

Chapter 27

Zoning

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Part 1**Title and Short Title****§27-101. Title.**

An ordinance to limit and restrict to specified districts or zones, and to regulate therein, buildings and structures according to their construction and the nature of and the extent of their use, and the nature and extent of the uses of land, in Glendon Borough, Northampton County, Pennsylvania, hereinafter referred to as above and providing for the administration and enforcement of the provisions therein contained and fixing penalties for the violation thereof.

(Ord. 87-2, 8/26/1987, §1-1)

§27-102. Short Title.

This Chapter shall be known and may be cited as the “Glendon Borough Zoning Ordinance of 1987.”

(Ord. 87-2, 8/26/1987, §1-2)

§27-103. Declaration of Purpose.

This Chapter is adopted for the purpose of promoting the public, health, safety, morals and the general welfare of the community, and to further the following related and more specific objectives:

- A. To guide and regulate the orderly growth, development and redevelopment of the Borough.
- B. To protect the established character and the social and economic well-being of both private and public property.
- C. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.
- D. To secure safety from fire, panic and other dangers, and to provide adequate light, air, and convenience of access.
- E. To prevent overcrowding of land or buildings, and to avoid undue concentration of population.
- F. To lessen, and where possible, to prevent traffic congestion on public streets and highways.
- G. To conserve the value of buildings and to enhance the value of land throughout the Borough.

(Ord. 87-2, 8/26/1987, §1-3)

§27-104. Severability.

If any portion or provision of this Chapter is held to be unconstitutional or invalid by a court of competent jurisdiction that holding shall only affect that portion or provision of this Chapter. All other portions and provisions shall be held as valid and enforceable.

(Ord. 87-2, 8/26/1987, §1-4)

§27-105. Effect Date of Ordinance.

This Chapter shall become effective on the date of its adoption.

(Ord. 87-2, 8/26/1987, §1-5)

§27-106. Repealer.

The Glendon Borough Zoning Ordinance of 1950 and all amendments thereto are hereby repealed. This Chapter does not repeal provisions of other laws or ordinances except those specifically repealed by this Chapter.

(Ord. 87-2, 8/26/1987, §1-6)

Part 2**Application of Regulations****§27-201. Uniformity of Application.**

The regulations set forth by this Chapter are to be considered the minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. The regulations shall apply uniformly to each class of uses and structure within each district except as otherwise provided in this Chapter.

(Ord. 87-2, 8/26/1987, §2-1)

§27-202. Application of Regulations.

No structure or land shall be used or occupied and no structure or part thereof shall be erected, constructed, reconstructed, moved, or altered after the effective date of the Glendon Borough Zoning Ordinance of 1987 except in conformity with the intent and regulations specified in the Glendon Borough Zoning Ordinance of 1987 for the district in which it is located. This provision shall not apply to nonconformities as provided in §27-807 or where a variance is warranted as provided for in §27-705.

(Ord. 87-2, 8/26/1987, §2-2)

§27-203. Continuation of Existing Uses.

Any legally established existing use of a building or structure, lot or land, or part thereof, which use constitutes a nonconforming use under the provisions of the Glendon Borough Zoning Ordinance of 1987, may be continued.

(Ord. 87-2, 8/26/1987, §2-3)

Part 3**Definitions****§27-301. Definitions.**

1. Certain words and terms are used in this Chapter for the purposes hereof and are defined as follows:

A. Unless the context clearly indicates the contrary: words used in the present tense include the future; the singular numbers include the plural, and the plural the singular.

B. The word “person” includes a profit or nonprofit corporation, company, partnership, an individual, or other entity.

C. The word “shall” is mandatory, and not directory; and the word "may" is permissive.

D. The word "lot" includes the word "plot.”

E. The word "structure" includes the word "building.”

F. The word "use" and the word "used" refer to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.

2. *Definition of Terms.*

Accessory building - a building, the use of which is customarily incidental and subordinate to that of the main building, and which is located on the same lot as that occupied by the main building.

Accessory use - a use customarily incidental to the principal use of a building and not occupying more than 40% of the floor area of any one floor in the main building or more than an equivalent area in an accessory building on the same lot.

Adult bookstore - an establishment having a substantial or significant portion of its stock in trade, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas as defined in this Chapter.

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

Alley - a public or privately-owned thoroughfare having a right-of-way width of less than 20 feet.

Bed and breakfast home - a single family detached dwelling unit which provides overnight sleeping accommodations, bathroom access, and breakfast, but not other services, for transient guests for rent.

Boarding house - a single-family detached dwelling in which a least two, but

not more than six, rooms are offered for rent payable in money or other consideration, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained.

Borough - the Borough of Glendon, Northampton County, Commonwealth of Pennsylvania.

Borough Council - the duly elected or appointed Council of the Borough.

Building - a structure constructed or erected on the ground, with a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or property of any kind.

Building, area of - the horizontal area measured around the outside of the foundation walls and of the floors or roofed porches and roofed terraces inclusive, and including the area of accessory buildings, if any. In the case of split-level dwellings, the "first floor area" shall be deemed to include floor areas on two nonoverlapping levels, separated by a half story, or less, of height.

Commercial recreation - a recreation facility operated on profit basis which is open to the general public.

Dwelling - a building arranged, intended, or designed to be occupied by one or more families.

Dwelling unit - one or more rooms with provision for cooking living, sanitary and sleeping facilities arranged for the use of one family.

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

Multiple dwelling - a single building or group of attached dwelling units on a permanent foundation intended and designed to be occupied by three or more families living independently of each other as separate housekeeping units. The individual dwelling units share a common access and/or common yard area.

Single-family attached dwelling - a dwelling unit on a permanent foundation designed and occupied as a residence for one family with direct outside access, which is part of a group of three or more dwellings with one or two vertical walls in common with adjacent dwelling units. These dwelling units are commonly referred to as "townhouses" or "row homes."

Single-family detached dwelling - a dwelling unit on a permanent foundation or a mobile home stand constructed in conformance with the standards of §27-505.3 of this Chapter, designed and occupied as a residence for one family, which does not have a vertical wall in common with another building.

Single-family semi-detached dwelling unit - a dwelling unit on a permanent foundation designed and occupied as a residence for one family, which has one vertical wall in common with the adjacent dwelling. These dwellings are commonly referred to as "twins" or "duplexes."

Efficiency - a configuration for a dwelling unit within a multiple dwelling where a separate bedroom is not provided. The sleeping quarters are located in the same room as the living quarters.

Equivalent dwelling unit per acre - the daily production of 400 gallons of sewage, per each 43,560 square feet of lot area, as determined by the design standards of the Pennsylvania Department of Environmental Protection. [Ord. 2006-1]

Family - one or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons, living together in a single dwelling and maintaining a common household.

Family care facility - a facility which provides resident service in a private dwelling to six or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled or in need of adult supervision and are provided service and supervision in accordance with their individual needs.

Fence - a barrier intended to prevent intrusion or escape or to mark a boundary. A fence can both involve man-made structures as well as organized plantings.

Floor area - the floor area shall be construed as the sum of areas on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, closets, elevator shafts, enclosed porches and balconies, and below grade floor areas, but excluding open terraces, patios, atria and balconies, carports, garages, breezeways and toolsheds.

Garage, private - a garage belonging to the occupants of the premises, and used primarily for the housing of not more than three vehicles. A private garage may exceed three vehicle capacity, provided the lot whereon such garage is located contains not less than 2,000 square feet for each vehicle capacity.

Gasoline station - an establishment engaged in the retail sale of gasoline and similar products to motorists and in the repair of motorized vehicles.

Gross leasable area - the total floor area designed for tenant occupancy and exclusive use including basements, mezzanines and upper floors.

Group care facility - a facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, or undergoing rehabilitation and are provided services to meet their needs. This category includes, but is not limited, to uses licensed or supervised by any Federal, State or County health/welfare agency, such as group homes (all ages), half-way houses, resident schools, resident facilities, and foster or boarding homes.

Height of building - the vertical distance measured from the average ground level at the sides of the building to the extreme high point of the building, exclusive of chimneys and similar fixtures.

Home occupation - a customary personal service occupation such as dressmaking, millinery, home cooking; beauty parlors, barber shops, hairdressing and manicuring establishments, and other similar personal services conducted in a dwelling unit by a member or members of the resident family.

Home professional office - the office or studio of a resident physician, surgeon,

dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or other similar professional office or studio conducted in a dwelling unit by a member or members of the resident family.

Lines, property - lines forming the front, rear, and sides of regular shaped lots or the encompassing boundary lines of land under separate ownership.

Lot - a parcel of land used or designed to be used by one use or structure, or by a related group of uses or structures, and the accessory uses or structures customarily incident thereto, including such open spaces as are arranged or designed and required in connection with a structure or group of structures. A lot may be or may not be the land shown as a single lot on a duly recorded plat or other official record.

Lot area - the total horizontal area included within lot lines.

Lot, corner - a lot abutting upon two or more streets at the intersection of those streets.

Lot coverage - the percentage of the lot area that is occupied by structures, including principal buildings and accessory structures.

Lot, depth of - the distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, interior - a lot other than a corner lot, the sides of which do not abut a street.

Lot line - any boundary of a lot. Any lot line not a rear lot line nor a front line shall be deemed a side lot line.

Lot line, front - the street line at the front of a lot. On a corner lot, the owner may specify the front lot line on the plot plan.

Lot line, rear - the lot line or lines opposite to the front lot line.

Lot, through - an interior lot having frontage on two streets.

Lot, width of - the distance between the side lot lines measured across the rear of the required front yard.

Main use of building - the principal or most important use or building on a lot.

Medical offices - offices used by licensed physicians and dentists for the treatment and examination of patients, provided that patients shall not be kept overnight on the premises.

Mobile home park - a parcel of land which has been planned and improved for the placement of two or more mobile homes, occupied for dwelling or sleeping and for nontransient uses.

Motorized vehicle repair shop - an establishment wherein motorized vehicle repair, painting, and body work is conducted.

Natural slope - the slope as it exists prior to grading of earthmoving operations.

Nonconforming lot - any lot lawfully existing at the effective date of the Glendon Borough Zoning Ordinance of 1987 or any amendment thereto affecting such lot which does not conform to the minimum lot width or area dimensions for the district in which it is located.

Nonconforming structure - a structure lawfully existing at the effective date of the Glendon Borough Zoning Ordinance of 1987 or any amendment thereto affecting such structure, which does not conform to the regulations of the Glendon Borough Zoning Ordinance of 1987 for the district in which it is situated.

Nonconforming use - any use of a building, structure, lot or land or part thereof, lawfully existing at the effective date of this Chapter or any amendment thereto affecting such use, which does not conform to the use regulations of this Chapter for the district in which it is situated.

Occupancy permit - a statement, based on an inspection signed by the Zoning Officer, setting forth either that a building or structure complies with the Zoning Ordinance or that a building structure or parcel of land may lawfully be employed for specific uses or both.

Parking area - a lot or part thereof used for the storage of parking of motor vehicles.

Parking space - a stall or berth which is arranged and intended for parking of one motor vehicle in a garage or parking area.

Planning commission - the duly appointed Planning Commission of the Borough.

Porch - a roofed, open structure projecting from the front, side or rear wall of a building, and having no enclosed features of glass, wood or other material more than 30 inches above the floor thereof, except the necessary columns to support the roof.

Process wastes - sewage resulting from or incidental to manufacturing or assembly operations, research facilities, of laboratories.

Refuse - any discarded material or article including, but no limited to, scrap metal, scrapped, abandoned or junked moto vehicles, machinery, equipment, paper, metal containers, plastic containers, glass containers, and structures. It shall no include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

Resource recovery facility - a facility that provides for the extraction and utilization of materials or energy from municipal waste including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that convert municipal waste into a fuel product or other usable material: The term does not include methane gas extraction from a municipal waste landfill.

Satellite earth stations - a dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth orbiting communications satellites.

Sewage disposal system - a system designed to collect, treat an dispose of sewage, in compliance with the regulations of the Pennsylvania Department of Environmental Protection. [Ord. 2006-1]

Sewage disposal system, private - a sewage disposal system which collects, treats, and disposes of sewage or holds sewage from only one dwelling, principal use or lot, and is not operated by a public body or authority.

Sewage disposal system, public - a sewage disposal system owned and operated by a public authority or body which collects, treats and disposes sewage from more than one dwelling, principal use or lot.

Sign - any permanent or temporary structure or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other outdoor surface that shall display or include any letter, word, insignia, flag, or representation used as, or which is in the nature of, an advertisement, announcement, visual communication, direction, or is designed to attract the eye or bring the subject to the attention of the public.

Freestanding sign - a sign which is not attached to or supported by a building.

Off-premises sign - a sign which directs attention to person, business, profession, product, or home occupation not conducted on the same lot.

On-premises sign - a sign which directs attention to person, business, profession, or home occupation conducted on the same lot. A "For Sale" or "For Rent" sign relating to the lot on which it is displayed shall be deemed an "on-premises sign."

Specified anatomical areas - less than completely and opaquely covered human genitals, pubic region, buttock, and female breast and also human male genitals in a discernibly rigid state, even if completely and opaquely covered.

