RICHLAND BOROUGH
ZONING ORDINANCE
#220

ADOPTED: December 21, 1971

SIGNED BY: Ned Shanaman, Borough President
APPROVED BY: Monroe Klopp, "Secretary
ATTESTED BY: Wilbur Keppley, "Mayor
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* Amended January 7, 1992
An ordinance establishing comprehensive zoning regulations for the Borough of Richland, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of ARTICLE 6, Pennsylvania Municipalities Planning Code, and for the repeal of all ordinances in conflict herewith.

WHEREAS, ARTICLE 6, Pennsylvania Municipalities Planning Code, empowers the Borough to enact a zoning ordinance and to provide for its administration, and amendment, and

WHEREAS, the Borough Council deems it necessary for the purpose of promoting the health, safety, morals, or general welfare of the Borough to enact such an ordinance, and

WHEREAS, the Borough Council, pursuant to the provisions of ARTICLE 6, Pennsylvania Municipalities Planning Code, has appointed a Zoning Committee to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning and Zoning Committee has divided the Borough into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the Planning and Zoning Committee has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, the Planning and Zoning Committee has made a preliminary report and held public hearings, thereon, and submitted its final report to the Borough Council, and

WHEREAS, the Borough Council has given due notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings; and

WHEREAS, all requirements of ACT 247 State Statutes, with regard to the preparation of the report of the Planning and Zoning Commission and subsequent action of the Borough Council have been met:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF RICHLAND, PENNSYLVANIA; AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAME:

- 1 -
ARTICLE I

DEFINITIONS

Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated:

Words used in the present tense include the future tense. The singular includes the plural.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel".

The term "shall" is always mandatory, the word "may" is permissive.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

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

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

1.3 ALTERATIONS: As applied to a building or structure, and change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

1.4 ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

1.5 APARTMENT: A building occupied by three (3) or more dwelling units.

1.6 AREA, LOT: The total area within the lot lines.

1.7 BASEMENT: A story partly below the finished grade, but having 51% of its height (measured from finished floor to finished ceiling) above level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories.

1.8 BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattels, and including covered porches or bay windows and chimneys.

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

1.10 BUILDING LINE: A line parallel to the front, side or rear lot line set so as to provide the required yard.
1.11 BUILDING, SEMI-DETACHED: a building which has one (1) wall in common with an adjacent building.

1.12 CARPORT: See Garage, Private.

1.13 CELLAR: A story partly below the finished grade having less than 51% of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

1.14 COVERAGE: The percentage of the lot or lot area covered by a building or buildings.

1.15 CUSTOMARY HOUSEHOLD PETS: Such pets which are normally found within the home such as dogs, cats, hamsters, birds, etc.

1.16 DRIVE-IN RESTAURANT: An establishment for the retailing of food and drink where more than 20% of the patrons eat in their automobiles rather than in the building.

1.17 DWELLING UNIT: One or more rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

1.18 DWELLING, SINGLE FAMILY: A building designed for or occupied exclusively by one family.

1.19 DWELLING, TWO FAMILY: A detached residential building containing two dwelling units designed for occupancy by not more than two families.

1.20 DWELLING, MULTI-FAMILY: A building designed for or occupies by three (3) or more families living independently of each other and doing their own cooking. Includes apartment houses.

1.21 DWELLING GROUP: A group of two or more single-family, two-family, or multi-family dwellings occupying a lot in one ownership.

1.22 FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, or marriage, no such group shall contain over five persons, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

1.23 FLOOR AREA, LIVABLE: The sum of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen or bedroom but not including cellars, attics, garages and roofed terraces, nor unheated areas such as enclosed porches.

1.24 FLOOR AREA RATIO: The relationship between the area of permitted floor space in a structure and the area of the lot on which it is situated. A floor area ratio of one, (1) would permit a one-story building to cover 100% of its lot, a two-story building to cover 50% of its lot, a four-story building to cover 25% of its lot, and...
1.25 GARAGE, PRIVATE: An enclosed or covered space for the storage of one or more vehicles, provided that no business occupation or service is conducted for profit therein.

1.26 GARAGE, PUBLIC: Any garage other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

1.27 GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

1.28 GASOLINE SERVICE STATION: A structure, building or area of land or any portion thereof that is used primarily for the sale of gasoline or other motor vehicle fuel which may or may not include facilities for lubrication, washing, selling of accessories, and otherwise servicing motor vehicles, including minor repairs, but not including body or print shops. Any business or industry dispensing gasoline solely for its own use and vehicles will not be deemed to be a gasoline service station.

1.29 HEIGHT OF BUILDING: The vertical distance measured from the main level of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, towers, elevator porthouses, tanks, and similar projections.

1.30 HOME OCCUPATIONS: Any gainful occupation or profession operated by a member of the immediate family residing on the premises, and where the business or profession is conducted wholly within the dwelling. (See Supplementary District Regulations for further stipulations.)

1.31 A place for the diagnosis, treatment of disease, or other care of humans and having facilities for in-patient care including such establishments as a sanatorium, sanitorium, and preventorium.

1.32 HOTEL OR LODGING HOUSE: A building used as the temporary abiding place of three (3) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands, and other accessory services primarily for serving its occupants and only incidentally the public.

1.33 JUNK YARD: A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

1.34 LAUNDROMAT: Business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.
1.35 LOT: A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily as a lot or lots shown, on a duly recorded map, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed, or required.

1.36 LOT AREA: An area of land which is determined by the limits of the property line bounding that area and expressed in terms of square feet or access. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

1.37 LOT, CORNER: A lot at the point of intersection of and abutting on two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines.

1.38 LOT, INTERIOR: A lot other than a corner lot, the sides of which do not abut a street.

1.39 LOT, THROUGH: An interior lot having frontage on two parallel or approximately parallel streets.

1.40 LOT LINE: Any line dividing a lot from another lot, street, or parcel.

1.41 MOBILE HOME (TRAILER): Any vehicle designed, intended, or used for living, sleeping, or office purposes, that is, or has been, intended for mobility as a single unit whether standing on wheels or on rigid supports. The term "mobile" shall include camp cars and campers.

1.42 MOBILE HOME PARK: Any space, however designated, that is occupied or designated for occupancy by one or more mobile homes where spaces are rented but not sold.

1.43 MOBILE HOME SUBDIVISION: An area designed exclusively for mobile homes where lots are not rented but sold.

1.44 MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed with separate entrances and designed for occupancy, primarily for transient automobile travelers, and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

1.45 NON-CONFORMING LOT: A lot, existing at the time of the passage of this ordinance, or any amendments thereto, which does not have the minimum width or contain the minimum area for the zone in which it is located and is not abutted or adjoined by any other land owned by the same owner.

1.46 NON-CONFORMING STRUCTURE OR BUILDING: A structure or building, or part thereof, which at the time of the enactment of this ordinance or any subsequent amendments thereto, does not comply with the provisions of this ordinance or such amendments, with respect to restrictions on area, lot coverage, height, yards, location on the lot, or other similar requirements.
1.47 NON-CONFORMING USE: A use, whether of land, building, or structure, which does not comply with the applicable use provisions of this ordinance, or subsequent amendments thereto, where such use was lawfully in existence at the time of the enactment of this ordinance or such amendments.

1.48 NON-CONFORMING SIGN: A sign which does not conform to the regulations of the district in which it is located.

1.49 NURSING OR CONVALESCENT HOME: A building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

1.50 OPEN SPACE: The unoccupied space open to the sky on the same lot with a building or buildings.

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

1.52 PREMISES: Any lot, parcel, or tract of land and any building constructed thereon.

1.53 PRIVATE ROAD: A legally established right-of-way, other than a street, which provides the primary vehicular access to a lot.

