Borough of
North York
Zoning Ordinance

York County, Pennsylvania

As Adopted by the North York Borough Council – December 18, 2003

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Community Planning and Zoning Consultant
THIS ORDINANCE WAS PREPARED
UNDER THE DIRECTION OF THE FOLLOWING
NORTH YORK BOROUGH OFFICIALS
2002-3
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USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

1. Turn to the Table of Contents and the Index (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.

2. Consult the Zoning Map at the end of this Zoning Ordinance to determine the zoning district that includes your lot.

3. Turn to Section 306, the Table of Permitted Uses By Zoning District, which indicates the uses permitted in each zoning district. Different uses are allowed in different ways:
   a) as a permitted by right (the Zoning Officer may approve the zoning application if it meets the Zoning Ordinance), or
   b) as a special exception use (the Zoning Hearing Board must approve the use, as described in Section 116).

4. Turn to Section 307, the Table of Lot and Setback Requirements By Zoning District. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.

5. Regularly refer to the Definitions in Section 202 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "Non-Conforming Use". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 806 -"Non-Conformities."

Certain specific uses must comply with additional regulations. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for
sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

If your lot may be flood-prone, see the Borough’s Floodplain Map and Section 504. Turn to the following sections for regulations concerning parking, signs and buffer yards:

! Most uses must provide minimum numbers of off-street Parking spaces. The parking standards are listed in a table in Section 601.

! If Signs are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.

! Certain uses are required to provide an open Buffer Yard with Evergreen Screening to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following additional considerations should be kept in mind when using this Ordinance:

! An applicant may apply to the Borough Zoning Hearing Board for a Zoning Variance if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Borough for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".

! Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Borough Subdivision and Land Development Ordinance will also apply. This is a separate ordinance available at Borough Offices.

! If there will be significant disturbance of the ground, it will be necessary to use certain measures to control soil erosion. In such case, contact the County Conservation District.

Any questions concerning the Zoning Ordinance should be directed to the Borough's Zoning Officer. The Zoning Officer also administers applications for permits.
1. **TITLE.** A New Ordinance: a) dividing the Borough of North York into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.

2. **SHORT TITLE.** This Ordinance shall be known and be cited as the "North York Borough Zoning Ordinance" of 2003.

3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

4. **PROCEDURAL DEFECTS IN ENACTMENT.** Any procedural challenge shall be filed in accordance with the Pennsylvania Municipalities Planning Code and other applicable law.

5. **REPEALER.** The pre-existing Borough of North York Zoning Ordinance, as amended, is hereby repealed; and provided further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance.

6. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, Borough Council of North York Borough hereby enacts and ordains into an Ordinance the attached document this date of ________________ , 2003. This Ordinance shall become effective immediately upon enactment.

President, Borough Council
Attest, Borough Secretary
ARTICLE 1
ADMINISTRATION

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout the Borough of North York. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.

102. **PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.** This Ordinance is hereby adopted in accordance with the following purposes, which shall serve as Community Development Objectives, in addition the purposes provided for each district in Section 301:

102.A. the requirements and purposes of the Pennsylvania Municipalities Planning Code, as amended, including but not limited to Sections 604 and 605 or their successor section(s),

102.B. the goals and objectives of the North York Comprehensive Plan and the County Comprehensive Plan, and

102.C. the following additional objectives:

1. Protect existing residential neighborhoods.
2. Promote innovative residential design that encourages the creation of a sense of community for undeveloped parcels.
3. Provide diverse housing opportunities, including housing that is affordable.
4. Encourage adaptive reuse and infill development.
5. Protect sensitive and important natural features from indiscriminate development.
6. Stimulate economic development and revitalization by attracting commercial uses (such as retail, service and specialty stores) to appropriate areas.
7. Provide opportunities for home occupations of limited intensity.
8. Promote the preservation of historic resources.
9. Coordinate future land and roadway functions to maximize safe and efficient use of major roads.
10. Coordinate road improvements with planned roadway functions, design standards and planned land uses.
11. Assure that future development provides for access designs and planned locations that minimize traffic congestion and safety problems. Encourage needed improvements to be completed by developers.
12. Promote alternative means of transportation, such as pedestrian movement, bicycles, public transit and carpooling.
13. Seek to minimize the need for zoning variances for routine improvements.

103. **PERMITS AND CERTIFICATES.**

103.A. **Applicability.**

1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.
   a. Erection, construction, movement, alteration, razing, demolition, removal, placement or extension of a structure, building or sign,
   b. Change of the type of use or expansion of the use of a structure or area of land,
   c. Creation of a lot or alteration of lot lines, and/or
   d. Creation of a new use.
2. **Zoning Permit.** A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable Borough Staff.
   a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
      1) Erection, construction, movement, placement, razing, demolition, removal, alteration or expansion of a structure, building or sign,
      2) Change of the type of use or expansion of the use of a structure or area of land,
      3) Creation of a new use,
      4) Demolition of a building, and/or
      5) Alteration of a building that is required to have a zoning permit under Section 309 of this Ordinance.
   b. The Borough may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate application for the permits.

3. **Certificate of Use and Occupancy.**
   a. The Borough Staff may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy.
   b. The Certificate of Use and Occupancy shall only be issued by the Borough Staff if the Zoning Officer determines that the use, construction or activity complies with this Ordinance, to the best knowledge of the Zoning Officer. The Borough may also withhold issuance of the Certificate until there is compliance with other Borough ordinances.
   c. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.
   d. Upon the request of an applicant, the Zoning Officer may issue a temporary Certificate of Use and Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure before the entire work covered by the Permit has been completed.
      1) However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
      2) The temporary Certificate shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.
      3) Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.
      4) The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
      5) See also Section 103.G.

103.C. **Types of Uses.**

1. **Permitted by Right Uses.** The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance.
2. **Special Exception Use or Application Requiring a Variance.** A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
103.D. **Applications.**

1. **Submittal.** All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Borough. Such completed application, with required fees, shall be submitted to a designated Borough staff-person.

2. **Site Plan.** The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:
   a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
   b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
   c. locations of any watercourses and any 100 year floodplain,
   d. proposed lot areas, lot widths and other applicable dimensional requirements,
   e. locations and widths of existing and proposed sidewalks.

3. **Additional Information.** Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
   a. the address of the lot,
   b. name and address of the applicant, and of the owner of the property if different from the applicant,
   c. a description of the proposed use of the property,
   d. all other applicable information listed on the official Borough application form, and
   e. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.

4. **Submittals to the Board.** In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
   a. the present zoning district and applicable lot requirements,
   b. for a non-residential use:
      (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
      (2) a list of the maximum hours of operation,
   c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management,
   d. a listing of any sections of this Ordinance being appealed, with the reasons for any appeal,
e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),

f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting,

g. name and address of person who prepared the site plan,

h. signed acknowledgment of the site plan by the applicant, and

i. such additional information required under applicable sections of this Ordinance.

5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).

103.E. Issuance of Permits.

1. At least 1 copy of each permit application and any other zoning approval shall be retained in Borough files.

2. PennDOT Permit. Where necessary for access onto a State road, a Borough zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

103.F. Revocation of Permits: Appeal of Permit or Approval.

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
   a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
   b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
   c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
   d. for any other just cause set forth in this Ordinance.

2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the PA. Municipalities Planning Code. Any such appeal shall occur within the time period established in the PA. Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).

103.G. Zoning Permit for Temporary Uses and Structures.

1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
   a. customary, routine and accessory short-term special events, provided that only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious
purpose shall be eligible to receive approval for commercial-type activities in a
district where a commercial use would not otherwise be permitted;
b. temporary storage and office trailers that are necessary to serve on-site construction,
while such construction is actively underway;
c. such other activities that the applicant proves are routine, customary and temporary.

2. **Time Period.** The Zoning Officer shall state a reasonable maximum time period on the
temporary permit. If no time limit is stated, then a 6 month maximum period shall apply.
A temporary permit may be renewed for just cause for periods of up to one year.

103.H. **Compliance with Borough Subdivision and Land Development Ordinance.** If an application
under this Ordinance would also be regulated by the Borough Subdivision and Land
Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance
shall automatically be conditioned upon compliance with the SALDO. See the definitions of
"Land Development" and "Subdivision" in the SALDO.

1. For example, if an applicant applies for a single family detached dwelling on a proposed
new lot, the construction permit for such dwelling shall not be valid until after the lot is
granted final subdivision approval and the lot is officially recorded by the County
Recorder of Deeds.

104. **GENERAL PROCEDURE FOR PERMITS.**

104.A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable
permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons. A permit
for a permitted by right use that complies with this Ordinance should be issued within 90 days
after a complete application is submitted.

104.B. After the permit under this Ordinance has been issued, the applicant may undertake the action
specified by the permit, in compliance with other Borough Ordinances. However, it is
recommended that applicants wait 30 days to begin construction if there is a possibility of an
appeal by another party to have the permit revoked. Any commencement of construction or a
use within this 30 day appeal period shall be at the risk of the applicant.

105. **INTERPRETATION AND USES NOT REGULATED.**

105.A. **Minimum Requirements.** Where more than one provision of this Ordinance controls a particular
matter, the provision that is more restrictive upon uses and structures shall apply. The
provisions of this Ordinance are in addition to any other applicable Borough Ordinance.

105.B. **Uses Not Specifically Regulated.** If a use clearly is not permitted by right, or as a special
exception use by this Ordinance within any Zoning District, the use is prohibited, except that
the Zoning Hearing Board may permit such use as a special exception use if the applicant
specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the
following conditions would be met:
1. the proposed use would be equal or less intensive in external impacts and nuisances than
uses that are permitted in the District,
2. the proposed use would be closely similar in character to uses permitted in that District,
considering the same standards as are listed in Section 805.F.3.,
3. the use would meet the standards that would apply under Section 116.C. to a special
exception use, and
4. the use is not specifically prohibited in that District.

105.C. Interpretation of Ordinance Text and Boundaries.

1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Borough Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.

2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111.

105.D. Undefined Terms/ Interpretation of Definitions. See Section 201.

105.E. Interpretation of Zoning Boundaries. See Section 304.

106. ENFORCEMENT, VIOLATIONS AND PENALTIES.

106.A. Violations. Any person or entity that commits or permits any of the following actions shall have violated this Ordinance:

1. Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof.

2. Placement of false statements on or omitting relevant information from an application for a zoning permit.

3. Undertaking any action in a manner which does not comply with a zoning permit.

4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval.

5. Violation of any condition imposed by a decision of the Borough Council in granting a conditional use.

106.B. Causes of Action; Enforcement; Remedies.

1. Enforcement. If it appears to the Borough that a violation of this Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.

2. Enforcement Notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state the following, at a minimum:

   a. The name of the owner of record and any other person against whom the municipality intends to take action.

   b. The location of the property in violation.

   c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Zoning Ordinance.
d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed. Unless otherwise stated in the enforcement notice, the property must come into compliance within 30 days after the date of receipt of the notice.

e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the Ordinance. (Note - See Section 111.E. of this Ordinance and Section 914.1 of the Pennsylvania Municipalities Planning Code.)

f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

3. **Evidence: Fees.** In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

4. **Causes of Action.** If the enforcement notice is not complied with, within the specified time period, the Zoning Officer shall notify Borough Council. With the consent of Borough Council, the Zoning Officer, Borough Solicitor or other officer of the Borough may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. (Note - Section 617 of the PA. Municipalities Planning Code also addresses actions by other parties.)

5. **Violations and Penalties.** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Borough. Imprisonment shall not be authorized by this Ordinance.

107. **FEES.** A Borough fee schedule for permits and applications may be established and amended by written resolution of Borough Council. No application or appeal shall be considered filed until all fees are paid.

108. **AMENDMENTS TO THIS ORDINANCE.** Within the requirements of the PA. Municipalities Planning Code, Borough Council may amend, or repeal any or all portions of this Ordinance on 1)
109. CURATIVE AMENDMENTS. A landowner or Borough Council may utilize the "curative amendment" provisions of the PA. Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 609.1, 609.2 and 916.1 of such Act.)

110. ZONING OFFICER.

110.A. Appointment. The Zoning Officer shall be appointed by Borough Council. The Borough Manager may designate other persons to serve as Assistant Zoning Officer(s). Such designations shall be subject to concurrence by Borough Council. Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Borough, but may hold other appointed offices.

110.B. Duties and Powers. The Zoning Officer's duties and powers shall include the following:
1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
3. keep records of applications, permits, certificates, written decisions, and variances granted by the Board, and of enforcement orders, with all such records being the property of the Borough and being available for public inspection;
4. review proposed subdivisions and land developments for compliance with this Ordinance; and
5. take enforcement actions as provided by the PA. Municipalities Planning Code, as amended.

111. ZONING HEARING BOARD ACTIONS AND VARIANCES.

111.A. Membership of Board. The Zoning Hearing Board shall consist of 3 residents of the Borough appointed by Borough Council. The existing terms of office shall continue, with terms of office being 3 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Borough.
1. Alternate Members. Borough Council may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the PA. Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).

111.B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.

111.C. Organization. The applicable provisions of the PA. Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).

111.D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
1. Appeal of a Decision by the Zoning Officer.
2. **Challenge to the Validity of the Ordinance or Map.** The applicable provisions of the PA. Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).

3. **Variance.**
   a. The Board shall hear requests for variances filed with the Borough Staff in writing.  
   b. Standards. The Board may grant a variance only within the limitations of State law.  
      (Note: As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:  
      i) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;  
      ii) 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 a variance is therefore necessary to enable the reasonable use of the property;  
      iii) Such unnecessary hardship has not been created by the appellant;  
      iv) 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  
      v) 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.)  
   c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

4. **Special Exception.**  
   a. The Board shall hear and decide requests for all special exceptions filed with the Borough Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.  
   b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.