Steep slope - an angle of the earth surface in excess of 15% (15 foot vertical rise or fall per 100 feet of horizontal distance).

Street - the space or area other than an alley between the property lines of lots which abut a right-of-way.

Structure - anything built or erected, the use of which demands its continued location on the land, or anything attached to something having a continued or permanent location on the land. This shall include signs and billboards.

Structural alteration - any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Swimming pool, noncommercial - any constructed body of water or structure to contain water and any accessory equipment pertaining thereto, used or intended to be used for swimming or bathing by any family or persons residing on the premises and their guests. Such noncommercial swimming pool shall not be operated for gain; and shall be located on a lot only as an accessory use to the dwelling or dwellings, hotel, motel or membership club thereon.

Waste, agricultural - poultry and livestock manure, or residual materials in liquid or solid form generated in the production and marketing of poultry, livestock, fur bearing animals, and their products, provided that such agricultural waste is not hazardous. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, and silvicultural crops or commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands.

Waste, municipal - any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation or residential, municipal, commercial or institutional

establishments and from community activities. The term "municipal waste" shall not include any sludge from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

Water supply system, on-lot - a system which transmits water from a source on the lot to one dwelling or principal use on the same lot.

Water supply system, public - the public utility system operated by the Easton Suburban Water Authority or successors or other municipal authority designed to transmit water from a common source to multiple users.

Yard - an open, unoccupied space unobstructed artificially from the ground to the sky except as otherwise herein provided on the same lot with a structure.

Front yard - a yard across the full width of the lot, extending from the front zoning setback line to the front property line of the lot.

Rear yard - a yard across the full width of the lot, extending from the rear zoning setback line to the rear property line of the lot.

Side yard - a yard between the side zoning setback lines and the adjacent side property lines of the lot, extending from the front setback line to the rear setback line.

Zoning Hearing Board - the duly appointed Glendon Borough Zoning Hearing Board.

Zoning Officer - the municipal official designated to administer and enforce this Chapter.

(Ord. 87-2, 8/26/1987, §3; as amended by Ord. 2006-1, 12/6/2006)

Part 4**Districts and Boundaries****§27-401. Classes of Districts.¹**

For the purposes of this Chapter the Borough is hereby divided into the following classes of districts:

- R-1 - Low Density Residential
- R-2 - Medium Density Residential
- IO - Industrial-Office
- HI - Heavy Industrial

(*Ord. 87-2, 8/26/1987, §4-1; as amended by Ord. 92-3, 8/5/1992, §I; and by Ord. 93-1, 2/3/1993, §I*)

§27-402. District Boundaries.

1. *Zoning Map.* The boundaries of each district or zone are established as shown on the Official Zoning Map of the Borough which accompanies this Chapter and is declared to be a part of this Chapter.

2. *Delineation of District Boundaries.* The district boundary lines are intended generally to follow the boundary lines of streets and similar rights-of-way or lot lines, or straight line projections of such lines, or Borough boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or another boundary line as indicated.

3. *Interpretation of District Boundaries.* In case of uncertainty as to the true location of district boundary line in a particular instance, the determination thereof shall be made by the Zoning Officer. An appeal may be taken to the Zoning Hearing Board.

(*Ord. 87-2, 8/26/1987, §4-2*)

§27-403. R-1 Low Density Residential District.

The purpose of this district is to maintain the suburban-rural character of this area and to provide for its development based on the long-term reliance upon on-lot sewage disposal systems:

A. *Permitted Uses.* These uses are permitted by right in the district. Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit:

- (1) Public outdoor recreation areas such as parks, playgrounds and picnic

¹Editor's Note: Amendments to the Borough of Glendon Zoning Map are codified in this Chapter in Part 10, "Zoning Map Amendments."

grounds.

- (2) Single-family detached dwelling.
- (3) Crop farming and orchards.
- (4) Church, Sunday School, or other place of worship.
- (5) Municipal building or facility erected by the Borough of Glendon.

B. *Special Exception Uses.* Applications for special exception uses are subject to review by the Zoning Hearing Board according to the provisions of §27-704. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 6 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to protect the public health, safety, morals and the general welfare:

- (1) Conversion of dwelling units into apartments.
- (2) Private nonprofit outdoor recreation areas such as parks, playgrounds and picnic grounds.
- (3) Bed and breakfast establishments.
- (4) Public utility facility or commercial communications tower.
- (5) Public or private school.
- (6) Family care facilities.
- (7) Motorized vehicle repair shops, if located within 200 feet of the U.S. Interstate 78 right-of-way under the following conditions:
 - (a) The lot, or the size of the aggregate of contiguous lots upon which the shop is located, must be no less than 2 acres.
 - (b) The lot, or contiguous lots, must be titled to the same owner.
 - (c) The shop must be owned and operated by the owner of the lot(s) upon which it is maintained.
 - (d) The shop in which all the work is to be performed is located no more than 200 feet from the U.S. I-78 right-of-way line; no less than 125 feet from the street upon which the lot of land fronts; and no less than 50 feet from the adjacent lots owned by other persons.
 - (e) No shop may exceed 35 feet x 45 feet in dimension.
 - (f) No shop shall be visible from the road upon which the lot fronts.
 - (g) All work, other than that required to move the vehicles into the shop, must be conducted inside the structure.
 - (h) All spare parts and "junk" must be stored within the shop.
 - (i) No more than six vehicles may be on the lot at any given time; at least four of which must be stored in the shop when it is closed.
 - (j) There must be off-street parking available in accordance with §27-506.1.B as it relates to motor vehicle repair shop.
 - (k) Signs can only be posted in accordance with §27-507.3, excluding, however, the exception provided in §27-507.3.B.

(l) A maximum of one individual shall be employed by the owner.

[Ord. 91-2]

C. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable provisions of this Chapter:

- (1) Home occupation and home professional office pursuant to §27-505.1.
- (2) Signs pursuant to §27-507.
- (3) Private noncommercial swimming pool pursuant to §27-505.6.
- (4) Private garage or private parking area pursuant to §§27-503.2 and 27-505.5.
- (5) Customary accessory uses and structures.
- (6) Satellite earth stations pursuant to §27-505.8.
- (7) Fence pursuant to §27-505.2.

D. *Lot Area, Width, Building Coverage and Height Regulations.*

Uses	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage By Buildings	Maximum Building Height
Single family detached dwelling with public water service	30,000 sq. ft.	100 ft.	20%	35 ft.
Church	2 acres	200 ft.	30%	40 ft.
All other allowed uses including single family detached dwellings with on-lot water service	1 acre	125 ft.	15%	35 ft.

E. *Minimum Yard Requirements.*

Uses	Front Yard	Side Yard	Side Yard Abutting Street	Rear Yard
Single family detached dwelling with public water service	50 ft.	15 ft.	50 ft.	50 ft.
Church	50 ft.	30 ft.	50 ft.	50 ft.
All other allowed uses including single family detached dwellings with on-lot water service	50 ft.	20 ft.	50 ft.	50 ft.

F. *Site Approval Plan.* Required for public utility facility, commercial communications tower and for public or private school pursuant to §27-704.

(Ord. 87-2, 8/26/1987, §4-3; as amended by Ord. 91-2, 8/7/1991)

§27-404. R-2 Medium Density Residential District.

The purpose of this district is to maintain the residential character of the area and to provide opportunities for this construction of medium density housing based upon the

availability of appropriate sewerage:

A. *Permitted Uses.* These uses are permitted by right in the district. Upon demonstration to the Zoning officer that the dimensional and other applicable requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit:

- (1) Public outdoor recreation areas such as parks playgrounds and picnic grounds.
- (2) Single-family detached dwelling.
- (3) Single-family semi-detached dwelling (duplex).
- (4) Single-family attached dwelling (townhouse).
- (5) Multi-family dwellings.
- (6) Mobile home park.
- (7) Municipal building or facility erected or owned by the Borough of Glendon. [*Ord. 2006-1*]
- (8) Church, Sunday School, or other place of worship.
- (9) Fire station.

B. *Special Exception Uses.* Applications for special exception uses are subject to review by the Zoning Hearing Board according to the provisions of §27-704. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 6 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter, and to protect the public health, safety, morals and the general welfare:

- (1) Conversion of dwelling units into apartments.
- (2) Boarding house.
- (3) Group care and family care facility.
- (4) Private nonprofit outdoor recreation areas such as parks, playgrounds and picnic grounds.
- (5) Public utility facility.
- (6) Public or private school.

C. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable provisions of this Chapter.

- (1) Home occupation and home professional office pursuant to §27-505.1.
- (2) Signs pursuant to §27-507.
- (3) Private noncommercial swimming pool pursuant to §27-505.6.
- (4) Private garage or private parking area pursuant to §§27-503.2 and 27-505.5.
- (5) Customary accessory uses and structures.
- (6) Satellite earth stations pursuant to §27-505.8.

(7) Fence pursuant to §27-505.2.

D. *Utility Requirements.* The development of single-family attached dwellings, multiple dwellings and mobile home parks shall not be permitted unless connection is made to public sanitary sewer and water systems.

E. *Lot Area, Width, Building Coverage and Height Regulations.*

Uses	Minimum Lot Coverage	Minimum Lot Width	Maximum Density (dwelling units per acre)	Maximum Lot Coverage By Buildings	Maximum Building Height
Mobile home park	5 acres	200 ft.	6	25%	20 ft.
Multi-family dwellings	1 acre	125 ft.	12	40%	35 ft.
Single-family attached dwellings (per dwelling unit)					
	2,800 sq. ft.	18 ft.	12	40%	35 ft.
Church, School	2 acres	200 ft.	–	40%	40 ft.
All other uses when served by on-lot sewer and water service (per dwelling unit)					
	1 acre	125 ft.	–	15%	35 ft.
All other uses when served by on-lot sewerage and public water (per dwelling unit)					
	30,000 sq. ft.	100 ft.	–	20%	35 ft.
Single family detached dwelling, municipal building, public utility building and fire station when served by public sewer and water					
	8000	60 ft.	–	30%	35 ft.
Single family semi-detached dwelling when served by public sewer and water (per dwelling unit)					
	6000	45 ft.	–	40%	35'

6. *Minimum Yard Requirements.*

Uses	Front Yard	Each Unattached Side Yard	Side Yard Abutting Street	Rear Yard
Mobile home park	35 ft.	25 ft.	30 ft.	30 ft.
Multi-family dwellings	30 ft.	20 ft.	30 ft.	30 ft.
Church, school	40 ft.	25 ft.	40 ft.	40 ft.

Single family attached dwelling (each dwelling unit)

30 ft. 15 ft. 20 ft. 30 ft.

All other uses when served by on-lot sewer and water (per dwelling unit)

30 ft. 20 ft. 30 ft. 50 ft.

Single family detached dwelling, municipal building, public utility building and fire station when served by public sewerage and public water

30 ft. 10 ft. 25 ft. 30 ft.

Single family semi-detached dwelling when served by public sewer and water (per dwelling unit)

30 ft. 10 ft. 25 ft. 25 ft.

G. *Site Plan Approval.*

(1) Required for public utility facility, public or private school, mobile home park and fire station pursuant to §27-704.

(Ord. 87-2, 8/26/1987, §4-4; as amended by Ord. 2006-1, 12/6/2006)

§27-405. IO Industrial-Office District.

The purpose of this district is to provide appropriate sites for the establishment of businesses such as industrial plants and business offices:

A. *Permitted Uses.* These uses are permitted by right in the district. Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit.

- (1) Any manufacturing or assembly operation meeting the performance standards of this Chapter.
- (2) Research facilities and laboratories meeting the performance standards of this Chapter.
- (3) Wholesale and warehousing facilities.
- (4) Business offices.
- (5) Professional and medical offices.
- (6) Building material sales and storage yard.
- (7) Public utility building, structures or facility.
- (8) Municipal building or facility erected or owned by the Borough of Glendon. [Ord. 2006-1]
- (9) Printing or publishing establishment.

B. *Special Exception Uses.* Applications for special exception uses are subject to review by the Zoning Hearing Board according to the provisions of §27-704. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 6 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the

purpose of this Chapter, and to protect the public health, safety, morals and the general welfare:

- (1) Gasoline station or motor vehicle repair shop.
- (2) Outdoor storage of construction equipment.

C. *Conditional Uses.* Applications for conditional uses are subject to the action of the Borough Council according to the provisions of §27-806. These uses shall be permitted after the Borough Council has determined that the relevant standards and criteria contained in Part 6 are met. The Borough Council may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter and to protect the public health, safety, morals and the general welfare:

- (1) Resource recovery facility.
- (2) *Truck Terminal.* A facility where freight is picked up, delivered, or transferred by trucks engaged by operator of facility and provides for storage and repair of said trucks but does not include accommodations for drivers nor for refueling, repairs, food or lodging for the transient public.

D. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable provisions of this Chapter:

- (1) Customary accessory uses and structures.
- (2) Parking and loading facilities pursuant to §27-506.
- (3) Signs pursuant to §27-507.
- (4) Storage facilities.

E. *Utility Requirements.* All uses in this district shall be connected upon construction to public sanitary sewer and water system unless the amount of sewage produced is less than one equivalent dwelling unit per acre and involves no process waste. Only uses meeting said criteria will be granted occupancy permits. This criteria shall not apply to the continuation or expansion of existing uses.

