - c. Other activities required to have a permit by this Ordinance
 - d. 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.
 - e. The erection or alteration of any signs specified in Article 2:3 of this Ordinance;
 - f. The construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins;
 - g. 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 Ordinance;
 - h. A structure, building or sign considered to be in dangerous conditions can be demolished prior to acquiring a Zoning Permit, but shall apply for a permit retroactively within seven (7) days of demolition.
2. The issuance of a permit.
 - a. Permitted Use: Can be issued by the Zoning Administrator with application, considered administrative.
 - b. Minor Use Permit: Can be issued by the Zoning Administrator with application and written explanation of use. Zoning Administrator may ask for additional information prior to issuing permit.
 - c. Use Permit: Can be issued by the Zoning Administrator after presentation and approval has been granted by Millersburg Borough Council. Application, written explanation and presentation to Millersburg Borough Council is required. Millersburg Borough Council and Zoning Administrator may ask for additional information prior to issuing permit.
3. Millersburg Borough may, at its option, create for issuance by the Zoning Administrator, combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate application for the permits.
4. The only determination by the Zoning Administrator that shall be official shall be a written determination after the Zoning Administrator receives a duly submitted written official application.
5. Such zoning permits shall be granted or refused within ninety (90) days from date of application.
6. No zoning permit shall be issued except in conformity with:
 - a. All applicable regulations of this Ordinance;
 - b. Any conditions imposed upon the site by the Zoning Hearing Board or the Millersburg Borough Council; and
 - c. Any recorded subdivision or land development plan.
7. In all instances in which the Zoning Administrator 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.

8. 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.
9. The Zoning Administrator may call upon other Millersburg Borough staff and/or municipal appointed consultants in the review of submitted materials for applications;
10. The Zoning Administrator may revoke a permit or approval issued under the provisions of this Ordinance 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 the Zoning Ordinance.
11. Where a zoning permit is required by this Ordinance, but the work is commenced or changed prior to obtaining such permit and after notice by Millersburg Borough the fees set by ordinance or resolution of the Millersburg Borough Council for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by Millersburg 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 Ordinance or any other applicable Millersburg Borough ordinances or from any penalties or enforcement actions authorized by this Ordinance.
12. Issuance of Permits. Upon receiving the application, the Zoning Administrator 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 therefore. 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 the Zoning Ordinance 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 therefore as soon as practical but not later than ninety (90) days from receipt of the application.
13. Reconsideration of Application. An applicant whose request for a permit has been denied by the Zoning Administrator 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 Millersburg Borough Council.
14. Expiration of Zoning Permit. The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended one time for one (1) additional year, upon written request by the applicant on a form provided by Millersburg Borough.
15. Compliance with Ordinance. 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 the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
16. 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.
17. 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 (5) 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.
18. Inspections. Inspections of the property in question by the Zoning Administrator 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 Millersburg Borough to perform such inspections as required.

4:1:4 Certificate of Use and Occupancy

- A. 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 Administrator.

- B. The Millersburg Borough staff may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy.
- C. The Certificate of Use and Occupancy shall only be issued by the Zoning Administrator if the Zoning Administrator determines that the activity complies with this Ordinance, to the best knowledge of the Zoning Administrator.
- D. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.
- E. Upon request of the applicant, the Zoning Administrator 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.
 - 1. However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Administrator that the activity or occupancy can occur safely without endangering public health or safety.
 - 2. The temporary Certificate shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.
 - 3. Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.
 - 4. The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
- F. The Zoning Administrator shall inspect any structure, building, or sign within ten (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 Uniform Construction Code, a certificate of use shall not be issued until a final inspection by the Building Code Official is complete and found to be satisfactory.

4:1:5 Zoning Permit for Temporary Uses and Structures

- A. A Zoning Permit for a temporary use or structure may be issued by the Zoning Administrator for any of the following:
 - 1. Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway;
 - 2. Such other activities that the applicant proves are routine, customary and temporary.
- B. Time Period. The Zoning Administrator shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 6 month maximum period shall apply. A temporary permit may be renewed for just cause.

4:1:6 Types of Uses

- A. Permitted By Right Uses. The Zoning Administrator shall issue a zoning permit under this Ordinance in response to an application for a use that is “permitted by right” if it meets all of the requirements of this Ordinance.
- B. Application Requiring a Variance. A permit under this Ordinance for a use requiring a Variance shall be issued by the Zoning Administrator 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.

4:1:7 Applications for Zoning Permits

- A. Submittal. All applications for a Zoning Permit shall be made in writing on a form provided by Millersburg Borough. Such completed application, with required fees, shall be submitted to a designated Millersburg Borough employee.
- B. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:

1. 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.
 2. Notes showing the dimensions of all buildings from lot lines and street rights-of way.
 3. Location of any watercourses and any 100 year floodplain.
 4. Proposed lot areas, lot widths and other applicable dimensional requirements.
 5. Locations and widths of existing and proposed sidewalks.
- C. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Administrator determines such information is unnecessary to determine compliance with this Ordinance:
1. Address of the lot.
 2. Name and address of the applicant, and of the owner of the property if different from the applicant.
 3. Description of the proposed use of the property.
 3. All other applicable information listed on the official Millersburg Borough application form.
 5. Such additional information that the Zoning Administrator may determine is reasonably necessary to determine compliance with this Ordinance.
- D. Areas Subject to Flooding. If the proposed development, excavation or construction is located within an area subject to regulation by the Millersburg Borough Floodplain Ordinance, the following information is specifically required to accompany all applications, as prepared by a licensed professional:
1. The accurate location and elevation of the floodplain and floodway;
 2. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements;
 3. The elevation, in relation to the NGVD, to which all structures and utilities will be flood-proofed or elevated;
 4. Where flood proofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the flood-proofing methods used meet all applicable codes and ordinances; and,
- E. Uniform Construction Code. Where the proposed use is regulated under the Uniform 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 Uniform Construction Code.
- F. Submittals for Conditional Uses. In addition to the information listed above, an application for a Conditional Use requiring a site plan and action by the Zoning Hearing Board or Millersburg Borough Council shall also include the following information, unless the Zoning Administrator determines that such information is not necessary to determine compliance with this Ordinance:
1. Present zoning district and major applicable lot requirements.
 2. For non-residential use:
 - a. Description of the proposed non-residential 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.

b. Maximum hours of operation.

3. Existing directions of stormwater flow (and any proposed revisions) and any proposed methods of stormwater management.
4. Listing of any sections of this Ordinance from which a Variance is being requested.
5. Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as “drug store” or “single-family detached dwelling”).
6. Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting.
7. Name and address of person who prepared the site plan.
8. Signed acknowledgement of the site plan by the applicant.
9. Such additional information required under applicable sections of this Ordinance.

4:1:8 Issuance of Permits

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

4:1:9 Revocation of Permits; Appeal of Permit or Approval

- A. Revocation. The Zoning Administrator shall revoke, withhold or suspend a permit or approval issued under the provisions of this Ordinance in the case of one or more of the following:
 1. 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).
 2. Upon violation of any condition lawfully imposed by the Zoning Hearing Board for a Variance.
 3. Upon violation of any condition lawfully imposed by the Millersburg Borough Council for a Conditional Use.
 4. Any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application.
4. Any other just cause set forth in this Ordinance.
- B. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions made under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code (MPC). Such appeal shall occur within the time period established by the MPC.

4:1:10 Compliance with Dauphin County Subdivision and Land Development Ordinance.

- A. If an application under this Ordinance would also be regulated by the Dauphin County Subdivision and Land Development Ordinance (“SALDO”), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO.
 1. 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 County Recorder of Deeds.

4:1:11 General Procedure for Permits

- A. After receiving a proper application, the Zoning Administrator shall either (1) issue the applicable permit(s); or (2) deny the application(s) as submitted, indicating one or more reasons in writing to the applicant, within fourteen (14) days.
- B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified in the permit, in compliance with other Millersburg 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 30 day appeal period shall be at the risk of the applicant.

4:1:12 Interpretation and Uses Not Regulated

- A. **Minimum Requirements.** Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon structures shall apply. The provisions of this Ordinance are in addition to any other applicable Millersburg Borough Ordinance.
- B. **Uses Not Specifically Regulated.** If a use clearly is not permitted By Right or Conditional Use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a Special Exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
 - 1. Proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the Zoning District.
 - 2. Proposed use would be closely similar in impacts and character to uses permitted in that zoning district. (See Sec. 4:4:5(C))
 - 3. Use would meet the standards that would apply under Section 4:1:17(E)(3)(b) for a Special Exception use.
 - 4. Use is not specifically prohibited in that Zoning District.
- C. **Interpretation of Ordinance Text and Boundaries**
 - 1. The Zoning Administrator shall literally apply the wording of this Ordinance and the location of all Zoning District boundaries to applications. In any case, the Zoning Administrator may also request an advisory opinion from the Millersburg Borough Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Administrator determination.
 - 2. If an applicant disagrees with the Zoning Administrator’s determination and believes that the Ordinance should be interpreted in the applicant’s favor, the applicant may appeal to the Zoning Hearing Board.

4:1:13 Interpretation of Zoning Boundaries

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, creeks, railroads and lot lines (according to official County records) as they existed at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary that divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal buildings are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

4:1:14 Enforcement, Violations and Penalties

All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference.

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
1. 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.
 2. Placement of false statements on or omitting relevant information from an application for a Zoning Permit.
 3. Undertaking any action in a manner which does not comply with an approved Zoning Permit.
 4. Violation of any conditions imposed by a decision of the Zoning Hearing Board in granting a Variance, Special Exception or other approval.
 5. Violation of any condition imposed by a decision of the Millersburg Borough Council in granting a Conditional Use.
- B. Causes of Action; Enforcement; Remedies
1. Enforcement. If it appears to Millersburg Borough that a violation of this Zoning Ordinance has occurred, Millersburg Borough shall initiate enforcement proceedings by sending an enforcement notice. Prior to sending an official enforcement notice, the Zoning Administrator may at his/her option informally request compliance.
 2. Enforcement Notice. The enforcement notice shall be sent to the owner of record 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:
 - a. The name of the owner of record and any other person against whom the municipality intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Zoning Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e. 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 Ordinance.
 - f. 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.
 3. Evidence & Fees. In any appeal of an enforcement notice to the Zoning Hearing Board, Millersburg 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 Millersburg Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
 4. Cause of Action. If the enforcement notice is not complied with, within the specified time period, the Zoning Administrator shall notify the Millersburg Borough Council. With the consent of the Millersburg Borough Council, the Millersburg Borough Solicitor or other officer of Millersburg 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.
 5. Violations and Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Millersburg Borough, pay a judgment of not more than five hundred dollars (\$500) plus

all court costs, including the reasonable attorney's fees incurred by Millersburg Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, Millersburg Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance 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 District Justice, 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 Ordinance shall be paid over to Millersburg Borough. Imprisonment shall not be authorized by this Ordinance.