1.54 ROW HOUSE: (Town House or Attached Dwelling): A dwelling occupied by one family, having two walls in common with adjoining single-family dwellings.

1.55 SANITARIUM, SANITORIUM: A private hospital whether or not such facility is operated for profit.

1.56 SCREEN PLANTING: A vegetative material or sufficient height and density to screen the view, in adjoining districts, of the structures and uses on the premises upon which the screen planting is located.

1.57 SHOPPING CENTER: A group of stores, six (6) or more in number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit. It shall also mean a single store or a group of stores less than six (6) in number where the total gross floor area of the store or stores exceeds 40,000 square feet.

1.58 SIGN: The word "sign" includes any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device of similar character which (1) is a structure or manner represented on a building or other structure; (2) is used to announce, direct attention to, or to advertise; and (3) is visible from outside of a building.

1.59 SPECIAL EXCEPTION: A use or a condition, listed specifically in the regulations of this ordinance, which is permitted only after a hearing held by the Zoning Hearing Board, at the hearing, evidence must be presented to satisfy the conditions and safeguards listed in the ordinance, but additional conditions and safeguards may also be imposed by the board.
1.60 STORY: That portion of a building included between the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. A story does not include a cellar.

1.61 STREET: A public thoroughfare or private road which affords primary vehicular access to abutting properties.

1.62 STREET (MARGINAL ACCESS): A public thoroughfare or private road which is less than 20 feet in width. Side yard regulations for yards abutting marginal access streets are the same as those indicated for interior lots.

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

1.64 SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, or lease, transfer of ownership, or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

1.65 USE: The specific purpose for which land or a building is designated, arranged or intended, or for which it is or may be occupied or maintained.

1.66 YARD: A required open space, other than a court, unoccupied by a structure; provided, however, that fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

1.67 YARD, FRONT: A yard provided between the front property line and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

1.68 YARD REAR: An open unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

1.69 YARD, SIDE: An open unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

1.70 ZONING OFFICER (ZONING ADMINISTRATIVE OFFICIAL): The agent or official designated by the Borough Council to enforce the Zoning Ordinance of the Borough.

1.71 ZONING PERMIT: A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this ordinance for the zone in which it is located or to be located.
ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP

Section 2.1 OFFICIAL ZONING MAP. The Borough is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the President of the Borough of Richland attested by the Mayor and Secretary of the Borough, bearing the seal of the Borough, under the following words: "This is to certify that this is the Official Zoning Map referred to in Article II, Section 2.1 of Ordinance Number 220 of the Richland Borough, Lebanon County, Pennsylvania, together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and Article VI, Pennsylvania Municipalities Planning Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Mayor and Council with an entry on the Official Zoning Map as follows: "On (date), by official action of the Mayor and Council, the following (change) (changes) were made in the Official Zoning Map: (brief description or nature of change) which entry shall be signed by the President of the Borough of Richland and attested by the Mayor and Secretary of the Borough. No amendment to this ordinance, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said map."

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable under Article 24.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the Borough Hall Offices shall be the final authority as to the current zoning status of land water areas, buildings, and other structures in the Borough.

Section 2.2 REPLACEMENT OF THE OFFICIAL ZONING MAP. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Mayor and Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the President of the Borough of Richland, attested by the Mayor and Secretary of the Borough and bearing the seal of the Borough under the following words: "This is to certify that this Official Zoning Map adopted (date) as part of Ordinance No. 220 of the Borough of Richland, Lebanon County, Pennsylvania.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map, or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.
ARTICLE III
RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

Boundaries indicated as approximately following the center lines of streets, highways, or marginal access streets shall be construed to follow such center lines;

Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;

Boundaries indicated as approximately following Borough limits shall be construed as following Borough limits;

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

Boundaries indicated as parallel to, or extension of, features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance the Zoning Hearing Board may permit, as a special exception, the extension of the regulations, for either portion of the lot, not to exceed 50 feet beyond the district line into the remaining portion of the lot.

ARTICLE IV
APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

SECTION 4.1 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

SECTION 4.2 No building or other structure shall hereafter be erected or altered,
(a) to exceed the height or bulk, or
(b) to accommodate or house a greater number of families, or
(c) to occupy a greater percentage of lot area, or
(d) to have narrower or smaller rear yards, front yards, sideyards, or other open spaces, than herein permitted or required, or
(e) in any other manner contrary to the provisions of this ordinance.

SECTION 4.3 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required.
for any other building.

SECTION 4.4 No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

SECTION 4.5 When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decisions on the overall intent stipulated for the district.

SECTION 4.6 All territory which may hereafter be annexed to the Borough shall be considered to be in the Residential (RLD) Low-Density District until otherwise classified.

ARTICLE V

USE DISTRICTS

* SECTION 5.1 For the purpose of regulating and restricting the location of trades, industries, multiple family houses, single-family houses, and other uses of property, the number of square feet of lot area per family house, the width of lots, the location and size of yards, and the size and height of buildings; the Borough is divided into 6 classes of use districts termed respectively:

CLASS RLD OR LOW DENSITY RESIDENTIAL DISTRICT
CLASS RHD OR HIGH DENSITY RESIDENTIAL DISTRICT
CLASS CD OR BUSINESS DISTRICT
CLASS CA OR AUTO-ORIENTED COMMERCIAL DISTRICT
CLASS I OR INDUSTRIAL DISTRICT
CLASS LI OR LIMITED INDUSTRIAL DISTRICT

ARTICLE VI

LOW DENSITY RESIDENTIAL DISTRICTS RLD

SECTION 6.1 INTENT. The regulations of the RLD Residential districts are designed to promote, provide for, and protect single-family residences in harmony with the existing uses and physical attributes of the Borough.

SECTION 6.2 PERMITTED USES,

A. Single family dwellings.

B. Churches and similar places of worship.

C. Public nursery, kindergarten, elementary and high schools, municipal buildings, public parks, and playgrounds.

D. Customary agricultural operations; subject to the following regulations:

* Amended January 7, 1992
1. No building in which livestock, other than customary household pets, is kept shall be closer than 200 feet to any adjoining lot line.

2. No storage of manure or odor or dust producing substances or material shall be permitted within 200 feet to any adjoining lot line.

3. The minimum lot size shall be 3 acres.

E. Customary accessory uses and buildings incidental to any of the above permitted uses.

F. Home occupations as defined in Article I, and subject to the regulations of Article II.

G. The following uses are permitted, as special exceptions, upon issuance of a permit by the Zoning Hearing Board as provided for in Article 17 of this ordinance.

1. Private nursery, elementary, and high schools and institutions of higher education.

2. Recreation areas and structures operated by membership clubs for the benefit of their members.

3. Cemeteries, hospitals, clinics, and convalescent homes provided they do not have an adverse effect on the area due to noise, dirt, odor, or traffic circulation.

4. Golf courses and country clubs.

5. Commercial swimming pools.

SECTION 6.3 LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS. A lot width, lot area, and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.

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<th>DISTRICT REQUIREMENTS</th>
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<tr>
<td>PUBLIC UTILITIES</td>
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<tr>
<td>NONE</td>
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<tr>
<td>PUBLIC WATER</td>
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<tr>
<td>OR SEWER</td>
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<tr>
<td>PUBLIC WATER AND SEWER</td>
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On corner lots, the side yard abutting the street shall be the same width as the depth of the required front yard.
No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height unless authorized as a special exception.