F. *Lot Area, Width, Building Coverage and Height.*

Uses	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage By Buildings	Maximum Building Height
Municipal building or facility, professional or medical office, and gasoline station or motor vehicle repair shop	30,000 sq. ft.	100 ft.	40%	35 ft.
Resource recovery facility	As per §27-604.14	300 ft.	40%	175 ft.
All other allowed uses	1 acre	125 ft.	40%	40 ft.

G. *Minimum Yard Requirements.*

Uses	Front Yard & Side Yard Abutting Street	Side Yard	Rear Yard
Municipal building or facility, professional or medical office, and gasoline station or motor vehicle repair shop	35 ft.	15 ft.	30 ft.
Resource recovery facility	100 ft.	100 ft.	100 ft.
All other uses	35 ft.	20 ft.	35 ft.

H. *Site Plan Approval.*

(1) Required for all permitted uses except for municipal building or facility pursuant to the provisions of §27-805.

(2) Required for all special exception uses pursuant to the provisions of §27-704.

(Ord. 87-2, 8/26/1987, §4-5; as amended by Ord. 2006-1, 12/6/2006)

§27-406. HI Heavy Industrial District.

The purpose of this district is to provide appropriate sites for the establishment of businesses such as industrial plants and business offices, which need a greater degree of separation from residential areas:

A. *Permitted Uses.* These uses are permitted by right in the district. Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this Chapter are met, the Zoning Officer shall issue a zoning permit:

(1) Any use permitted by right in the Industrial Office District.

(2) Any use permitted by special exception in the Industrial-Office District.

B. *Special Exception Uses.* Applications for special exception uses are subject to review by the Zoning Hearing Board according to the provisions of §27-704. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Part 6 are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter, and to protect the public health, safety, morals and the general welfare:

(1) Mineral extraction or quarrying.

(2) Adult book stores and adult motion picture theaters.

C. *Conditional Uses.* Applications for conditional uses are subject to the action of the Borough Council according to the provisions of §27-806. These uses shall be permitted after the Borough Council has determined that the relevant standards and criteria contained in Part 6 are met. The Borough Council may attach any reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter

and to protect the public health, safety, morals and the general welfare:

(1) Other uses not provided for elsewhere in this Chapter so long as said uses are reasonable and compatible with the overall zoning scheme for the Borough of Glendon may be permitted by the official action of the Borough Council.

D. *Accessory Uses.* These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable provisions of this Chapter.

- (1) Customary accessory uses and structures.
- (2) Parking and loading facilities pursuant to §27-506.
- (3) Signs pursuant to §27-507.
- (4) Storage facilities.

E. *Utility Requirements.* All uses in this district shall be connected upon construction to public sanitary sewer and water supply systems, unless the amount of sewage produced is less than one equivalent dwelling unit per acre and involves no process waste. Only uses meeting said criteria will be granted occupancy permits. This criteria shall not apply to the continuation or expansion of existing uses.

F. *Lot Area, Width, Building Coverage and Height Regulations.*

Uses	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage By Buildings	Maximum Building Height
Municipal building or facility, professional or medical office, gasoline station or motor vehicle repair shop, adult book store and adult motion picture theater	30,000 sq. ft.	100 ft.	40%	35 ft.
Mineral extraction and quarrying	5 acres	300 ft.	20%	40 ft.
All other allowed uses	1 acre	125 ft.	40%	40 ft.

G. *Minimum Yard Requirements.*

Uses	Front Yard & Side Yard Abutting Street	Side Yard	Rear Yard
Municipal building or facility, professional or medical office, gasoline station or motor vehicle repair shop, adult book store and adult motion picture theater	35 ft.	15 ft.	30 ft.
Mineral extraction and quarrying	75 ft.	50 ft.	175 ft.
All other allowed uses	35 ft.	20 ft.	35 ft.

H. *Site Plan Approval.*

(1) Required for all permitted uses except for municipal building or facility pursuant to the provisions of §27-805.

(2) Required for all special exception uses pursuant to the provisions of §27-704.

(*Ord. 87-2, 8/26/1987, §4-6*)

Part 5**Supplemental Regulations****§27-501. Applicability.**

The standards and regulations contained in this Part are applicable in all districts in addition to the regulations for individual districts set forth in Part 4 of this Chapter. (Ord. 87-2, 8/26/1987, §5-1)

§27-502. Environmental Protection Areas.

1. *Types of Environmental Areas Protected.* Land with slopes in excess of 15% and land which is subject to flooding is deemed to have characteristics for which the following special regulations are needed.

2. *Regulations for Steep Slope Areas.*

A. *Determination of Steep Slope Areas.* The Official Zoning Map indicates the general location of steep slope areas based on interpreted data from United States Geologic Survey maps. Where the Official Zoning Map indicates that the lot for which a building permit is being sought or the lot proposed for subdivision is shown wholly or partially as steeply-sloped, the Zoning Officer shall make a determination as to the extent that the lot is so characterized. This determination shall be made by scaling off distances from the Official Zoning Map, unless more specific information, the accuracy of which is certified by a registered professional engineer or registered surveyor, is provided by the applicant. The Zoning Officer may consult with the Borough Engineer on the accuracy of the information submitted. Once the Zoning Officer is satisfied that the information submitted is accurate, he shall use the more precise information to make his determination.

B. *Lot Size and Other Requirements.* Upon determination that the lot under consideration is partially or wholly characterized by steep slopes, the following regulations apply:

(1) Where the lot is partially characterized by steep slopes, and where the development of the lot is to occur in areas where the natural slope is not steep, no lot size provisions separate from those otherwise required for the district shall apply. For the purposes of this Section, development shall include the construction of structures, access roads, parking areas, grading operations, and the installation of on-lot sewage disposal systems.

(2) Where the lot is wholly characterized by steep slopes or where a portion of the development of a lot partially characterized by steep slopes occurs in the steeply-sloped areas, the following standards shall apply:

(a) One acre when public sewer systems are to be used. The minimum lot width shall be 125 feet. The maximum lot coverage by buildings shall be 15%. The minimum yard requirements shall be 50 feet (front yard), 20 feet (side yard), 50 feet (side yard abutting street) and 50 feet (rear yard).

(b) Two acres when on-lot sewer systems are to be used. The

minimum lot width shall be 200 feet. The maximum lot coverage by buildings shall be 15%. The minimum yard requirements shall be 50 feet (front yard, side yard abutting street, and rear yard) and 30 feet (side yard).

(3) *Appeal of Zoning Officer's Decision.* If the applicant wishes to appeal the Zoning Officer's determination as to the extent of the steep slope areas or to the applicable provision of §27-502.2.B, such appeal shall be made to the Zoning Hearing Board as provided in §27-703.2. The appellant shall bear the burden of establishing the inaccuracy of the Zoning Officer's determination through the use of accurate field-based data.

C. *Regulations for Floodplain Areas.* All structures, buildings and uses shall comply with the provisions of *Ord. 79-1* and any amendments or revisions thereto [Chapter 4, Part 2].

(*Ord. 87-2, 8/26/1987, §5-2*)

§27-503. General Regulations Applying to All Districts.

1. *Prohibited Uses.* In addition to the requirements of Part 4 specifying permitted uses allowable in each district, the following uses are listed to further describe the nature, character, and type of uses not included as a permitted use, and therefore prohibited in any district in the Borough.

A. Industrial uses not meeting the standards of §27-504.

2. *Placement of Accessory Uses, and Structures.* The placement of a private garage, accessory parking area or other accessory building or use, shall be subject to the following requirements:

A. No accessory building shall be constructed within 10 feet of any rear or side yard.

(1) The rear and side yard provisions set forth in subsection .2.A shall not apply to any lot containing less than 21,780 square feet and on such lot no accessory building shall be constructed within 3 feet of any rear or side yard. [*Ord. 2002-1*]

B. Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling, provided that when so constructed, the exterior garage walls shall be regarded as the walls of the main dwelling in applying the front, rear and side yard regulations of this Chapter.

C. No private garage or other accessory building shall be within a required front yard or side yard in any district. Unroofed parking areas are permissible in required front yards and in portions of side yards not otherwise required for a planting screen (in commercial and industrial districts).

D. Any access driveway may be located within a required side yard or required front yard.

E. Accessory buildings and uses shall be on the same lot with the main building or buildings; or on an immediately adjacent lot in the same ownership.

F. Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street by a driveway on the same lot.

G. Accessory private garages may be built on the property side yard line providing that the two adjoining property owners agree to build attached garages. An 8-inch masonry fire wall must be erected to the ridge line of the combined building, at the property line.

3. *Small Lots of Record*. Notwithstanding the lot area, lot width, lot coverage, and yard requirements listed in Part 4, a single family detached dwelling may be erected on a lot in the R-1 and R-2 districts on any lot with less than the required lot width or lot area if separately owned and not adjacent to any lot in the same ownership at the effective date of the Glendon Borough Zoning Ordinance of 1987; provided, that the aggregate width of the side yards be not less than 25% of the lot width and that the narrower side yard be not less than 3 feet in width; and also provided that the standards for an on-lot sewage disposal system can be met, unless connection is made to public sanitary sewers.

4. *Height*. Nothing herein shall restrict the height of a flagpole, water tank, or smokestack in the IO or HI district.

5. *Yards*.

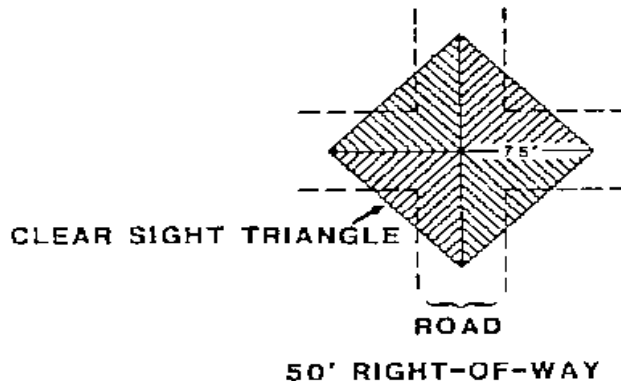
A. *Front Yard*. The space in a required front yard shall be open and unobstructed except for an unroofed balcony or terrace projecting not more than 8 feet, or steps giving access to a porch or first floor entry door.

B. *All Yards*. Every part of a required yard shall be open to the sky unobstructed by structures except for retaining walls and for accessory buildings in side and rear yards, and except for the ordinary projections of sills, belt courses, and for ornamental features projecting not to exceed 6 inches. [Ord. 2002-1]

C. *Open or Lattice Enclosed Fireproof Fire Escapes*. When required for emergency access purposes, fire escapes may project into a required yard area by no more than 4 feet. The fire escape must be no closer than 3 feet to a property line. The ordinary projection of chimneys and pilasters shall be permitted when placed so as not to obstruct light and ventilation.

D. *Front Yard Exemptions*. The front yard requirements shall not apply to a lot where the buildings on the lots to both sides of the lot in question are nonconforming relative to the front yard setback requirements. In such cases, the front yard requirement shall be reduced to the setback of the adjoining building which is lesser in degree of nonconformity. In no case shall the new building be closer than 20 feet to the right-of-way.

6. *Corner Clearance*. On a corner lot, within the triangular area (shown in the figure) determined as provided in this Section, no wall or fence or other structure shall be erected to a height in excess of 2 feet; and no vehicle, object or any other obstruction of a height in excess of 2 feet shall be parked or placed, and no hedge, shrub or other growth, shall be maintained at a height in excess of 2 feet, except that the trees whose branches are trimmed away to a height of at least 10 feet above the curb level shall be permitted. Such triangular areas shall be determined by the intersecting street centerlines and a diagonal connecting two points, each of which is 75 feet from the point of the centerline intersection, along the center lines of the respective roads.



7. *Through Lots.* Where a lot extends through from street to another street with a right-of-way in excess of 20 feet, the applicable front yard regulations shall apply on both street frontages.

8. *Temporary Uses.* A temporary building permit may be issued for a period not to exceed 1 year for a nonconforming building; structure, or use incidental to a building or other construction project, including such uses as the storage of building supplies and machinery, and a real estate office located on a tract of land where individual properties are being offered for sale; provided that such temporary permit shall be issued only upon written agreement by the owner or his agent to remove such building or structure upon expiration of such permit; and further provided that such permit shall be subject to such reasonable conditions as the Zoning Hearing Board shall determine to be necessary to protect the public health, safety, morals and general welfare.

9. *Measurement of Lot Width.*

A. *Rectangularly Shaped Lots.* For such lots, the lot width measurement shall be made at the front property line.

B. *Lots not Rectangularly Shaped.* For such lots, the lot width measurement shall be made at the rear line of the required front yard. However, the width measurement made at the front property line shall not be less than 40% of the lot width requirement on cul-de-sacs or street centerline curves of less than 300 feet radius, and 80% of the lot width requirement in all other situations.

(Ord. 87-2, 8/26/1987, §5-3; as amended by Ord. 2002-1, 3/6/2002, §§I, II)

§27-504. Industrial and Research Center Performance Standards.