5. **Persons With Disabilities.** After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are necessary to provide a "reasonable accommodation" under applicable Federal law to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
such reasonable accommodations shall be requested in accordance with the United States Fair Housing Amendments Act of 1988, or the Americans with Disabilities Act.

b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person with a protected disability no longer will be present on the property.

6. The Zoning Hearing Board shall also hear any other matters as set forth in the PA. Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)

111.E. Time Limits for Appeals. The applicable provisions of the PA. Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)

111.F. Stay of Proceedings. The Stay of Proceedings provisions of the PA. Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)

111.G. Time Limits on Permits and Approvals.

1. Unless otherwise provided by the Zoning Hearing Board or Borough Council in a decision granting approval, after a variance is approved or other zoning approval is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by such permits shall then be completed within 12 months after the issuance of the permits.

2. Extension. Unless otherwise provided by the Zoning Hearing Board or Borough Council in a decision granting approval, in response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 36 months after permits are issued.

3. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer may conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this Ordinance and may consider all such approvals and permits to have become null and void.

112. BOARD HEARINGS AND DECISIONS. The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Ad. Public notice shall be published, as defined by Section 107 of the PA. Municipalities Planning Code. (Note - As of the adoption date of this Ordinance, Public Notice was defined as follows: 'Notice published once each week for two successive weeks in a
newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication not less than 7 days from the date of the hearing.

2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Borough Staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.

3. Persons Given Notice. The Borough shall provide written notice to the Applicant of the time and place of the hearing. The Borough should also provide notice to the President of Borough Council. In addition, the Borough should provide notice to the last known principal owner of record of each property that is immediately adjacent to or immediately across a street from the subject property, however, failure to provide such notice shall not be grounds for an appeal. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.

112.B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.

112.C. Decision/Findings.

1. The Board shall comply with the time period established in Section 908(1.2) of the Municipalities Planning Code, as amended, for the scheduling of hearings.

2. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.

3. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.

4. References shall be provided to the most pertinent section(s) of this Ordinance and/or the PA. Municipalities Planning Code, as amended.

112.D. Notice of Decision. A copy of the final decision shall be personally delivered or mailed to the applicant or his/her representative or their last known address not later than the time limit established by the PA. Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).

112.E. State Law. See also Section 908 of the PA. Municipalities Planning Code.

113. Appeals to Court. The provisions for appeals to court that are stated in the PA. Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)
114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See the provisions of the PA. Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)

115. **LIMITED BOROUGH AND MUNICIPAL AUTHORITY EXEMPTION.** The minimum lot area, minimum lot width and minimum street frontage requirements of this Ordinance shall not apply to uses or structures owned by North York Borough or by a municipal authority created solely by North York Borough for uses and structures that are intended for a public utility, stormwater, recreation, or public health and safety purpose.

116. **SPECIAL EXCEPTION USE PROCESS.**

116.A. **Purpose.** The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

116.B. **Special Exception Procedure.**
   1. See submission provisions in Section 103.
   2. All Site Plans shall contain the information required in Section 103.D.
   3. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this Ordinance.
   4. The Board shall follow the procedures provided in Section 112.

116.C. **Consideration of Special Exception Applications.** When special exceptions are provided for in this Ordinance, the Board shall hear and decide requests for such special exceptions in accordance with stated standards and criteria for the use and the following standards for special exceptions. The burden of proof shall rest with the applicant.

   1. **Compliance with this Ordinance.** The applicant shall establish by credible evidence compliance with all requirements upon the use that are established by this Ordinance. The applicant shall provide the Zoning Hearing Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

   2. **Compliance with Other Requirements.** Will not clearly be in conflict with other Borough Ordinances or State or Federal laws or regulations known to the Zoning Hearing Board. The Board may condition zoning approval upon future proof of compliance with another ordinance, law or regulation.

   3. **Transportation.** The traffic generated by the subject of the application shall be accommodated in a safe and efficient manner, after considering any improvements that the applicant commits to complete or fund. The applicant shall show that the use will not result in or substantially add to a significant traffic hazard, significant traffic congestion or a significant pedestrian safety hazard.

   4. **Neighborhood.** The proposed use shall not significantly negatively impact upon the desirable character of an adjacent established residential neighborhood, such as causing substantial amounts of heavy truck traffic to travel through a residential neighborhood, or a significant odor or noise nuisance or very late night/ early morning hours of operation, without proper safeguards.
5. **Site Planning.** The applicant shall establish by credible evidence that the proposed use will be properly designed with regard to internal circulation, driveway access, site layout, parking layout, buffering, and all other elements of proper site design.

6. **Safety.** The applicant shall establish by credible evidence that the proposed use will not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

116.D. **Conditions.** In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. **LIABILITY.**

117.A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Borough shall not constitute a representation, guarantee or warranty of any kind by the Borough, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.

117.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Borough shall not be liable for any later lawful withdrawal of such permit.

118. **CONDITIONAL USE PROCESS.**

118.A **Purpose.** The conditional use approval process is designed to allow Borough Council the opportunity to review and render a decision upon certain activities and uses that could have a significant impact upon the Borough.

118.B **Procedure.** Applications for conditional use approvals shall meet all requirements in the Sections of this Ordinance which authorize such conditional use. Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the Municipalities Planning Code.

118.C **Consideration of Conditional Use Application.** When a conditional use is provided for in this Ordinance, Borough Council shall hear and decide requests for such conditional uses in accordance with the applicable standards and criteria for the use and the following standards. Borough Council may grant approval of a conditional use provided that the applicant complies with all of the applicable standards and criteria. The burden of proof shall rest with the applicant.

118.D **Conditions.** Borough Council in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.
1. **Compliance with this Ordinance.** The applicant shall establish by credible evidence that the application will comply with all requirements upon the use that are established by this Ordinance. The applicant shall provide Borough Council with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

2. **Compliance with Other Requirements.** The application shall not clearly be in conflict with other Borough Ordinances or State or Federal laws or regulations known to Borough Council. Borough Council may condition zoning approval upon future proof of compliance with another ordinance, law or regulation.

3. **Transportation.** The applicant shall establish by credible evidence that the traffic generated by the subject of the application will be accommodated in a safe and efficient manner, after considering any improvements that the applicant commits to complete or fund. The applicant shall show that the use will not result in or substantially add to a significant traffic hazard, significant traffic congestion or a significant pedestrian safety hazard.

4. **Neighborhood.** The applicant shall establish by credible evidence that the proposed use will not significantly negatively impact upon the desirable character of an adjacent established residential neighborhood, such as causing substantial amounts of heavy truck traffic to travel through a residential neighborhood, or a significant odor or noise nuisance or very late night/early morning hours of operation, without proper safeguards.

5. **Site Planning.** The applicant shall establish by credible evidence that the proposed use will be properly designed with regard to internal circulation, driveway access, site layout, parking layout, buffering, and all other elements of proper site design.

6. **Safety.** The applicant shall establish by credible evidence that the proposed use will not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
ARTICLE 2
DEFINITIONS

201. GENERAL INTERPRETATION. For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

A. Words in the present tense shall include the future tense.
B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
D. "Sale" shall also include rental.
E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
F. Any word or term not defined in this Ordinance shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary should be consulted.
G. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

202. TERMS DEFINED. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use or structure, and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Bookstore. An establishment in which over 10 percent of the total floor area is occupied by books, films, periodicals and video tapes which are distinguished by a clear emphasis on displaying uncovered male or female genitals or "specified sexual activities" or by paraphernalia or novelties related to specified sexual activities and which items are offered for sale, rent or receipt of coins or
tokens. If such items are within a room(s) that is restricted to persons age 18 or older, then this
definition shall apply to any establishment in which over 10 percent of the floor area is within such
restricted room(s).

Adult Day Care Center. A use providing supervised care and assistance primarily to persons who
are over age 60 and/or mentally retarded and/or physically handicapped who need such daily
assistance because of their limited physical abilities, Alzheimers disease, mental abilities or mental
retardation. This use shall not include persons who need oversight because of behavior that is
criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a
residential use. The use shall involve typical stays of less than a total of 60 hours per week per
person.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which
may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or
others) displaying uncovered male or female genitals or nude or almost nude female breasts or
engaging in simulated or actual "specified sexual activities" related to some form of monetary
compensation paid to a person or entity involved in such activity or establishment.

Adult Movie Theater. A use involving the presentation to 3 or more persons at one time in a room
of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an
emphasis on depiction of "specified sexual activities" for observation by such persons and that is
related to some form of monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall include any of the following uses: Adult Bookstore, Adult Movie
Theater, Massage Parlor or Adult Live Entertainment Facility.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more
unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary
compensation paid by such persons for the alcohol or for the use of the premises.

Alley. For the purposes of the Zoning Ordinance, shall mean a vehicle right-of-way having a
maximum right-of-way width of 20 feet and that usually provides secondary access to the side or
rear of 1 or more lots, and which is not intended for through traffic.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving
electronic signals or for transmitting short-wave or citizens band radio frequencies. This shall
include antennae used by an amateur ham radio operator or by a contracting business or utility to
communicate with its employees, but shall not include a "Commercial Communications Antenna."
This term includes any accessory supporting structures.

Apartment. See "dwelling types."

Applicant. A landowner or developer, as defined by the PA. Municipalities Planning Code, who
has filed an application for development. The term shall include his/her heirs, successors and
assigns.
**Assisted Living Facility.** Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

**Auto, Boat and/or Mobile/Manufactured Home Sales.** An area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard.

**Auto Repair Garage.** An area where repairs, improvements and installation of parts and accessories for motor vehicles, recreational vehicles, trailers and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage."

**Auto Service Station.** An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station.

**Basement.** An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of 7 feet or greater and b) the top of the ceiling of the basement is an average of 5 or more feet above the finished grade along the majority of the front side of the building that faces onto a street.

**Bed and Breakfast Inn.** A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family.

**Boarding House (Includes "Rooming House").** A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit that includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, assisted living center, bed
and breakfast inn, group home or nursing home. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.


Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing the maximum land area in square feet of all principal and accessory buildings by the total lot area of the lot upon which the buildings are located.

Building Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of 1 building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Cartway. The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

Church. See "Place of Worship."

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system or for cellular telephone communications. See Section 402.

Commercial District. The NC and MU Zoning Districts.
Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Conditional Use. A use that is only allowed under this Ordinance if conditional use approval is obtained. Conditional use approval shall be required from Borough Council, after the Planning Commission is provided an opportunity for a review.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Crafts or Artisan's Studio. A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a Home Occupation, provided the requirements for such use are met.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives", 2) care of children within a place of worship during regularly scheduled religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.

B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.

C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*

D. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not meet the definition
of a Group Day Care Home, and 3) is registered with the applicable State agency.* See Section 402.

* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Public Welfare.

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or Zoning District). A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory.

Dwelling Types. This Ordinance categorizes dwellings into the following types:

A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Article 8.

B. Apartments (also known as "Multi-Family Dwellings"). Three or more dwelling units within a building that do not meet the definition of a single family detached dwelling, two family dwelling, single family semi-detached dwelling or single family attached dwelling (townhouse). The individual dwelling units may be leased or sold for condominium ownership.

C. Sectional or "Modular" Home. A type of dwelling that meets a definition of a dwelling type other than a "manufactured/mobile home," and which is substantially produced in two or more major sections off the site and then is assembled and completed on the site. Unlike a manufactured/mobile home, a sectional home is supported structurally by its exterior walls and rests on a permanent foundation. This Ordinance does not regulate whether or not a building involves sectional construction.

D. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open yard areas on all sides. A single family detached dwelling may be a mobile/manufactured home.

1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable, b) which is intended for permanent occupancy, c) which is contained in a single unit, or two substantial units designed to be joined into one integral unit capable of again being separated for repeated, d) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and
assembly operations, and e) is constructed so that it may be used with or without a permanent foundation. The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "Sectional home," which is defined above. See standards in Section 402.

E. Single Family Semi-Detached Dwelling (also known as a "Twin Dwelling Unit"). One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.

F. Two Family Dwelling - Two dwelling units in one building, which are detached from other dwellings, and which does not meet the definition of a Single Family Semi-Detached Dwelling. In most cases, this involves one dwelling unit located above a second dwelling unit.

G. Single Family Attached Dwelling (also known as a "Townhouse or Rowhouse"). One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.
dwelling types sketches
Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. Unless approved as a "Unit for Care of Relative," a dwelling unit shall not include either or both of the following: a) two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, or b) two separate and distinct sets of kitchen facilities.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. A Membership Club may be included if it is a permitted use in that District. This use may include housing for emergency personnel while on-call.

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

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary, appropriate and accessory to the character of the area in which they are to be located. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or a maximum of 3 unrelated individuals who maintain a common household and live within one dwelling unit. A dwelling unit shall be occupied by a maximum of one family. Also, a family shall expressly include numbers of unrelated persons allowed by the Group Home provision of Section 402 residing within an approved Group Home or as approved under Section 111.D.5.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete or similar materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. See Section 403.

Financial Institution. An establishment primarily involved with monetary, not material, transactions and that has routine interactions with the public.

Floodplain. See definitions of Floodplain and related terms in the Floodplain Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed porches, decks or breezeways.
Garage Sale. The accessory use of any lot for the occasional sale or auction of common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

Government Facility, Other than Borough-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by North York Borough. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to old age, long-term illness or emotional, developmental, mental or physical disability. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.
A. Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
B. A Group Home shall not include a "Treatment Center.
C. See standards in Section 402.

Height. The vertical distance measured from the average elevation of the proposed ground level along the front of the structure to the highest point of a structure. For a building with a defined and pitched roof, an area equal to 20 percent of the building coverage may exceed the maximum height by 10 feet to provide for the roof peak, provided such 20 percent is not occupied by persons. See exemptions for certain types of structures in Section 802. Note - This definition may allow one additional "story" to be exposed in the rear of a building compared to the maximum number of stories visible in the front of a building. For height of signs, see Article 7 entitled "Signs."