SECTION 6.4 MINIMUM OFF-STREET PARKING REQUIREMENTS. Off-Street parking shall be provided in accordance with Article 13 of this ordinance.

SECTION 6.5 LIMITATIONS OF SIGNS. Only those signs relating to the principle uses conducted on the premises, or to the principle materials or products made, sold, or displayed on the premises shall be permitted and provided further that all signs and advertising structures shall be erected and maintained in accordance with Article 14 of this ordinance.

ARTICLE VII

HIGH-DENSITY RESIDENTIAL DISTRICTS HHD

SECTION 7.1 INTENT. The regulations of the high-density residential districts are designed to provide for a wide range of housing types in harmony with existing conditions where municipal services, commercial facilities, and other urban amenities are not readily available.

SECTION 7.2 PERMITTED USES.

A. All uses permitted in the RLD Residential District subject to the regulations of the HHD Residential District.

B. Two-family residential structures (Duplexes).

C. Multiple family and conversion apartment dwellings.

D. Customary accessory uses and buildings incidental to any of the above permitted uses.

E. Home occupations as defined in Article I, subject to the regulations of Article II.

F. There shall be no mobile homes in the Borough except in mobile home parks and mobile home subdivisions subject to the following regulations:

1. A Mobile Home Park or Subdivision shall contain a minimum of ten (10) acres.

2. Maximum density in a Mobile Home Park or Subdivision shall be ten (10) units per acre.

3. Regardless of lot size, the side yard distance measured from the outside of each mobile home to the lot line shall not be less than twenty (20) feet in total and no one side yard distance less than eight (8) feet. Front and rear yards shall not be less than twenty (20) feet and, in no case, shall the distance between any two mobile homes be less than twenty (20) feet.

4. All streets, roads, and driveways in a mobile home park or subdivision shall be paved with an all-weather surface.
5. Each Mobile Home in a Mobile Home Park must have at least one paved parking space sufficient in size for at least one automobile. The spaces may be provided in a common parking area with the Mobile Home Park - not necessarily individual spaces on individual lots.

6. Each parking space in a Mobile Home Park of subdivision shall abut on a park driveway, with access to such driveway. Access to all parking spaces shall be from the driveways and not from public streets and highways.

G. The following uses are permitted, as special exceptions, upon issuance of a permit by the Zoning Hearing Board as provided for in Article 17 of this ordinance.

1. Special exceptions as specified in the RLD Residential Districts.

2. Grocery stores of a small convenience type provided that the first floor sales area, excluding the storage area, is no larger than 800 square feet and no traffic congestion is likely to be incurred.

3. Drug Stores of a small, convenience type provided that the first floor sales area, excluding the storage area, is no larger than 600 square feet and no traffic congestion is likely to be incurred.

SECTION 7.3 LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS. A lot width, lot area and yard depths of not less than the dimensions shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district.
## District Requirements

<table>
<thead>
<tr>
<th>Any Unit</th>
<th>Lot Requirements</th>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MIN. LOT AREA (SQ.FT.)</td>
<td>MIN. LOT WIDTH</td>
</tr>
<tr>
<td>NO UTILITIES</td>
<td>20,000</td>
<td>100</td>
</tr>
<tr>
<td>WATER OR SEWER</td>
<td>10,000</td>
<td>90</td>
</tr>
<tr>
<td>WATER &amp; SEWER</td>
<td>5,000</td>
<td>50</td>
</tr>
<tr>
<td>Single Family</td>
<td>5,000</td>
<td>50</td>
</tr>
<tr>
<td>WATER &amp; SEWER</td>
<td>3,000</td>
<td>30</td>
</tr>
<tr>
<td>Row House</td>
<td>2,000</td>
<td>20</td>
</tr>
<tr>
<td>Apartment Buildings</td>
<td>1,500</td>
<td>--</td>
</tr>
</tbody>
</table>

On corner lots, the side yard abutting the street shall be the same width as the depth of the required front yard.

No building shall exceed two and one-half (2 1/2) stories or 35 feet in height unless additional yard areas are provided. Front yards must be increased by five (5) feet for each story over two (2) and side and rear yards must be increased by two and one-half (2 1/2) feet for each story over two (2).

### Section 7.4 Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with Article 13 of this ordinance, and may be included within the required side or rear yards provided that no impermeable surface shall be placed within five (5) feet of any adjoining property line.

### Section 7.5 Limitations of Signs

Only those signs relating to the principal uses conducted on the premises, or to the principal materials or products made, sold, or displayed on the premises shall be permitted and provided further that all signs and advertising structures shall be erected and maintained in accordance with Article 14 of this ordinance.

### Article VIII

#### Business District CD

### Section 8.1 Intent

This district is designed to provide a coherent, centralized, retail shopping center. Only those kinds of uses which will offer the consumer goods and services appropriate in a central borough atmosphere and will enhance the total attractiveness of the center of the
Borough of Richland will be permitted.

PERMITTED USES.

(a) Department Stores

(b) Stores for the retailing of food, clothing, drugs, confectionary, hardware, sporting goods, household appliances, flowers, etc.

(c) Personal service shops including barber shops, beauty parlors, tailors, shoe repair and dry cleaning.

(d) Banks, savings and loan companies, finance companies, and travel agencies.

(e) Business and professional offices.

(f) Restaurants, tea rooms, cafes and other places serving food or drink, but not including drive-in restaurants.

(g) Amusement enterprises - movie theatres, playhouses, arenas, bowling alleys, dance halls, and similar recreation establishments, but not including drive-in movie theatres.

(h) Commercial parking facilities.

(i) Taxi and bus service, passenger stations and terminals.

(j) Municipal buildings, civic centers, libraries, museums, and like uses.

(k) Hotel, residential and similar lodging uses are permitted above the first story provided that the first story is utilized for one or more of the other permitted uses in this district.

(l) All other uses which in the opinion of the Zoning Hearing Board are in harmony with the intent of the regulations for this district.

(m) Accessory buildings and uses customarily incidental to the above uses.

SECTION 8.2 LOT AREA, BUILDING, AND YARD REQUIREMENTS

A. A building or structure or any enlargement thereof may be erected and maintained to a height at the street line of no more than two and one-half (2 1/2) stories or thirty-five feet (35).

This height may be exceeded by four (4) feet for each one (1) foot by which the building is set back from the street line.

B. Yards are not required for permitted buildings but if a yard is established, it shall be no less than three (3) feet in depth.

SECTION 8.3 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

A. Off-street parking shall be provided in accordance with Article 13 of this ordinance and may be permitted in any required yard except those adjoining residentially zoned property.
B. Each business use established or expanded after the date of adoption of this ordinance shall provide off-street loading and unloading space at the side or rear of the building for each 4,000 square feet of floor area in each building. Such space or spaces shall be not less than 560 square feet in area with a dimension of 10 x 56' per space with a clearance of not less than 15.5 feet in height. Required spaces shall be located exclusive of any public right-of-way.

SECTION 8.4 LIMITATIONS OF SIGNS. Only those signs relating to principal uses conducted on the premises or the principal materials or products made, sold or displayed on the premises shall be permitted and provided further that all signs and advertising structures shall be erected and maintained in accordance with Article 14 of this ordinance.

ARTICLE IX

AUTO-ORIENTED COMMERCIAL DISTRICTS C-A

SECTION 9.1 INTENT. This district is designed to facilitate commercial enterprises which are definitely enhanced by proximity to thoroughfares into the Borough, are associated with automobile shopping, and are not particularly compatible with a central business district.

SECTION 9.2 PERMITTED USES.