4:1:15 Fees

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

4:1:16 Amendments

- A. Power of Amendment. The Millersburg Borough Council may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Millersburg Borough Planning Commission, the Millersburg Borough Council or by a petition to the Millersburg Borough Council by an interested party;
- B. Hearing and Enactment Procedures for Zoning Amendments:
 - 1. Public Hearing. Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Millersburg Borough 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.
 - 2. Public Notice. Before conducting a public hearing, the Millersburg Borough Council shall provide public notice as follows:
 - a. Notice shall be published once each week for two successive weeks in a newspaper of general circulation in Millersburg Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven 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.
 - b.1. 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;
 - b.2. 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 Millersburg Borough at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of Millersburg 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.
 - c. 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; and,
 - d. 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 Millersburg Borough Council shall hold another

public hearing, pursuant to public notice, before proceeding to vote on the amendment;

3. Enactment Notice. In addition to the public notice requirements defined herein, the Millersburg 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 Millersburg Borough where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge for making copies as set forth in the fee schedule. Enactment notice shall be published at least once in one newspaper of general circulation in Millersburg Borough not more than sixty (60) days nor less than seven (7) 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;
 4. Millersburg Borough Planning Commission Referrals. For amendments proposed by parties other than the Millersburg Borough Planning Commission, the Millersburg Borough Council shall submit each amendment at least thirty (30) days prior to public hearing to the Millersburg Borough Planning Commission for review and comment. The Millersburg Borough Planning Commission shall submit a report of its review, together with any recommendations, to the Millersburg Borough Council within thirty (30) days from the date of said referral. The recommendation of the Millersburg Borough Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Ordinance and any officially adopted Comprehensive Plan of Millersburg Borough. The Millersburg Borough Council cannot act upon the amendment until it has received a recommendation from the Millersburg Borough Planning Commission; however, should the Millersburg Borough Planning Commission fail to submit its recommendation within thirty (30) days, the Millersburg Borough Council may proceed without its recommendation;
 5. County Planning Commission Referrals. All proposed amendments shall be submitted to the County Planning Commission at least thirty (30) days prior to public hearing on such amendments. The County Planning Commission may submit recommendations to the Millersburg Borough Council within thirty (30) days of such referral. The Millersburg Borough Council cannot act upon the amendment until it has received a recommendation from the Dauphin County Planning Commission; however, should the Dauphin County Planning Commission fail to submit its recommendation within thirty (30) days, the Millersburg Borough Council may proceed without its recommendation;
 6. Adjournment of Public Hearing. If during the public hearing process, the Millersburg 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; and,
 7. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission;
- C. Amendment Initiated by the Millersburg Borough Planning Commission. When an amendment, supplement, change or repeal is initiated by the Millersburg Borough Planning Commission, the proposal shall be presented to the Millersburg Borough Council which shall then proceed in the same manner as with a petition to the Millersburg Borough Council which has already been reviewed by the Millersburg Borough Planning Commission;
- D. Amendment Initiated by the Millersburg Borough Council. When an amendment, supplement, change or repeal is initiated by the Millersburg Borough Council such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under Section 4:1:16 above.
- E. Amendment Initiated by a Petition from an Interested Party. A petition for amendment, supplement, change or repeal for a portion of this Ordinance 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 Millersburg 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 Millersburg Borough Council may require duplicate sets of petition materials.
- F. Curative Amendment by a Landowner. A landowner, who desires to challenge on substantive grounds the validity of this Ordinance 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 Millersburg Borough 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 Municipalities Planning Code, as amended. The Millersburg Borough Council shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the County Planning

Commission as provided for in Section 4:1:16 and public notice of the hearing shall be provided as defined herein. The curative amendment shall also be referred to the Millersburg Borough Planning Commission.

1. In reviewing the curative amendment, the Millersburg Borough Council may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The Millersburg Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - b. 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;
 - c. 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;
 - d. 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; and,
 - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;
2. The Millersburg Borough Council shall render its decision within forty-five (45) days after the conclusion of the last hearing;
3. If the Millersburg 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;
4. 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;
5. The challenge shall be deemed denied when:
 - a. The Millersburg Borough Council fails to commence the hearing within sixty (60) days;
 - b. The Millersburg Borough Council notified the landowner that it will not adopt the curative amendment;
 - c. The Millersburg Borough Council adopts another curative amendment which is unacceptable to the landowner; or
 - d. The Millersburg Borough Council fails to act on the request forty-five (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;
6. Where a curative amendment proposal is approved by the grant of a curative amendment application by the Millersburg 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 Municipalities Planning Code shall apply; and,
7. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development Ordinance, 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;

G. Curative Amendment by the Millersburg Borough Council

1. The Millersburg Borough Council, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration proposal, the Millersburg Borough Council shall:
 - a. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof which may include:
 - (1) references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (2) references to a class of use or uses which require revision; or
 - (3) references to the entire Ordinance which requires revisions.
 - b. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Millersburg Borough Council shall enact a curative amendment to validate or reaffirm the validity of this Ordinance pursuant to the provisions required by the PA Municipalities Planning Code in order to cure the declared invalidity of the Ordinance;
3. Upon the date of the declaration and proposal, the Millersburg 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 Ordinance, 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 unamended Zoning Ordinance for which the Millersburg Borough Council propose to prepare a curative amendment; and,
4. The Millersburg Borough Council, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six (36) 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 Millersburg Borough by virtue of a decision by any Court of competent jurisdiction, the Millersburg Borough Council may utilize the provisions of this Section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation.

H. 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 Millersburg Borough Secretary and shall thereafter be refiled as part of the permanent records of Millersburg Borough.

4:1:17 Zoning Hearing Board

A. Establishment and Membership

There shall be a Zoning Hearing Board which shall consist of either three (3) or five (5) members who shall be appointed by resolution by the Millersburg Borough Council. The membership of the Zoning Hearing Board shall consist of residents of Millersburg Borough. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify Millersburg Borough of any vacancies which occur. Appointments to fill vacancies shall hold no other office in Millersburg Borough. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Millersburg Borough Council taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

The Millersburg Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Section, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing 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 in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in Millersburg Borough, including membership on the Planning Commission and Zoning Administrator. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated, unless designated as a voting alternate member pursuant to this Article.

B. Organization of Zoning Hearing Board

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 Section 4:1:17.E. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing 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. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of Millersburg Borough and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of Millersburg Borough, and shall submit a report of its activities to the Millersburg Borough Council upon request.

C. Expenditures for Services

Within the limits of funds appropriated by the Millersburg Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Millersburg Borough Council. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Millersburg Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 4:1:17(A), but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Millersburg Borough Council.

D. Hearings

1. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:
 - a. Public notice (as defined herein) shall be provided. In addition, the Zoning Hearing Board shall notify by mail the Zoning Administrator, Millersburg Borough Secretary, each member of the Millersburg Borough Council, Secretary of the Planning Commission, and every other person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;
 - b. The Millersburg Borough Council may prescribe reasonable fees with respect to hearing 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;
 - c. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be

held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of its case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearing within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete its case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

2. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to Millersburg Borough, may, prior to the decision of the hearing, waive decisions or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final;
3. The parties to the hearing shall be Millersburg Borough, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose;
4. The Chairman or Acting Chairman of the Zoning Hearing Board or the hearing officer 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;
5. The parties shall have the right to be represented by council and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
6. Formal rules of evidence shall not apply, but irrelevant, immaterial, and unduly repetitious evidence may be excluded;
7. The Zoning Hearing Board or the hearing officer, as the case may be, 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. 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 hearing officer; or shall be paid by the person appealing 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;
8. The Zoning Hearing Board or the hearing officer 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 their solicitor, unless the parties are afforded an opportunity to contest the materials 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;
9. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by the findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Article IX of the PA MPC, where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 4:1:17.D of this Ordinance, the decision

shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision with ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 4:1:17.D of this Ordinance. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal.

10. 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; and,
11. Effect of Zoning Hearing Board's Decision
 - a. 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 two (2) years 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 three (3) years of said date. For good cause, the Zoning Hearing Board may at any time, upon application in writing extend either of these deadlines;
 - b. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he fail to commence work thereunder within such two (2) 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;
 - c. Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Zoning Hearing Board may, upon ten (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 three (3) 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; and,
 - d. 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 (1) issuance of a zoning permit, and (2) completion of construction of the project.

E. Zoning Hearing Board's Functions

The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

1. Substantive Challenges to the Validity of the Zoning Ordinance, except those brought before the Millersburg Borough Council pursuant to Section 916.1(a)(2) of the PA MPC.
 - a. If a challenge heard by a Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the 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 Zoning 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 nature features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and,
 - (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;
- b. Public notice of the hearing shall be provided as specified in Section 4:1:17.D of this Ordinance.
 - c. The Zoning Hearing Board shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time; and,
 - d. The Zoning Hearing Board, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;
2. Challenges to the Validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the Ordinance;
 3. Special Exceptions as provided for in this Ordinance and subject to all applicable requirements, including, but not limited to:
 - a. Filing Requirements. In addition to the required zoning permit information, each Special Exception application shall include the following:
 - (1) Ground floor plans and elevations or proposed structures;
 - (2) Names and address of adjoining property owners including properties directly across a public right-of-way;
 - (3) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
 - (1) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
 - b. General Criteria. Each applicant must demonstrate compliance with the following:
 - (1) The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 - (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 the Millersburg Borough Floodplain Ordinance;
 - (6) The proposed use shall comply with those criteria specifically listed in Chapter 2 of this

Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,

- (7) The proposed use will not substantially impair the integrity of the Millersburg Borough/Upper Paxton Township Joint Comprehensive Plan;
- c. 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 Administrator and failure to comply with such conditions shall constitute a violation of this Ordinance and,
- d. Site Plan Approval. Any site plan presented in support of the Special Exception pursuant to Section 4:1:17.E.3 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;
4. Variances. The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Administrator. The Zoning Hearing Board may grant a Variance, provided that all of the following findings are made where relevant in a given case:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zone in which the property is located;
 - b. That because of such physical circumstances or conditions, there is not a possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a Variance is therefore necessary to enable 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 zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
 - e. That the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;
 - f. The proposed use complied with the Millersburg Borough Floodplain Ordinance;
 - g. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Administrator and failure to comply with such conditions shall constitute a violation of this Ordinance;
 - h. Filing Requirements. In addition to the required zoning permit each variance application shall include the following:
 - (1) Ground floor plans and elevations of existing and/or proposed structures;
 - (2) Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
 - (3) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,

- (4) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
 - i. 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 Administrator and failure to comply with such conditions will constitute a violation of this Ordinance; and,
 - j. 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;
- 5. Appeals from the determination of the Zoning Administrator, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot;
- 6. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance;
- 7. Appeals from the Zoning Administrator's determination under Section 916.2 (and any subsequent amendments) of the PA Municipalities Planning Code; and,
- 8. Appeals from the determination of the Zoning Administrator or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or storm water management for applications not involving a subdivision/land development, nor a planned residential development as regulated in Article V and VII of the PA Municipalities Planning Code.