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the Home Occupation requirements of Section 403. A Light Home Occupation shall be a Home Occupation that meets the additional requirements for a Light Home Occupation stated in Section 403. A Light Occupation includes, but is not limited to, a "No Impact Home Occupation" as defined by the Pennsylvania Municipalities Planning Code. A General Home Occupation shall be a Home Occupation that does not meet the requirements for a Light Home Occupation.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A separate medical care use (such as an outpatient surgery center) that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.
Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such use(s) is not the principal use of the property.

Impervious Coverage. The percentage of the lot area covered by concrete, bituminous asphalt, roofs and similar man-made surfaces that have a coefficient of runoff of 0.85 or greater. For the purposes of determining compliance with the impervious coverage limits in this Zoning Ordinance, any stone surfaces used for motor vehicle parking and movement shall be considered to be impervious. The water surface of a swimming pool shall not be considered impervious.

Industrial District. The LIC Light Industrial-Commercial zoning district.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials. Junk shall not include: a) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations, b) toxic wastes, c) grass clippings, leaves, tree limbs or similar yard waste materials, or d) items clearly awaiting imminent recycling at an approved recycling facility.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:
A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
B. cannot be towed, in regards to a trailer designed to be towed,
C. has been demolished beyond repair,
D. has been separated from its axles, engine, body or chassis, and/or
   E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

Junkyard. A. Land or a structure used for the collection, storage, dismantling, processing and/or sale (other than within a completely enclosed building) of material of 1 or more of the following types:
1. "Junk" covering 5,000 or more square feet of land area.
2. Three or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles allowed to be stored within the requirements of Section 402 for an auto repair garage or auto service station.
3. One or more mobile/manufactured homes that are not in a habitable condition.
B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
C. The term junkyard includes a metal scrap yard or auto salvage yard.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Keeping of Pets" provisions of this Ordinance. A kennel may also serve other animals.
Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 12 months) or authorized officers of a partnership or corporation that is a "landowner."

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock (and Poultry), Raising of. The raising and keeping of livestock or poultry beyond what is allowed under the "Keeping of Pets" section of Section 403. Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. A "lot" may or may not coincide with a lot of record and includes one or more adjacent pieces, parcels or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots bisected by public or private streets. The area and depth of a lot shall be measured to the legal right-of-way line of the street. See Section 803 concerning frontage onto a street.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area in this Zoning Ordinance, the following shall be excluded:

A. Areas within street rights-of-way that will exist at the time of completion of a development of any proposed or existing public streets or alleys.
B. Areas within any proposed or existing commonly maintained private streets that serve more than 1 lot. (Note - other sections of this Ordinance may specifically permit proposed streets to be included in determining maximum density for a specific use.)
C. Areas that are currently or will be required to be dedicated as common open space on a separate lot. (Note - other sections of this Ordinance may specifically permit proposed common open spaces to be included in determining maximum density for a specific use.)

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development. See also definitions under "Yard."

A. Front Lot Line (Street Line). A lot line separating the lot from the street right-of-way. See Section 803.B. concerning corner lots.
B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd
shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot
line.
C. Side Lot Line. Any lot line other than a front or rear lot line.
Sample Lot Line Configurations - The abbreviations below correspond to:

a = Front Lot Line
b = Rear Lot Line
c = Side Lot Line
d = Front Lot Line required to meet Section 803.B.

SKETCH OF LOT LINES

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall.

Massage. The performance of manipulative exercises using hands on a person by another person(s) that is related to monetary compensation, and which does not involve persons who are "related" to each other.

Massage Parlor. An establishment that meets all of the following criteria:
A. "Massages" are conducted below the waist within private rooms.
B. The use does not meet the definition of "Massage Therapy, Certified" and the person conducting the massage is not licensed as a health care professional by the State.
C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.
D. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

Massage Therapy, Certified. A use involving performance of "massages" by a person licensed or certified by the State as a massage therapist or certified by a recognized national or statewide professional organization that requires over 60 hours of professional training. This use shall be considered a type of "personal service."
SKETCH OF LOT TERMS
Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
B. See Section 402. See also "After Hours Club."

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Lot. A space that may be designated around individual mobile/manufactured homes within a mobile/manufactured home park.

Mobile/Manufactured Home Park. A lot under single ownership which includes spaces for 2 or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile/manufactured home park." See Section 402.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.


Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, as amended. See Section 805.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in
existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 402.
Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

Official Zoning Map. The map as adopted by Borough Council which designates the location and boundaries of zoning districts.

Open Space, Common. A parcel or parcels of land within a tract which meets all of the following standards:

A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
B. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
C. will be deeded to the Borough and/or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation, and
D. does not use any of the following areas to meet minimum open space requirements:
   1) existing street rights-of-way,
   2) vehicle streets or driveways providing access to other lots,
   3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation),
   4) off-street parking (other than that clearly intended for noncommercial recreation),
   5) area(s) needed to meet a requirement for an individual lot,
   6) for land intended to be open to the public, that does not have provisions for entry with a 20 foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street,
   7) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of Borough Council would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
   8) portions of land that have a width of less than 25 feet.

Ordinance, This. The North York Borough Zoning Ordinance, including the Official Zoning Map, as amended.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.
Personal Care Home or Center, Shall mean "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 403.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Planning Commission. The Planning Commission of North York Borough, unless otherwise stated.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Public Notice. Notice required by the PA. Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, for a Zoning Hearing Board hearing or an amendment to this Ordinance, such Act required a legal advertisement published once each week for 2 successive weeks in a newspaper of general circulation in the Borough, which states that time and place of a meeting/hearing and the particular nature of the matter to be considered. The first publication shall not be more than 30 days and the second publication not less than 7 days from the meeting/hearing date.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public.

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests. "Publicly Owned Recreation" is a distinctly different use from "Indoor Recreation" or "Outdoor Recreation".

A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.

B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving
range, miniature golf course, amusement park and similar uses. This term shall not include any
use listed separately as a distinct use by Section 306, such as a firearms target range.

**Recycling Collection Center.** A use for collection, separation and temporary storage of more than
500 pounds of common materials found in the typical household or office for recycling for some
productive reuse. This use shall not involve processing or recycling, other than routine sorting,
bailing and weighing of materials. This term shall not include the storage of less than 500 pounds of
household recyclables and their customary collection, which is permitted by right accessory use in
all zoning districts, without additional regulations. A recycling collection center is also permitted
by right accessory use to a public or private primary or secondary school, a place of worship, a
Borough-owned use or an emergency services station. This term shall not include a "junkyard" and
shall not include storage or processing of hazardous or toxic substances. This term shall not
include processing of solid waste that is not being recycled.

**Related or Relative.** Persons who are related by blood, marriage, adoption or formal foster relation-
ship to result in one of the following relationships: spouse, brother, sister, parent, child,
grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-
law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include
relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

**Repair Service.** Shops for the repair of appliances, watches, guns, bicycles and other household
items.

**Residential Accessory Structure (includes "Building") or Use.** A use or structure that is clearly
accessory, customary and incidental to a principal residential use on a lot, including the following
uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage
Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse,
Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household
garage or storage shed that is accessory to a dwelling, except as may be allowed as a home
occupation.

**Residential District.** The R-1 and R-2 Zoning Districts.

**Residential Lot Lines.** The lot line of a lot that: 1) contains an existing primarily residential use, or
b) is undeveloped and zoned as a Residential District.

**Restaurant.**
A. An establishment that sells ready-to-consume food or drink and that routinely
involves the consumption of at least a portion of such food on the premises.
B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is
the majority of the total trade, the requirements of a "tavern" as applicable must be met.
C. See "Drive-Through Service" in this section.

**Retail Store.** A use in which merchandise is sold or rented to the general public, but not including
the following: sales of motor vehicles or boats, adult movie theater, adult bookstore,
manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any
restaurant.

**Right-of-Way.** An area or strip of land which is reserved for use by or as a street or by one or more
utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street
Right-of-Way that will exist after completion of a subdivision or development, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Borough or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

Sectional Dwelling. See under "Dwelling Units."

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback. The horizontal distance between a setback line and a property line.

A. Setback, Front. The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

B. Setback, Side. The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

C. Setback, Rear. The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

Setback Line. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.

A. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in Section 803.B.

B. Unless otherwise stated, setback distances are for both accessory and principal structures.

C. Private Streets. For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.
Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Sections 711 and 703. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. The square footage of a sign. The method of measuring Sign Area is provided in Section 711.

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

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located. This term includes signs that are commonly referred to as "billboards."

Sign, Wall. A sign primarily supported by or painted on a wall of a building and which does not project more than 2 feet from such wall.

Sign, Window. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Sexual Activities. One or more of the following:
A. Human male genitals in a visible state of sexual stimulation.
B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
C. Fondling or other erotic touching of human genitals. See definition of "Adult Use."


Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 7 feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than 7 feet shall be considered a "half-story."
Street. A public or private thoroughfare which provides the principal means of vehicle access to 3 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably. Streets shall be classified as “Arterial Streets,” “Collector Streets” and “Local Streets.”

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a differing setback is established for that particular type of structure by this Ordinance.

Subdivision. The definition in the Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The North York Borough Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests. See Section 403.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tavern. A place where alcoholic beverages are the majority of the total trade and which does not meet the definition of an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage. The storage of used tires on a lot that are not attached to vehicles. See "Outdoor Storage" in Section 403.

Townhouse. See "Dwelling Types."

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, adult vocational or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Treatment Center. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of: A. criminal rehabilitation, such as a criminal halfway house; B. current addiction to alcohol or a controlled substance that was used in an illegal manner; and/or C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
See standards in Section 402.

**Unit for Care of Relative.** A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

**Unregistered Vehicle.** Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker (except for antique vehicles exempted from safety sticker requirements under State regulations). The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

**Use.** The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

**Variance.** The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code. See Section 111.

**Wall.** See "Fence."

**Warehouse.** A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

**Wetlands.** An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

**Yard.** The open areas of a lot that are not occupied by a building, except as allowed by Section 803.B.

A. **Front Yard.** The open unoccupied space on the same lot with the building extending the full width of the building projected to the sidelines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

B. **Rear Yard.** The open unoccupied space on the same lot with the building extending the full width of the dwelling projected to the side lot lines of the lot. The depth of the rear yard shall be measured between the rear line of the building and the rear lot line.

C. **Side Yard.** The open unoccupied space on the same lot with the building, situated between the building and the side lot line, and extending from the front yard to the rear yard. Any lot line not a front lot line or a rear lot line shall be deemed a side lot line. See Corner Lot provisions in Section 803.D.

**Zoning Map.** The Official Zoning Map of North York Borough, York County, Pennsylvania.
Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The North York Borough Zoning Ordinance, as amended.
ARTICLE 3
DISTRICTS

301. DESIGNATION OF DISTRICTS AND PURPOSES.

A. For the purposes of this Ordinance, North York Borough is hereby divided into the following zoning districts, with the following abbreviations:

- R1 Low Density Residential District
- R2 Medium Density Residential District
- NC Neighborhood Commercial/Residential District
- MU Mixed Use District
- LIC Light Industrial Commercial District

B. For the purposes of this Ordinance, the zoning districts named in this Section shall be of the number, size, shape and location shown on the "Official Zoning Map."

C. Overlay Districts. The Floodplain Area, as defined by Article 5, shall serve as an overlay district to the applicable underlying districts.

D. Purposes of Each District. In addition to the overall purposes and objectives of this Ordinance and the Comprehensive Plan, the purposes of each zoning district are summarized below:

1. R1 - Low Density Residential District. To provide for low density residential neighborhoods; to protect these areas from incompatible uses; to encourage neighborhood stability.

2. R2 - Medium Density Residential District. To provide for medium density residential neighborhoods, with a mix of housing types; to protect these areas from incompatible uses; to encourage "one home on one lot" (which may be attached to another home) in order to promote home ownership and neighborhood stability; and to make sure that infill development is consistent with neighboring development.

3. NC - Neighborhood Commercial/Residential District. To promote pedestrian-oriented commercial activities; to promote an appropriate mix of retail, service, office, public, institutional and residential uses; to avoid heavy motor vehicle-related commercial uses that are most likely to conflict with nearby homes and the pedestrian-orientation, and which are most likely to cause demolition of historic buildings; and to primarily provide for smaller-scale uses that utilize existing buildings, as opposed to uses that would involve substantial demolition.

4. MU - Mixed Use District. To provide for a range of business uses and some institutional and residential uses that would be compatible with the surrounding neighborhood, and that would allow reuse of existing buildings.

5. LIC - Light Industrial Commercial District. To provide for a range of light industrial uses; to recognize that there are no appropriate locations within the Borough for the heaviest types of industrial uses, because of the proximity of homes to all areas of the Borough, the locations of the creek, the importance of preserving historic buildings, the congestion of the street system and the very limited amounts of undeveloped land; and to
North York Borough Zoning Ordinance of 2003

carefully control the types of industrial operations to avoid nuisances (such as excessive noise) and hazards.

302. APPLICATION OF DISTRICT REGULATIONS.

A. The regulations set in this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.

B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations in this Ordinance specified for the use and district in which it is located.

C. 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. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

D. Boundary Change. Any territory which may hereafter become part of the Borough through annexation or a boundary adjustment shall be classified as the R1 zoning district of North York Borough until or unless such territory is otherwise classified by Borough Council.

303. ZONING MAP.

A. A map entitled “North York Borough Zoning Map” is appended to the Zoning Ordinance and is declared a part of this Ordinance. The Official Zoning Map of the Borough with the words “Official Zoning Map” shall be retained in the Borough Offices.