(a) All uses permitted in the business district CD district.
(b) Mortuary and undertaking establishments.
(c) Hotels and motels.
(d) Automobile dealers, repair shops, service stations, body shops, parts centers, supply centers and washes.
(e) Printing and publishing establishments.
(f) Shops for contractors, plumbing, heating, printing, upholstering.
(g) Lumber and fuel distribution yards.
(h) Automobile filling and service stations.
(i) Drive-in restaurants and drive-in movie theatres.
(j) All other uses which, in the opinion of the Zoning Hearing Board, are in harmony with the intent of the regulations for this district.

SECTION 9.3 PERFORMANCE REQUIREMENTS. All of the above listed uses must be non-objective in terms of smoke or dust emission, odors, noise or glare and shall not be injurious or have an adverse effect on adjacent areas or the Borough as a whole.

Should the Zoning Officer decide there is any possibility of the above mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.
SECTION 9.4 LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS.

(a) A lot width, lot area, and lot depth of not less than the dimensions shown in the following table shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

<table>
<thead>
<tr>
<th>DISTRICT REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>AREA REQUIREMENTS</td>
</tr>
<tr>
<td><strong>MIN.</strong></td>
</tr>
<tr>
<td><strong>WIDTH</strong></td>
</tr>
<tr>
<td>Acre</td>
</tr>
</tbody>
</table>

(b) Parking areas may be included in 50% of the required yards of the C-A Commercial District except where they adjoin a residential district. All yards or portions of yards not used for parking shall be appropriately landscaped and maintained.

(c) Where side or rear yards adjoin a Residential District, they shall be no less than 50 feet, shall not be used for parking, and shall be appropriately landscaped and maintained.

(d) No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height unless authorized as a special exception by the Zoning Hearing Board.

SECTION 9.5 MINIMUM OFF-STREET PARKING REQUIREMENTS.

(a) Off-street parking shall be provided in accordance with Article 13 of this ordinance.

(b) Each business use established or expanded after the date of adoption of this ordinance shall provide off-street loading and unloading space at the side or rear of the building for each 4,000 square foot of floor area in each building. Such space or spaces shall be not less than 560 square feet in area with a dimension of 10 x 56' per space with a clearance of not less than 15.5 feet in height. Required spaces shall be located exclusive of any public right-of-way.

SECTION 9.6 LIMITATIONS OF SIGNS Only those signs relating to the principal uses conducted on the premises or the principal materials or products made, sold or displayed on the premises shall be permitted and provided further that all signs and advertising structures shall be erected and maintained in accordance with Article 14 of this ordinance.

ARTICLE X

INDUSTRIAL DISTRICT I

SECTION 10.1 INTENT. This district is designed to promote industrial, warehousing, and wholesaling activities dependent on existing land uses, physical conditions, and the availability of municipal and transport facilities. The district accommodates an array of these kinds of activities so as to minimize any detrimental effects that they may individually have on other uses in the Borough and at the same time to give them the protection of an industrial zone free from encroachment of other activities.
SECTION 10.2 PERMITTED USES.

A. Any use not otherwise prohibited by law or a manufacturing fabricating, processing, packaging, compounding, or treatment nature which, in the opinion of the Zoning Hearing Board would be non-objectionable in terms of smoke or dust emission, odors, noise or glare, and will not otherwise be injurious to the public health, safety, and welfare and will not have an adverse effect on adjacent areas. In addition, the Zoning Hearing Board may require necessary safeguards to assure the aforementioned conditions.

B. Warehousing and wholesaling establishments and storage yards not including junk yards.

C. Railroad, trucking, busing and other transit facilities including storage, repair, and transfer operations.

D. Excavating contractor.

E. Customary accessory uses and buildings incidental to any of the above permitted uses.

F. The following uses are permitted, as special exceptions, upon issuance of a permit by the Zoning Hearing Board as provided for in Article 17 of this ordinance.

1. Junk yards used for storage, wrecking and converting, used or discarded materials, provided that such use is no less than 150 feet from any roadway and no less than 300 feet from any use district other than industrial. In addition, such use must be completely enclosed by an evergreen screen planting to be planted and maintained at a height of not less than six (6) feet.

SECTION 10.3 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS. A lot width, lot area, and yard depths of not less than the dimensions shown in the following list shall be provided for every principal building hereafter erected or altered for any use permitted in this district.

A. AREA REGULATIONS. The width of a lot in any industrial district shall not be less than one hundred fifty (150) feet at the building line and not more than sixty (60) percent of the lot area shall be covered with buildings.

B. YARD REGULATIONS. For every main or accessory building or use in an industrial district, the minimum yard regulations are as follows:

1. Front yards measured from the lot line to the building line shall be as follows:

a. Not less than sixty (60) feet along any road.

b. Not less than eighty (80) feet if opposite a residential district.

c. Off-street parking and loading shall not be permitted in the front yard.

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2. Side yards shall be provided in the Industrial districts as follows:
   
   a. Not less than ten (10) feet on both sides of the building.
   
   b. Where a side yard adjoins a road, the side yard shall be no less than sixty (60) feet.
   
   c. No building or structure permitted in the industrial district shall be located less than eighty (80) feet from any residential district.

3. Rear yards of 30 feet shall be provided on industrial premises except where they adjoin a lot in a residential district, in which case they shall be not less than 80 feet in depth.

4. Parking may be provided in any required side or rear yard that does not adjoin a residential district.

5. All front yards shall be appropriately landscaped and well maintained. Side and rear yards shall be well maintained and may be developed for recreational purposes.

C. HEIGHT REGULATIONS. The height of any main or accessory building shall not exceed thirty-five (35) feet, except chimneys, flues, tanks, water tanks and other mechanical appurtenances may be built to a height not exceeding one hundred twenty-five (125) feet above the finished grade when erected upon or as an integral part of the building.

SECTION 10.4 MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

A. Off-street parking shall be provided in accordance with Article 13 of this ordinance.

B. On the same premises with every building or structure or part thereof involving the receipt or distribution of materials or products, there shall be provided adequate space for loading and unloading. All such spaces shall conform to a dimension of not less than 10 x 56 feet or five hundred sixty (56) square feet in area, with a clearance of not less than 15.5 feet in height. Spaces required shall be determined by the table below and shall be located exclusive of any public right-of-way or required parking area.

GROSS FLOOR AREA (SQ. FT.)

<table>
<thead>
<tr>
<th>UP TO 2,000</th>
<th>2,001 to 10,000</th>
<th>10,001 to 50,000</th>
<th>50,001 and OVER</th>
</tr>
</thead>
<tbody>
<tr>
<td>NONE</td>
<td>ONE (1) SPACE</td>
<td>ONE (1) SPACE PLUS ONE (1) ADDITIONAL SPACE FOR EACH 20,000 SQ. FT.</td>
<td>THREE (3) SPACES PLUS ONE (1) ADDITIONAL SPACE FOR EACH 40,000 SQ. FT. IN EXCESS OF 50,000 SQ. FT.</td>
</tr>
</tbody>
</table>

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SECTION 10.5 LIMITATIONS OF SIGNS. Only those signs relating to the principle uses conducted on the premises, or to the principle materials or products made, sold, or displayed on the premises shall be permitted and provided further that all signs and advertising structures shall be erected and maintained in accordance with Article 14 of this ordinance.

* ARTICLE X (A)

LIMITED INDUSTRIAL DISTRICT LI

SECTION 10 (A.1) INTENT. It is the purpose of this district to provide an area in which a variety of limited industrial uses and some commercial uses may be located. Residential uses of land are to be excluded.