F. Parties Appellant before the Zoning Hearing Board

Appeals under Sections 4:1:17 and proceedings to challenge this Ordinance under Section 4:1:17 may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of Millersburg Borough, or any person aggrieved. Requests for a variance or a special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

- 1. The name and address of the appellant and applicant;
- 2. The name and address of the landowner of the real estate to be affected;
- 3. A brief description and location of the real estate to be affected by such proposed change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the request;
- 4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and,
- 5. A statement of the Section of this Ordinance under which the request may be allowed, and reasons why it should, or should not be granted.

G. Time Limitations

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Zoning Administrator or the agency responsible for granting such approval 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 or 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.

The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Administrator a challenge to the validity of this Ordinance or the Official Zoning Map pursuant to Section 916.2 of the PA Municipalities Planning

Code, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval.

H. Stay of Proceeding

1. Upon filing of any proceeding referred to in Section F above and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Administrator or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Administrator or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Office or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by person other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such person to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
2. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellant court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

I. Appeal

Any person, taxpayer, or Millersburg Borough aggrieved by any decision of the Zoning Hearing Board may within thirty (30) days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and the PA Municipalities Planning Code as amended.

4:1:18 Conditional Uses

- A. Filing of Conditional Use. For any use permitted by Conditional Use, a conditional use must be obtained from the Millersburg Borough Council. In addition to the information required on the zoning permit application, the Conditional Use application must show:
 1. Ground floor plans and elevations of proposed structures;
 2. Names and addresses of adjoining property owners including properties directly across a public right-of-way;
 3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
- B. General Criteria. Each applicant must demonstrate compliance with the following:
 1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 3. The proposed use will not effect a change in 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 the Millersburg Borough Floodplain Ordinance, and

6. The proposed use will not substantially impair the integrity of the Millersburg Borough/Upper Paxton Township Joint Comprehensive Plan;
- C. Conditions. The Millersburg 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 Administrator and failure to comply with such conditions shall constitute a violation of this Ordinance;
- D. 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;
- E. Hearing Procedures:
 1. Before voting on the approval of a Conditional Use, the Millersburg Borough Council shall hold a public hearing thereon, pursuant to public notice. The Millersburg Borough Council shall submit each such application to the Millersburg Borough Planning Commission at least thirty (30) days prior to the hearing held upon an application to provide the Millersburg Borough Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application;
 2. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Administrator, such other persons as the Borough Council shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provisions, by rules of the Millersburg Borough Council. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;
 3. The Millersburg Borough Council may prescribe reasonable fees with respect to hearings. 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, expenses for engineering, architectural, or other technical consultants, or expert witness costs;
 4. The parties to the hearing shall be Millersburg Borough, any person affected by the application who has made timely appearance of record before the Millersburg Borough Council, and any other person, including civic or community organizations permitted to appear by the Millersburg Borough Council. The Millersburg Borough Council shall have power to require that all persons who wish to be considered parties enter appearance in writing on forms provided by the Millersburg Borough Council for that purpose;
 5. The President or Acting President of the Millersburg Borough Council shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties;
 6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;
 7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;
 8. The Millersburg Borough Council may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Millersburg Borough Council. The cost of the original transcript shall be paid by the Millersburg Borough Council if the transcript is ordered by the Millersburg Borough Council; or shall be paid by the person appealing the decision of the Millersburg 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; and,
 9. The Millersburg 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 their solicitor, unless 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,

10. The hearing shall be conducted by the Millersburg Borough Council or the Millersburg 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 Millersburg Borough Council. However, the appellant or the applicant, as the case may be, in addition to Millersburg Borough, may, prior to the decision of the hearing, waive decision or findings by the Millersburg Borough Council and accept the decision or findings of the hearing officer as final.
11. The Millersburg Borough Council shall render a written decision or, when no decision is called for, make written findings on the Conditional Use application within forty-five (45) days after the last hearing before the Millersburg Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this ordinance or of any ordinance, rule or regulation 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.
12. Where the Millersburg Borough Council fails to render the decision within the period required by this Article or fails to commence, conduct or complete the required hearing as provided in Section 4:1:16.B of this Ordinance, the decision shall be deemed to have been rendered in favor for the applicant unless the applicant has agreed in writing or on the record of an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Millersburg Borough Council to meet or render a decision as hereinabove provided, the Millersburg Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Article. If the Millersburg Borough Council shall fail to provide such notice, the applicant may do so.

F. Time Limitation

1. If a Conditional Use is granted, the necessary permit shall be secured and the authorized action begun within two (2) 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 (3) years of said date. For good cause, the Millersburg Borough Council 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 two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) 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 Millersburg Borough Council;
3. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Millersburg Borough Council may, upon ten (10) days notice in writing, rescind or revoke the granted Conditional Use, if the Millersburg Borough Council finds that no good cause appears for the failure to complete within such three (3) year period, and if the Millersburg 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; and,
4. As an alternative to the preceding, an applicant can request, as part of the original application before the Millersburg Borough Council the granting of a timetable associated with the request which would supersede the deadlines imposed in this Article. 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 Millersburg Borough Council must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

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4:2 General Regulations

4:2:1 Application. The regulations contained in this Article shall apply to all uses within Millersburg Borough.

4:2:2 Access Drive Requirements

- A. Access drives are private drives which provide vehicular movement between a street and a tract of land containing any use other than a single-family dwelling unit or a farm. Access drives shall conform with the current ordinance governing Subdivision and Land Development in Millersburg Borough, and the following:
1. Except as specified elsewhere, the number of access drives intersecting with a street shall not exceed two (2) per lot. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.
 2. The edge(s) of all access drives shall be set back at least:
 - a. One hundred feet (100') from the intersection of any street right-of-way lines;
 - b. One hundred feet (100') from any other access drive located upon the same lot, measured from cartway edges; and
 - c. Fifteen feet (15') from any side and/or rear property lines; however, this setback requirement can be waived along one property line when a joint parking lot is shared by adjoining uses.

4:2:3 Antenna, Standard (includes amateur radio antenna)

- A. No standard antenna, including its supporting structure, shall have a total height exceeding fifteen feet (15') above the top of the principal building on the lot, except that an amateur radio antenna may have a maximum height above the average surrounding ground level of seventy feet (70').
- B. An antenna shall be properly anchored to resist high winds.

4:2:4 Bus Shelters

- A. A bus shelter shall be allowed in all zoning district to provide refuge for mass transit riders from adverse weather conditions.
- B. Only the following signs shall be permitted:
 1. One two-sided sign with a maximum sign area of 8 square feet.
 2. Non-illuminated signs identifying the name of the transit provider, route schedules and maps.
- C. It shall be proved to the Zoning Administrator that the location of a bus shelter shall not interfere with pedestrian traffic along a sidewalk and that a bus shelter is not located within a clear-sight triangle.
- D. It shall be proved to the Zoning Administrator that there is a legally binding commitment by a responsible entity to properly maintain the bus shelter and to remove the shelter if it is not needed in the future or if it falls into disrepair.
- E. Shelters shall be durably constructed and have a roof. For security and safety purposes, the majority of the side and rear walls of the shelter shall be constructed of a clear, shatter resistant material.
- F. Any light bulbs or lighting elements shall not be directly visible from outside the shelter. Glare shall not be created.

G. A bus shelter shall not abut a single-family dwelling.

4:2:5 Clear Sight Triangle

- A. In a Clear Sight Triangle no wall, fence, sign or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained or permitted between 3' and 8' above the lowest street grade which may cause danger to traffic or a street or public road by obscuring the view.
- B. Where two streets intersect, a clear sight triangle shall be required. Each of the two shorter legs of the triangle shall be measured from 30 feet back from the point of intersection of the street cartways (disregarding the curbed radius at the corner). These two legs shall be connected by a third longer leg.
- C. Where a street intersects with an alley, a clear sight triangle shall be established with one leg of the triangle 15 feet long along the edge of the right-of-way of the street and one leg of the triangle 10 feet long along the centerline of the alley, with the 2 legs connected by a third longer leg.
- D. Where 2 alleys intersect, a clear sight triangle shall be established with each leg of the triangle 10 feet long along the centerline of each alley, and with the 2 legs connected by a third longer leg.
- E. Driveways and access drives shall be located and constructed so that a clear-sight triangle, as depicted below, is provided. Two (2) legs of the triangle shall be located in both directions along the street centerline, seventy five feet (75') from a point where the centerline of a driveway or access drive and street intersect. The third leg of the triangle shall be located along the centerline of the driveway or access drive, on the site and fifteen feet (15') from the property / street right-of-way line.

4:2:6 Common Open Space Requirements

- A. In those instances where common open space is required elsewhere in this Ordinance, or when an applicant proposed the use of common open space, such common open space shall comply with the following:
1. Required common open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:
 - a. Protection of important natural resources (e.g., productive agricultural soils, streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.)
 - b. Protection of important historical sites, archeological sites, or both;
 - c. Provisions of usable play and recreation areas that are conveniently accessible to residents within the development and Millersburg Borough;
 - d. Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools, or other similar features;
 - e. Be contained on a separate lot having a minimum contiguous lot area of 1 acre, except where part of a condominium development. A minimum width of land of 20 feet shall be maintained between areas to be considered contiguous land.
 - f. Meet the following design requirements:
 - (1) Maximum impervious coverage: 10%
 - (2) Accessory use setbacks: 25' for front, rear and side yards
 - (3) Maximum permitted accessory building height: 20'
 - g. Contain accessory structures to support the principal use of the property as common open space. Principal structures, such as dwelling units, shall not be permitted on common open space.
 2. An essential element of the use of common open space is a written description and plan for the disposition of the ownership of common open space land designating those areas to be offered for dedication or to be owned by

the specific form of organization proposed. The common open space shall be accomplished through one of the following:

- a. An offer of dedication to Millersburg Borough. Millersburg Borough shall not be obligated to accept dedication of the common open space.
- b. With the permission of Millersburg Borough Council, and with appropriate deed restrictions in favor of Millersburg Borough and in language acceptable to the Millersburg Borough Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, nonprofit organization, among whose purposes is the preservation of common open space land, natural resources, or both. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provisions for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with Millersburg Borough Council.
- c. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owner's associations found in the Pennsylvania Uniform Condominium Act. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Millersburg Borough Solicitor:
 - (1) Such organization shall not dispose of the common open space by sale or otherwise, except to Millersburg Borough, unless Millersburg Borough Council has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Ordinance.
 - (2) The organization and all lot owners shall enter into a maintenance agreement with Millersburg Borough Council and shall agree to be bound by the provisions of the Pennsylvania Municipalities Planning code relating to the maintenance of deteriorating common open space by municipalities.
 - (3) Millersburg Borough Council may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

4:2:7 Compost

- A The placement of compost is permitted in all zones based on building placement and setback requirements. Only waste materials from the site shall be deposited within the compost, and in no case shall meat, or meat by-products, dairy products or bones be composted. All compost shall be properly maintained so as not to become a nuisance to nearby properties.