1. *Glare.* No use shall produce glare by a strong dazzling light or a reflection of a strong dazzling light beyond its lot lines.

2. *Vibration.* No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration

produced as a result of construction activity.

3. *Electrical Interference.* No use shall cause electrical interference with or disturbance of any equipment, other than that of the creator of the interference or disturbance, at any point beyond its lot lines.

4. *Noise.* No operation or activity shall cause or create noise in excess of the sound levels prescribed below.

A. *Method of Measurement.* For the purpose of measuring frequency of sound, the sound level meter and the octave band analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used.

B. Octave band analyzers calibrated in the preferred frequencies (American Standards Association S1. 6-1960, Preferred Frequencies for Acoustical Measurements) shall be used with Table 1. Octave band analyzers calibrated with pre-1960 octave bands (American Standards Association Z24. 10 1953, Octave Band Filter Set) shall use Table II which follows.

C. *Exemptions.* The following uses and activities shall be exempt from the noise level regulations:

- (1) Noises not directly under the control of the property user.
- (2) Noises emanating from construction and maintenance activities between 7 a.m. and 8 p.m.
- (3) The noises of safety signals, warning devices and emergency pressure relief valves.
- (4) Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

3. *Standards.*

A. *At District Boundaries.* In the industrial district, at no point on or beyond the boundary of an R-1 or R-2 Zoning District shall the sound pressure level resulting from any use, operation or activity exceed the maximum sound levels as set forth in Tables I and II below.

Table I - Preferred Frequencies

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	65
63	67
125	66
250	59
500	52
1000	46
2000	37
4000	26

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
8000	17

Table II - Pre-1960 Octave Bands

Octave Band Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	67
75-150	66
150-300	61
300-600	54
600-1,200	47
1,200-2,400	39
2,400-4,800	29
4,800-10KC	20

(1) *At Lot Lines.* In the Heavy Industrial and Industrial Office Zoning Districts, at no point on or beyond the boundary of any lot shall the sound pressure level resulting from any use, operation or activity exceed the maximum permitted decibel levels for the designated octave bands as set forth in Tables III and IV below.

Table III Preferred Frequencies

Center Frequency Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
31.5	76
63	74
125	68
250	63
500	57
1000	52
2000	45
4000	38
8000	32

Table IV - Pre-1960 Octave Bands

Octave Band Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20-75	75
75-150	70
150-300	64
300-600	59
600-1,200	53
1,200-2,400	47
2,400-4,800	40
4,890-10KC	34

If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections following shall be added to or subtracted from each of the decibel levels given above.

Type of Operation or Character of Noise	Corrections (in Decibels)
Noise occurs between the hours of 8:00 p.m. and 7:00 a.m.	-3
Noise occurs less than 5% of any one-hour period	5
Noise is of a periodic character (hum, scream, etc.) or is of an impulsive character (hammering, etc.)	-5

5. *Emergency Preparedness.* All uses shall prepare a preparedness, prevention and counter-measure plan according to the regulations of the Department of Environmental Protection. [Ord. 2006-1]

(Ord. 87-2, 8/26/1987, §5-4; as amended by Ord. 2006-1, 12/6/2006)

§27-505. Regulations Applying to Certain Uses and Districts.

1. *Home Occupations and Home Professional Office.* Home occupations and home professional offices shall be allowed based on compliance with the following criteria:

A. A home occupation or home professional office shall occupy a space which constitutes less than 25% of the floor area of the dwelling. The area of garages or other accessory buildings shall not be used for the computation of the floor area. The occupation shall not occur in the garage or other accessory building.

B. *Outside Employees.*

(1) A maximum of two persons not residing at the dwelling may be employed for a home professional office.

(2) A maximum of one person not residing at the dwelling may be employed for a home occupation.

C. No home occupation or home professional office shall require exterior structural alterations of an existing structure. The exterior design shall reflect the

principal residential use of the structure.

D. Signs associated with the home occupation or home professional office shall conform to the provisions of §27-507.

E. The parking needs of the home occupation or home professional office shall be met through the use of off-street parking areas according to the provisions of §27-506.

F. Home occupations shall not involve the repair, rehabilitation, servicing or construction of motorized vehicles.

G. Home occupations and home professional office shall not involve retail sales of goods on the premises, except as may be clearly subordinate and accessory to the services provided. This provision does not restrict the retail sales of goods at off-premises sites.

2. *Fences.* In the R-1 and R-2 districts a fence, enclosure, wall, a hedge or other vegetation are permitted, provided that a solid fence, hedge shrubbery, or other vegetation shall not exceed a height of 6 feet. Fences shall comply with the corner clearance requirements of §27-503.6.

3. *Mobile Home Siting.* All mobile home placements shall occur in accord with the following provisions:

A. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home.

B. The stand shall be constructed from material sufficient to adequately support the mobile home and prevent abnormal settling or heaving under the weight of the home. The corners of the mobile home shall be anchored to prevent wind overturn and rocking with tie-downs such as concrete "dead men," screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.

C. After a mobile home has been anchored to the mobile home stand, the hitch which is employed for the transportation of the unit shall be removed if not of bolted construction, and there shall be a decorative skirt installed around the base of the unit.

4. *Animals.* The following restrictions shall apply to the keeping of animals:

A. The keeping of bees shall be permitted provided no hive or box where bees are kept is maintained within 300 feet of any dwelling, except the dwelling of the owner of such bees, or within 100 feet of any exterior property on which the hive or box is located. A hive or box for the keeping of bees may be located and kept within a schoolhouse for the purpose of study and observation or in a physician's office or laboratory for medical research or treatment, or for scientific purposes, and provided further that no bees be permitted to fly at large.

B. The hatching and raising of poultry, fowl, rabbits, and pigeons shall be allowed only on a noncommercial basis and strictly as an incidental use. The area in which the fowl, rabbits, or pigeons are kept shall be enclosed by a fence, all parts of which are maintained at least 300 feet from any dwelling except that of the owner.

C. The keeping of swine and/or goats shall occur only in enclosed areas, all parts of which are at least 500 feet from the nearest dwelling, except the dwelling

of the owner of said swine and/or goats. The use shall be on a noncommercial basis only, strictly as an incidental use, and under no circumstances to exceed a total number of six animals over the age of 1 year.

D. Dogs and cats may be kept as domestic animals. The keeping of dogs and cats on a commercial basis shall be limited to the HI Districts with the following requirements. The area of the kennel including shelter and exercise pens shall be suitably enclosed and shall be at least 300 feet from the nearest dwelling, exclusive of the proprietor's dwelling.

5. *Private Garages or Private Parking Areas in the R-1 and R-2 Districts.*

A. A private garage or private parking area may be utilized only as an accessory to the main use, except that no more than two parking spaces in a private garage accessory to a one-family or two-family dwelling may be rented to a person who is not a resident of the main building.

B. Not more than two commercial vehicles, with a gross weight limited to 5 tons each, may be housed on any lot.

6. *Noncommercial Swimming Pool.*

A. A noncommercial swimming pool which is designed to contain a water depth of 24 inches or more shall not be located, constructed or maintained on any lot or land area, except in conformity with the requirements of these regulations. A permit shall be required to locate, construct, or maintain a noncommercial swimming pool.

B. Such pool shall be located in a rear yard only, unless the rear yard area is insufficient in size for siting the pool. In such instance, the pool may be located in the side yard.

C. Every noncommercial swimming pool located on a lot of less than two acres shall be entirely enclosed with a good quality chain link wire, wooden or other equivalent fence of not less than 4 feet in height.

D. Such pool shall not be located less than 15 feet from any lot line.

E. Such pool shall not occupy more than 25% of the rear yard area, including all private garages or other accessory buildings or structures.

F. If the water for such pool is supplied from private well, there shall be no cross-connection with the public water supply system.

G. If the water for such pool is supplied from the public water supply system, the inlet shall be above the overflow level of said pool.

H. No loudspeaker or amplifying device shall be permitted which will project sound beyond the bounds of the property or lot where such pool is located.

I. No lighting or spot lighting shall be permitted which will shine directly beyond the bounds of the property or lot where such pool is located.

J. Adequate provision shall be made for pool drainage.

7. *Buffers.*

A. *Applicability.* All lots proposed for nonresidential uses shall be screened by the use of landscaped buffer strips along those property lines which are directly contiguous to an R-1 or R-2 Zone, or an existing residential lot.

B. *Regulations.* A solid and continuous landscape screen shall consist of a protective planting strip not less than 10 feet nor more than 30 feet in width, situated within any required side or rear yard, designed and laid out with suitable evergreen plant material which will be planted at a minimum height of 4 feet, and will attain and shall be maintained at a height of not less than 8 feet, so as to provide an effective natural screen between the nonresidential and residential districts or uses. A planting plan specifying type, size and location of existing and proposed plant material shall be required.

8. *Satellite Earth Stations.*

A. The maximum size of a satellite earth station shall be 12 feet in diameter.

B. In an R-1 or R-2 District, no satellite earth station may be located in the front yard of a lot or in the street side yard of a corner lot.

C. Any satellite earth station located in a side or rear yard in any district must be set back from the nearest property line a distance equal to the overall height of the antenna which may not exceed 15 feet.

D. No satellite earth station located on a roof may exceed an overall height of 10 feet above the highest point of the roof.

E. No satellite earth station may be used for commercial purposes if located in R-1 or R-2 District.

(Ord. 87-2, 8/26/1987, §5-5)

§27-506. Parking and Truck Loading Space Requirements.

1. *Off-Street Parking.* Off-street parking spaces for the storage or parking of passenger vehicles shall be provided pursuant to the provisions of this Section:

A. *Individual Parking Spaces.* Parking spaces shall have a minimum width of 9 feet and a minimum area of 162 square feet, exclusive of driveways and turning areas. Parking spaces for the handicapped shall contain a minimum area of 216 square feet and shall be a minimum width of 12 feet. Parking areas which are paved in accordance with the provisions of §27-506.3.E. shall have the parking space marked off.

B. The minimum number of off-street parking spaces shall be calculated using the following table:

Use	Requirement
Single family detached, single family semi-detached, and single family attached dwellings, and mobile home park	2 spaces for each dwelling unit
Conversions - efficiency	1 space for each dwelling unit
Conversions - 1 or more bedrooms, multi-family	1-1/2 spaces for each dwelling unit

Use	Requirement
Family care facility, group care facility	1 space for each person residing in the facility unless the operation or ownership of automobiles is prohibited to residents of the facility, plus 1 space for each employee on the maximum shift
Professional offices, business offices, governmental offices	1 space for each 200 square feet of gross leasable area
Medical offices	7 spaces per practitioner
Printing, publishing	1 space per 100 square feet of floor area serving customers, and 1 space for each two employees
Gas station, motor vehicle repair shop	3 spaces for each bay plus 1 space for each employee on the largest shift
Adult bookstores	1 space for each 150 square feet of gross leasable area
Boarding home	1 space for each guest bedroom and residential family
Bed and breakfast establishment	2 spaces for the host family, plus 1 space for each guest room
Home occupation or home professional offices excluding medical offices	1 space for every 100 square feet devoted to the home occupation
Adult motion picture theater	1 space for every 2 seats
Church or place of worship, athletic field with seating	1 space for each 4 seats (20 inches of bench space equals 1 seat)
Manufacturing plant, research facility, wholesaling, warehousing, mineral extraction or quarrying, truck terminals, resource recovery facility	1 space for every 2 employees on the largest shift, plus 1 space for each company vehicle, plus 1 space for each vehicle used in the business
Building materials sales, cemeteries, government building or use, or public utility building or facility, other than offices	1 space for every employee on the largest shift, plus 1 space for each vehicle used in the business
Social facilities associated with fire stations	1 space for every four persons of total capacity, plus 1 space for every employee on the largest shift
Public or private school	2 spaces per classroom
Outdoor recreation facility	1 space for each 4 persons of total capacity, plus 1 space for every employee on the highest shift
Crop farming, orchards, commercial communications tower, outdoor storage of construction equipment	None

C. *Other Uses Not Specifically Listed.* The same requirements as for the most similar use listed in §27-506.1.B.

D. *Mixed Uses.* Total requirements shall be the sum of the requirements of the component uses computed separately.

E. *Fractional Space.* In all Districts when required parking spaces results in the requirement of a fractional space, any fraction under one-half may be disregarded, and any other fraction shall be construed as requiring a full space.

F. *Nonapplicability to Lawfully Existing Buildings and Uses.* The provisions of §§27-506.1.A through 27-506.1.E shall not apply to any building, structure or use lawfully in existence at the effective date of this Chapter, whether continued as a permitted or a nonconforming use, provided that the use is unchanged and is not enlarged.

G. *Reduction in Parking Demand.* A reduction in the number of parking spaces in accessory garages or parking areas originally provided and installed pursuant to the requirements of §27-506.1.B may be permitted where a diminution in the number of dwelling units, gross lease able area or other relevant factor occurs. The remaining number of parking spaces shall conform to the standards contained in §27-506.1.B.