SECTION 10 (A.2) PERMITTED USES.

a. Office building.

b. Warehousing, similar storage buildings, and mini-storage buildings. There cannot be any outside storage of any materials concerning any of the foregoing uses.

c. Printing or publishing establishments.

d. Manufacture of jewelry, precision instruments and optical goods.

e. Manufacture of clothing and other textile products.

f. Contractor or general service shop.

g. Retail sale of goods produced as a permitted use, provided the goods are sold on the same property on which they are produced.

SECTION 10 (A.3) USES PERMITTED BY SPECIAL EXCEPTION. The following uses are permitted, by special exception under the provisions of Section 17.2 of the Zoning Ordinance: Any use of the same general character as any of the permitted uses as set forth in Section 10 (A.2) above. The Zoning Hearing Board shall not grant any application for a special exception unless the Zoning Hearing Board specifically finds that the proposed use will not adversely affect the public interest and neighborhood. In granting any special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the provisions of the Zoning Ordinance.

SECTION 10 (A.4) LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS. The lot width, lot area, and yard depths of not less than the dimensions shown in Section 10.3 of the Zoning Ordinance of the Industrial District (1) shall apply to the area, yard, and height requirements of the permitted uses in this Limited Industrial District (L.I.)

* Amended January 7, 1992
SECTION 10 (A.5) MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. The minimum off-street parking and loading requirements shall be as set forth in Section 10.4 of the Zoning Ordinance dealing with the Industrial District (1), which requirements shall apply in this Limited Industrial District.

SECTION 10 (A.6) LIMITATION OF SIGNS. Only those signs relating to the principal uses conducted on the premises, or to the principal materials or products made, sold or displayed on the premises shall be permitted and provided further that all signs and advertising structures shall be erected and maintained in accordance with Article 14 of the Zoning Ordinance.

* Amended January 7, 1992
SECTION 11.1 VISIBILITY AT INTERSECTIONS. On a corner lot in any District a clear sight triangle shall be provided at all streets and alley intersections. Within such triangles, no vision obstructing object other than utility poles shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the center lines.

SECTION 11.2 FENCES, WALLS AND HEDGES. Notwithstanding other provisions of this ordinance, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over 30 inches in height. Fences, walls and hedges in side or rear yards may not be more than 10 feet in height.

SECTION 11.3 ACCESSORY BUILDINGS. No separate accessory building shall be permitted in any required front or side yard. In rear yards, they shall not be permitted within 10 feet of any lot line. However, in the case where the length of the rear lot line on the lot is less than 30 feet and the size of the accessory building is no greater than 10 feet in width, which shall be the building line parallel to the rear lot line, and 15 feet in depth, said accessory building shall be permitted to be placed to within 2 feet of the side property line. Notwithstanding the foregoing, however, in the event the accessory building is a private garage, then the motor vehicle entrance way side of the garage structure shall be set back a minimum of 15 feet from the right-of-way line of the street or alley.

SECTION 11.4 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT. In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

SECTION 11.5 EXCEPTION TO HEIGHT REGULATIONS. The height limitations contained in the schedule of district regulations or in the height and area regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 11.6 STRUCTURES TO HAVE ACCESS. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots so as to provide safe and convenient access for servicing, fire protections, and required off-street parking.

SECTION 11.7 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT. For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, converted school buses, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment except in a carport or enclosed building or in a rear yard, provided, however, that such equipment may be parked anywhere on loading or unloading. No such equipment shall be used for living, sleeping or

* Amended 10/5/93

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housekeeping purposes when parked or stored on a residential lot, or in any
location not approved for such use.

SECTION 11.8 PARKING AND STORAGE OF CERTAIN VEHICLES. Automotive vehicles or
trailers of any kind without current license plates shall not be parked or
stored on any property (or public street contained therein) other than in
completely enclosed buildings, except on those premises where such storage is
absolutely necessary to the operation of a business such as that of an
automobile dealer. Nor shall any vehicle not customarily associated with
resident travel such as tractor trailer trucks, be parked on any residentially
zoned property (or public street contained therein) other than in completely
enclosed buildings.

SECTION 11.9 ANIMAL AND POULTRY. Operations involving the use of buildings
and land for farming, nurseries, and greenhouses, riding academies, livery or
boarding stables, dog kennels, animal hospitals, stock raising, dairying and
poultry shall be permitted in the districts as provided herein subject to the
following restrictions.

A. No building in which livestock, other than customary household pets,
is kept shall be closer than two hundred (200) feet of any adjoining
lot line.

B. No storage of manure or odor or dust producing substances or
material shall be permitted within two hundred (200) feet of any
adjoining lot line.

C. The minimum lot size shall be three (3) acres.

SECTION 11.10 CORNER LOT RESTRICTION. On every corner lot, there shall be
provided on the side street a side yard equal in depth to the required front
yard of all other properties along said side street.

SECTION 11.11 LOT AREA AND LOT WIDTH FOR LOTS NOT SERVED WITH PUBLIC WATER
AND/OR SANITARY SEWERS. Where a lot is not served by a public water supply
and/or sanitary sewer system and the County Subdivision Ordinance or State or
other local laws or ordinances in force require a higher standard for lot area
or lot width than this ordinance, the more restrictive regulations of such
ordinance or laws shall apply.

SECTION 11.12 FRONT YARD EXCEPTIONS. When an unimproved lot is situated
between two (2) improved lots with front yard dimensions more or less than
those required for the district, the front yard required shall be increased or
decreased, as the case may be, to a depth equal to the average of the two (2)
front yards of the adjoining lots.

SECTION 11.13 PROJECTIONS INTO YARDS. The following projections shall be
permitted into required yards and shall not be considered in the determination
of yard size or lot coverage:

A. Terraces or patios, provided that such terraces or patios are not
under roof or otherwise enclosed and are not closer than five (5)
feet to any adjacent property line.

B. Projecting architectural features -- bay windows, cornices, eaves,
fireplaces, chimneys, window sills, or other architectural features
-- provided they do not extend more than five (5) feet
into any required yard nor closer than three (3) feet to any adjacent property line.

C. Uncovered stairs and landings.

D. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than three (3) feet to any adjacent property line.

SECTION 11.14 ACCESSORY USES.

A. Private, non-commercial swimming pools which are designed to contain a water depth of eighteen (18) inches or more must be located in a rear or side yard only, and shall be entirely enclosed within a continuous fence not less than four (4) feet in height. Such pools shall be not less than fifteen (15) feet from side and rear property lines. Fences for this section are defined as an impenetrable structure from a height of at least four (4) feet to the grade level of the ground.

B. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen (15) feet from side or rear property lines.

C. Patios, paved terraces, or open porches shall be permitted in all yards provided that no impermeable surface shall be within five (5) feet of any property line.

D. Nothing in this Section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety, and/or welfare of the community.

SECTION 11.15 MUNICIPAL USES. In any district, a building or use may be erected, altered, or extended and land may be developed which is arranged, intended, or designed for municipal uses. Further, the lot sizes, yard regulations, and coverage requirements may be modified to accommodate such buildings or uses provided that the modifications will represent the least possible modification of the regulations at issue and provided further that all such modifications shall be in the public interest and they will not adversely affect other properties in the district in which they are located.

SECTION 11.16 PUBLIC UTILITIES EXEMPT. The regulations of this ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a Public Utility Corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

SECTION 11.17 HOME OCCUPATION REGULATIONS. In any residential district, any gainful occupation conducted by a member of the immediate family owning and residing on the premises may use parts of a dwelling for a home occupation, provided that the following conditions are met and a permit is issued by the Zoning Officer:

A. Such occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the
dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) small nameplate as provided in Article 14.