B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the PA. Municipalities Planning Code, as amended.

C. Replacement Map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Borough Council may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. DISTRICT BOUNDARIES. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Official Zoning Map.

A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, creeks, railroads and lot lines as they existed at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.

C. The location of a district boundary that divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. SETBACKS AND BUFFERS ACROSS MUNICIPAL BOUNDARIES.

A. Intent. To continue the objective of compatible land uses across municipal boundaries.

B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within North York Borough regardless of whether such abutting existing dwelling or primarily residential zoning district is located in an abutting municipality and/or in North York.

306. TABLE OF PERMITTED USES BY DISTRICT.

A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Permitted by right use (zoning decision by Zoning Officer)</td>
</tr>
<tr>
<td>SE</td>
<td>Special exception use (zoning decision by Zoning Hearing Board)</td>
</tr>
<tr>
<td>C</td>
<td>Conditional use (zoning decision by Borough Council)</td>
</tr>
<tr>
<td>N</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>(S. 402)</td>
<td>See Additional Requirements in Section 402</td>
</tr>
<tr>
<td>(S. 403)</td>
<td>See Additional Requirements in Section 403</td>
</tr>
</tbody>
</table>

B. Unless otherwise provided by law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in the following Sections 306.B.1 and 306.B.2 as allowed in the zoning district where the land or structure is located. Except as provided in Section 105.B., any use that is not specifically listed as P, C or SE in the applicable district in this Section 306 is prohibited in that district. Any use shall only be permitted if it complies with all other requirements of this Ordinance.

This table of uses was prepared to carry out the Manchester Township- North York Borough Joint Comprehensive Plan.

Section 306.B.1 addresses primarily Residential zoning districts, while Section 306.B.2 addresses primarily Business zoning districts.

For temporary uses, see Section 103.

See Section 801.B. regarding number of uses and buildings per lot.
### 306.B.1. USES ALLOWED IN EACH ZONING DISTRICT

#### TYPES OF USES

(See definitions in Article 2)

**a. RESIDENTIAL USES**
- Single Family Detached Dwelling
  - (Manufactured/mobile homes shall meet the additional requirements of Section 402)
- Single Family Semi-Detached (also known as a side-by-side "Twin Dwelling Unit"), with each new dwelling unit on its own lot
- Single Family Attached Dwelling (also known as a Townhouse or Rowhouse) (S. 402)
  - Two Family Dwelling
  - Apartments (S. 402) (also known as "Multi-Family dwellings"), which may involve conversions of non-residential building space that existed prior to the adoption of this Ordinance into apartments, but which shall not include conversions of an existing one family dwelling into two or more dwelling units
  - Manufactured/Mobile Home Park (S. 402)
  - Boarding House (includes Rooming House) (S. 402)
  - Group Home (S.402) within a lawful existing dwelling unit under the lot standards for a dwelling unit, not including a Treatment Center
  - Conversion of an Existing One Family Dwelling to Result in Two or More Dwelling Units
    - (See also “Unit for Care of Relative” under Accessory Uses)

**b. COMMERCIAL USES**
- Adult Use (S. 402)
- After Hours Club (S. 402)
- Amusement Arcade
- Auto Repair Garage or Service Station (S. 402)
- Auto, Boat or Mobile/Manufactured Home Sales (S. 402)
  - (this use may also include recreational vehicle sales)

---

* = Such dwellings shall only be allowed in the MU District if they are within a residential subdivision or land development including a minimum tract size of one acre. This minimum tract size may be subdivided into smaller lots in conformance with Section 307.

** = Within the MU district, apartments shall only be permitted by right if they are limited by deed and by lease to occupancy by persons age 55 and older and their spouses, and with no resident children under age 18.

*** = Apartments shall only be allowed in a building that also includes an allowed principal commercial or institutional use.

P = Permitted by right (zoning decision by Zoning Officer)
C = Conditional use (zoning decision by Borough Council)
SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(S. 402) = See Additional Requirements in Section 402  (S. 403) = See Additional Requirements in Section 403
### TYPES OF USES

#### ZONING DISTRICTS

(See definitions in Article 2)

<table>
<thead>
<tr>
<th>Commercial Uses (Cont.)</th>
<th>PERMITTED</th>
<th>CONDITIONAL</th>
<th>SPECIAL EXCEPTION</th>
<th>NOT PERMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast Inn (S. 402)</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beverage Distributor, which may include retail and/or wholesale sales</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car Wash (S. 402)</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catering, Custom, for Off-Site Consumption</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Commercial Communications Antennae/Tower (S. 402)</td>
<td>SE</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- In compliance with Section 402.A.11.a. pertaining to accessory antenna on non-residential structures (such as church steeples)</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>- Adjacent to an existing fire or ambulance company station</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>- Other, such as a freestanding tower</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Conference Center</td>
<td>N</td>
<td>N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Company or Tradesperson’s Headquarters (including but not limited to landscaping, janitorial pest control contractor; See also as Home Occupation). Accessory outdoor storage shall be permitted provided it meets the plant screening requirements of Sections 803 and 804 and is limited to a rear yard in the NC District.</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Crafts or Artisan’s Studio (see also as Home Occupation under accessory uses)</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Custom Printing, Photocopying, Faxing, Mailing or</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Courier Service</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Exercise Club</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Financial Institution (S. 402; includes banks), with any “Drive-through” facilities meeting Section 403</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Flea Market / Auction House</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funeral Home (S. 402). See crematorium as a separate use</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Gas Station - See &quot;Auto Repair Garage or Auto Service Station&quot;</td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
</tbody>
</table>

- **P** = Permitted by right (zoning decision by Zoning Officer)
- **C** = Conditional use (zoning decision by Borough Council)
- **SE** = Special exception use (zoning decision by Zoning Hearing Board)
- **N** = Not permitted
- **(S. 402)** = See Additional Requirements in Section 402
- **(S. 403)** = See Additional Requirements in Section 403
(See definitions in Article 2)

**b. COMMERCIAL USES (Cont.)**

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouse, Garden Center or Plant Nursery</td>
<td>N</td>
</tr>
<tr>
<td>Hobby / Trade School</td>
<td></td>
</tr>
<tr>
<td>Kennel (S. 402)</td>
<td></td>
</tr>
<tr>
<td>Laundromat</td>
<td>N</td>
</tr>
<tr>
<td>Laundry, Commercial or Industrial</td>
<td></td>
</tr>
<tr>
<td>Lumber Yard</td>
<td></td>
</tr>
<tr>
<td>Massage Therapy, Certified - See “Personal Services”</td>
<td></td>
</tr>
<tr>
<td>Motel or Hotel (S. 402)</td>
<td>N</td>
</tr>
<tr>
<td>Office (See also &quot;Home Occupations&quot; under accessory uses)</td>
<td>N</td>
</tr>
<tr>
<td>Outdoor Storage and Display (S.402) as a principal use, including tire storage</td>
<td>N</td>
</tr>
<tr>
<td>Pawn Shop</td>
<td></td>
</tr>
<tr>
<td>Personal Services (includes tailoring, custom dressmaking,</td>
<td>N</td>
</tr>
<tr>
<td>haircut/styling, drycleaning, shoe repair, “massage therapy, certified” and closely similar uses) (See also Home Occupation)</td>
<td>N</td>
</tr>
<tr>
<td>Recreation, Indoor (S. 402) (includes bowling alley, roller or ice skating, batting practice and closely similar uses; other than uses listed separately in this Section 306)</td>
<td>N</td>
</tr>
<tr>
<td>Recreation, Outdoor (including miniature golf course, golf driving range, amusement park, private picnic groves and closely similar uses; other than uses listed separately in this Section 306)</td>
<td>N</td>
</tr>
<tr>
<td>Repair Service, Household Appliance</td>
<td></td>
</tr>
<tr>
<td>Restaurant (S. 402) with drive-through service (S. 403)</td>
<td>N</td>
</tr>
<tr>
<td>Restaurant (S. 402) or Banquet Hall, without drive-through service</td>
<td>N</td>
</tr>
<tr>
<td>Retail Store (other than uses listed separately in this Section 306)</td>
<td>N</td>
</tr>
<tr>
<td>Self-Storage Development - See under Industrial Uses</td>
<td></td>
</tr>
</tbody>
</table>

** = Limited to indoor sales and display, except for clearly customarily accessory activities, such as sidewalk sales. Such use shall not include the sale of gasoline or propane.

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(S. 403) = See Additional Requirements in Section 403
### TYPES OF USES
#### ZONING DISTRICTS

(See definitions in Article 2)

<table>
<thead>
<tr>
<th>b. COMMERCIAL USES (Cont.)</th>
<th>N</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Target Range, Firearms</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Completely indoor and enclosed</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>- Other than above</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Tattoo or Body Piercing Establishment</em></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><em>Tavern, which may include a State-licensed micro-brewery (not including an After Hours Club). As a condition of special exception approval, the applicant shall prove that the use will not cause a significant nuisance for neighboring dwellings, considering noise and hours of operation.</em></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Theater, Indoor, other than an Adult Use</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Veterinarian Office (S. 402) which may include</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Animal Hospital</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Wholesale Sales - see Under Industrial Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>c. INDUSTRIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Asphalt Plant</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Assembly or Finishing of Products Using Materials</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>- Produced Elsewhere (such as products from plastics manufactured off-site)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Supplies and Building Materials, Wholesale Sales of</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Distribution as a Principal Use (other than Trucking Company Terminal)</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Electricity Generating Plant (other than Waste-to-Energy)</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Industrial Equipment Sales, Rental and Service (other than Auto, Boat or Mobile Home Sales)</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Junkyard</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor, pre-packaged sales or fuel tanks for company vehicles</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:</strong></td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>- Agricultural Chemicals, Fertilizers or Pesticides</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>- Ceramics Products (other than Crafts Studio)</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

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Districts Page 3-8
### TYPES OF USES (Cont.)

(See definitions in Article 2)

<table>
<thead>
<tr>
<th>MANUFACTURE AND/OR BULK PROCESSING OF THE FOLLOWING, PROVIDED MANUFACTURING OCCURS ONLY INDOORS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Chemicals, Bulk Manufacture, Bulk Processing, Mixing, Recycling or Bulk Storage of</td>
</tr>
<tr>
<td>- Clay, Brick, Tile and Refractory Products</td>
</tr>
<tr>
<td>- Computers and Electronic/Microelectronic Products</td>
</tr>
<tr>
<td>- Concrete, Cement, Lime and Gypsum Products</td>
</tr>
<tr>
<td>- Electrical Equipment, Appliances and Components</td>
</tr>
<tr>
<td>- Explosives or Ammunition</td>
</tr>
<tr>
<td>- Fabricated Metal Products (except Ammunition or Explosives)</td>
</tr>
<tr>
<td>- Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale</td>
</tr>
<tr>
<td>(Other than uses listed individually in this Section 306)</td>
</tr>
<tr>
<td>- Food Products - Meat Packing</td>
</tr>
<tr>
<td>- Food Products for animals</td>
</tr>
<tr>
<td>- Gaskets</td>
</tr>
<tr>
<td>- Glass and Glass Products (other than Crafts Studio)</td>
</tr>
<tr>
<td>- Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats,</td>
</tr>
<tr>
<td>Garbage, Dead Animals or Offal (other than within an approved solid waste facility)</td>
</tr>
<tr>
<td>- Jewelry and Silverware</td>
</tr>
<tr>
<td>- Leather and Allied Products (other than Crafts Studio under commercial uses or Tannery under industrial uses)</td>
</tr>
<tr>
<td>- Machinery</td>
</tr>
<tr>
<td>- Manufactured or Modular Housing</td>
</tr>
<tr>
<td>- Medical Equipment and Supplies</td>
</tr>
<tr>
<td>- Metal Products, Primary</td>
</tr>
<tr>
<td>- Mineral Products, Non-metallic (other than Mineral Extraction)</td>
</tr>
<tr>
<td>- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)</td>
</tr>
<tr>
<td>- Paper - Raw Pulp</td>
</tr>
<tr>
<td>- Paving Materials, other than bulk manufacture of asphalt</td>
</tr>
</tbody>
</table>

### ZONING DISTRICTS

<table>
<thead>
<tr>
<th>PERMITTED BY RIGHT (ZONING DECISION BY ZONING OFFICER)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C = Conditional use (zoning decision by Borough Council)</td>
</tr>
<tr>
<td>SE = Special exception use (zoning decision by Zoning Hearing Board)</td>
</tr>
<tr>
<td>N = Not permitted</td>
</tr>
<tr>
<td>(S. 402) = See Additional Requirements in Section 402</td>
</tr>
<tr>
<td>(S. 403) = See Additional Requirements in Section 403</td>
</tr>
</tbody>
</table>

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**Districts Page 3-9**
### TYPES OF USES

(See definitions in Article 2)