2. *Required Off-Street Truck Loading Spaces.*

A. Every building or structure, lot or land hereafter put into use for business or industrial purposes or for a hospital, and which has a total floor area of 4,800 square feet or more shall be provided with off-street truck loading spaces in accordance with the following schedule:

Square Feet of Total Floor Area Devoted to Such Use	Required Number of Off-Street Truck Loading Spaces
4,800 to 25,000 sq. ft.	1
25,001 to 40,000 sq. ft. in all Districts	2
40,001 to 100,000 sq. ft. in all Districts	3
Each additional 60,000 sq. ft. in all districts	1 additional

B. *Size of Individual Truck Loading Space.* An off-street truck loading space shall have a minimum width of 12 feet, a minimum length of 35 feet, and minimum clear height of 14 feet including its access from the street.

C. All truck loading spaces shall be designed so that maneuvering of trucks to reach the loading dock shall not preempt the use of required off-street parking space or intrude into the street right-of-way.

3. *Parking Lot Design Standards.*

A. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into adjoining properties.

B. The number of off-street parking spaces provided for an existing use may

not be reduced below the minimum standards of this Chapter.

C. The required off-street parking spaces shall be located on the same lot as the principle use served. Where this requirement cannot be met, the spaces shall be located within 500 feet of the principal use secured by a minimum lease period of 5 years.

D. No parking area for nonresidential uses shall be designed so as to require vehicles to back out of the area directly onto a street with a right-of-way width more than 20 feet.

E. Except as noted in this Section, all off-street parking areas shall be graded and paved with hard surface such as macadam or concrete provisions satisfactory to the Borough shall be made with regard to the management of stormwater runoff. Parking lots for six or fewer cars where the average slope is 4% or less may be covered by PennDOT Type 2A modified slag or modified stone.

F. *Landscaping.* All off-street parking areas, other than those for single family residences, which are not contained in a garage shall be landscaped according to the following standards:

(1) If the parking area abuts a residential lot, screening to prevent the glare of headlights from shining on the residential lot shall be provided.

(2) One shade tree shall be planted within or adjacent to the parking area for each 10 parking spaces provided.

(3) The area between the parking area and a public street shall be landscaped with plantings at least 50% evergreen shrubbery and shall average at least one planting for every 10 feet of frontage.

(4) Parking lots shall provide spaces reserved for the handicapped in accordance with relevant Federal requirements and standards.

(Ord. 87-2, 8/26/1987, §5-6)

§27-507. Signs.

1. *Zoning Permits.* Zoning permits shall be required for all signs erected after the effective date of this Zoning Ordinance, August 26, 1987, except as provided in subsection .2.

2. *Exemptions for Permit.* Signs permitted in subsections .3.A, .3.B, .3.D and .3.F of this Part shall be exempt from the permit requirements of this Part.

3. *On-premises Signs Permitted in the R-1 and R-2 Districts.* No sign or other on-premises advertising device shall be permitted except as follows:

A. Signs displaying the street number or name of the occupant of the premises, or both, provided that any such sign shall not exceed 2 square feet. Such sign may include identification of permitted accessory uses including a home occupation, home professional office, or a roadside stand.

B. One bulletin or announcement board or identification sign for a permitted nonresidential building or use provided that any such sign shall not exceed 12 square feet.

C. One sign in connection with a lawfully maintained nonconforming use, provided that any such sign shall not exceed 2 square feet.

D. "For Sale" or "For Rent" or "Yard Sale" signs provided that any such sign shall not exceed 6 square feet.

E. Temporary contractors, developers, architects, or builders signs provided that any such sign shall not exceed 20 square feet. Such signs shall be maintained on the premises to which they relate and shall be removed upon completion of the work.

F. Signs announcing no trespassing; signs indicating the private nature of a road, driveway, or premises; and signs controlling fishing or hunting on the premises provided that any such sign shall not exceed 4 square feet.

4. *On-Premises Signs Permitted in the IO and HI Districts.* No sign or other on-premises advertising device shall be permitted except as follows:

A. All signs permitted in §27-507.3.

B. Signs advertising permitted nonresidential uses provided that, for all signs to be viewed from without any building, the following requirements shall apply:

(1) Signs, attached to a building shall not exceed 20% of the building face to which said signs are attached.

(2) Not more than one freestanding sign shall be placed on any single property, unless such premises fronts upon more than one street, in which event one sign may be erected on each frontage. Any freestanding sign shall not exceed 20 square feet. Freestanding signs shall not exceed 20 feet in height.

5. *Off-Premises Signs.*

A. Off-premises signs which are used for directing persons to principal uses located in Glendon Borough, but not for principal uses located in other municipalities, are permitted in all use districts. Such signs may be erected subject to the following requirements:

(1) A sign shall indicate only the name and direction of the principal use.

(2) Only one sign shall be erected prior to each intersection during movement necessary to reach such principal use and not more than 50 feet from the nearest intersection of street right-of-way lines.

(3) No more than four directional signs shall be erected in the Borough for any one principal use.

(4) Signs shall not exceed 2 square feet in area.

(5) Signs shall be no closer than 6 feet to a side lot line and shall not be located within the street line.

B. Temporary nonilluminated signs directing persons to temporary exhibits, shows or events located in the Borough may be erected subject to the following requirements:

(1) Signs shall not exceed 12 square feet in area.

(2) Signs shall not be posted earlier than 4 weeks before the occurrence of the event to which they related and must be removed within 1 week after the date of the exhibit show or event.

C. Off-premises signs other than those permitted by §27-507.5.A shall be

allowed in the Heavy Industrial (HI) District subject to the following regulations:

(1) Off-premises signs additionally permitted by §27-507.5.B shall not exceed 300 square feet in size.

(2) Off-premises signs additionally permitted by §27-507.5.B shall be separated from other such signs by a minimum distance of 500 feet.

(3) Off-premises signs additionally permitted by §27-507.5.B shall not be located within 100 feet of a residential structure, regardless of the district in which the residence is located.

(4) Off-premises signs additionally permitted by §27-507.5.B shall not be located within 100 feet of any R-1 or R-2 Zoning District.

(5) Illuminated off-premises sign additionally permitted by §27-507.5.B shall not produce glare beyond the property line of the lot on which it is located.

[Ord. 2006-1]

6. *Regulations Applying To Signs in All Districts.* The following requirements shall apply to all signs and other advertising devices:

A. No sign or other advertising device with visible moving or movable parts or with flashing, animated or intermittent illumination shall be erected or maintained.

B. No sign shall be permitted which obstructs traffic visibility within a minimum of 10 feet across the intersection of any two streets nor which interferes with highway safety, such as direct beams which may interfere with highway visibility or any light which may be interpreted as a traffic or emergency signal.

C. No sign or other advertising device attached to a building shall project more than 6 inches above the roof or parapet line nor more than 12 inches out from the wall to which it is attached. However, signs not exceeding 6 square feet in area may be projected more than 12 inches from a building face if attached to and below a canopy projecting from said building providing such sign or canopy does not interfere with pedestrian flow.

D. No sign or other advertising device shall be located within 6 feet of any side property line, except signs permitted in §§27-507.3.A and 27-507.3.F.

E. No sign or other advertising device shall be located within the lines of any street right-of-way, nor in any way interfere with normal pedestrian flow.

7. *Maintenance of Signs.* Every sign located in Glendon Borough must be constructed of durable materials and shall be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by the owner or lessee of the property on which it is located after notification by the Borough Council. If the sign is not removed within the time specified, the Council shall remove the sign at the expense of the owner or lessee.

8. *Nonconforming Signs.*

A. If any legal, nonconforming sign shall be removed other than for repair, it may be replaced only with a sign that conforms with the provisions of this Part. However, legal nonconforming signs may be repainted or repaired provided that the dimensions of the sign are not increased.

B. If any legal nonconforming sign shall be damaged or destroyed by natural causes, accident or vandalism, such sign may be replaced by a new sign providing the dimensions of the old sign are not exceeded.

(*Ord. 87-2, 8/26/1987, §5-7; as amended by Ord. 2006-1, 12/6/2006*)

Part 6**Special Exception and Conditional Uses****§27-601. Procedure for Special Exception Uses.**

The Zoning Hearing Board shall make a determination that the proposed special exception use will or will not be permitted pursuant to the procedures set forth in §27-704. The use shall be permitted if the standards and criteria set forth in this Part are met. The use shall not be permitted if the standards and criteria set forth in this Part are not met. The Zoning Hearing Board may attach reasonable conditions and safeguards which are necessary for the protection of the public health, safety, general welfare, or morals of the community in the permitting of a special exception use.

(Ord. 87-2, 8/26/1987, §6-1)

§27-602. Procedure for Conditional Use.

The Borough Council shall make a determination that the proposed conditional use will or will not be permitted pursuant to the procedures set forth in §27-806. The use shall be permitted if the standards and criteria set forth in this Part are met. The use shall not be permitted if the standards and criteria set forth in this Part are not met. The Borough Council may attach reasonable conditions and safeguards which are necessary for the protection of the public health, safety, general welfare, or morals of the community in the permitting of a conditional use.

(Ord. 87-2, 8/26/1987, §6-2)

§27-603. General Standards.

These standards are applicable to all applications for special exception or conditional uses, as set forth in Part 4:

A. Such use shall be one which is authorized as a special exception or conditional use in the district within which such particular site is located.

B. For every special exception or conditional use, the determining body shall determine that there is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of the intersection of the street lines at a street intersection, if alternative locations are available.

C. For every special exception or conditional use, the determining body shall determine that there are fully adequate parking areas and off-street truck loading spaces, in conformity with this Chapter and all other pertinent ordinances, for the anticipated number of occupants, employees and patrons, and that the layout of the parking spaces, truck loading berths, and interior driveways is convenient and conducive to safe operation.

D. For every special exception or conditional use, the determining body may require a solid and continuous landscape screen not less than 10 feet nor more than 30 feet in width, situated within any required side or rear yard, designed and laid out with suitable evergreen plant material which will be planted at a minimum

height of 4 feet, and will attain and shall be maintained at a height of not less than 8 feet, so as to provide an effective natural screen between the nonresidential and residential districts or uses. A planting plan specifying type, size and location of existing and proposed plant material shall be required.

E. For every special exception or conditional use, where the installation of outdoor flood or spot lighting is intended, the determining body shall determine that such lighting will not shine directly upon any abutting property, nor upon the street. No unshielded lights shall be permitted.

F. For every special exception or conditional use, the determining body shall determine that adequate provisions will be made for collection and disposal of stormwater runoff from the site.

(Ord. 87-2, 8/26/1987, §6-3)

§27-604. Standards Relevant to Individual Uses.

These standards are applicable to the individual uses listed in Part 4. These standards are to be applied in addition to those set forth in §27-603:

A. *Adult Bookstore and Adult Motion Picture Theater.*

(1) All building openings, entries, and windows shall be located, covered, or screened in such manner as to prevent a view into the interior from any public or semi-public area.

(2) Advertisements, displays, or other promotional materials shall not be exhibited so as to be visible to the public from public or semi-public areas, except for an indication of the adult nature of the merchandise or program offered within.

(3) Each arcade device booth shall be separated from all other arcade device booths by solid, uninterrupted partitions. No partitions or walls of an arcade device booth shall have any hole, gap or opening except for an entrance door which shall provide entrance to only one arcade device booth.

(4) The owner of the adult arcade shall permit no more than one occupant per arcade device booth at any one time. The owner of the adult arcade shall properly staff the establishment and position the booth to insure this occupancy limit is met.

2. *Bed and Breakfast Home.*

A. No more than five guest rooms shall be provided and no more than two adults and two children may occupy one guest room.

B. One off-street parking space shall be provided for each guest room. The off-street parking spaces shall be screened from adjoining properties by fencing or natural vegetation.

C. At least one full bathroom separate from the host family's bathroom shall be provided for every three guest rooms.

D. No external alterations of the dwelling unit shall be made except as may be required to conform to the requirements of the Pennsylvania Department of Labor and Industry.

E. A single sign of 2 square feet or less which identifies the home may be

erected.

F. The operators of the home must reside on the premises.

G. There shall be no separate kitchen or cooking facilities in any guest room. Food served to the guests on the premises shall be limited to breakfast.

H. The existing sewage disposal system shall be certified as adequate for the bed and breakfast use, in conformance with relevant Pennsylvania Department of Environmental Protection's regulations. [Ord. 2006-1]

I. The maximum uninterrupted length of stay shall be 14 days.

3. *Boarding House.*

A. A maximum of six rooms shall be offered for rent.

B. There shall be no separate kitchen or cooking facilities in any rented room.

C. Meals shall not be offered to the general public.

D. The existing sewage disposal system shall be certified as adequate for the boarding house use in conformance with relevant Pennsylvania Department of Environmental Protection's regulations. [Ord. 2006-1]

4. *Commercial Communications Tower.*

A. The tower shall conform to all relevant regulations and standards of the Federal Communications Commission.

B. The base of the tower shall be surrounded by a fence of a minimum 8 foot height with a locked gate which shall secure the tower from unauthorized access.

5. *Conversions of Dwelling Units Into Apartments.*

A. Each apartment must include the following number of square feet of interior space:

(1) Efficiencies - 400 square feet.

(2) 1 Bedroom - 500 square feet.

(3) 2 Bedroom - 650 square feet.

(4) 3 Bedroom - 800 square feet.

(5) 150 square feet of additional space for each additional bedroom.