B. Home occupations shall be limited to the employment of not more than one (1) assistant. An assistant is not to be construed as an additional independent operator or professional, but rather must be clearly an auxiliary helper such as a secretary or a receptionist.

C. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five percent (25%) of the area of the first floor nor more than four hundred (400) square feet.

D. All parking shall be off-street and two (2) off-street spaces shall be provided in addition to that required of the residence unit.

E. Any home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or more than normal residential traffic shall be prohibited.

SECTION 11.18 Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any lot line and shall be so located that vehicles stopped for service will not extend over the property line.

ARTICLE XII

NON-CONFORMING LOTS, USES AND STRUCTURES

SECTION 12.1 INTENT. Within the zoning districts established by this ordinance or subsequent amendments thereto, there exists, or will exist, lots, structures and uses which were lawful before the ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival without regulation.

SECTION 12.2 NON-CONFORMING LOTS OF RECORD. In any district, a permitted building may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in this district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are on record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved
shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

SECTION 12.3 NON-CONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where at the time of passage of this ordinance lawful use of land exists, which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding One Thousand Dollars ($1,000.00) the use may be continued so long as it remains otherwise lawful provided:

A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except on contiguous land owned at the effective date of this ordinance and subject to other restrictions of this ordinance.

B. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

C. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

SECTION 12.4 NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, but not including off-street parking requirements; such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

A. No such non-conforming structure may be enlarged, or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

B. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than eighty (80) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. Off-street parking requirements to not apply.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 12.5 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.

If lawful use involving individual structures with a replacement cost of One Thousand Dollars ($1,000.00) or more, or of structure and premises in
combination, exists at the effective date of adoption or amendment of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged or extended, except on contiguous property, provided that all other requirements of this ordinance are satisfied for such extension such as yards, setbacks, and off-street parking.

B. Any non-conforming use and premises may, as a special exception, be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions, and safeguards in accord with the provisions of this ordinance.

C. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

SECTION 12.6 REPAIRS AND MAINTENANCE. Nothing in this ordinance shall prohibit any repairs, maintenance, or remodeling of any non-conforming building or structure provided that such does not make the building or structure more non-conforming in terms of the regulations of this ordinance. Further, nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 12.7 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES. Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Zoning Hearing Board action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

SECTION 12.8 NON-CONFORMING SIGNS. Any sign erected, constructed, or placed before the effective date of this ordinance may remain and continue to be used and maintained notwithstanding that it does not conform to the applicable provisions of Article 14 of this ordinance, provided that no such sign shall be altered or relocated unless the same shall either conform or be made to conform in all respects with the applicable provisions of Article 14 of this ordinance.

ARTICLE XIII

OFF-STREET PARKING REQUIREMENTS

SECTION 13.1 ACCESSORY OFF-STREET PARKING FACILITIES, shall be required in accordance with the provisions of this Article as a condition precedent to the occupancy of any new building or use so as to alleviate traffic
congestion on streets. Facilities shall be provided:

A. Whenever a building is constructed.

B. Whenever the use of an existing building is changed to a use requiring more parking facilities.

C. Whenever an existing building or use is altered or enlarged so as to increase the amount of parking spaces required in this article.

SECTION 13.1 CONTINUATION OF PARKING FACILITIES. All off-street parking facilities, or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation, shall not be used for automobile service or repair, and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of spaces is provided for such use in another approved location.

In order to insure the continued use for parking purposes of any areas established therefore by persons who are not the owners thereof, the Borough Council may require, before approval, evidence in writing that the owner or owners of the land to be included in such parking areas have by covenant agreed to allow the use of such land for the required off-street parking, which covenant shall so indicate that said covenant will bind any successors, heirs, or assigns of the owner or owners of the land affected; such covenant may be filed for record with the Recorder of Lebanon County. Except for residential uses, all off-street parking spaces may be provided within three hundred (300) feet of the lot line of the principal building or structure.

SECTION 13.3 STANDARDS AND DEFINITIONS. For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

A. "Accessory parking space" means an open or enclosed area exclusive of any public right-of-way, accessible from a street for parking of motor vehicles of owners, occupants, employees, customers or tenants of the main building use; each parking space shall be sufficient in size to accommodate at least one automobile. Off-street parking spaces shall not be located in any required yard, except as otherwise indicated in the schedule of District Regulations.

B. "Floor area" means the total area of all the floors measured from the exterior faces of the building (except the floor area used for storage or packaging of merchandise may be excluded).

C. "Seat" means the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs or similar facilities; spacing for rows shall be thirty (30) inches on center.

D. "Required minimum parking spaces" means minimum number of spaces required by applying the schedule in Section 13.4 of this ordinance to a specific building or group of buildings. Where the computation results in a fractional unit, one additional off-street parking space shall be provided.
### SECTION 13.4 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

<table>
<thead>
<tr>
<th>Building or Use</th>
<th>Institutional</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Civic and educational; primary and secondary school; library places for public assembly.</td>
<td>1 space for each employee plus 1 space for each 6 seats in assembly rooms.</td>
<td></td>
</tr>
<tr>
<td>2. Governmental; municipal building</td>
<td>1 space for each 200 sq. st. of office floor area plus 1 space for each 4 seats in assembly rooms.</td>
<td></td>
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<tr>
<td>3. Place of Worship</td>
<td>1 space for each 3 seats in principal assembly rooms.</td>
<td></td>
</tr>
<tr>
<td>4. Welfare; hospital</td>
<td>1 space per 3 beds plus 1 space for each employee on the largest shift.</td>
<td></td>
</tr>
<tr>
<td>Health center</td>
<td>1 space per 150 sq. st. floor area.</td>
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</tr>
<tr>
<td>Home for the aging</td>
<td>1 space per each 4 guest rooms or apartment units plus 1 space for each employee.</td>
<td></td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. One and two-family dwelling</td>
<td>1 space per dwelling unit.</td>
<td></td>
</tr>
<tr>
<td>6. Multi-family residence</td>
<td>2 spaces per dwelling unit.</td>
<td></td>
</tr>
<tr>
<td>7. Public or non-profit elderly housing</td>
<td>1 space per 4 dwelling units.</td>
<td></td>
</tr>
<tr>
<td><strong>Office Buildings</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Medical and dental office and clinics</td>
<td>1 space per 200 sq. ft. of floor area plus 1 space for each doctor and dentist and employee.</td>
<td></td>
</tr>
<tr>
<td>9. Other office</td>
<td>1 space per 300 sq. ft. of gross floor area.</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial Business</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Motel, hotel</td>
<td>1 space per guest room or unit.</td>
<td></td>
</tr>
<tr>
<td>11. Mortuary</td>
<td>1 space per 30 sq. ft. of assembly rooms, or 1 space for each 4 seats, whichever requires the greatest number, but in no case less than 20 spaces.</td>
<td></td>
</tr>
<tr>
<td>12. Retail stores, banks, service establishments</td>
<td>1 space per 300 sq. ft. of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>13. Eating places, bars, taverns</td>
<td>1 space per 100 sq. ft. of gross floor area, or 1 space per 3 seats, whichever requires the greater number of spaces.</td>
<td></td>
</tr>
</tbody>
</table>
14. Club, lodge, or other assembly hall
1 space per 4 seats in building.