<table>
<thead>
<tr>
<th>c. INDUSTRIAL USES (Cont.)</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:</td>
<td>R1</td>
</tr>
<tr>
<td>- Pharmaceuticals and Medicines</td>
<td>N N</td>
</tr>
<tr>
<td>- Plastics, Polyomers, Resins, Vinyl, Coatings, Adhesives, Sealants, Printing Ink or Photo Film</td>
<td>N N</td>
</tr>
<tr>
<td>- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber</td>
<td>N N</td>
</tr>
<tr>
<td>- Roofing Materials and Asphalt Saturated Materials</td>
<td>N N</td>
</tr>
<tr>
<td>- Rubber, Natural or Synthetic</td>
<td>N N</td>
</tr>
<tr>
<td>- Scientific, Electronic and Other Precision Instruments</td>
<td>N N</td>
</tr>
<tr>
<td>- Soaps and Cleaning Compounds</td>
<td>N N</td>
</tr>
<tr>
<td>- Sporting Goods, Toys, Games, Musical Instruments or Signs</td>
<td>N N</td>
</tr>
<tr>
<td>- Transportation Equipment</td>
<td>N</td>
</tr>
<tr>
<td>- Wood Products and Furniture (not including raw paper pulp)</td>
<td>N N</td>
</tr>
<tr>
<td>Mineral Extraction (S. 402) and related processing, stockpiling and storage</td>
<td>N</td>
</tr>
<tr>
<td>Packaging</td>
<td>N N</td>
</tr>
<tr>
<td>Package Delivery Services Distribution Center</td>
<td>N N</td>
</tr>
<tr>
<td>Petroleum Refining</td>
<td>N N</td>
</tr>
<tr>
<td>Photo Processing, Bulk Printing or Bookbinding</td>
<td>N N</td>
</tr>
<tr>
<td>Recycling Collection Center (S. 402), not involving operations of an industrial scale (See also Borough-Owned Use in this table)</td>
<td>N N</td>
</tr>
<tr>
<td>Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use shall not include a solid waste disposal or transfer facility or a junkyard)</td>
<td>N N</td>
</tr>
<tr>
<td>Research and Development, Engineering or Testing Facility or Laboratory</td>
<td>N N</td>
</tr>
<tr>
<td>Sawmill / Planing Mill</td>
<td>N</td>
</tr>
<tr>
<td>Self-Storage Development (S. 402)</td>
<td>N N</td>
</tr>
<tr>
<td>Slaughterhouse, Stockyard or Tannery</td>
<td>N N</td>
</tr>
</tbody>
</table>

| P | Permitted by right (zoning decision by Zoning Officer) |
| C | Conditional use (zoning decision by Borough Council) |
| SE | Special exception use (zoning decision by Zoning Hearing Board) |
| N | Not permitted |
| (S. 402) | See Additional Requirements in Section 402 |
| (S. 403) | See Additional Requirements in Section 403 |
## TYPES OF USES

(See definitions in Article 2)

<table>
<thead>
<tr>
<th>ZONING DISTRICTS</th>
<th>TYPES OF USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td></td>
</tr>
</tbody>
</table>

c. **INDUSTRIAL USES (Cont.)**
- Solid Waste Landfill, Solid Waste Transfer Facility or Waste to Energy Facility
- Trucking Company Terminal
- Warehousing or Storage as a principal use
- Warehousing or Storage as an accessory use
- Welding
- Wholesale Sales (other than Motor Vehicles)

<table>
<thead>
<tr>
<th>R1</th>
<th>P</th>
<th>C</th>
<th>SE</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
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<td></td>
<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
</tbody>
</table>

d. **INSTITUTIONAL USES**
- Cemetery (see Crematorium listed separately)
- College or University, with any residential uses regulated separately under "Residential uses"
- Community Center, Youth Recreation Center or Library
- Crematorium
- Cultural Center or Museum
- Day Care Center, Adult (S. 402)
- Day Care Center, Child (S. 402)
- (See also as an accessory use in this table and Section 403)
- Hospital or Surgery Center
- Membership Club Meeting and Recreational Facility, but with any “Tavern” or use listed separately in this Section having to meet the requirements for such use, and with After Hours Club being prohibited
- Nursing Home or Assisted Living Facility / Personal Care Home (S. 402)
- Place of Worship (S. 402)
- School, Public or Private, Primary or Secondary (S.402)
- Treatment Center (S. 402)
  (Including but not limited to a Methadone Treatment Center)

<table>
<thead>
<tr>
<th>R1</th>
<th>P</th>
<th>C</th>
<th>SE</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
<td>N</td>
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<td></td>
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<tr>
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<td>N</td>
<td>N</td>
<td></td>
<td>N</td>
</tr>
</tbody>
</table>

P = Permitted by right (zoning decision by Zoning Officer)
C = Conditional use (zoning decision by Borough Council)
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(S. 402) = See Additional Requirements in Section 402
(S. 403) = See Additional Requirements in Section 403
### TYPES OF USES

(See definitions in Article 2)

<table>
<thead>
<tr>
<th>ZONING DISTRICTS</th>
<th>R1</th>
</tr>
</thead>
</table>

#### e. PUBLIC/ SEMI-PUBLIC USES

**Borough-Owned Uses**

- **Government Facility, other than uses listed separately** in this Section 306
- **Emergency Services Station**, which may include a supporting social club building or facility
- **Public Recreation Park**
- **Public Utility Facility (See also Section 114), including electric sub-stations**, but not including uses listed separately in this Section 306
- **Swimming Pool, Non-household (S. 402)**
- **U.S. Postal Service Facility**, which may include a leased facility

#### f. PRIMARILY ACCESSORY USES

See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"

See Additional Requirements in Section 403 for Specific Accessory Uses

<table>
<thead>
<tr>
<th>Home Occupation, General (S. 403)</th>
<th>SE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Occupation, Light (S. 403)</td>
<td>SE</td>
</tr>
<tr>
<td>Outdoor Storage and Display as an Accessory Use (S. 403)</td>
<td>N</td>
</tr>
<tr>
<td>Telephones (Outdoor Pay) or Vending Machines (S. 403)</td>
<td>N</td>
</tr>
<tr>
<td>Unit for Care of Relative (S. 403)</td>
<td>SE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P</th>
<th>Permitted by right use (zoning decision by Zoning Officer)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>Conditional use (zoning decision by Borough Council)</td>
</tr>
<tr>
<td>SE</td>
<td>Special exception use (zoning decision by Zoning Hearing Board)</td>
</tr>
<tr>
<td>N</td>
<td>Not permitted</td>
</tr>
</tbody>
</table>

(S. 402) = See Additional Requirements in Section 402
(S. 403) = See Additional Requirements in Section 403
Section 306 Cont.

TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

R1

<table>
<thead>
<tr>
<th>g. MISCELLANEOUS USES</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forestry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nature Preserve or Environmental Education Center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Lot as the Principal Use of a Lot (S. 402)</td>
<td>N</td>
<td>SE</td>
</tr>
<tr>
<td>Crop Farming</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raising of Livestock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Uses that will be unable to comply with the performance standards of this Ordinance. See the &quot;Environmental Protection&quot; requirements of Article 5.</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

P = Permitted by right use (zoning decision by Zoning Officer)
C = Conditional use (zoning decision by Borough Council)
SE = Special exception use (zoning decision by Zoning Hearing Board)
N = Not permitted
(S. 402) = See Additional Requirements in Section 402
(S. 403) = See Additional Requirements in Section 403

306. C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles;
2. Fence or Wall;
3. Garage, Household;
4. Garage Sale;
5. Pets, Keeping of;
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district;
7. Recreational Facilities, limited to use by residents of a development, and their occasional invited guests;
8. Residential accessory structure (see definition in Article 2);
9. Signs, as permitted by Article 7;
10. Swimming Pool, Household; or
11. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

306. D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a lawful principal commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles;
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents, students and families of employees of the use and their occasional invited guests:
   a. Internal cafeteria without drive-through service,
   b. Day care center, or
   c. Recreational facilities;
3. Shelters for persons waiting for buses;
4. Automatic Transaction Machine (ATM); or
5. Storage sheds meeting the requirements of Section 307.A.
DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

<table>
<thead>
<tr>
<th>District: Type of Use</th>
<th>Min. Lot Area (sq.ft.)</th>
<th>Min. Lot Width Measured at Min. Building Setback Line (ft.)</th>
<th>Min. Front Yard Setback (ft.)</th>
<th>Min. Rear Yard Setback (ft.) (Note A)</th>
<th>Min. Side Yard Setback (each) (ft.) (Note A)</th>
<th>Maximum Percent Building Coverage</th>
<th>Maximum Percent Impervious Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>single family detached dwelling</td>
<td>a) 4,000</td>
<td>a) 40</td>
<td>20 (10 feet of which may include an unenclosed front porch)</td>
<td>25</td>
<td>5, except 0 at the shared lot line of lawfully attached dwellings</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>single family semi-detached dwelling unit (Half of a Twin)</td>
<td>b) 4,000</td>
<td>b) 40</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>single family attached dwelling</td>
<td>c) 12,000 (Note F)</td>
<td>c) 60</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other allowed use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other allowed principal use</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>single family detached dwelling</td>
<td>a) 2,000</td>
<td>a) 25</td>
<td>10 (10 feet of which may include an unenclosed front porch)</td>
<td>25</td>
<td>5, except 0 at the shared lot line of lawfully attached dwellings</td>
<td>60%</td>
<td>80%</td>
</tr>
<tr>
<td>single family semi-detached dwelling unit (Half of a Twin)</td>
<td>b) 2,000 per dwelling unit</td>
<td>b) 25 per dwelling unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>single family attached dwelling (Townhouse)</td>
<td>c) 2,000 per dwelling unit (Note E)</td>
<td>c) 18 per dwelling unit (Note B)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apartments</td>
<td>d) minimum of 2,000 per dwelling unit (Note C)</td>
<td>d) 40</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other allowed principal use</td>
<td>e) 8,000 (Note F)</td>
<td>e) 50</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Districts
Type of Use: Dwelling Units
- Shall be developed in conformance with the requirements of the R-2 district and the NC District.

Heights in building space that existed prior to the adoption of this ordinance, not including conversions in existing one family dwelling two or more dwelling units.

Other allowed use

Exception approval shall be required for a commercial use to be open to the public between the hours of 12 midnight and 5 am.

Only standard for such special use approval shall be that the applicant demonstrates such operations will be compatible with adjacent dwellings.

<table>
<thead>
<tr>
<th>District: Type of Use</th>
<th>Min. Lot Area (sq.ft.)</th>
<th>Min. Lot Width Measured at Min. Building Setback Line (ft.)</th>
<th>Min. Front Yard Setback (ft.)</th>
<th>Min. Rear Yard Setback (ft.) (Note A)</th>
<th>Min. Side Yard Setback (each) (ft.) (Note A)</th>
<th>Maximum Percent Building Coverage</th>
<th>Maximum Percent Impervious Coverag</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>b) 2,000</td>
<td>b) 20</td>
<td>b) 15</td>
<td>c) 15</td>
<td>b) 5</td>
<td>b) 70%</td>
<td>b) 90%</td>
</tr>
<tr>
<td></td>
<td>c) 2,000</td>
<td>c) 20</td>
<td>c) 15</td>
<td>c) 15</td>
<td>c) 5</td>
<td>c) 70%</td>
<td>b) 90%</td>
</tr>
</tbody>
</table>

Min. Lot Area: 2,000

Min. Lot Width: 20

Min. Front Yard Setback: 15

Min. Rear Yard Setback: 15

Min. Side Yard Setback: 5

Maximum Percent Building Coverage: 70%

Maximum Percent Impervious Coverag: 90%

Districts: R-2, NC District
### District: Type of Use

<table>
<thead>
<tr>
<th>Min. Lot Area (sq.ft.)</th>
<th>Min. Lot Width Measured at Min. Building Setback Line (ft.)</th>
<th>Min. Front Yard Setback (ft.)</th>
<th>Min. Rear Yard Setback (ft.) (Note A)</th>
<th>Min. Side Yard Setback (each) (ft.) (Note A)</th>
<th>Maximum Percent Building Coverage</th>
<th>Maximum Percent Impervious Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>b) 43,560 minimum tract size, which may be divided into lots of 10,000</td>
<td>b) and c): 15 (10 feet of which may include an unenclosed front porch)</td>
<td>b) 30</td>
<td>b) 5 (Note D)</td>
<td>b) 50%</td>
<td>b) 70%</td>
</tr>
<tr>
<td></td>
<td>c) 50</td>
<td></td>
<td>c) 20 (Note D)</td>
<td></td>
<td>c) 70%</td>
<td>c) 90%</td>
</tr>
<tr>
<td></td>
<td>b) 100</td>
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</tr>
<tr>
<td></td>
<td>c) 50</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,000</td>
<td>80</td>
<td>15</td>
<td>20 (Note D)</td>
<td>15 (Note D)</td>
<td>60%</td>
</tr>
</tbody>
</table>

### Notes:
- See Section 803.B for corner lot setbacks.
- See Section 403 for swimming pools.
- See Section 806 regarding extension of nonconforming setbacks.
- See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(Note A) = See Accessory setbacks in Section 307.C.

### Districts

3 - 16
(Note B) = Except if 2 or more off-street parking spaces per dwelling or garage doors for 2 or more vehicles are located within 20 feet of a public street, then the lot width per dwelling along such street shall be a minimum of 24 feet.

(Note C) = The lot area per dwelling unit may be reduced to 1,500 square feet if a lot includes 6 or more dwelling units and all the units are permanently restricted by deeds and leases to persons age 62 and older, the physically handicapped and their spouses.

(Note D) = Except a minimum rear yard of 40 feet for a new or expanded principal non-residential building from a directly abutting primarily residential lot in a residential district. Except a minimum side yard of 20 feet for a new or expanded principal non-residential building from a directly abutting primarily residential lot in a residential district. If a building involves manufacturing operations, such side and such rear setback shall be increased to a minimum of 60 feet.

(Note E) = The density for single family attached dwellings (townhouses) shall be based upon the minimum lot area per dwelling unit, which may be measured as an average for all of the dwellings in a subdivision or land development. For example, if there is a 2,000 square feet minimum average requirement, one dwelling may be on a 2,100 square feet lot and the second dwelling may be on a 1,900 square feet lot. These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used. The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.

(Note F) = Except see Section 402 for certain specific uses, such as Places of Worship.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. The following height provisions shall apply unless specifically stated otherwise for a specific use:

1. The maximum height for structures shall be 3 stories or 40 feet, whichever is more restrictive, except as follows:

a. Structures that are accessory to dwellings shall have a maximum height of 2 stories (with the top story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive.
b. See also Section 802 "Height Exceptions."