B. Each apartment must provide complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, washing, cooking and sanitation. A maximum of three unrelated persons per bedroom shall reside in an apartment.

C. *Ingress-Egress.* Exitways shall provide safe and continuous means of egress to a street or to open space with direct access to a street. Each apartment shall be provided with direct and continuous access to such an exitway. All required exitways shall be so located as to be discernible and accessible without obstruction and so arranged to lead directly to the street or to an area of safety with supplemental means of egress that will not be obstructed or impaired by fire, smoke or other cause.

D. Conversions shall be accomplished without the construction of building additions.

E. Conversions shall conform to the provisions of the Pennsylvania

Construction Code, 35 P.S. §7210.101et sg., and regulations promulgated thereunder by the Pennsylvania Department of Labor and Industry implementing the Uniform Construction Code, 34 Pa. Code, Chapters 401-405. [Ord. 2006-1]

F. The sewage disposal system shall meet the standards of the Pennsylvania Department of Environmental Protection for the number of units to be created. [Ord. 2006-1]

G. Off-street parking in conformance with the requirements of §27-506 shall be provided.

6. *Family Care Facility and Group Care Facility.*

A. The facility shall be licensed by the Pennsylvania Department of Public Welfare, Health or Aging as relevant to the particular type of facility and approved in accordance with Pennsylvania Construction Code, 35 P.S. §7210.101et sg., and regulations promulgated thereunder by the Pennsylvania Department of Labor and Industry implementing the Uniform Construction Code, 34 Pa. Code, Chapters 401-405. [Ord. 2006-1]

B. In order to prevent concentration of family and group care facilities and the impaction of a neighborhood by a high concentration of these facilities, the lot on which the facility is located shall be at least 800 feet from any lot on which another facility is located. (The distance shall be measured in a straight line from the nearest point on one lot to the nearest point on another lot.)

C. *Minimum Floor Area.*

(1) For family care facilities, a minimum floor area of 1,000 square feet shall be provided.

(2) For group care facilities, 1,000 square feet of floor area shall be provided. Additionally, 110 square feet shall be provided for every resident in excess of six.

7. *Gasoline Station or Motorized Vehicle Repair Shop.*

A. All painting and repair work shall be performed in an enclosed building, and in conformance with all applicable laws and regulations.

B. All parts, inoperative and dismantled vehicles shall be screened or enclosed so as not to be visible outside the property.

C. Outdoor vehicle storage areas shall be paved.

D. All refuse shall be stored within an enclosed area.

E. The gasoline pumps shall be arranged so that a minimum of three vehicles per lane may wait in line, in addition to those vehicles using the pumps at the moment, without encroaching into the road right-of-way.

F. In no case may the gasoline pump be located within 25 feet of any property line.

G. When the rental of equipment such as automobiles, trucks and trailers is to be conducted, an additional 1,000 square feet of lot area shall be provided for each five automobiles and trailers and 1,000 square feet for each four trucks.

H. Any retail sales of nonautomotive products shall be clearly incidental and subordinate to the primary use of the facility.

8. *Mineral Extraction or Quarrying.*

A. A site plan shall be submitted, indicating existing grades, and proposed grades after completion of the extraction process.

B. The site plan shall also show method of extraction, list all machinery to be used and location of points of ingress and egress for vehicles to and from the site.

C. Where materials are removed from the site it shall be planned in such manner that it will not cause any debris or material to be deposited beyond the site boundaries.

D. A written agreement shall be included with the site plan from the applicant stating that all machinery and devices used for extraction purposes will be removed from the site upon completion of the process.

An estimated time schedule of operations and completion shall be submitted with the site plan. The Board may extend said schedule, upon request, within reasonable limits and as the situation requires.

E. No extraction shall be conducted and no building shall be located closer than 75 feet to the center line of any street. The setback area shall not be used for any other use in conjunction with extraction except access streets, berms, screening and permitted signs.

G. There shall be a berm of minimum height of 15 feet and maximum height of 50 feet, separating the extraction areas from the surrounding residential properties. Slope on sides of berm shall not exceed 1:1 ratio. Berm shall be planted and dust and erosion control measures shall be taken. There shall also be planting sufficient to screen the extractive industry operation. Planting and berm shall begin at a point not closer to the street than the future right-of-way line.

H. Fences shall be required within the setback area. Appropriate warning signs shall be posted at intervals of not more than 100 feet.

I. An adequate internal circulation pattern of streets shall be maintained between excavation and processing areas. Use of public street shall not be permitted for hauling between extractive and processing areas except when required in connection with such pattern, or for access to vehicular traffic originating from or destined to points beyond the limits of such excavation site and processing areas.

J. All activities shall comply with the applicable Federal and State regulations for earth extraction industries. Necessary permit related thereto shall be submitted.

K. All drainage from the site of extractive operations shall be controlled by dikes, barrier or drainage structures sufficient to: (1) prevent any silt, debris or other loose materials from filling any existing drainage course or encroaching on streets or adjacent properties and (2) physical damage to adjacent lands of improvements, or (3) damage to any street parking area, or utility, by reason of slides sinking or collapse.

9. *Outdoor Storage of Construction Equipment.*

A. Storage shall be limited to operable equipment. Derelict and inoperable equipment shall be store within enclosed structures.

B. The storage area shall be surrounded by a fence of a minimum 8 foot height with a locked gate which shall secure the area from unauthorized access.

10. *Private Nonprofit Outdoor Recreation Areas Such as Parks Playgrounds, and Picnic Grounds.*

A. The facility through its use shall not adversely affect adjoining properties by reason of noise.

B. Adequate provision shall be made for collection and disposal of rubbish and trash.

C. Structures to be built in association with this use shall be clearly accessory and subordinate to the outdoor use of the site.

11. *Public or Private School.*

A. Applications for public schools shall include letter from the Pennsylvania Department of Education stating that the requirements of the Department relating to siting have been met.

B. Private schools shall meet all requirements of the Pennsylvania Department of Education which pertain to site location and siting of such schools.

12. *Public Utility Facility.*

A. The facility shall be necessary for serving the residential area in which it is to be located.

13. *Truck Terminal.*

A. All areas used for vehicle storage, loading or maneuvering shall be paved.

B. The parking area shall be arranged so that all internal traffic movements can be made without entering the public right-of-way.

C. All repair operations shall be enclosed buildings.

D. All storage shall be conducted within enclosed structures.

14. *Resource Recovery Facility.*

A. The site for a resource recovery facility shall contain at least five acres for any facility with a capacity to treat or dispose of up to 300 tons of waste per day. The size of the site shall be increased by two additional acres of land for each additional capacity of 100 tons per day, or fraction thereof.

B. The site and facility shall comply with all applicable Federal and State rules, regulations and requirements and in all cases the most stringent requirements shall apply.

C. Only "agricultural waste" and "municipal waste" as defined and limited in this Chapter may be processed, treated or disposed of.

D. Each facility shall be operated and maintained in such manner as to prevent health hazards, environmental degradation, the attraction, harborage or breeding of insects, rodents or vectors, and to eliminate conditions which create safety hazards or public nuisances or which impose an undue burden upon the Borough or its municipal services infrastructure.

E. Access to a facility shall be limited in the following manner:

(1) Access to the site or facility shall be limited to normal operating hours

and attendants shall be present at the site during all operating hours.

(2) Gates or other suitable barriers shall be erected at all vehicular entrances or exits of the site to block access to the site or facility when it is not in operation.

(3) Normal operating hours shall be from 6 a.m. to 6 p.m., Monday through Friday, and from 6 a.m. to 12 noon on Saturdays. Provided, however, that incinerators, because of their nature, shall not be limited in the hours that the burning process may be conducted.

(4) Normal delivery hours shall be between 7 a.m. and 6 p.m., Monday to Friday, and between 7 a.m. and 12 noon on Saturdays. No deliveries may be received at or shipped from the site outside the foregoing delivery times.

F. Measures and procedures to prevent and minimize fire hazards shall be established and practiced at the site or facility.

G. The operation shall be so conducted as to prevent the dispersal or accumulation of any litter on or off the site.

H. The site and surrounding roads and property shall be policed on a regular basis to retrieve and remove any litter which has been deposited upon or escaped to nonactive areas of the site and/or surrounding roads or properties.

I. The operator of a facility shall take appropriate measures to guarantee that all waste materials shall remain within the vehicles delivering wastes to the facility for treatment or disposal and to promptly remove any such materials that may be dropped upon roads or neighboring properties.

J. The operator of a facility shall take appropriate measures to prevent the accumulation of mud, dirt or dust on roads leading to the site from vehicles traveling to or from the site and shall regularly and promptly remove any such mud, dirt or dust from said roads and their shoulders.

K. All loading and unloading shall be conducted within the confines of a building and all buildings except incinerators shall be set back at least 100 feet from all street and property lines. Incinerators shall be set back at least 200 feet from all street and property lines.

L. There shall be no storage of waste, temporarily or otherwise, outside of buildings.

M. The facility shall comply with the industrial and research center performance standards contained in §27-504 of this Chapter.

(Ord. 87-2, 8/26/1987, §6-4; amended by Ord. 2006-1, 12/6/2006)

Part 7**Zoning Hearing Board****§27-701. Organization.**

1. *General Grant of Power.* The Zoning Hearing Board existent at the time of enactment of this Chapter shall continue extant. It shall continue to perform all the duties and have all the powers prescribed by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and as herein provided.

2. *Appointment.* The membership of the Board shall consist of three residents of the Borough appointed by the Borough Council for a normal term of office of 3 years, starting at the date of appointment. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

3. *Organization.* The Board shall elect its chairman and vice chairman from its membership, who shall serve annual terms as such and may succeed themselves. The Board may make, alter and rescind rules and forms for its procedure, consistent with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Part.

A. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but where two members are disqualified to act in a particular matter, the remaining member may act for the Board. The 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 Board as provided in §27-702.2.

B. The Board shall keep full public records of its business. The Board is authorized to employ a Secretary or Clerk, who is not a member of the Board, at a salary to be fixed by the Borough Council.

4. *Removal of Members.* Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council. Such a vote may be taken only after the member has received at least 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 requests it in writing.

5. *Compensation.* The Board shall receive compensation as fixed by the Borough Council.

6. *Meetings.* Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. Meetings shall be at sufficiently frequent intervals, at the discretion of the Board, for the efficient conduct of its business. All meetings shall be open to the public.

(Ord. 87-2, 8/26/1987, §7-1)

§27-702. Procedure.

1. *Rules of Procedure.* The Board shall adopt such rules of procedure, consistent

with the provisions of the Pennsylvania Municipalities Planning Code , 53 P.S. §10101 *et seq.*, and this Chapter, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

2. *Hearings.* The Board shall conduct a public hearing for all decisions it must make. It may appoint any member as a hearing officer to conduct such hearings. The decision or, where no decision is called for the findings shall be made by the Board, but the parties to the hearing may waive the decision or findings being made by the Board and accept the decision or findings of the hearing officer as final.

3. *Time Limitations.* A hearing shall be held on all requests or consents to an extension of time.

A. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by appropriate Borough officer, agency, or body if such proceeding is designated to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given.

4. *Notice of Hearings.* The Board shall publish a public notice, in a newspaper of general circulation in the Borough, for 2 successive weeks. The publications, the first of which shall not be more than 30 days or less than 14 days from the date of the hearing, shall state the time and place of the hearing and the particular nature of the matter to be considered.

A. Written notice of hearing, in duplicate, shall be given by the Board to the applicant. A copy of said notice of hearing shall be conspicuously posted on the affected tract of land by the applicant at least 1 week prior to the hearing, and it shall be the responsibility of the applicant to insure that said such notice remains posted until after the hearing date.

B. In addition, written notice of hearing shall be given by the Board to the Zoning Officer and the Borough Council.

[Ord. 93-3]

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

6. *Minutes and Records.* The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A transcript of all proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

A. A record of all variances and special exception uses granted pursuant to action of the Board under this Part shall be maintained. This record shall be available for public inspection.

7. *Witness and Evidence.* The chairman, or acting chairman, may administer

oaths and compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties to the hearing. Such parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. *Communications with the Parties.* The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representative 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 unless all 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.

9. *Decisions.* The Board or the hearing officer shall render a written decision or, when no decision is called for make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, or this Part or other Borough regulations, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

A. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to all parties, which shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. The Board's final decision or findings shall be entered no later than 45 days after the decision of the hearing officer.

B. Where the Board fails to render the decision within the time periods required, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless he has agreed in writing to an extension of time. When a decision has been rendered in favor of an applicant because of the failure of the Board to meet or render a decision as required, the Board shall give public notice, pursuant to the requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and shall notify all parties of said decision within 10 days. [*Ord. 93-3*]

C. 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 day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision of findings and a statement of the place at which the full decision or findings may be examined.

(*Ord. 87-2, 8/26/1987, §7-2; as amended by Ord. 93-3, 9/1/1993*)

§27-703. Appeals on Interpretation of the Zoning Ordinance and Map.

The Zoning Hearing Board is hereby authorized, upon an appeal by an affected landowner, any officer or agency of the Borough, or any person aggrieved, to hear and decide:

A. Any matter where an appellant or his agent or attorney alleges that the Zoning Officer was in error in refusing to issue a building permit as a result of misinterpreting the meaning, intent or application of any Section or Part of this Chapter.