15. Indoor theater
1 space per 4 seats in building.

16. Dance hall, skating rink, swimming pool
1 space per 50 sq. ft. of area used for dancing, skating, or swimming.

17. Bowling alley
6 spaces per bowling lane.

18. Service and storage establishments
1 space for every 2 employees on the largest shift.

19. Executive offices, sales offices
Industrial
1 space per 200 sq. ft. of executive and sales office floor area.

20. Service and storage establishments, laboratories, manufacturing plants, and other uses permitted in a manufacturing district
1 space for every 2 employees on the largest shift.

Other Buildings or Uses
21. For a specific building or use not scheduled, the Zoning Officer shall apply the unit of measurement of the above schedule deemed to be most similar to the proposed building or use.

SECTION 13.5 COMBINED USE OF FACILITIES. One or more parking lots may be designed to service a multiple number of commercial business or industrial uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.

SECTION 13.6 PARKING AND GARAGE FACILITIES FOR RESIDENCES. Accessory parking facilities shall be located on the same lot as the dwelling served or in close proximity if deemed appropriate by the zoning administrative officials. Each single-family, duplex and two-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least one passenger automobile for each dwelling unit on the premises. Each multiple-family dwelling shall have a private parking space sufficient in capacity for the storage at one time of at least two (2) passenger automobiles for each dwelling unit on the premises.

SECTION 13.7 IMPROVEMENTS TO PARKING AND LOADING AREAS. All parking areas, loading areas, and access driveways, except for one and two-family dwellings, shall have an asphalt, concrete, or other similar hard surface. Surface water shall not be permitted to discharge over onto the public sidewalks or roadways or onto other premises. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. The Borough Council may require landscape features or a fence between a parking or loading area and a side or rear lot line of a residential use of district. All curbs and bumper guards shall be constructed in accordance with standards established by the Borough Council.

SECTION 13.8 ILLUMINATION OF PARKING AND LOADING AREAS. Parking and loading areas shall be illuminated whenever necessary to protect the public.
safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets, and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

SECTION 13.9 DRIVeways AND CURBS. Access to the lot shall comply with the following regulations:

A. Access shall be not more than two (2) driveways for each one hundred (100) feet frontage on any street.

B. No two (2) such driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet, and no flare shall cross an extended side property line.

C. Each driveway shall be not more than thirty-five (35) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.

D. Driveways shall be no closer than ten (10) feet to the point of intersection of two (2) property lines at any corner as measured along the property line, and shall not extend across extended property lines.

E. For non-dwelling uses and apartment houses where there is an existing curb and gutter or sidewalk on the street or private road, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two (2) ends and street or private road side of each such island shall be constructed a concrete curb.

ARTICLE XIV

SIGNS AND ADVERTISING STRUCTURES

SECTION 14.1 SIGNS PERMITTED AND EXTENT OF USE. One free-standing or attached sign is permitted on each street frontage of a lot for each occupancy of purpose as below, an additional sign for each occupancy or purpose as below is permitted for every 100 feet to street frontage or major fraction thereof. However,

A. For business signs, any number of signs are permitted as long as their total area does not exceed the maximum below.

B. Advertising signs and business signs must be at least 60 feet apart.

C. No sign exceeding 30 square feet in size may be located within 75 feet of a residential zone.

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Where Permitted</th>
<th>Maximum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic</td>
<td>any zone</td>
<td></td>
</tr>
<tr>
<td>Home occupation or home profession</td>
<td>any zone</td>
<td>2 sq. ft.</td>
</tr>
<tr>
<td>Type of Sign</td>
<td>Where Permitted</td>
<td>Maximum Size</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>--------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Trespassing</td>
<td>any zone</td>
<td>1 sq. ft.</td>
</tr>
<tr>
<td>Utility</td>
<td>any zone</td>
<td>2 sq. ft.</td>
</tr>
<tr>
<td>For sale, for rent, sold and rented</td>
<td>any zone</td>
<td>6 sq. ft.</td>
</tr>
<tr>
<td>Work sign of builders, painters and other artisans while performing work on the premises</td>
<td>any zone</td>
<td>6 sq. ft.</td>
</tr>
<tr>
<td>Directional</td>
<td>any zone but RLD and RHD</td>
<td>6 sq. ft.</td>
</tr>
<tr>
<td>Identification and information of churches, schools, and other nonprofit institutions</td>
<td>any zone</td>
<td>20 sq. ft.</td>
</tr>
<tr>
<td>Apartment Bulletin Board</td>
<td>RHD zone</td>
<td>6 sq. ft.</td>
</tr>
<tr>
<td>Temporary sign for sale of agricultural and horticultural products and for constructing projects</td>
<td>any zone</td>
<td>10 sq. ft.</td>
</tr>
<tr>
<td>Business, excepted for agricultural and horticultural products</td>
<td>any zone but RLD and RLD</td>
<td>30 sq. ft.</td>
</tr>
<tr>
<td>Advertising (Billboards)</td>
<td>any zone but RLD and RLD</td>
<td>300 sq. ft.*</td>
</tr>
</tbody>
</table>

* Special permit from Zoning Hearing Board must be obtained.

SECTION 14.2 SETBACK OF SIGNS.

A. Attached Signs - No portion of an attached sign may extend beyond the building setback line.

B. Free-Standing Signs - No portion of a free standing sign may be closer to a street right-of-way line than 10 feet, except for a sign less than 3 feet in height.

SECTION 14.3 BUNTINGS AND PENNANTS Bunting and pennants are permitted only to announce the opening of a new business or industry or in connection with a civic event, and must be removed 7 days after event.

SECTION 14.4 PROJECTION OF SIGNS No sign may project:

A. Over a public sidewalk area or beyond property lines,

B. Over a public highway or street unless specifically authorized by other Borough or State regulations,

C. More than 25 feet above the ground except for an attached sign which may project 10 feet above the roof of a building providing the sign so placed does not project more than 25 feet
SECTION 24.5 ILLUMINATION OF SIGNS

A. All Zones - Flashing, rotating, and intermittent lights are prohibited.

B. Free-Standing Signs - A free-standing sign may be illuminated only by back lighting or by direct lighting if the lighting is so screened that it is not directed or reflected toward any adjacent residence within 100 feet, and does not cause any glare upon any adjacent street.

C. RLD, RHD, and CD Zones - All signs permitted in these zones may be illuminated only by indirect lighting.

D. Near Street Traffic Lights - Signs which are illuminated in the colors, red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of 100 feet of a street traffic light or similar safety device or in the center of any street intersection.

SECTION 14.6 TEMPORARY SIGNS

A. A temporary sign for the sale of agricultural and horticultural products may be erected for a period not exceeding 60 days.

B. A temporary sign for a construction project may be erected and maintained for as long as the project is under construction.

SECTION 14.7 CONSTRUCTION AND MAINTENANCE - Signs must be constructed of durable materials, maintained in good conditions, and not allowed to become dilapidated.

SECTION 14.8 TERMINATION OF ENTERPRISE - Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed within the period of 30 days after termination or abandonment of such use.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

SECTION 15.1 ADMINISTRATION AND ENFORCEMENT - A Zoning Officer designated by the Borough Council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Borough Council may direct.

If the Zoning Officer shall find that any of the provisions of this ordinance 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. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or may take any other action
authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 15.2 BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Zoning Officer. No building permit shall be issued by the Zoning Officer except in conformity with the provisions of this ordinance, unless he received a written order from the Zoning Hearing Board in the form of an administrative review, special exception or variance as provided by this ordinance.

SECTION 15.3 APPLICATION FOR BUILDING PERMIT. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot or buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Officer, including existing or proposed building or alteration; existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

One (1) copy of the plans shall be returned to the applicant by the Zoning Officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature of such copy. The original and one (1) copy of the plans, similarly marked, shall be retained by the Zoning Officer.