307.C. Accessory Structure Setbacks.

1. An accessory structure shall comply with the front yard setback listed in Section 307.A. A 3 feet wide minimum side and rear yard setback shall apply for a permitted detached structure that is accessory to a dwelling, except:

   a. Such setback may be reduced to 2 feet in the R2 district.
   b. In no case shall a vehicle garage be setback less than 5 feet from the cartway of an alley.
   c. Structures shall not obstruct minimum sight clearance at intersections.
   d. No setback is required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings).

2. A residential porch or deck made of wood (or materials with a similar appearance) that is open along the sides (except for the side attached to the principal building) may extend into a required setback. Such porch or deck may be covered by a roof or awning but shall not be enclosed if it intrudes into the setback required for a principal building. However, if the bottom of a deck is raised an average of more than 5 feet above ground level, it shall be setback a minimum of 15 feet along a rear lot line and 3 feet along a side lot line, except that a setback is not required along a lot line where two buildings are attached to each other along that lot line.
ARTICLE 4
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. APPLICABILITY.

401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.

1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.

402.A. Each of the following uses shall meet all of the following requirements for that use:

1. Adult Use. (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Use)

   a. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
      1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
      2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and downtown revitalization.
      3) To not attempt to suppress any activities protected by the "free speech" protections of the U.S. Constitution, but instead to control secondary effects.

   b. No portion of a building occupied by an Adult Use shall be located within any of the following distances: 1) 250 lineal feet of any residential zoning district boundary or any public park, 2) 100 lineal feet of the lot line of any existing primarily residential use, 3) 500 lineal feet from the lot line of any existing primary or secondary school, place of worship, day care center or child nursery. A minimum setback required by this subsection "b." shall not apply if the Adult Use would be separated from the residential district, park, residential use or other such use by an expressway.

   c. No such use shall be located within 1,000 lineal feet of any existing "adult use."

   d. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of 6 feet.

   e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.

   f. An Adult Use shall not be used for any purposes that violate any Federal, State or municipal law.
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g. See Section 709, Prohibited Signs.
h. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.
i. Adult Uses shall be prohibited in all Districts except where specifically permitted by Article 3.
j. A minimum lot area of 10,000 square feet is required.
k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
l. No use may include live actual or simulated sex acts nor any sexual contact between entertainers nor between entertainers and customers. This shall specifically prohibit, but not be limited to, entertainers dancing on the laps of customers.
m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except for entertainers within a permitted lawful "adult live entertainment use."
o. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
p. The use shall not operate between the hours of 12 midnight and 7 a.m.
q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
r. The use shall also comply with the Borough’s separate Sexually Oriented Business Ordinance.

2. Adult Day Care Center. See "Day Care, Adult".

3. After Hours Club - As a condition of any approval under this Ordinance, the applicant shall prove full compliance with State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).

4. Assisted Living Facility/Personal Care Home.
a. See definition in Article 2.

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b. A minimum of 20 percent of the lot area shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian pathways designed for persons with disabilities.

5. **Auto, Boat or Mobile/Manufactured Home Sales.**
   a. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
   b. See light and glare standards in Section 507.
   c. See parking requirements in Article 6.
   d. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

6. **Auto Repair Garage.**
   a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
   b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
   c. Outdoor storage of motor vehicles shall not be within any required buffer yard or any portion of the existing street right-of-way.
   d. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
   e. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
   f. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exits.

7. **Auto Service Station.**
   a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
   b. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
   c. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
   d. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
   e. Any "junk vehicle" (as defined by Article 2) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than 6 junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
   f. The use may include a retail store if the requirements for such use are also met.
   g. See light and glare control in Article 5.
   h. See canopy height and lighting provisions in Section 507.

8. **Bed and Breakfast Inn.**
a. Within a residential district (where permitted under Article 3), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.

b. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.

c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. Such sign shall only be illuminated externally and shall use incandescent light or light of similar effect.

d. The use shall have a residential appearance and character.

e. The use shall be operated and/or managed by permanent residents of the lot.

f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.

g. No guest shall stay for more than 14 days in any month.

h. Within an allowed residential district, this use shall only be allowed if the lot is adjacent to an arterial or collector street and is within an building constructed before January 1, 1940. Within a residential district, no new front yard parking shall be allowed, and a residential appearance shall be maintained.

9. **Boarding House (includes Rooming House).**
   a. Minimum lot area- 20,000 square feet
   b. Minimum side yard building setback - 20 feet side
   c. Minimum lot width- 100 feet
   d. Maximum density- 5,000 square feet of lot area per bedroom; shall serve a maximum total of 20 persons.
   e. Each bedroom shall be limited to 2 adults each.
   f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
   g. The term "Boarding House" shall not include an "assisted living facility," which is a separate use.
   h. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
   i. Rooms shall be rented for a minimum period of 5 consecutive days.

10. **Car Wash.**
    a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
    b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
    c. Water from the car wash operation shall not flow onto sidewalks or streets.
    d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

11. **Commercial Communications Antennae/Tower as principal or accessory use.**
    a. An accessory commercial communications antenna that does not involve a new tower shall be allowed in any district if it meets the following requirements:
       1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
a) a principal agricultural building or silo,
b) an electric high voltage transmission tower,
c) an existing lawful commercial communications tower,
d) a fire station or steeple or bell tower of a place of worship, or
e) a water tower.

2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.

b. Any commercial communications antenna/tower that does not meet Section "a." above shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
1) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following distances, whichever is greater:
   a) a distance from the lot line of a lot occupied by an existing dwelling (or that is approved for a new dwelling) that is greater than the total height of the antenna/tower above the surrounding ground level;
   b) the applicable principal building setback; or
   c) a minimum distance of 100 feet plus the total height of the tower above the surrounding ground level from a primarily residential building on another lot.
2) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
3) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the latest published version of the Borough Building Code.
4) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region.
5) An applicant for a new commercial communications tower shall provide evidence to the Zoning Hearing Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided. At an absolute minimum, placement upon existing or approved towers within a one mile radius shall be considered, in addition to other reasonable opportunities.
6) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where a tower may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
7) The Zoning Hearing Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters.
8) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.

c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
1) To protect property values.
2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.

3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.

d. A tower/antenna that primarily serves emergency communications by a Borough-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right.

e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.

f. All utility buildings serving a tower shall have a maximum height of 12 feet. Where a utility building is adjacent to a residential lot(s), it shall meet principal building setbacks along those lot lines.

12. **Day Care, Adult.**
   a. Shall be fully licensed by the State, if required by the State.
   b. Shall include constant supervision during all hours of operation.
   c. Shall not meet the definition of a "treatment center."

13. **Day Care Center, Child.**
   a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.
   b. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license.
   c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
   d. The use shall include secure fencing around outdoor play areas.
   e. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the exterior walls of an abutting existing dwelling.
   f. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
   g. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
   h. See also the standards for a "Place of Worship," which allows a day care center as an adjunct use.

14. **Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

   a. See definition in Section 202.
   b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
   c. A Group Home shall include the housing of a maximum of 6 unrelated persons, except:
      1) if a more restrictive requirement is established by another Borough Code, such as a Housing Code;
      2) the number of bona fide paid professional staff shall not count towards such maximum; and
      3) as may otherwise be approved by the Zoning Hearing Board under Section 111.D.

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d. The applicant shall provide a written statement describing how the facility will have adequate trained staff supervision for the number and type of residents. The Zoning Officer may require 24 hour on-site staffing if necessary for the number and type of residents.

e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer. If such licensing or certification is changed, suspended or revoked, the operator shall provide written notice to the Zoning Officer within 7 days.

f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. If there are any changes in such matters, the operator shall provide written notice to the Zoning Officer within 7 days. The Zoning Officer may require a new approval if there are changes in the nature of the group home.

g. Any on-site medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any on-site staff meetings shall be limited to a maximum of 5 persons at one time.

h. A minimum of one off-street parking space shall be provided per on-site employee, plus one space for every 2 residents of a type reasonably expected to be able to drive a vehicle. If the residents are not expected to be able to drive, one off-street space shall still be provided for visitors.

i. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.

j. The persons living on-site shall function as a common household unit.

15. Hotel or Motel.
   a. See definitions in Article 2, which distinguish a hotel/motel from a boarding house.
   b. New buildings shall be a minimum of 50 feet from any "residential lot line."

   a. Minimum lot area - 1 acre.
   b. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
   c. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
   d. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
   e. Structures in which animals are kept shall provide adequate shelter from the elements, including being heated during cold weather.
   f. All animal wastes shall be removed and properly disposed of, at least once a day.
   g. The operator of the kennel shall exercise all necessary control over the animals and shall not allow a nuisance condition to exist in terms of excessive noise, odor or health hazards.
   h. The kennel shall be operated in full compliance with the PA. Animal Welfare Act and applicable PA. kennel regulations. The kennel shall be open to regular inspection by the Zoning Officer and any designated Health Inspector.

17. Mineral Extraction.
   a. Application Requirements. A copy of all site plan information that will be required by the PA. DEP shall also be submitted to the Borough as part of the Zoning Application.
   b. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer.
c. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.

d. A 75 foot wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation. This yard shall include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.

e. The use shall meet minimum setbacks stated in State regulations.

f. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.

g. Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.

h. Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.

i. Noise and Performance Standards. See Article 5.

j. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.

k. Hours of Operation. The Zoning Hearing Board, as a condition of special exception approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.

l. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

18. Membership Club - Meeting and Recreational Facility.

   a. See definition in Article 2.

   b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."

19. Mobile/Manufactured Home - Installed on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.

   a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede any building code for the actual construction of the home itself.)

   b. Each site shall be graded to provide a stable and well-drained area.

   c. Each home shall have hitch and wheels removed.

   d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that secures the home to the ground to prevent shifting, overturning or uneven settling of the home, with a secure base for the tie-downs.

   e. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. Provisions shall be provided as necessary for access to utility connections.

   f. Outside of a Manufactured/mobile home park, the front door of a manufactured/mobile home shall face onto a public street.

   g. See also the dimensional regulations of Section 307.A. regarding dwelling width in certain districts.

   h. The home shall have a main roof with a minimum pitch of 4.5:1.

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20. Nursing Home or Assisted Living Facility/Personal Care Home.
   a. Licensing - See definition in Article 2.
   b. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

21. Outdoor Storage and Display.
   a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
   b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodway.
   c. Screening. See Section 803.
   d. More than 10 used tires shall only be stored on a lot of a tire replacement business, and such tires shall only be stored while awaiting imminent disposal.

22. Place of Worship.
   a. Minimum lot area- 25,000 square feet in a residential district; Section 307 applies in other districts.
   b. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be permitted if all of the requirements for such uses are also met, including being permitted in the applicable district.
   c. One dwelling unit may be accessory to a place of worship on the same lot provided it is only used to house a religious leader(s) and/or his/her family.

23. Recreation, Outdoor.
   a. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.
   b. A 20 feet wide buffer yard in accordance with Section 803 shall be required.
   c. Any swimming pool shall meet the requirements for such use, as stated in this Article.
   d. Lighting, noise and glare control - See Article 5.

   a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
   b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
   c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
   d. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
   e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Borough-owned use, subject to the limitations of this section.
   f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the
use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.

The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.

25. Restaurant or Banquet Hall
a. Screening of Dumpster and Waste Containers - See Section 806.
b. See "Drive-Through" service in Section 403.
c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.

26. School, Public or Private, Primary or Secondary
a. Minimum lot area - 2 acres if within a residential district, one-half acre in other districts.
b. No building, children's play equipment, basketball courts or illuminated recreation facilities shall be within 25 feet of a residential lot line, unless a more restrictive setback is established by another section of this Ordinance.
c. The use shall not include any residential uses unless all of the requirements for such uses are separately met.

27. Self-Storage Development.
a. All storage units shall be of fire-resistant construction.
b. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
c. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
d. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
e. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
g. See Section 803 concerning buffer yards. In addition, any garage doors or outdoor storage areas within 200 feet of a street right-of-way shall be screened from that street by a buffer yard meeting Section 803.
h. Minimum separation between buildings- 20 feet, which shall allow passage by emergency vehicles.

28. Single Family Attached Dwellings and Apartments
a. Maximum Number of Single Family Attached Dwellings attached in any manner - 8.
b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 15 feet from any dwelling.
c. Garages. Single Family Attached Dwellings shall be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow single family attached dwellings.

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d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.

e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No single family attached dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.

29 **Swimming Pool, Non-Household.**
   a. The water surface shall be setback at least 50 feet from any existing dwelling.
   b. Minimum lot area- 30,000 square feet.
   c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting Section 803.
   d. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
   e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

30. **Townhouses/Rowhouses.** See "Single Family Attached Dwellings."

31. **Treatment Centers.**
   a. See definition in Section 202.
   b. The applicant shall provide a written description of all types of persons intended to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception approval.
   c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
   d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
   e. If the use involves 5 or more residents, an on-lot outdoor recreation area shall be provided that is supervised by the center's staff.
   f. Any such use shall be set back a minimum of 600 feet from any existing Treatment Center.
   g. A Methadone Treatment Center shall meet the applicable requirements of the PA. Municipalities Planning Code.

32. **Veterinarian Office.** (includes Animal Hospital)
   a. Any structure in which animals are treated or housed shall be a minimum of 50 feet from any "residential lot line." Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
   b. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
   c. Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

403. **ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.**

403.A. **General.** Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if
specifically permitted by this Ordinance, such as by Section 306 or the home occupation regulations.

403.B. **Accessory Setbacks.** The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.

403.C. **Front Yard Setback.** No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.

403.D. **Special Standards.** Each accessory use shall comply with all of the following standards listed for that use:

1. **Antenna, Standard.** (includes amateur radio antenna)
   a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
   b. Anchoring. An antenna shall be properly anchored to resist high winds.