B. Any matter where an appellant alleges that the Zoning Officer was in error in his determination as to the exact location of a district boundary line on the Zoning Map that forms a part of this Chapter.

C. Any other matter relating to this Chapter, where an appellant seeks a review of any decision, order or ruling made by the Zoning Officer.

D. Any matter which the Zoning Officer appeals on grounds of doubt as to the meaning or intent of any provision of this Chapter or as to the location of a district boundary line on the Zoning Map.

(Ord. 87-2, 8/26/1987, §7-3)

§27-704. Special Exception Uses.

Where a use requires a special exception review by the Board as noted in Part 4, the applicant shall request a hearing by the Board.

A. The Board shall hear and decide on the request in accordance with the standards and criteria for each special exception use set forth in Part 6. In determining that a use shall be permitted, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Part.

B. The Board may require the submission or presentation of such plans and other materials as it deems necessary to make a proper determination. Any subsequent amendment or addition to plans for which a permit is sought shall be subject to review and public hearing by the Board.

C. If the special exception use involves the site plan review process, the following procedure shall be used. The Board's hearing and decision shall follow the receipt of the Borough Council's site plan review report. The Borough Council shall have 30 days from the date of its receipt of the application within which to file its report thereon to the Board. In the event that the Borough Council fails to file its report within 30 days, such application shall be deemed to have received a favorable report. The Borough Council may have representation at the public hearing held by the Zoning Hearing Board on such application.

(1) The applicant shall submit four sets of the site plans to the Board when filing a request for a special exception use involving the site plan review process.

(2) The plans shall provide the data cited in §27-805.1.A

(3) One set of plans shall be submitted to the Borough Council which shall review the plans in accord with the criteria in §27-805.2 and also the relevant special exception use standards.

(4) One set of plans shall be submitted to the Borough Engineer for

review as directed by the Borough Council.

(5) One set of plans shall be submitted to the Zoning Officer for review relative to the criteria in this Chapter.

(Ord. 87-2, 8/26/1987, §7-4)

§27-705. Variances.

The Board shall hear requests for variances where it is alleged that the provisions of this Part inflict unnecessary hardship upon the applicant, such as appeal from a denial of a building permit by the Zoning Officer.

A. The Board may grant a variance provided the following findings are made relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter Ordinance in the neighborhood or district in which the property is located.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the appellant.

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

(Ord. 87-2, 8/26/1987, §7-5)

§27-706. Challenge to the Validity of this Chapter.

1. The Board shall hear challenges to the validity of this Part or the zoning map from:

A. A landowner who, on substantive grounds, desires to challenge the validity of this Chapter or any provision thereof which prohibits or restricts the use or development of land in which he has an interest.

B. Persons aggrieved by a use or development permitted on the land of another by this Chapter or any provision thereof who desires to challenge its validity on substantive grounds.

2. The Board shall not hear questions of an alleged defect in the process of enactment or adoption of this Chapter. The procedure for such question is provided for in §1003 of the Pennsylvania Municipalities Planning Code 53 P.S. §11003.

3. The landowner or persons aggrieved shall submit a written request to the Board that it hold a hearing on the challenge. The request shall contain a short statement reasonably informing the Board of the matters that are at issue and the grounds for the challenge. A request submitted by a landowner shall be accompanied by plans and other materials describing the use or development proposed in lieu of the use or development permitted by this Chapter. Such plans and other materials shall not be required to meet the drawing requirements prescribed in any subdivision and land development ordinance which may be in effect in the Borough, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating this Chapter in the light thereof.

4. Notice of such hearing shall include notice that the validity of this Chapter is in question. Where the challenge is that of a landowner, the notice shall also give the place where and the times when a copy of the landowner's request, including the plans and other materials submitted, may be examined by the public.

5. If a hearing has been held by the Borough Council covering the same matters at which a stenographic record has been taken, the Board shall, upon motion of any party, accept said record as the record in the case before the Board, but the Board shall not be precluded from taking additional evidence.

6. The Board shall decide on all contested questions and shall make findings on all relevant issues of fact.

(Ord. 87-2, 8/26/1987, §7-6)

Part 8**Administration and Enforcement****§27-801. Interpretation.**

1. In applying and interpreting the provisions of this Chapter, they shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. The following specific regulations shall apply:

A. A minimum required lot or yard size for one building or structure shall not be used as any part of a required lot or yard for a second structure.

B. The required lot or yard for an existing building or structure shall not be diminished below the minimum requirements of this Chapter.

C. The parking spaces required for one building or structure or use shall not be included in the computation of required parking spaces for a second building or structure or use.

2. *Relation of Zoning Ordinance to Other Provisions of Law, and to Private Covenants and Agreements.*

A. Except as is provided in the repealer clause of the enactment of this Chapter, nothing contained in this Chapter shall be taken to repeal, abrogate, annul or in any way impair or interfere with any provisions of law or ordinance or regulations, existing or as may be adopted in the future. Nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this Chapter imposes a greater restriction upon the use of buildings, structures, premises, lots or land, or upon the height of buildings or structures, or requires larger lots, yards, courts or other open spaces than imposed or required by such other provisions of law, ordinance, or regulation, or by such easements, covenants or agreements, the provisions of this Chapter shall control.

B. Wherever the provisions of any other law or ordinance or regulations impose a greater restriction than this Chapter, the provisions of such other law or ordinance or regulations shall control.

C. No provisions contained in this Chapter shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down on the official Borough map.

D. Where a lot is formed from part of a lot already improved, the separation must be made in such a manner as not to impair any of the provisions of this Chapter, whether related to the then existing improvement or to a proposed or future new improvement on the lot so formed, and in such a manner that both the remainder of the former lot and the new lot so formed shall comply with the lot area and lot width provisions of this Chapter.

(Ord. 87-2, 8/26/1987, §8-1)

§27-802. Enforcement by Zoning Officer.

1. *Administration.* It shall be the duty of the Zoning Officer to administer and enforce the provisions of this Chapter in accordance with its literal terms. Should the said Zoning Officer be in doubt, as to the meaning or intent of any provisions of this Chapter, or as to the location of any district boundary line on the Zoning Map, or as to the propriety of issuing a zoning and building permit in a particular case related to the provision of this Part, he shall appeal the matter to the Zoning Hearing Board for interpretation and decision.

2. *Powers and Duties.* If the Zoning Officer shall find that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. Such action may include ordering the discontinuance of unlawful use of land or structures, the removal of unlawful structures or unlawful additions and alterations, the discontinuance of any unlawful work being done, or such other action as is deemed necessary to correct the violation. The Zoning Officer shall, with the approval of the Borough Council or when directed by them, institute appropriate action or proceeding in the name of the Borough to prevent, restrain, correct or abate the violation.

3. *Complaints Regarding Violations.* Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall notify the Borough Council of the complaint and shall investigate the complaint and take action thereon when so directed by Borough Council.

4. *Inspection of Premises.* The Zoning Officer and his authorized agents, following due notification to the owner and occupant and prior arrangement of a reasonable time acceptable to all parties, shall have the right and authority to enter any building, structure, premises, lot or land, whether already erected, or put into use, or in the course of erecting and putting into use, for the purpose of determining whether or not the provisions of this Chapter are being complied with.

(Ord. 87-2, 8/26/1987, §8-2)

§27-803. Building and Occupancy Permits.

1. *Building Permits.* No building permit shall be issued for the erection, construction, reconstruction, structural alteration, or moving of any building or structure or part thereof unless the plans and intended use indicate that such building or structure is designed and intended to conform in all respects to the provisions of this Chapter. All procedure with respect to applications for and issuance of building permits shall be in conformity with the provisions of the Uniform Construction Code [Chapter 5, Part 1]. All such applications shall be accompanied by such information as may be necessary to determine conformity with the provisions of this Chapter. [Ord. 2006-1]

2. *Occupancy Permits.*

A. Prior to the use or occupancy of any land or building, or for any change of use of any existing building or for any change of use of land, an occupancy permit shall be secured from the Zoning Officer.

B. All applications for an occupancy permit shall be in writing on a form furnished by the Borough.

C. The Zoning Officer shall grant or refuse an application for an occupancy

permit within 15 days after being notified of the completion of authorized construction or alteration, or (where no construction or alteration is involved) within 15 days after receipt of such application. A copy of the occupancy permit shall be kept upon the premises, and shall be displayed upon request made by any officer of the Borough.

D. No occupancy permit shall be issued for the use or occupancy of any land, building, structure, or part thereof, or for any change of use of any existing building or for any change of the use of land unless the Zoning Officer determines that said use, building, or structure conforms to all relevant provisions of this Chapter.

3. *Completion of Buildings for which Permits have been Issued.* Nothing in this Chapter shall require any change in the plans, construction or designated use of a building or structure for which a lawful building permit has been issued prior to the effective date of this Chapter, August 26, 1987, or any amendment thereto affecting such building or structure or the use thereof, provided that:

A. The construction of such building or structure shall have been begun and diligently prosecuted within 3 months from the date of such permit.

B. The ground story framework, including the second tier of beams, shall have been completed within 6 months from the date of such permit.

C. The entire building or structure shall be completed according to such filed and approved plans upon which the issuance of such permit was based, within 3 years from issuance of the permit. [Ord. 2006-1]

D. In the event that §§27-803.3.A, 27-803.3.B or 27-803.3.C are not complied with, such building permit shall be revoked by the Zoning Officer.

(Ord. 87-2, 8/26/1987, §8-3; as amended by Ord. 2006-1, 12/6/2006)

§27-804. Fees.

Fees for occupancy and building permit applications, appeals to the Zoning Hearing Board, and site plan review shall be as provided by Borough Council from time to time by resolution.

(Ord. 87-2, 8/26/1987, §8-4; as amended by Ord. 2006-1, 12/6/2006)

§27-805. Site Plan Review.

In order to assure that certain land use proposals, specified in Part 4, do not negatively impact the Borough as a result of the site layout, the grant of a building permit is conditioned upon the approval of the site plan by the Borough Council under the provisions of this Section. This procedure shall apply only when the use is a permitted one. When the use is a special exception, the procedures of §27-704 shall apply:

A. Procedure.

(1) The applicant shall submit four sets of the site plans to the Zoning Officer when making application for the building permit. The plan shall include the following information:

(a) A statement as to the proposed use of the building or land.

(b) A site layout drawn to a scale of not less than 1 inch equals 50

feet showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

(c) The location, dimensions, and arrangements of all open spaces and yards and buffer yards including methods to be employed for screening.

(d) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.

(e) The dimensions, location, and methods of illumination for signs if applicable.

(f) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.

(g) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.

(h) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density.

(i) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.

(j) Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.

(k) The bounds of any easements of record at the Northampton County Recorder of Deeds Office.

(l) Buildings, structures and other features located within 100 feet of the property.

(m) Any other data deemed necessary by the Zoning Officer to enable him to determine the compliance of the proposed development with the terms of this Part.

B. The Zoning Officer shall review the plans for conformance to Borough zoning standards and submit the comments as well as a set of the plans to the Borough Council and the Borough Engineer within 10 working days.

C. Within 40 days of the receipt of the site plans from the Zoning Officer, the Borough Council shall approve or disapprove the plans at a public meeting, based on the considerations contained in §27-805.2.

D. If the Borough Council fails to act within the required time period, the plans shall be deemed approved.

E. If the plans are disapproved, the reasons for such action shall be written on a set of plans, which shall then be returned to the applicants.

F. The applicant may appeal an unfavorable decision to the Court of Common Pleas of Northampton County.

2. *Site Plan Review Criteria.* The Borough Council shall use the following criteria in reviewing site plans:

A. *Preservation of Natural Features.* Insofar as practicable, natural features on the site shall be preserved.

B. *Building Arrangement.* Elements of the site plan shall be harmoniously and efficiently organized in relation to existing desirable trees, topography, views within and beyond the site, the size and shape of the site, the character of adjoining property and the size of the buildings.

C. *Access, Parking and Circulation.* With respect to vehicular and pedestrian circulation, special attention shall be given to location and number of access points to public streets, width of interior drives and access points, on-site circulation, separation of pedestrian and vehicular traffic, and arrangement and location of parking areas. The need for adequate signalization, channelization, and other traffic control measures shall be given consideration.

D. *Surface Water Drainage.* Measures to insure proper site surface drainage shall be carefully considered. Stormwater and surface water shall be conveyed and discharged in a manner which shall not adversely affect neighboring properties, the public storm drainage system, or on-site pedestrian and vehicular movement.

E. *Special Features.* Setbacks, buffer yard, and other screening methods shall be carefully considered to minimize the visual effects of storage areas, service areas, truck loading areas, utility structures, and similar accessory structures.

(Ord. 87-2, 8/26/1987, §8-5)

§27-806. Conditional Uses.

Where a use requires a conditional use approval by the Borough Council, the applicant shall submit the required material to the Zoning Officer:

A. The required material shall consist of nine sets plans and other documents as required in §27-805.1 and any other plans and materials deemed necessary by the Borough Council for determining the conformity of the application to the terms of this Part. Six sets of plans shall be forwarded to the Borough Council by the Zoning officer.