4:2:8 Driveway Requirements

- A. Driveways shall include private drives serving individual farms and single-family dwellings, as well as shared driveways serving two dwellings. Driveways shall meet the following standards:
 1. No more than two (2) driveway connections per lot shall be permitted.
 2. Driveways shall not be less than thirty feet (30') from any street intersection, nor less than five feet (5') from a fire hydrant, nor less than five feet (5') from adjoining lot lines, unless a shared driveway is proposed.
 3. A driveway shall not exceed a slope of eight percent (8%) within twenty-five feet of the street right-of-way lines or fifteen percent (15%) overall.
 4. No driveway shall provide a curb cut exceeding twenty feet (20') in width. On uncurbed streets a radius of no less than five feet (5') is permitted on both sides of the driveway in addition to the twenty foot (20') driveway width.
 5. Any driveway intersecting with a State-owned road shall require the obtainment of a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
 6. Driveways shall not interfere with normal traffic movement nor be constructed in a manner to be inconsistent with the design, maintenance and drainage of the street. When required to maintain drainage, a pipe no less than fifteen inches (15") in diameter shall be installed.

7. A driveway location shall be delineated on all plans / permits, as applicable.
8. Shared driveways may be used to provide required vehicular access between two (2) single-family detached dwellings and a street. Shared driveways shall not exceed one thousand feet (1,000') in length.
9. Driveways shall be located so as to provide adequate sight distance at intersections with streets. Such sight distances shall be as specified in the current ordinance governing Subdivision and Land Development Ordinance in Millersburg Borough, but no less than a minimum of two hundred feet (200') in each directions.

4:2:9 Dumpster Screening and Location

- A. Solid waste dumpsters shall be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing or of a similar appearance (such as white vinyl vertical planks). Primarily evergreen plantings are also encouraged in addition to the fence or wall. The fence or wall shall include a self-latching door or gate.
- B. Setbacks. All dumpsters are permitted in all zones and are required to meet the regulations of setbacks in the zone in which it is located.
- C. All dumpsters shall be completely enclosed, and the lid shall be kept in place. The locations of all dumpsters shall be shown on all site plans and land development plans submitted to Millersburg Borough Council.
- D. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises.
- E. Dumpsters to be used as central recycling shall comply with screening requirements in (A), above.

4:2:10 Fences and Walls

- A. Fences and walls shall be permitted by right in all Zoning Districts. Any fence or wall shall be durably constructed and well-maintained. Fences or walls that have deteriorated shall be replaced or removed.
- B. No fence, wall or hedge shall obstruct the clear-sight triangle requirements of this Ordinance.
- C. No fence, wall, or structure shall be permitted or erected in a public or private drainage, utility or access easement, unless otherwise required by this Ordinance or other Millersburg Borough ordinance. Any such fence erected in violation of this section shall be removed or relocated at the owner's expense.
- D. It shall be unlawful to construct or alter any fence over six feet (6') or wall over four feet (4') high without first having secured a building permit. It shall be unlawful to vary materially from the approved submitted plans and specifications unless such variations are submitted in an amended application to the Zoning Administrator or other designated municipal official and approved by this official.
- E. Fences shall comply with the following:
 1. Any fence located in the required front yard in any district shall:
 - a. be an open-type of fence (such as picket, metal post, wrought iron or split rail) with a minimum ratio of 1:1 of open structural areas, with a zero setback.
 - b. be a solid fence, not located in front of building, with a five foot (5') setback.
 - c. not be constructed of chain link metal. Fences are may constructed using weather resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic style metal post fences.
 2. In all district on a corner lot at the intersection of two (2) streets, the maximum height of a fence shall be thirty-six inches (36") along the street from which the residence takes its address; the maximum in other yards shall be six feet (6'), all subject to (B) above.
 3. Brick may be used for posts or as a base for a fence, provided the maximum fence height is not exceeded.

4. A fence shall not be required to comply with minimum setbacks for accessory structures.
5. Fences that are within C and I districts shall have a maximum height of eight feet (8'), subject to (B) above.
6. A maximum height of twelve feet (12') shall be permitted where the applicant proves to the Zoning Administrator that such taller height is necessary to protect public safety around a specific hazard, such as around an electric substation.
7. Structural posts of a fence may extend above the height of the fence.
8. All fence heights shall be measured from the average surrounding ground level.
9. No fence shall be built within an existing street right-of-way.
10. A fence may be built without a setback from a lot line, however a small setback is recommended to provide future maintenance of the fence.
11. Barbed wire shall not be used as part of fences around dwellings.
12. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.
13. If one side of a fence includes posts or supports, those posts or supports shall be placed on the interior of the fence, as opposed to facing onto a street or another lot.
14. If a fence is finished only on one side, the finished side shall face outward away from the lot or parcel upon which it is located.

F. Walls shall comply with the following:

1. Engineered retaining walls necessary to hold back slopes are exempted from the regulations of this Section and are permitted by right as needed in all zoning districts.
2. Walls, except a retaining wall, in the front yard in a residential district shall have a maximum height of thirty-six inches (36"). In a residential district on a corner lot at the intersection of two (2) streets, the maximum height of a wall shall be thirty-eight inches (38") along the street from which the residence takes its address; the maximum in other yards shall be six feet (6'), subject to (B) above.
3. Walls that are structurally part of a building shall be regulated as part of that building.
4. All wall heights shall be measured from the average surrounding ground level.

4:2:11 Frontage onto Improved Streets

A. Frontage Required onto Improved Streets shall comply with the following:

1. Each proposed new lot and principal building shall directly abut one of the following: a) a public street, not including an "alley," b) a street proposed to be dedicated to Millersburg Borough by the subdivision plan which created such lot, or c) an existing (at date of adoption of this Ordinance) private street which meets all of the requirements of a public street. Approved access shall be in accordance with the current ordinance governing Subdivision and Land Development in Millersburg Borough.
2. Access to lots containing single-family dwellings shall be via driveways and access to lots containing other uses shall be via access drives.
3. The erection of a principal building on any lot which existed at the time of the enactment of this Ordinance and does not have frontage on a public right-of-way shall be permitted if the applicant provides proof of access to the property in the form of a legal document recorded at the County courthouse. If the existing document does not address access rights and maintenance responsibilities between the landowner and affected parties, or if no such document exists, a new document shall be recorded that does address these issues. In addition, the landowner shall enter into a binding legal agreement with Millersburg Borough Council prepared by the Millersburg Borough Solicitor outlining the

responsibility of each party as it pertains to the private right-of-way.

4:2:12 Garage and Yard Sales

- A. Within any zoning district, an owner, occupant, or both, may conduct up to twelve (12) garage or yard sales per year.
- B. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days.
- C. Sales shall be limited to personal items.
- D. Only one (1), four (4) square foot sign shall be permitted advertising the garage or yard sale located upon the premises where the sale occurs, and shall be removed promptly upon the completion of the sale.
- E. In no case shall any aspect of the garage or yard sale be conducted in a street right-of-way, except that parking may occur where permitted.
- F. The conduct of a garage or yard sale beyond the extent herein represents a commercial business and requires appropriate zoning authorization.

4:2:13 Habitable Floor Area

- A. Minimum residential dwelling and room sizes shall be in accordance with the most current version of the International Property Maintenance Code.

4:2:14 Height Regulations

- 1. Height regulations shall not apply to barns intended for farming operations, skylights, steeples of houses of worship, antennas, spires, belfries, windmills, cupolas, penthouses, or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, silos, clock or bell towers, elevator shafts, mechanical equipment or other appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.
- 2. No building shall be hereafter erected less than one (1) story in height.

4:2:15 Landscaping

- 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. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.
- B. Parking Area Trees
 - 1. One deciduous tree shall be required for every 10 new off-street parking spaces.
 - 2. If a lot will include 8 or more new parking spaces, landscaped areas shall be provided within the parking area. Otherwise, the landscaping may be planted around the parking area. No more than 20 off-street parking spaces shall be located in one contiguous cluster without being separated from other spaces by landscaping.
 - 3. Trees required by this section shall meet the following standards:
 - a. The trunk caliper (measured at a height of 6 inches (6") above the finished grade level) shall be a minimum of 2 inches or greater.
 - b. Planting and Maintenance. Required trees shall be:
 - (1) Planted with adequate unpaved surface around each for water and air, and
 - (2) Properly protected by curbs, curb stops, distance or other devices from damage from vehicles.

- c. Trees shall be free of insect pests and diseases.
- d. Trees shall be maintained in a healthy condition. Any tree which dies or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of 150 days.

C. Street Trees. Shall be regulated by the current Millersburg Borough Shade Tree Ordinance.

D. Landscaping Maintenance. All trees ,buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner as soon as is practical considering growing seasons, within a maximum of 150 days.

4:2:16 Manure Storage Facilities

A. All manure management practices and operations shall comply with the provisions set forth in the *Nutrient Management Act of 1993*, Act 38 of 2005, or as amended.

B. All waste storage facilities shall be designed and constructed in compliance with 25 Pa Code, Chapter 91, Section 91.3.6.a

4:2:17 Natural or Man-Made Lakes, Dams, Ponds and Impoundments

A. All lakes, dams, ponds and impoundments shall be permitted in any zone, subject to the current ordinance governing Subdivision and Land Development in Millersburg Borough and all state and/or federal requirements.

B. All ponds constructed within areas subject to livestock shall be enclosed with fencing that prevents livestock from trampling the pond's shores and polluting the waters.

C. All lakes, dams, ponds and other impoundments shall be regularly maintained to prevent stagnation and to prevent a nuisance to adjacent properties. Floating debris shall be removed from all pipes and spillways. If the ponds, lakes, dams and impoundments have pipes and spillways, they shall be regularly cleaned.