2. **Bus Shelters.**
   a. A bus shelter shall be allowed in accordance with this Section in order to provide refuge for mass transit riders from adverse weather conditions.
   b. Only the following signs shall be permitted: a) one two-sided sign with a maximum sign area of 30 square feet (which may be illuminated) and b) non-illuminated signs identifying the name of the transit provider, route schedules and maps.
   c. A shelter with illuminated advertising signs shall only be allowed within the NC, MU or LIC districts. The location of the bus shelter shall be approved in advance by the transit provider. The applicant shall prove to the Zoning Officer that the location will not interfere with pedestrian traffic along the sidewalk and with safe sight distances at intersections. The Borough may also require a written agreement for use of the public right-of-way.
   d. The applicant shall prove to the Zoning Officer that there is a legally binding commitment by a responsible entity to properly maintain the bus shelter and to remove the shelter if it is not needed in the future or if it falls into disrepair.
   e. Such shelters shall be durably constructed, with a roof. For security and safety purposes, the majority of the side walls of the shelter shall be constructed of a clear shatter-resistant material.
   f. Any light bulbs/lighting elements shall not be directly visible from outside of the shelters. The lighting may be diffused by an allowed sign. Glare shall not be created.

3. **Commercial Communications Antenna** - The provisions under Section 402 shall apply.

4. **Day Care. Child or Adult - as accessory to a Dwelling, including Family Day Care Home and Group Day Care Home.**
   a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
   b. In any case, 7 or more persons (other than persons who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling with a minimum lot area of 12,000 square feet and a 10 feet minimum setback from all existing dwellings on another lot(s). Four to 6 persons, in addition to persons who are
"related" to the primary caregiver, shall only be cared for at one time within a single family detached dwelling. The care of fewer numbers of persons may occur within any lawful dwelling unit.

c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
d. The use shall be actively operated by a permanent resident of the dwelling.
e. If 4 to 6 children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.
f. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
h. A child day care use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.

5 Drive-through facilities
   a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
   b. On-lot traffic circulation shall be clearly marked. The access lane shall have a minimum width of 8 feet.
   c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
   d. The applicant shall prove that the entrances and exits for the drive-through service have been designed to minimize conflicts with pedestrian travel along George Street. To the maximum extent feasible, drive-through service entrances and exits shall use alleys and side streets, as opposed to crossing major pedestrian routes along George Street.

6. Fences and Walls.
   a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
   b. No fence, wall or hedge shall obstruct the sight requirements of Section 803.C.
   c. Fences -
      1) Front Yard. Any fence located in the required front yard of a lot in a residential district or a dwelling in the NC district shall:
         a) be an open-type of fence (such as picket or split rail) with a minimum ratio of 1:1 of open to structural areas,
         b) not exceed 4 feet in height, and
         c) be constructed of wood (plus any required fasteners and any wire mesh attached on the inside of the fence), chain link or wrought iron or other material such as vinyl that resembles wood or wrought iron.
      2) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a front yard. A fence shall not be required to comply with minimum setbacks for accessory structures.
      3) Height. The maximum height of a fence in a commercial or industrial district shall be 12 feet, except as provided above in a front yard in the NC district. A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except:
a) a maximum of height of 12 feet shall be permitted where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.

4) Setbacks. No fence shall be built within an existing street right-of-way. A fence of a dwelling may be constructed without a setback from a lot line in a residential district, but a 1 foot or greater setback is recommended to provide for future maintenance of the fence.

5) Fence materials. Barbed wire shall not be used as part of fences around dwellings. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.

d. Walls -
1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts.

2) Walls in the minimum front yard or the side or rear accessory building setback in a residential district shall have a maximum height of 3 feet. This height limit shall not apply to a wall serving as a backing for a permitted sign as permitted in Section 704.

3) Walls that are attached to a building shall be regulated as a part of that building.

   a. See definition in Article 2. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
   b. If accessory to a dwelling, no garage sales as an accessory to a dwelling shall be held on a lot during more than 4 days total in any 3 consecutive months.
   c. The use shall be clearly accessory to the principal use.

   a. All home occupations shall meet the following requirements:
      1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property.
      2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
      3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
      4) One off-street parking space shall be required per non-resident employee. In addition, for a General Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
      5) The use shall not require delivery or pickup by tractor-trailer trucks.
      6) The regulations of Section 403.D.11.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.

8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.

9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.

10) A barber or beauty shop shall not include any non-resident employees.

11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.

12) See Home Occupation Sign requirements in Section 703.

13) The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.

14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.

15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a General Home Occupation, and shall need special exception approval if located outside of a commercial or industrial district. Such retail sales shall be limited to sales that are clearly accessory to an approved barber shop or similar on-site service.

16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.

17) A zoning permit shall be required for any home occupation.

b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Light Home Occupation:")

1) The use shall not involve routine daily visits to the home occupation by customers or more than one non-resident employee at a time.

2) The use shall not involve any signs visible from the exterior of the lot, except as is allowed by Section 703 within a commercial district.

3) The use shall only involve the following activities:
   (a) work routinely conducted within an office,
   (b) custom sewing and fabric and basket crafts,
   (c) cooking and baking for off-site sales and use,
   (d) creation of visual arts (such as painting or wood carving),
   (e) repairs to and assembly of computers and computer peripherals, and
   (f) a construction tradesperson, provided that a maximum of one non-resident shall routinely operate from the lot.

4) On-site retail sales shall be prohibited.

9. Outdoor Storage and Display. Commercial or Industrial as an Accessory Use.
a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.

b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodway.

c. Screening. See Section 803.

d. More than 10 used tires shall only be stored on a lot of a tire replacement business, and such tires shall only be stored while awaiting imminent disposal.

10. Pets, Keeping of

a. This is a permitted by right accessory use in all districts.

b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.

c. A maximum combined total of 5 dogs and cats shall be permitted to be kept by residents of each dwelling unit.
   1) Such limits shall only apply to dogs or cats over 4 months in age.
   2) Any greater number of dogs and/or cats shall need approval as a "kennel".

d. The keeping of 1 or 2 total pigeons (except as may be preempted by the State Carrier Pigeon Law), chickens, ducks, geese and/or similar fowl shall be permitted on lot with a minimum lot area of 10,000 square feet.

e. Animals shall only be permitted provided they do not create unsanitary conditions or noxious odors for neighbors.

f. A minimum lot area of 2 acres shall be required for the keeping of a horse or similar sized animal, with one additional acre for each additional horse or similar sized animal.

g. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards, but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, hogs or sheep.

h. It shall be unlawful on a residential property to maintain any "exotic wildlife" as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.

11. Residential Accessory Structure or Use. (see definition in Article 2)

a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within 10 feet of any street right-of-way line (such as on a corner lot).

b. Accessory buildings in a residential district shall meet the following requirements:
   1) Maximum total floor area of all accessory buildings- 1,000 square feet.
   2) Maximum of 2 accessory buildings per lot.

c. Height. See Section 307.B.

d. Parking of Trucks and Buses. The overnight parking of commercial trucks and buses on a primarily residential lot in a residential district is prohibited, except that the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
12. **Swimming Pool, Household.** (referred hereafter as "pool")
   a. **Enclosure Pools.** An new or existing swimming pool shall include a secure fence or other
      enclosure meeting the requirements of the applicable Building Code.
   b. **Location.** Any pool deck or shelter that is elevated above the average surrounding ground
      level and the water surface of any pool shall be setback a minimum of 10 feet from any lot
      line. Patios around pools that are level with the average surrounding ground level are not
      required to be setback from lot lines. A pool is not permitted within a required front yard.
      A pool shall comply with limitations of any water or sewer easement.
   c. **Drainage.** A proper method shall be provided for drainage of the water from the pool that
      will not flood other property. Such method may be subject to approval of the Zoning
      Officer.
   d. The Borough does not assume responsibility for guaranteeing to the public that all new
      and existing pools fully comply with these provisions.

13. **Telephones or Vending Machines.**
   a. No outdoor pay telephone and no outdoor coin-operated vending machine shall be placed
      on a public sidewalk in the public right-of-way, except for newspaper/periodical vending
      machines. A newspaper/periodical vending machine shall only be permitted on a
      sidewalk if a 4 foot wide pedestrian path is unobstructed.
   b. No pay telephone and no coin-operated vending machine shall be permitted outdoors as
      accessory to a dwelling or a vacant lot.

14. **Unit for Care of Relative.**
   a. The use shall meet the definition in Section 202.
   b. The accessory unit shall be occupied by a maximum of two persons, who shall be close
      "relatives" of the permanent residents of the principal dwelling unit. At least one resident
      of the accessory unit shall need such accommodations because of an illness, old age or
      disability.
   c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed
      and constructed so that it can be easily reconverted into part of the principal dwelling unit
      after the relative no longer resides within the unit. A written plan shall be submitted
      showing how the separate unit will be changed to no longer be a separate unit. The
      accessory unit may be converted into an additional bedroom(s), permitted home
      occupation area or similar use. A lawful detached garage may be converted into a Unit for
      Care of Relative, and then be reconverted to a garage or permitted home occupation area.
   d. The applicant shall establish a legally binding mechanism that will prohibit the use of the
      accessory unit as a separate dwelling unit after the relative no longer resides within the
      unit. Such mechanism shall also be binding upon future owners.
   e. The owner of the property shall be required to annually renew the permit for the use.
      Such renewal shall be conditioned upon the owner proving that a relative of the occupants
      of the principal dwelling unit continues to reside within the accessory unit.
f. Such accessory unit shall not decrease the single family residential appearance of a single family dwelling, as viewed from exterior property lines.

g. Additional parking for the accessory unit may be waived by the Zoning Hearing Board as part of the special exception approval if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.
ARTICLE 5
ENVIRONMENTAL PROTECTION

501. **EROSION CONTROL.** The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
501.B. Except for agricultural activities, any earth disturbance of 5,000 square feet or greater of land area shall require the submission of an Erosion and Sedimentation Control Plan to the Borough and the County Conservation District and which shall be subject to the Conservation District's approval if the Conservation District provides a review.

502. **NUISANCES AND HAZARDS TO PUBLIC SAFETY.**

502.A. No landowner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:

1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
3. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
5. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.

503. **WETLANDS.** The Zoning Officer may require an applicant to prove that a suspect area proposed for alteration does or does not meet the State or Federal definition of a "wetland."

504. **FLOOD-PRONE AREAS ("Floodplains").** The Borough Floodplain Ordinance, as amended, shall apply.
505. **NOISE.**

505.A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

<table>
<thead>
<tr>
<th>LAND USE OR ZONING DISTRICT RECEIVING THE NOISE</th>
<th>HOURS/ DAYS</th>
<th>MAXIMUM SOUND LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>At a Lot Line of a Residential Use in a Residential District</td>
<td>1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Easter Sunday, Labor Day and Memorial Day</td>
<td>1) 63 dBA 2) 57 dBA</td>
</tr>
<tr>
<td>At any Other Lot Line</td>
<td>All times and days</td>
<td>70 dBA</td>
</tr>
</tbody>
</table>

Note- dBA means "A" weighted decibel.

505.B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:00 a.m. and 8:00 p.m., except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawnmowers between the hours of 8:00 a.m. and 9:00 p.m.
4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
5. Public celebrations specifically authorized by the Borough Council or a County, State or Federal Government agency or body.
6. Unamplified human voices or the sound of animals.
7. Routine ringing of bells and chimes by a place of worship or municipal clock.
8. Vehicles operating on a public street, railroads and aircraft.

506. **ODORS AND DUST.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.

507. **CONTROL OF LIGHT AND GLARE.** This Section 507 shall only regulate exterior lighting that spills across lot lines or onto public streets.
507.A. **Street Lighting Exempted.** This Section 507 shall not apply to street lighting that is owned, financed or maintained by the Borough or the State, nor to an individual porch light of a dwelling.

507.B. **Height of Lights.** No luminary, spotlight or other light source that is within 100 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 20 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.

507.C. **Diffused.** All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.

507.D. **Shielding.** All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

507.E. **Flickering.** Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

507.F. **Spillover.** Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 horizontal foot-candle at a distance 10 feet inside the residential lot line.

507.G. **Gasoline Sales Canopies.** All light fixtures under the canopy shall be recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot.

507. **ADDITIONAL INFORMATION.** If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.
ARTICLE 6
OFF-STREET PARKING AND LOADING

601. REQUIRED NUMBER OF PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.

2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.

3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.