SECTION 15.4 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED OR NON-CONFORMING USES. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance has been issued therefor by the Zoning Officer stating that the proposed use of the building or land conforms to this ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Zoning Officer. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this ordinance. Upon enactment or amendment of this ordinance, owners or occupants of non-conforming uses or structures shall apply for certificates of zoning compliance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

The Zoning Officer shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request of any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Article 24 of this ordinance.

SECTION 15.5 EXPIRATION OF BUILDING PERMIT. If the work described in any building permit has not begun within one hundred eighty (180) days from the issuance thereof, said permit shall expire; it shall be cancelled by the
Zoning Officer, and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

SECTION 15.6 CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES OF ZONING COMPLIANCE.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided in Article 24 hereof.

SECTION 15.7 DISPLAY OF BUILDING PERMIT. Any building permit issued by the Zoning Officer must be displayed on the building or structure so as to make it visible from any street or thoroughfare abutting the applicable property.

ARTICLE XVI

ZONING HEARING BOARD: ESTABLISHMENT AND PROCEDURE

A Zoning Hearing Board is hereby established, which shall consist of three (3) members of the municipality to be appointed by the Borough Council for a term of three (3) years, and shall be so established that one term of office shall expire each year. In addition to these three (3) members, an alternate member shall be appointed by the Borough Council to serve in the absence of one of the other three (3) members. Members of the Zoning Hearing Board may be removed from office by the Borough Council for cause upon written charges and after public hearing if the member shall request it in writing. Vacancies shall be filled by appointment by the Borough Council for the unexpired term of the member affected. Members of the Zoning Hearing Board shall hold no other office in the municipality.

SECTION 16.1 PROCEEDINGS OF THE ZONING HEARING BOARD. The Zoning Hearing Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman, or, in his absence, the acting chairman. The chairman or acting chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Zoning Hearing Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

SECTION 16.2 HEARINGS, APPEALS, NOTICE. Appeals to the Zoning Hearing Board concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the Borough affected by any decision of the Zoning Officer. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days, or such lesser period as may be provided by the rules of the Board.
by filing with the Zoning Officer and with the Zoning Hearing Board a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Zoning Hearing Board shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.

SECTION 16.3 STAY OR PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Officer from whom the appeal is taken certifies to the Zoning Hearing Board, after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Hearing Board or by a Court of Record on application, or notice to the Zoning Officer from whom the appeal is taken and due cause shown.

ARTICLE XVII

ZONING HEARING BOARD, POWERS AND DUTIES

The Zoning Hearing Board shall have the following powers and duties:

SECTION 17.1 ADMINISTRATIVE REVIEW. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Officer in the enforcement of this ordinance.

SECTION 17.2 SPECIAL EXCEPTIONS: CONDITIONS GOVERNING APPLICATIONS: PROCEDURES. To hear and decide only such special exceptions as the Zoning Hearing Board is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exception when it is not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Zoning Hearing Board unless and until:

A. A written application for a special exception is submitted by any landowner or tenant with the permission of the landowner indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;

B. Notice shall be given at least fourteen (14) days and no more than thirty (30) days in advance of public hearing. The owner of the property for which special exception is sought and the Planning Committee shall be notified by mail. Notice of such hearings shall be given in a newspaper of general circulation in the Borough. The news article shall be published once each week for at least two (2) successive weeks. In addition, when the Board shall order a notice shall be mailed to every occupant of every lot on the same street within three hundred (300) feet of the lot or building in question and of every other lot not on the same street within one hundred (100) feet of such lot or building. Failure to give notice by mail shall not invalidate any action taken by the Board.
C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

D. The Zoning Hearing Board shall make a finding that it is empowered under the section of this ordinance described in the application to grant special exception, and that the granting of the special exception will not adversely affect the public interest.

E. Before any special exception shall issue, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and the access in case of fire or catastrophe;

2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties generally in the district;

3. Refuse and service areas, with particular reference to the items in (1) and (2) above;

4. Utilities, with reference to locations, availability and compatibility;

5. Screening and buffering with reference to type, dimensions, and character;

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

7. Required yards and other open space;

8. General compatibility with adjacent properties and other properties in the district.

SECTION 17.3 Variances; Conditions Governing Applications; Procedures.
To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Hearing Board unless and until:

A. A written application for a variance is submitted by a landowner or a tenant with the landowner's permission demonstrating that:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional typographical 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 the zoning ordinance in the neighborhood or district in which the property is located;

2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3. Such unnecessary hardship has not been created by the appellant;

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

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

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

B. Notice of public hearing shall be given as in Article 17 Section 2 B above.

C. The public hearing shall be held. Any party may appear in person, or by agent, or by attorney;

D. The Zoning Hearing Board shall make findings that the requirements of Article 17 Section 34 have been met by the applicant for a variance;

E. The Zoning Hearing Board shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible the reasonable use of the land, building, or structure;

F. The Zoning Hearing Board shall further make a finding that the granting of a variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article 24 of this ordinance.

SECTION 17.4 BOARD HAS POWERS OF ZONING OFFICER ON APPEALS; REVERSING DECISION OF ZONING OFFICER. In exercising the above-mentioned powers, the Zoning Hearing Board may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be
made, and to that purpose shall have the powers of the Zoning Officer from whom the appeal is taken.

The concurring vote of two (2) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance in the application of this ordinance.

ARTICLE XVIII

APPEALS FROM THE ZONING HEARING BOARD

Any person or persons, or any board, or bureau of the Borough aggrieved by any decision of the Zoning Hearing Board may seek review by a Court of Record of such decision, in the manner provided by the laws of the Commonwealth and particularly by Article 10, Pennsylvania Municipalities Planning Code.

ARTICLE XIX

DUTIES OF ZONING OFFICER.

ZONING HEARING BOARD, BOROUGH COUNCIL.

AND

COURTS ON MATTERS OF APPEAL

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Officer, and that such questions shall be presented to the Zoning Hearing Boards, only on appeal from the decision of the Zoning Officer; and that recourse from the decisions of the Zoning Hearing Boards shall be to the courts as provided by law and particularly by Article 10 Pennsylvania Municipalities Planning Code.

It is further the intent of this ordinance that the duties of the Borough Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this article and this ordinance. Under this ordinance the Borough Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, or any section thereof, as provided by law; (2) of establishing a schedule of fees and charges as stated in Article and (3) those duties specifically noted in other articles of this ordinance.

ARTICLE XX

SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Borough Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Zoning Officer, and may be altered or amended only by the Borough Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
ARTICLE XXI

AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto by the Borough Council, at which time parties in interest and citizens shall have an opportunity to be heard. At least fourteen (14) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Borough at least once in each of two (2) successive weeks.

If the amendment is initiated by any parties other than the Planning Committee, The Borough Council shall submit each such amendment to the Planning Committee at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Committee an opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

ARTICLE XXII

PROVISIONS OF ORDINANCE

DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

ARTICLE XXIII

COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Officer. He shall record properly such complaint immediately investigate, and take action thereon as provided by this ordinance.

ARTICLE XXIV

PENALTIES FOR VIOLATION

Any person, partnership, or corporation who or which shall violate the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars ($500.00) and/or such person, the members of such partnership, or the officers of such corporation be imprisoned for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of zoning ordinances shall be paid over to the Borough of
Richland, Pennsylvania.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XXV

SEVERABILITY CLAUSE

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE XXVI

REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE

All ordinance or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give the ordinance full force and effect. This ordinance shall become effective immediately upon final passage.