4:2:18 Ornamental Ponds and Wading Pools

A. Ornamental ponds and wading pools shall comply with all setbacks and applicable safety standards.

B. All such ponds or pools shall be maintained so as not to pose a nuisance by reason of odor, or the harboring of insect, vermin, or both.

C. No such pond shall be used for the commercial hatching of fish or other species.

4:2:19 Parking and Storage of Unlicensed or Uninspected Motor Vehicles

A. Motor vehicles without current, valid license plates or inspection stickers which are more than sixty (60) days beyond their expiration dates shall not be parked or stored in any zone, unless stored within a completely enclosed building or completely covered.

B. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public streets.

C. Nothing in this section shall be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current valid inspection stickers if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

4:2:20 Performance Standards for all Uses

All uses shall be subject to and comply with the following regulations, or as amended, where applicable.

A. Noise Pollution and Vibration: Rules and regulations of the Pennsylvania Department of Environmental Protection.

- B. Air Pollution. Airborne Emissions and Odor: Rules and regulations of the Pennsylvania Department of Environmental Protection.
- C. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691, or as amended.
- D. Mine Reclamation and Open Pit Setback: Pennsylvania Act 147, the “Surface Mining Conservation and Reclamation Act” of 1971, or as amended.
- E. Glare and Heat: Rules and regulations of the Pennsylvania Department of Environmental Protection.
- F. No use or operations shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause.
- G. Outdoor Lighting: Where light fixtures are installed to provide exterior illumination, excluding overhead street lighting and warning, emergency, or traffic signals, the following restrictions shall apply. These standards will only apply to non-residential and multi-family uses abutting residential uses.
 - 1. All outdoor lighting, whether or not required by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.
 - 2. All future amendments to the recommended practices of the IESNA shall be made a part of the Ordinance without further action by the Millersburg Borough Council.
 - 3. Street lighting fixtures, when required for safety considerations, may be controlled by photocells for dusk to dawn operation.
 - 4. The lighting from any luminary shall be shaded, shielded, or directed to prevent direct light from being distributed onto adjacent properties and/or surrounding areas. Unshielded lighting is not permitted, except for temporary holiday lighting.
 - 5. Lighting shall be designed so that glare or direct illumination does not exceed one (1’) foot candle beyond the property line on which the lighting originates.
 - 6. Lighting on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare).
 - 7. Pole-mounted lamps shall be placed directly above the area to be illuminated and shielded at the top and sides; or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions.
 - 8. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of mounting height, wattage, aiming angle, fixture placement, etc.
 - 9. The installation or erection of any lighting, which may be confused with warning signals, emergency signals, or traffic signals, shall not be permitted.
 - 10. Lighting of parking lots shall be in accordance with this Ordinance.
 - 11. Maintenance: Lighting fixtures shall be maintained so as to always meet the requirements of this Ordinance.
 - 12. Nonconforming Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture. A nonconforming lighting fixture shall be made to comply with the requirements of this Ordinance when such fixture is replaced or relocated.

- A. Keeping of pets is permitted by right in all zoning districts.
- B. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets.
- C. It shall be unlawful on a residential property to maintain any “exotic wildlife” as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.

4:2:22 Prohibited Uses

The following uses are prohibited in all districts within Millersburg Borough.

- A. The incineration, or storage of offal, animals, fish, or refuse, unless by the authority of or under the supervision of Millersburg Borough.
- B. The incineration of garbage and grass clippings.
- C. Dumps and dumping of any kind, other than solid waste landfill and composting, unless by the authority of or under the supervision of Millersburg Borough.

4:2:23 Recreation Courts, Rinks and other Athletic Facilities

- A. All recreation courts, rinks, and other athletic facilities shall be arranged or fenced so as to prevent safety hazards upon nearby roads, properties or both. All recreation courts, rinks and other athletic facilities, excluding fences, shall be set back at least twenty (20) feet from any adjoining lot lines and shall include an open mesh permanent fence ten feet (10’) in height behind each baseline. Such fence shall extend parallel to said baseline at least ten feet (10’) beyond the playing surface unless the entire facility is enclosed. Any lighting fixtures shall be arranged so as not to cast directly on adjoining property, roads, or both.

4:2:24 Repair of Personal Motor Vehicles

The routine maintenance, repair and servicing of personal motor vehicles, including go-carts and racing vehicles, owned or leased by the person performing such services when performed outside of a building within all zones, is permitted by an occupant of the residence, subject to the following:

- A. All vehicles shall be maintained with proper licensure.
- B. All work shall be performed on the vehicle owner’s or lessee’s property of residence.
- C. Work shall be limited to the following:
 1. Servicing and replacement of spark plugs, batteries, distributors and distributor parts;
 2. Repair and replacement of tires and wheels, excluding recapping or regrooving;
 3. Replacement of water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, floor mats and carpeting, seat covers, seat belts, windshield wipers, mirrors and engine coolants;
 4. Repair and replacement of car radios, CD players, amplifiers, speakers, and similar electronic devices;
 5. Cleaning and flushing of radiators only when flushed into water-tight container;
 6. Repair and replacement of fuel pump and line repairs;
 7. Minor servicing and adjustments;
 8. Minor motor adjustments, not involving the removal of the motor head or crankcase, nor the prolonged revving of the motor;

9. Minor body repairs, excluding the replacement of body parts, the complete repainting of the body and the application of undercoating;
 10. Cleaning of all exterior and interior surfaces, including washing, shampooing, vacuuming, ribbing, polishing, waxing, and the application of paint sealants.
- D. All by-products or waste fuels, lubricants, chemicals, and other products shall be properly disposed of.
- E. No vehicle shall be stored in a “jacked-up” position or on blocks for more than 72 consecutive hours, unless completely covered.
- F. All outdoor work shall be performed during the hours of 7:00 AM - 9:00 PM.

4:2:25 Sale of Personal Vehicles and Equipment

- A. In any zone, a landowner or occupant may display a maximum of two (2) personal passenger or recreational vehicles titled to the land owner or occupant for sale at any time. Such displays shall be for a maximum of sixty (60) days not more than twice a calendar year. Two signs a maximum of six (6) square feet each may be displayed per vehicle. All vehicle sale activities shall be in accordance with applicable state regulations.

4:2:26 Satellite Dish Antennas

- A. Satellite dish antennas are subject to all accessory use standards.
- B. All ground-mounted commercial satellite dishes located within the zoning districts shall be completely enclosed by an eight foot (8') high, non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.

4:2:27 Seasonal Sidewalk Displays

- A. Seasonal sidewalk displays shall comply with the following provisions:
1. The location of outdoor seasonal sidewalk displays shall be limited to sidewalks, under canopies, or other areas immediately in front of the building's store front. The stacking and/or display of such items shall be arranged to provide clear pedestrian access (sidewalk or other area) conforming with the current Americans with Disabilities Act (ADA) standards.
 2. In no case shall the location of such sidewalk display areas occur within any area used for vehicular circulation, loading nor emergency vehicle access (e.g., fire lanes);
 3. No signage, except as authorized by this Ordinance, shall be permitted; and
 4. Intended sidewalk display areas shall be located upon any permits and/or plans required by Millersburg Borough.

4:2:28 Shopping Cart Storage

- A. For grocery stores, other stores containing grocery department store, variety stores, or home improvement and building supply stores, the outdoor collection of shopping carts is permitted under the following conditions:
1. Shopping carts may be collected and stored immediately in front of the store front (upon sidewalks, or under a canopy) and/or within a parking lot;
 2. In no case shall such designed shopping cart storage and collection areas be located upon any facilities used for vehicle circulation, parking, loading, nor emergency vehicle access (e.g., fire lanes);
 3. Such shopping cart storage and collection areas shall be situated so as to provide clear pedestrian access (sidewalk or other area) conforming to the current Americans with Disabilities Act (ADA) adjoining the store front;
 4. Signage for such shopping cart storage and collection areas shall be governed by those regulations pertaining to on-site directional and informational signs as regulated by this Zoning Ordinance.

5. Intended shopping cart storage and collection areas shall be depicted upon any permits and/or plans required by Millersburg Borough.

4:2:29 Stockpiling, Outdoor

- A. In all zones, no outdoor stockpiling of any personal material is permitted in the front yard.

4:2:30 Storage and Display (Outside)

- A. Outside storage and display shall not occupy an existing or future street right-of-way, buffer yard, sidewalk or other area intended or designed for pedestrian use, or required parking area.
- B. No outside storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodway.
 1. All outside storage or display shall be in compliance with Millersburg Borough Floodplain Ordinance.
- C. Any outside storage of more than twenty (20) used tires shall only be permitted as part of a Millersburg Borough approved junkyard. Any outside storage of tires shall involve stacks with a maximum height of 15 feet and shall cover a maximum of 400 square feet. Each stack of tires shall be located a minimum of seventy five feet (75') from all lot lines.
- D. Outside storage and displays shall be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing or of a similar appearance (such as white vinyl vertical planks). Primarily evergreen plantings are also encouraged in addition to the fence or wall. The fence or wall shall include a self-latching door or gate.
- E. Setbacks. Outside storage and displayed are permitted in all zones and are required to meet the regulations of setbacks in the zone in which it is located.

4:2:31 Swimming Pools

- A. Every outdoor swimming pool, deeper than 24", must conform to all applicable municipal and state codes and shall be subject to the following regulations.
 1. No swimming pool shall be constructed in the required front yard.
 2. Swimming pool setback shall be a minimum of ten (10') feet from the property line to waters edge and seven (7') feet from impervious surface or support structure to property line.
 3. Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way.
 4. Pools shall not be located over an on-lot septic system drain field or drainage, utility, or access easement.
 5. No permanent pool structure shall be permitted without an operable filtration system, bromine or some other antibacterial agent.

4:2:32 Waste and Sewage Disposal

All methods and plans for the on-lot disposal of sewage or wastes shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes. A certificate or statement of adequacy from the Municipal Sewage Enforcement Officer or the Pennsylvania Department of Environmental Protection as applicable shall be prerequisite to the issuance of a building permit.

2:2:33 Waste Handling Requirements

- A. All commercial, industrial and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:
 1. Listing of all materials to be both used or produced on the site;
 2. Listing of all wastes generated on the site; and

3. Evidence shall be provided indicating that the disposal of all materials and wastes shall 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 County which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use 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 changes significantly either by type or amount, the owner shall so inform the Zoning Administrator, and shall provide additional evidence demonstrating continued compliance with the requirements of this section.