B. Two sets of the required material shall be submitted by the Zoning Officer to the Glendon Borough Planning Commission. The Planning Commission shall consider the material and return a recommendation to the Borough Council to approve or disapprove the plans within 45 days of receiving the plans.

C. One set of the required material shall be submitted by the Zoning Officer to the Borough Engineer for review as directed by Borough Council.

D. After receiving the recommendations of the Glendon Borough Planning Commission, or after 45 days from the date that the plans were received by the Planning Commission, if no recommendation is sent, the Borough Council shall take action on the conditional use application in accord with the provisions of §27-602. This action shall be taken within 90 days of the receipt of the application for a conditional use.

(Ord. 87-2, 8/26/1987, §8-6)

§27-807. Nonconforming Lots, Structures and Uses.

Within the districts established by this Chapter, or amendments that may later be adopted, there exist lots, structures and uses which would be prohibited, regulated or restricted under the terms of this Chapter or future amendment. It is the intent of this Chapter to permit lawfully existing nonconformities to continue until they are terminated. Any existing use which is permitted by special exception in this Chapter shall be deemed to be a conforming use where it has met the standards and criteria of this Chapter for that special exception use.

A. *Nonconforming Uses.* A nonconforming use shall be changed only to a conforming use. A nonconforming use may not be changed to another nonconforming use except as provided in paragraph .F. A nonconforming use may be enlarged or extended only as a result of the natural expansion of that use up to 50% of its existing floor area if all proposed structures are in conformance with provisions of this Chapter, and no conforming use is displaced. If a structure used by a nonconforming use is accidentally and unintentionally damaged, it may be restored or reconstructed and used as before provided that the floor area of such structure shall not exceed the floor area which existed prior to such damage, and that it be completed within 1 year of such happening.

B. *Nonconforming Structures.* The interior restoration or alteration and normal repair and maintenance of nonconforming structures is permitted. The exterior restoration or alteration of a nonconforming structure shall be permitted where such work will bring that structure into conformance, or greater conformance than previously, with this Chapter, or will otherwise be beneficial or more appropriate to the general neighborhood. Achieving conformance with this Chapter shall be of highest priority. If a nonconforming structure is damaged, but where more than the foundation remains, it may be reconstructed and used as before, provided that the floor area of such structure shall not exceed the floor area that existed prior to the damage and that it be completed within 1 year of the occurrence of the damage. If a nonconforming structure is damaged to a degree where only the foundation remains undamaged, it shall not be reconstructed as a nonconforming structure. A nonconforming structure shall not be extended or enlarged.

C. *Nonconforming Lots.* Any change made in the configuration of a nonconforming lot shall be to bring such lot into conformance. A nonconforming lot may be used for the erection of a dwelling in conformance with the standards of §27-503.3.

D. *Termination.* A nonconforming use shall be deemed to have been terminated and shall not thereafter be reinstated:

- (1) When it is changed to a conforming use.
- (2) When it has been discontinued for a period of 12 consecutive months.

E. *Registration of Nonconforming Uses and Structures.* The Zoning Officer shall, upon adoption of this Chapter identify and register nonconforming uses and structures in the Borough, as an aid to the enforcement of this Chapter. Upon identifying a nonconformity, the Zoning Officer shall send notice to the owner of record that a nonconformity exists on this property and with which provisions of

this Chapter it does not conform. Failure by the Zoning Officer to identify and register a nonconforming user or structure is not to be construed as a recognition that a use or structure is in conformance with this Chapter.

F. *Change, of Use.* A lawfully existing nonconforming use may be changed to another nonconforming use if, upon appeal of the Zoning Officer's decision, the Zoning Hearing Board shall have made a determination that such change will be beneficial to the general neighborhood and further provided that the nonconforming use to which it is changed is of the same or more restricted classification which is more appropriate to the neighborhood in which it is situated than the original nonconforming use.

(Ord. 87-2, 8/26/1987, §8-7)

§27-808. Enforcement Notice.

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. 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.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Borough 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 this Chapter.

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 period of 10 days.

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.

(Ord. 87-2, 8/26/1987; as added by Ord. 2006-1, 12/6/2006)

§27-809. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the 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 the 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 Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

4. District justices shall have initial jurisdiction over proceedings brought under this Section.

(Ord. 87-2, 8/26/1987, §8-8; as amended by *Ord. 2006-1*, 12/6/2006)

§27-810. Public Records.

Duly certified copies of this Chapter and of the Zoning Map which forms a part hereof, together with copies of all amendments hereto, shall be filed in the Municipal Building, and shall be open to public inspection.

(*Ord. 87-2*, 8/26/1987, §8-9)

Part 9**Procedure for Amendment****§27-901. Power to Amend.**

The regulations, restrictions and boundaries set forth in this Chapter and on the Official Zoning Map may, from time to time, be amended, supplemented, changed, or repealed through amendment by the Borough Council:

A. *Who May Initiate.* Proposals for amendment, supplement, change or repeal may be initiated by the Borough Council on its own motion, by the Planning Commission, or by petition of one or more residents of the Borough. Such petitions shall be signed and submitted in writing to the Borough Secretary.

(1) A landowner who desires to challenge on substantive grounds the validity of this Chapter or any provisions thereof, which prohibit or restrict the use or development of land in which he has an interest, may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendments be heard and decided, as provided in §§609.1 and 1004 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§609.1, 1004.

B. *Planning Commission Review.* Proposals originated by the Borough Council, by petition of Borough residents, or by curative amendment, shall be referred to the Planning Commission at least 30 days prior to any public hearing on the proposed amendment. The Planning Commission shall submit to the Borough Council a report of its recommendations, including any additions or modifications to the original proposal, prior to the public hearing.

(1) All proposals for amendment, supplement, change or repeal which are subsequently drafted into an ordinance to amend this Chapter or the Official Zoning Map shall be submitted to the Lehigh Valley Planning Commission for recommendations at least 30 days prior to any public hearing on the proposed amendment. [Ord. 2006-1]

(Ord. 87-2, 8/26/1987, §9-1; as amended by Ord. 2006-1, 12/6/2006)

§27-902. Public Hearing.

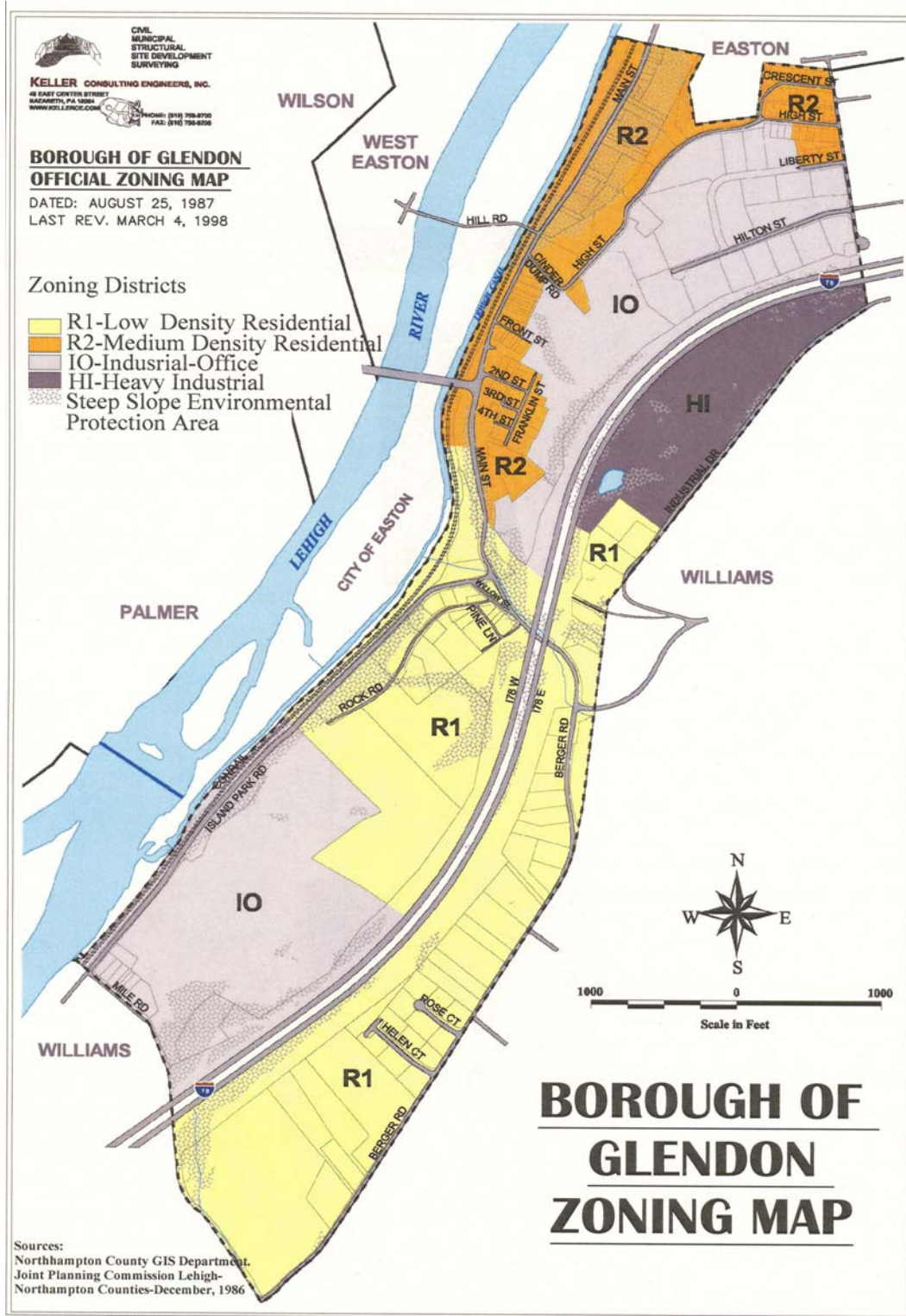
Before voting on enactment of an amendment, the Borough Council shall hold a public hearing thereon. Public notice shall be provided pursuant to the requirements of §§107(18) and 610 of the Pennsylvania Municipalities Planning Code.

A. *Revisions After A Public Hearing.* If, after any public hearing upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to requirements of public notice, before proceeding to vote on the amendment.

(Ord. 87-2, 8/26/1987, §9-2)

Part 10

Zoning Map and Zoning Map Amendments



Ord.	Date	Description
98-1	1/4/1989	<p>The classification of that area of the Borough described as follows:</p> <p>Beginning at a point being the intersection of Route I-78 and the extended center line of old Morvale Road, now abandoned, thence extending northerly along said extended centerline of old Morvale Road to the center of Main Street, thence along the center of Main Street to a point where the extended line of land of Charles Chrin, indicated on the attached map as having a distance of 127.77 feet, thence along the same to a point; thence South 38 feet to a point being the southwest corner of lands of John J. Ebner, being Map M9, Block 12, Lot 4, thence along the south line of said lands 306.70 feet to a point in other lands of Charles Chrin, thence North 52 degree -00'-39" East 21.17 feet, thence North 39 degree -01'-21" West 197.11 feet, thence North 31 degree -10'-39" East 150 feet to a point, thence South 58 degree -49'-21" East 12 feet to a point, thence North 31 degree -10'-39" East 235.14 feet, thence North 58 degree -49'-21" West 42 feet, thence North 31 degree -10'-39" East 70 feet, thence North 58 degree -49'-21" West 80 feet to land of Robert Burns, thence North 27 degree 5'-31" East 140.36 feet, thence North 50 degree -74'-44" West 190.54 feet, thence North 41 degree -39'-39" East 163.30 feet to an unnamed alley, thence North 48 degree -20'-21" West 89.17 feet to the west side of Franklin Street, thence along the same North 32 degree 39'-39" East 379.47 feet North 32 degree -41'-39" East 85.80 feet, thence North-36 degree -46'-3-9" East 33.30 feet, thence South 31 degree-46'-21" East 135.00 feet to a point, thence South 28 degree -44'-21" East 236.40 feet to a point being the South line of land of Richard R. Allen, Map M9, Block 12, Lot 5, thence along the same North 59 degree 17'-31" East 56.92 feet, thence North along lands of Allen and Chrin 6 degree -51'-51" West 212.26 feet, thence North 9 degree -45'-51" West 22.23 feet to the centerline of High Street, thence along the centerline of High Street approximately 241.38 feet, more or less, thence South along the extended north line of land of Charles Chrin, being Map M9, Block 12, Lot 6, South 73 degree -25'-00" East 189.92 feet, more or less, to a point in land now or late of Glendon Energy Company, being Map M9, Block 12, Lot 8, thence South 12 degree -45'-00" East 389.85 feet to a point along said Glendon Energy Company land South 44 degree -45'-00" East 236.91 feet to the roadway designated as Interstate Route 78, thence along Interstate Route 78 to the place of Beginning.</p>

The said area is bounded on the Southeast by Interstate Route 78, on the South by other lands and the old Morvale Road, now abandoned, on the Northwest by Main Street and properties fronting on the southeast sides of Franklin and High Streets, and on the North by land of Glendon Energy Company is changed from R-2, Medium-Density Residential District, to IO Industrial Office District.