4:2:34 Yard Adjustment Regulations

- A. Yards shall be provided in accordance with the provisions of this Ordinance and shall be planted with grass, seed, sod, ground cover, mulch or other pervious decorative or vegetative cover excepting in cases where walks, access drives, off-street parking lots, patios and other types of surfaces are permitted by this Ordinance.
 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 principal buildings shall have adequate provisions for access by emergency vehicles and fire ladders in order to reach all sides of a building.

4:3 Nonconforming Lots, Uses and Buildings

4:4:1 Continuation of Nonconforming Uses and Buildings

- A. All lawful uses of land, buildings, signs, or other structures existing on the effective date of this ordinance may be continued, altered, restored, reconstructed, sold, or maintained in accordance with the provisions of this Ordinance.

4:4:2 Registration

- A. Nonconforming uses and structures may be reported to the Zoning Administrator by the owner, user, lessor, or lessee, and be registered by the Zoning Administrator within one (1) year of the effective date of this Ordinance. The Zoning Administrator, upon proof of a legal nonconformity, may certify the existence of the nonconforming uses and/or structures.
- B. Should a nonconforming use or building not be reported or identified within one (1) year, the owner of the nonconforming use or structure shall have the right to show by a preponderance of the evidence to the Zoning Administrator that the use or building was nonconforming upon the effective date of this ordinance.

4:4:3 Existing Nonconforming Lots of Record

- A. Any nonconforming lot, due to its lot area or dimensions, existing as of the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such lot does not conform to the lot requirements for the district in which it is located.
- B. The following requirements apply to the development and use of a nonconforming lot.
 - 1. All the requirements of this Ordinance shall be met with the exception of lot area and lot width.
 - 2. The following requirements shall apply to the development and use of the nonconforming lot:
 - a. All the requirements of this Article shall be met with the exception of lot area and lot width. No lot shall be developed unless the following requirements are met:
 - (i) Each lot shall have an approved on-lot water and wastewater system or access to public water and public sewer. Additionally, for those lots utilizing on-lot water, the minimum required isolation distance between well and on-lot wastewater system shall be provided
 - (ii) In residential districts, only one single-family dwelling may be erected, and the following minimum side yards shall be provided:
 - (aa) Interior lots with a width of 50 feet or more, two side yards shall be provided as required by the zoning district regulations
 - (bb) Corner lots with a width of 50 feet or mote, two front yards shall be provided. The front yard opposite the interior side yard may be reduced by the number of feet the lot width is less than the zoning district requires, but may not be reduced to less than the minimum side yard. The side yard shall be provided as required by the zoning district regulations.
 - (cc) On lots less than 50 feet in width, but not less than 27 feet in width, two side yards shall be provided, each equaling 20% of the lot width.
 - b. On a lot in a commercial or industrial district, the required side yards shall be determined by the Zoning Hearing Board, upon application for a variance based on the same criteria as above for residential structures.

3. Where possible, contiguous nonconforming parcels under common ownership should be combined to create conforming lots.

4:4:4 Existing Nonconforming Uses and Buildings

A. Alterations and Reconstruction.

1. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a nonconforming building or to a building occupied by a nonconforming use.
2. A nonconforming building which is damaged by fire, an explosion, or a natural disaster, etc, may be rebuilt and used for the same purposes, provided that:
 - a. The reconstruction of the building is commenced within 18 months from the date of the destroying of the building and is carried to completion without undue delay, and
 - b. The reconstructed building does not exceed in height, area, and volume, the building destroyed.

B. Extensions, Expansions, and Enlargements.

1. Nonconforming uses or buildings occupied or used for residential or non-residential purposes which are nonconforming and otherwise not permitted in the zoning district in which they are located shall be allowed to expand, extend or enlarge. All extensions, expansions and enlargements of lawful nonconforming uses and buildings shall be reviewed by the Zoning Administrator to determine compliance with the following standards:
 - a. Any extension, expansion or enlargement of a nonconforming building or use shall be permitted as long as the maximum building coverage is not exceeded.
 - b. Any expansion or enlargement of a nonconforming building shall not exceed 50% of the total gross floor area of the nonconforming building from the time it became nonconforming.
 - c. Any extension, expansion or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located.
 - (i) Extension Along a Nonconforming Setback. If an existing building has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the nonconforming side or rear setback line, provided that:
 - (aa) The structure shall not be extended beyond the existing nonconforming setback line
 - (bb) No additional nonconformity shall be created
 - (cc) The new nonconforming extension shall not be greater than 25% of the existing floor area
 - (dd) All other requirements of this Article are met
 - (ee) Such addition shall not be permitted for a non-residential building that abuts an existing primarily residential use
 - d. All required loading and/ or parking spaces for any expansion or enlargement shall comply with the requirements of Article 2:4.
 - e. Any extension, expansion or enlargement of a nonconforming building or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the nonconforming building or use, where such vacant parcels have been separately recorded or acquired prior to the effective date of this Ordinance.
 - f. Any expansions or extensions of a nonconforming sign shall comply with all provisions of this Ordinance.

- g. The intensity of a nonconforming use (resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc) shall not be increased.

4:4:5 Change of Use

- A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
- B. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification unless in compliance with the rules for such change as outlined by this Article.
- C. A nonconforming use may be changed to another nonconforming use only by the granting of a Special Exception by the Zoning Hearing Board in compliance with this Ordinance. Where a Special Exception approval is required, the Zoning Hearing 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:
 - 1. Traffic safety and generation (especially truck traffic)
 - 2. Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire, hazardous substances and explosive hazards.
 - 3. Amount and character of outdoor storage
 - 4. Late night and early morning hours of operation if the new use would be close to dwellings
 - 5. Compatibility with the character of surrounding uses.

4:4:6 Abandonment and Discontinuance

- A. A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped and the use is not actively advertised for sale or lease. Such nonconforming use shall not thereafter be reinstated except in conformance with this Ordinance. A nonconforming building or land, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned
- B. Except for in a Mobile Home Park, the removal of a nonconforming mobile home from the site it occupied [and if such site is not leased, actively marketed, or purchased within one (1) year or less] shall constitute abandonment of the site, and any occupation or subsequent use of said site shall conform with the provisions of this ordinance.
- C. The removal of a mobile home from a residential lot already occupied by a residential building shall constitute abandonment of the nonconforming use and such use shall not thereafter be permitted. [Exception: mobile homes utilized for temporary housing for farm employees].
- D. Mobile Home Parks, trailer camps or trailer parks, which are nonconforming under the terms of this Ordinance shall be operated in accordance with Public Health Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, under the provisions of Act 175 of April 9, 1929, P.L. 177, as amended, and all other applicable laws.

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4:4 Definitions

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The terms “shall and will”, “will” and “must” are always mandatory. The words “should” or “may” are permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words, “intended, arranged or designed to be used or occupied”. The word “erected” shall be inclusive of the words “constructed, altered or moved.”

ABANDONMENT: The relinquishment or renunciation of an interest, claim, privilege, rights or possession of property with the intent of never again resuming it, and with no intention by the owner of transferring rights to the property.

ABUT or ABUTTING: A building(s) which physically touch. Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, public alley open to traffic or a perennial waterway.

ACCESS DRIVE: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY BUILDING: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

ACCESSORY STRUCTURE: A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or the main building and located on the same lot with such principal use or main building.

ACRE: A measure of land area containing 43,560 square feet.

ACTIVITY: The use of land for a specific purpose.

ADAPTIVE REUSE: The development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION: Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing.

ADJOINING LOT OR LAND: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. (See Abut)

AESTHETIC: The perception of artistic elements, or elements in the natural or man-made environment which are pleasing to the eye.

AISLE: The traveled way by which cars enter and depart parking spaces.

ALLEY: A public or private right-of-way other than a side street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

AMENDMENT: A change in use in any district or change in zoning district, which includes revisions to the zoning text and/or the official zoning map.

AMORTIZATION: A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

ANTENNA STANDARD: A device, partially or wholly exterior to a building, that is used for receiving electronic signals (other than a satellite dish antenna which is treated separately) or for transmitting short-wave or citizens band radio frequencies. This shall include antennae used by an amateur ham radio operator or by a contracting business or utility to communicate with its employees, but shall not include a "Commercial Communications Antenna." This term includes any accessory supporting structures.

ANTENNA HEIGHT: The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

ANTENNA SUPPORT STRUCTURES: Any structure, mast, pole, tripod or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

APARTMENT BUILDING: See Dwelling, Multi-Family.

APARTMENT, CONVERSION: A multi-family dwelling constructed by converting an existing dwelling into apartments for three (3) or more families without substantially altering the exterior of the building.

APPLICANT: A landowner or developer (as herein defined) who has filed an application for development including his personal representatives, heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit or for the approval of a subdivision plat or plan or for approval of a land development plan.

AREA, BUILDING: The total of area, in square feet, of all floors, excluding basement, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

AREA, GROSS: The total lot area, including public right-of-way.

AREA, LOT: The area contained within the property lines of a lot as shown on a subdivision plan, including the area of any easement..

AREA, NET: The total lot area, less public right-of-way.

ATTIC: That part of a building which is wholly or partly within the roof framing.

AUTHORITY: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 162), as amended, known as the "Municipalities Authorities Act of 1945".

AWNING: A roof-like cover that is temporary or permanent in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and can be periodically retracted onto the face of a building.

BASEMENT: A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet.

BILLBOARD: See "SIGNS".

BLOCK: An area bounded by streets, railroad rights-of-way, waterways and other definite barriers.

BUILDABLE AREA: The area of lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

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

BUILDING, DETACHED: A building surrounded by open space on the same lot.

BUILDING HEIGHT: The vertical distance from the average finished grade, in 6 feet in front of the building where the address is taken, to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

BUILDING LINE: A line parallel to the front side or rear lot line set so as to provide the required yard.

BUILDING SETBACK LINE: The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

BUILDING, NON-CONFORMING: See Non-Conforming Structure or Building.

BUILDING, PRINCIPAL: A building in which is conducted the primary use of the lot on which it is located, and which is not an accessory building.

BUILDING PERMIT: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

CALIPER, TREE: The diameter of a tree trunk measured in inches six inches above ground level for trees up to four inches in diameter and 12 inches above ground level for trees over four inches in diameter.

CANOPY: A fixed-roof structure which provides shade or protection and is in whole or in part self-supporting with open sides..

CARPORT: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides, and accessory to a main or accessory building.

CARTWAY: That portion of a street or alley which is improved, designed, or intended for vehicular use.

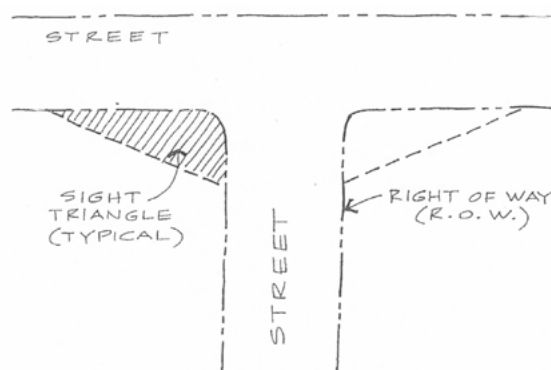
CELLAR: A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and a half feet.

CERTIFICATE OF USE AND OCCUPANCY: The certificate issued by a duly authorized Borough officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

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

CHIMNEY: A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

CLEAR-SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. Within this clear-sight triangle nothing is to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.



COMMERCIAL VEHICLE: Any motor vehicle licensed by the state as a commercial vehicle.

COMMON AREA: The area in a subdivision or planned residential development, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the residential development and, if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.

COMMON ELEMENTS: Means and includes:

- A. The land on which a building is located and portions of the building which are not included in a unit;
- B. The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of a building;
- C. The yards, parking area and driveways;
- D. Portions of land and building used exclusively for the management, operation or maintenance of the common elements;
- E. Installations of all central services and utilities;
- F. All other elements of a building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
- G. Such other facilities as are designated as “common elements”.

COMMON FACILITIES: When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, stormwater management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as approved in the development plan that are appropriate to recreational and other open space areas of any schools or churches to be included within the proposed development.

COMMUNICATIONS ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS FACILITIES (NON-PUBLIC REGULATED): Including telephone or telegraph exchanges, communications antenna, which are not regulated by the Pennsylvania Utilities Commission. (PUC)

COMMUNICATIONS FACILITIES (PUBLICLY REGULATED): Including telephone or telegraph exchanges, communications antenna, which are regulated by the Pennsylvania Utilities Commission (PUC)

COMMUNICATIONS TOWER: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antenna.

COMMUNICATIONS TRANSMITTING AND RECEIVING FACILITY: A communications tower or other facility which transmits or receives a radio, television or other communications signal.

COMMUNITY SEWAGE SYSTEM: Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site, and which shall comply with all applicable regulations of the Pennsylvania Department of Environmental Protection.

COMMUNITY WATER SUPPLY SYSTEM: A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Borough, whichever is more stringent.

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

COMPOSTING: The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

CONDITIONAL USE: A use permitted (and approved by the governing body) in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance.

CONSERVATION DISTRICT: A geographic area, usually a county, in which professionals provide advice to communities, agencies, and individuals within the jurisdiction and review development proposals.

CONSERVATION AREA: Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity of uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

CONTIGUOUS: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

CONTRACTOR'S YARD: A tract of land where a dealer stores new and/or used material, machinery, equipment and other supplies for use by builders, developers, erectors, excavators and other artisans. Such material, machinery, equipment and other supplies may be made available for wholesale or retail purposes or rental programs.

CREMATORIUM: A building or furnace where corpses are incinerated.

CUL-DE-SAC: A street intersecting another street at one end terminating at the other in a vehicular turn around.

CURB: A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

CURB CUT: The opening along the curb line at which point vehicles may enter or leave the roadway.

DECIDUOUS: Plants that drop their leaves before becoming dormant in winter.

DEED RESTRICTION: A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The governing body is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process.

DENSITY: The number of families, individuals, dwelling units, or housing structures per gross acre of land.

DEP: Pennsylvania Department of Environmental Protection.

DEVELOPER: Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

DEVELOPMENT PLAN: The provisions for a planned development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open-space and public facilities.

DISTRICT, ZONING: See “ZONING DISTRICT”.

DORMER: A projection from a sloping roof which contains a window.

DRIVE WAY: A private access for vehicles to park in a parking space, garage, dwelling or other structure.

DUMPSTER: A metal storage receptacle used to temporarily store debris or garbage and which is then emptied of its contents on a regular or semi-regular basis.

DUPLEX: See Dwelling, Single Family, Semi-Detached.

DWELLING, MULTI-FAMILY (APARTMENTS): A building designed, occupied or used by three or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

DWELLING, MANUFACTURED HOUSING: Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation of assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

DWELLING, SINGLE FAMILY ATTACHED: A building used by one family and having two (2) party walls in common with other buildings (such as row house or town house), except that end units have only one party wall.

DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit and generally two (2) side yards.

DWELLING, SINGLE FAMILY, SEMI-DETACHED: A building used by one (1) family, having one (1) side yard, and one (1) party wall in common with another building. (Duplex)

DWELLING, TWO FAMILY, DETACHED: A building used by two (2) families, with one dwelling unit arranged over the other and having two (2) side yards.

DWELLING, UNIT: One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet and bathroom facilities and arranged for occupancy by not more than one family.

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

EASEMENT, CONSERVATION: A legal agreement granted by a property owner that limits the types, locations and amounts of development that may take place on the owner's property. Such easement may restrict the original and all subsequent property owners, lessees and all other users of the land.

EASEMENT, DRAINAGE: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

EASEMENT, UTILITY: A right-of-way granted for limited use of land for public or quasi-public purpose.

ELECTRIC SUBSTATION: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

EMPLOYEES: The highest number of workers (including both part-time and full-time) both compensated and volunteer and both employees and contractors present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

ENGINEER, MUNICIPAL: A registered professional engineer in Pennsylvania designated by the Borough to perform the duties of engineer as herein specified.

ENLARGEMENT: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

ENVIRONMENTAL CONSTRAINTS: Features, natural resources or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

EROSION: The removal of surface materials by the action of natural elements.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting there from.

EXISTING USE: An activity or use of land occurring on a lot or parcel as of the effective date of this Ordinance.

FACADE: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY: One or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care or legal adoption, including any domestic servants or gratuitous guests thereof, who maintain one common household and reside in one dwelling unit; or no more than four persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. A roomer, boarder or lodger is not considered a family member; any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one dwelling unit and live and cook together as a single housekeeping unit.

FENCE: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line. For the purpose of this ordinance a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this ordinance when the term "lot line" is used in relation to fences it shall be synonymous with "rear yard lot lines", "side yard lot lines", "front yard lot lines.

FENESTRATION: The openings in the walls of a structure, including windows and doors.

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting there from. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

FINISHED GRADE: The elevation of the land surface of a site after completion of all site preparation work.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA, NET: The total of all floor areas of a building, excluding stair-wells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

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

FLOOR AREA RETAIL, NET: All that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer: but not to include office space, storage space and other general administrative areas..

GARAGE, PRIVATE: An accessory enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein.

GARAGE, PUBLIC: Any garage other than a private garage, and which is used for parking or storage of motor vehicles.

GREENWAY: A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley or ridgeline, or over land along a railroad right-of-way converted to recreational use, a

canal, a scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features or historic sites with each other and with populated areas; and (4) strip or linear parks designated as a parkway or greenbelt.

GROSS BUILDING AREA: The total area of a building available for construction or use, as measured from the exterior walls or the building. Gross building area should be used in computing all square footage measurements for buildings as well as dimension requirements.

HEIGHT: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

HEIGHT OF COMMUNICATION TOWER: The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HISTORIC AREA: A district or zone designated by a local authority or state or federal government within which the buildings, structures, appurtenance, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

HISTORIC STRUCTURE: any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or is preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

HOMEOWNERS ASSOCIATION: A community association which is organized in a development in which individual owners share common interests in open space or facilities.

HORTICULTURE: Plant cultivation, including the process of preparing the soil for planting, Includes, hydroponics, urban farming, community garden and hoop house.

HOUSEHOLD: Persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

IMPOUNDMENT: A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

IMPROVEMENTS: Those physical additions, installations and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, streetlights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees, and improvements to existing water courses.

IMPERVIOUS MATERIAL (SURFACE): Any substance placed on a lot which covers the surface in such a fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to consist of impervious material:

buildings, sidewalks, driveways, parking lots, swimming pools and ground surfaces, except for pervious concrete or asphalt.

INOPERABLE MOTOR VEHICLE: A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection, or any vehicle in a major or severe state of disrepair.

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

JUNK YARD: Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

LAND DEVELOPMENT:

- A. The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving,
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, or;
 - 2. The division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- B. A subdivision of land.
- C. The following are exempted from the definition of Land Development:
 - 1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than 3 residential units, unless such units are intended to be a condominium; or
 - 2. The addition of an accessory building, including a farm building, on a lot or lots subordinate to an existing principal building.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE PLAN: A component of a development plan, if required, on which is shown proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features, grade changes, buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the Borough Council.

LEASE: A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

LIGHTING:

- A. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade.
- B. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
- C. Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOADING SPACE: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts in or has access to a street.

LOT: A designated parcel, tract, plat or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA: The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.

LOT, CORNER: A lot at the junction of and abutting on two or more intersecting streets or private roads.

LOT, DEPTH: The horizontal distance measured between the street right-of-way and the closest rear property line on a corner and reverse frontage lot, the depth shall be measured from the street right-of-way line of the street address to the directly opposite property line.

LOT, FLAG: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way.

LOT, IMPERVIOUS COVERAGE: A lot which has a surface of any material that prevents the absorption of stormwater into the ground. The total of impervious area includes the building area, inclusive of rooftop, lot, sidewalks and access drive divided by lot total net area.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, FRONT: The lot line separating a lot from a street right-of-way. In the case of corner lot abutting a street right-of-way on more than one side there shall be two front lot lines, one side line and 1 rear line.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. A corner lot shall have 2 front lot lines and 2 side lot lines

LOT LINE, SIDE: Any lot line other than a front or rear lot line. A corner lot shall have 2 front lot lines and 2 side lot lines.

LOT, MINIMUM WIDTH: The horizontal distance between the side lines of a lot measured at the front lot line.

LOT, NONCONFORMING: The area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

LOT, REVERSE FRONTAGE (DOUBLE FRONTAGE, THROUGH): A lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts. In the case of a lot fronting on streets of different classifications, access to the lot shall be from the lower classified roadway.

LOT OF RECORD: A lot that exists as shown or described on a plat or deed in the records of the Dauphin County Recorder of Deeds.

MAJOR STREET: A street twenty feet (20') in width and over.

MANUFACTURING: The processing and/or converting of raw unfinished or finished materials, or products, or any, or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MANUFACTURED HOME: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

MARQUEE: Any hood, canopy, awning or permanent construction that projects from a wall of a building, usually above an entrance.

MEAN: The average of a series of figures computed by adding up all the figures and dividing by the number of figures.

MINING: The extraction of minerals including: solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation milling, such as crushing, screening, washing and floatation; and other preparation customarily done at the mine site or as part of a mining activity.

MINOR STREET: A street under twenty feet (20') in width.

MIXED OCCUPANCY: Occupancy of a building or land for more than one use.

MIXED-USE DEVELOPMENT: The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT: A parcel of land in a mobile home park improved with the necessary utility connection and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designed and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

MOBILE HOME SALES LOT: An open lot for the outdoor display of new or used mobile homes.

MOBILE HOME STAND OR PAD: That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

NATURAL FEATURE: A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wild life, human recreation, reduction of climatic stress or energy costs. Such features include those which, if disturbed, may cause hazards or stress or energy costs.

NATURAL RESOURCES INVENTORY (NRI): A survey of existing natural elements relating to land, water, air, plant, and animal life of an area or a community and the interrelationship of these elements. The NRI usually includes data on soils, geology, topography (including watershed and flood areas), and vegetation.

NEW USE: Any new activity or use of land in a lot or parcel that was not occurring as of the effective date of this ordinance.

NONCONFORMING BUILDING: See Non-Conforming Structure or Building.

NONCONFORMING LOT: See Lot, Nonconforming.

NONCONFORMING SIGN: Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE OR BUILDING: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USE: A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

OFF-STREET PARKING: A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedication, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

OPEN SPACE, COMMON: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designated and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

OPEN SPACE, PRIVATE: Open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

OPEN SPACE, PUBLIC: Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

OUTDOOR LIGHTING: An illumination source outside any building, including but not limited to an incandescent bulb, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including but not limited to storage sheds, canopies and gas station marquees over gas pumps, are deemed to be “outdoor lighting.”

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or inoperable and/or unlicensed vehicles in the same place for more than twenty-four hours.

OWNER: See Landowner.

PARCEL: A lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

PARK: A tract of land, designated and used by the public for active and passive recreation.

PARKING LOT: Any lot, municipally or privately owned for off street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

PARKING SHARED: Joint use of a parking area for more than one use.

PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PARKING STRUCTURE: A building where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

PARTY WALL: A common shared wall between two separate structures, buildings, or dwelling units.

PEDESTRIAN WALKWAY: A specified easement, walkway, path, sidewalk or other reservation which is designed and used exclusively by pedestrians.

PERMITTED BY RIGHT USES: Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A “nonconforming use” shall not be considered to be a permitted by right use or a conditional use.

PERSON: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERVIOUS SURFACE: Any material that permits full or partial absorption of stormwater.

PLAN: See Plat.

PLAT: The map or plan of a subdivision or land development whether preliminary or final. (For the purpose of this ordinance, the terms “plat” and “plan” have the same meaning.

PORTABLE SIGN: A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

PRINCIPAL USE: The primary or predominant use of any lot or parcel of land.

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE STREET/ROAD: A non-public right-of-way which provides vehicular access to one or more lots.

PUBLIC GROUNDS & FACILITIES: Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned and operated facilities;

C. Publicly owned or operated scenic and historic sites.

PUBLIC LAND: Owned, operated or controlled by a government agency (Federal, state, or local) including a corporation created by law for the performance of certain specialized governmental functions or any public school district.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING: A forum held pursuant to notice under 65. C.S. CH7 (Relating to open meetings).

PUBLIC NOTICE: A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. The 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 7 days from the date of the hearing.

PUBLIC PARKS AND RECREATION AREAS: Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

PUBLIC STREET/ROAD: A street ordained or maintained or dedicated and accepted by a Borough, City, Township, County, State or Federal governments and open to public use.

PUBLIC UTILITY BUILDING AND STRUCTURES: Any building or structure which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC.

RECREATION: Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including but not limited to:

- A. Sports (individual, dual, team, coed recreational, and combative), athletics; both land and water based.
- B. Arts and crafts, spectating, picnicking, nature study, and board games.
- C. Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

RECREATION ACTIVE: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, OPEN SPACE: The area of land suitable for the development of specific active recreation facilities for leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendance.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

RECREATION AREA, ACTIVE: Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

RECREATION AREA, PASSIVE: Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

RETAIL BUSINESS: Retail business shall include variety stores, apparel stores, florists, drugstores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book, stationary, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer

and other similar uses.

ROAD: See “Street”.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface, which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn or cornucopia, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as “satellite earth stations,” “television receivers only” or TCROs, and “satellite microwave antennas.”

SANDWICH BOARD SIGN: A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians.

SETBACK: The distance between the building and any lot line.

SETBACK LINE: See Building Setback Line.

SIDEWALK: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIDEWALK AREA: That portion of the right-of-way that lies between the right-of-way line and curb line, regardless of whether the sidewalk exists.

SIGHT DISTANCE: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGHT TRIANGLE: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This excludes national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of governments.

SIGN, AREA: The area of a sign including all lettering, wording, and accompanying design and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

SIGN, AWNING, CANOPY OR MARQUEE: A sign that is mounted, painted or attached to an awning, canopy or marquee that is otherwise permitted by ordinance.

SIGN, BILLBOARD: An advertising sign that directs attention to a business, commodity or service conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIRECTIONAL: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way”, “entrance”, and “exit”.

SIGN, FACE: The area or display surface used for the message.

SIGN, FREESTANDING: A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

SIGN, GROUND: Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

SIGN, HEIGHT: The vertical distance measured from the average surrounding ground level surrounding a sign to the highest point of

the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Ordinance when attached to a tower or spire of a House of Worship.

SIGN, IDENTIFICATION: A sign giving the nature, logo, trademark, or other identifying symbol, and address of a building, business development, or establishment on the premises where it is located.

SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

SIGN, REAL ESTATE: A sign relating to the property upon which it is located, offering such property for sale or lease.

SIGN, ROOF: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof the eave line of a building with a gambled or gable or hip roof, or the deck line of a building with a mansard roof.

SIGN, TEMPORARY: A type of non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time, unless otherwise noted therein.

SIGN, WALL: A sign primarily supported or painted on a wall of a building. A Wall Sign shall also include a sign displayed upon an awning, marquee or canopy.

SIGN, WINDOW: A sign which is attached to a window or transparent door or that can be read through a window or transparent door.

SIMILAR USE: A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele. See CHANGE OF USE

SITE: A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

SITE PLAN: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

SLOPE: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SPOT ZONING: Generally, rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive zoning plan. A court must make the determination as to whether there would be or is spot zoning.

STEEP SLOPE: Land with a 15 feet or greater change in elevation 100 feet or less in horizontal distance or, in other terms, 15% or greater on the average. The following formula is the acceptable method of determining average slope:

$$S = \frac{0.0023 \text{ I x L}}{A}$$

S = Average percent slope of site

I = Contour interval in feet

L = Sum of the length of contours in feet

A = Land area in areas of parcel being considered

STORAGE SHED: A structure not intended for residential occupancy which is accessory to the principal use of the property as a place to store personal property.

STREAM: A watercourse having banks and a channel through which waters flow at least periodically.

STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, land, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET, ARTERIAL: A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

STREET, COLLECTOR: A major street or highway which carries traffic from minor streets to arterial streets including principal streets of a residential development and streets for circulation within such development.

STREET, PRIVATE: A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.

STREET GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade. Includes established grade.

STREET LINE: The dividing line between the street and the lot, also known as right-of-way line.

STREET, MAJOR: A street twenty feet (20') in width and over.

STREET, MINOR: A street under twenty feet (20') in width.

STREET WIDTH: The distance between street lines measured at right angles to the center line of the street.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURE, ACCESSORY: A structure detached from a principle structure, but located on the same lot, which is customarily incidental and subordinate to the principal building, structure or use.

STRUCTURE, NON-CONFORMING: A structure or part of a structure that does not comply with the applicable provisions in this ordinance or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this ordinance or amendment or prior to the application of this ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

STRUCTURE, PRINCIPAL: The main or primary structure on a given lot, tract, or parcel.

STRUCTURE, TEMPORARY: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

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 or lease of land for agricultural purposes into parcels of more than ten 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% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds 50 percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

SWIMMING, BATHING OR OTHER POOL: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed, used and maintained for swimming and bathing. Farm ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction.

TEMPORARY STRUCTURE: See Structure Temporary.

TEMPORARY USE: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

TRAILER: See "Mobile Home".

UNDEVELOPED LAND: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the

construction of a building.

USE: The specific purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USE, ACCESSORY: A use customarily incidental and subordinate to the principal use, building or structure located on the same lot with this principal building or structure.

USE, NONCONFORMING: A use, whether of land or of structure, which does not comply with the applicable use provisions in this ordinance or amendment thereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of this ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

USE, PRINCIPAL: The main or primary use of property, buildings or structures.

UTILITY LINE: A line built and maintained in order to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines and other lines.

VARIANCE: A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. The variance can be granted when the strict enforcement of the zoning ordinance as it applies to a specific lot would present practical difficulties in the use of the property.

VEGETATIVE COVER: An area covered with a vegetative material: grass, shrubs, vines and trees.

VEHICLE, DISMANTLED OR NONOPERABLE: A vehicle which does not display the current Pennsylvania state inspection certificate and is manifestly incapable of being locomotive in its existing condition. This does not include agricultural machinery and equipment.

VESTED RIGHT: A right that cannot be changed or altered by changes in regulation.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [Definition used by U.S. Environmental Protection Agency and U.S. Army corps of engineers.]

YARD, REQUIRED: An open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for permitted accessory buildings or such projections as are expressly permitted. The minimum depth or width of a required yard shall consist of the horizontal distance between the lot line and the required building setback line.

YARD SETBACKS, REQUIRED

- A. YARD, DEPTH: The shortest distance between a lot line and a required setback line.
- B. YARD, FRONT: A space parallel to the front lot line and extending the full width of the lot between a required front setback line and the front lot line.
- C. YARD LINE: See Building Setback Line.
- D. YARD, REAR: A space parallel to the rear lot line and extending across the full width of the lot between the required rear setback line and the rear lot line.
- E. YARD, SIDE: A space parallel to the rear lot line and extending from the front yard to the rear yard between the required side setback line and the side lot line.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONE: See "ZONING DISTRICT".

ZONING: A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as well as regulations governing lot size,

building bulk, placement and other development standards.

ZONING DISTRICT: A section of a municipality designated in the Zoning Ordinance text and delineated on the Zoning Map, in which requirements for the use of land and building and development standards are prescribed.

ZONING MAP: The map setting forth the boundaries of the Zoning Districts of the Borough which shall be part of this Ordinance.

ZONING OFFICER: The administrative officer appointed by the Borough Council to administer the Zoning Ordinance and issue zoning permits.

ZONING PERMIT: A document signed by a zoning officer, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building complies with the provisions of this ordinance or authorized variance there from.