4. Parking Landscaping. See Sections 803 and 804 of this Article.

<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</th>
<th>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. RESIDENTIAL USES: 1. Dwelling Unit, other than types listed separately in this table.</td>
<td>2 per dwelling unit. If desired, one space may be in a garage and one space in a driveway.</td>
<td></td>
</tr>
<tr>
<td>2. Home Occupation</td>
<td>See Section 402</td>
<td></td>
</tr>
<tr>
<td>3. Housing Permanently Restricted to Persons 62 Years and Older, the Physically Handicapped and their spouses</td>
<td>1 per dwelling/ rental unit, except 0.5 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old</td>
<td>Non-Resident Employee</td>
</tr>
<tr>
<td>4. Boarding House</td>
<td>1 per rental unit or bed for adult, whichever is greater</td>
<td>Non-Resident Employee</td>
</tr>
<tr>
<td>5. Group Home</td>
<td>See Section 402</td>
<td></td>
</tr>
<tr>
<td>B. INSTITUTIONAL USES: 1. Place of Worship or Church</td>
<td>1 per 5 seats in room of largest capacity</td>
<td>Employee</td>
</tr>
<tr>
<td>2. Hospital</td>
<td>1 per 3 beds</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>3. Nursing Home</td>
<td>1 per 5 beds</td>
<td>1.2 Employees</td>
</tr>
</tbody>
</table>
## North York Borough Zoning Ordinance of 2003

<table>
<thead>
<tr>
<th>USE</th>
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<th>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Assisted Living Facility/Personal Care Center</td>
<td>1 per 4 beds</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>5. Day Care Center</td>
<td>1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>6. School, Primary or Secondary</td>
<td>1 per 4 students aged 16 or older</td>
<td>Employee</td>
</tr>
<tr>
<td>7. Utility Facility</td>
<td>1 per vehicle routinely needed to service facility</td>
<td></td>
</tr>
<tr>
<td>8. College, University or Trade School</td>
<td>1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)</td>
<td>Employee</td>
</tr>
<tr>
<td>9. Library, Community Center, Cultural Center or Museum</td>
<td>1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)</td>
<td>Employee</td>
</tr>
<tr>
<td>10. Treatment Center</td>
<td>1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times</td>
<td>Non-Resident Employee</td>
</tr>
<tr>
<td>11. Swimming Pool, Non-Household</td>
<td>1 per 50 sq. ft. of water surface, other than wading pools</td>
<td>Employee</td>
</tr>
<tr>
<td><strong>C. COMMERCIAL USES:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Auto Service Station or Repair Garage</td>
<td>5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps</td>
<td>Employee; plus any parking needed for a convenience store under “retail sales”</td>
</tr>
<tr>
<td>2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales</td>
<td>1 per 15 vehicles, boats, RVs or homes displayed</td>
<td>Employee</td>
</tr>
<tr>
<td>5. Bed and Breakfast Use</td>
<td>1 per rental unit plus the 2 per dwelling unit</td>
<td>Non-resident employee</td>
</tr>
<tr>
<td>6. Bowling Alley</td>
<td>2 per lane plus 2 per pool table</td>
<td>1.2 Employees</td>
</tr>
</tbody>
</table>

*Parking Page 6-2*
## North York Borough Zoning Ordinance of 2003

<table>
<thead>
<tr>
<th>USE</th>
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<th>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Car Wash</td>
<td>Adequate waiting and drying areas.</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>8. Financial Institution (includes bank)</td>
<td>1 per 200 sq. ft. of floor area accessible to customers, plus &quot;office&quot; parking for any administrative offices</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>9. Funeral Home</td>
<td>1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating</td>
<td>Employee</td>
</tr>
<tr>
<td>10. Miniature Golf</td>
<td>1 per hole</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>11. Haircutting/ Hairstyling</td>
<td>1 per customer seat used for haircutting, hair styling, manicuring or similar work</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>12. Hotel or Motel</td>
<td>1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>13. Laundromat</td>
<td>1 per 3 washing machines</td>
<td>On-site Employee</td>
</tr>
<tr>
<td>14. Offices or clinic, Medical/dental</td>
<td>5 per physician or physician’s assistant or 3 per dentist or chiropractor</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>15. Offices, other than above</td>
<td>1 per 300 sq. ft. of total floor area</td>
<td></td>
</tr>
<tr>
<td>16. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)</td>
<td>1 per 200 sq. ft. of floor area accessible to customers</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>17. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club</td>
<td>1 per 4 persons of maximum capacity of all facilities</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>18. Outdoor Recreation (other than uses specifically listed in this table)</td>
<td>1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>19. Restaurant</td>
<td>1 per 4 seats, or 3 spaces for a use without customer seats</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>20. Retail Sales (other than Types separately listed)</td>
<td>1 per 200 sq. ft. of floor area of rooms accessible to customers.</td>
<td></td>
</tr>
</tbody>
</table>

*Parking Page 6-3*
## North York Borough Zoning Ordinance of 2003

<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</th>
<th>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</th>
</tr>
</thead>
<tbody>
<tr>
<td>21. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering</td>
<td>1 per 400 sq.ft. of floor area of rooms accessible to customers</td>
<td></td>
</tr>
<tr>
<td>22. Tavern</td>
<td>1 per 30 sq. ft. of total floor area</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>23. Theater or Auditorium</td>
<td>1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>24. Trade/Hobby School</td>
<td>1 per 2 students on-site during peak use</td>
<td>1.2 Employee</td>
</tr>
<tr>
<td>25. Veterinarian Office</td>
<td>4 per veterinarian</td>
<td>1.2 Employee</td>
</tr>
<tr>
<td><strong>E. INDUSTRIAL USES:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All industrial uses (including warehousing, distribution and manufacturing)</td>
<td>In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Article.</td>
<td>1 per 1.2 employee, based upon the maximum number of employees on-site at peak period of times</td>
</tr>
<tr>
<td>Self-Storage Development</td>
<td>1 per 25 storage units, plus spaces for any outdoor storage of vehicles</td>
<td>1.2 Employee</td>
</tr>
</tbody>
</table>

### 602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

**602.A. General.** Parking spaces, aisles and driveways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

**602.B. Existing Parking.** Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Article shall not in the future be reduced in number below the number required by this Article.

**602.C. Change in Use or Expansion.** A structure or use in existence at the effective date of this Article that expands or results in a change of use of an existing principal building shall be required
North York Borough Zoning Ordinance of 2003

to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If an existing lawful use includes less parking than would be required, and the applicant proves to the Zoning Officer that there is insufficient area on the lot to meet the required amount of parking, then that deficit of parking shall be grandfathered for new uses. For example, if an existing store included 3 parking spaces and was required to provide 7 spaces, there is a deficit of 4 spaces. Therefore, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of 6 spaces (10 minus the pre-existing deficit of 4).

2. If a use expands by an aggregate total maximum of 10 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Article, and the applicant proves to the Zoning Officer that there is insufficient area on the lot to meet the required amount of parking, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 300 square feet was proposed, then additional parking would not be required.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this Article. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless special exception approval is granted. The only standard that must be met to obtain the special exception approval is for the applicant to prove to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 200 feet walking distance from the entrance of the principal use being served. This distance may be increased to 300 feet for employee parking. A written and signed lease shall be provided.

   a. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

602.F. Flexibility in Parking. As a special exception, an applicant may prove to the satisfaction of the Zoning Hearing Board that the minimum amount of off-street parking should be modified for a specific application because of one or more of the following characteristics:

1. The applicant proves that parking will be shared with another use that will reduce the total amount of parking needed because the uses have different peak times of parking need, and that there is a legally guaranteed method to make sure that the parking will continue to be available during all of the years that the use is in operation; or

2. The applicant proves that the parking demand for a particular use is unusually low because of some unusual and peculiar characteristic of the use.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

603.A. General Requirements.

Parking Page 6-5
1. **Backing Onto a Street.** No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.

2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces serving a single family, twin or townhouse dwelling.

3. Parking areas shall not be within a required buffer yard or street right-of-way.

4. **Separation from Street.** Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.

5. **Stacking and Obstructions.** Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

### 603.B Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 9.5 feet and a minimum length of 18 feet, except the minimum length shall be 22 feet for parallel parking.

2. For handicapped spaces, see Section 603.F. below.

3. All spaces shall be marked to indicate their location, except those of a single family dwelling.

### 603.C Aisles.

1. Each aisle providing for one-way traffic to access parking stalls shall have the following minimum width:

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Minimum Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel or 30 degrees</td>
<td>12 feet</td>
</tr>
<tr>
<td>45 degrees</td>
<td>14 feet</td>
</tr>
<tr>
<td>60 degrees</td>
<td>18 feet</td>
</tr>
<tr>
<td>90 degrees</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

2. Each aisle providing access to stalls for two-way traffic shall be a minimum of 24 feet in width, except a width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.

### 603.D Driveways.

1. **Width of Driveway at Entrance onto a Public Street,** at the edge of the cartway:

| Minimum | 12 feet * | 25 feet * |
| Maximum | 20 feet * | 30 feet * |

* Unless a different standard is required by PennDOT for an entrance to a State road, or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.

*Page 6-6*
2. **Drainage.** Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Borough may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete or paving block, unless another material is pre-approved by the Borough.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Handicapped Parking.

1. **Number of Spaces.** Any lot including 4 or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:

<table>
<thead>
<tr>
<th>TOTAL NO. OF PARKING SPACES ON THE LOT</th>
<th>REQUIRED MINIMUM NO./ PERCENT OF HANDICAPPED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of required number of spaces</td>
</tr>
<tr>
<td>1,001 or more</td>
<td>20 plus 1% of required number of spaces over 1,000</td>
</tr>
</tbody>
</table>
2. **Location.** Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.

3. **Minimum Size.** Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by 2 handicapped spaces by being placed between them. However, one out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.

4. **Slope.** Handicapped parking spaces shall be located in areas of less than 6 percent slope in any direction.

5. **Marking.** All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.

6. **Paving.** Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

**604. OFF-STREET LOADING.**

604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle that will service the use, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed for occasional loading and unloading along an alley.

604.B. At the time of review under this Article, the applicant shall provide evidence to the Zoning Officer showing that the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Borough Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

1. At an absolute minimum, any manufacturing, industrial or warehouse use shall include at least one off-street loading space suitable for the largest truck that will use the facility. Truck loading spaces shall be a minimum of 10 feet wide.

604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

604.D. **Fire Lanes.** Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by Borough Fire Officials.
ARTICLE 7
SIGNS

701. APPLICABILITY.

701.A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.

701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Article within the applicable District shall be allowed.

701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Article provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Article.

702. NONCONFORMING SIGNS.

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

702.B. After a permit has been issued, an existing lawful nonconforming sign may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign.

703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

See footnotes at the end of the table.

<table>
<thead>
<tr>
<th>Type and Definition of Signs Not Requiring Permits</th>
<th>Max. No. Of Signs per Lot</th>
<th>Max. Sign Area per Sign * on a Lot, other than a &quot;Non-Residential Lot&quot; (Sq. Ft.)</th>
<th>Max. Sign Area per Sign * on a Non-residential Lot ** (Sq. Ft.)</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christmas Tree Sign - Advertises the seasonal sale of Christmas trees.</td>
<td>2</td>
<td>8</td>
<td>30</td>
<td>Shall only be posted during seasons when such products are actively offered for sale.</td>
</tr>
<tr>
<td>Charitable Event Sign - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.</td>
<td>2</td>
<td>4</td>
<td>40</td>
<td>Shall be placed a maximum of 30 days prior to event and removed a max. of seven days after event.</td>
</tr>
</tbody>
</table>

*Sign Area per Sign = (Max. Sign Area per Sign on a Lot) / (Number of Signs per Lot)

**Sign Area per Sign on Non-residential Lot = (Max. Sign Area per Sign on a Lot) / (1.5 x Number of Signs per Lot)

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### North York Borough Zoning Ordinance of 2003

<table>
<thead>
<tr>
<th>Type and Definition of Signs Not Requiring Permits</th>
<th>Max. No. Of Signs per Lot</th>
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<th>Max. Sign Area per Sign ** on a Non-residential Lot ** (Sq. Ft.)</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contractor's Sign</strong> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business.</td>
<td>1 per company working on the site</td>
<td>8</td>
<td>40</td>
<td>Shall only be permitted while such work is actively and clearly underway and a maximum of ten days afterward. Such signs shall not be placed on the lot for more than one year. Shall not be illuminated.</td>
</tr>
<tr>
<td><strong>Directional Sign</strong> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.</td>
<td>No maximum</td>
<td>3, in addition to signs painted on pavement</td>
<td>3, in addition to signs painted on pavement</td>
<td>Directional signs within a residential development shall not be illuminated.</td>
</tr>
<tr>
<td><strong>Flag</strong> - a banner or pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind and that includes some type of commercial message.</td>
<td>2</td>
<td>20</td>
<td>50</td>
<td>Governmental flags and flags without an advertising message are not regulated by this Article.</td>
</tr>
<tr>
<td><strong>Garage Sale Sign</strong> - advertises an occasional garage sale/porch sale or auction.</td>
<td>2 per event</td>
<td>2 per sign</td>
<td>2 per sign</td>
<td>Shall be placed a maximum of 48 hrs. before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends.</td>
</tr>
<tr>
<td><strong>Home Occupation Sign</strong> - advertises a permitted home occupation.</td>
<td>1</td>
<td>2</td>
<td>8</td>
<td>Shall not be illuminated if within a residential district. Shall be setback a minimum of ten feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window. Maximum total height of eight feet.</td>
</tr>
<tr>
<td><strong>Identification Sign</strong> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.</td>
<td>1</td>
<td>1, except two for a principal non-residential use.</td>
<td>6</td>
<td>Maximum height of eight feet.</td>
</tr>
</tbody>
</table>
**North York Borough Zoning Ordinance of 2003**

<table>
<thead>
<tr>
<th>Type and Definition of Signs Not Requiring Permits</th>
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<th>Max. Sign Area per Sign * on a Non-residential Lot ** (Sq. Ft.)</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open House Sign - advertises the temporary and periodic open house of a property for sale or rent.</td>
<td>2 per event</td>
<td>4</td>
<td>4</td>
<td>Shall be placed maximum of five days before open house begins, and be removed max. of twenty-four hrs. after open house ends. Such sign shall not be posted more than five consecutive days.</td>
</tr>
</tbody>
</table>
| Political Sign - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern. | No maximum | 6 per sign | Maximum total of 60 | Shall be placed a maximum of 60 days prior to any election or scheduled vote or referendum to which the sign may relate, and removed a maximum of seven days after such election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."

| Public Services Sign - advertises the availability of restrooms, telephone or other similar public convenience. | No max. | 2 | 2 | |
| Real Estate Sign - advertises the availability of property on which the sign is located for sale, rent or lease. | 1 per street the lot abuts | 6 | 30 | Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a maximum of seven days after settlement or start of lease. |
| Service Organization/ Place of Worship Sign - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location. | 2 | 2 | 2 | Maximum of two such signs per such organization or place of worship. |
## North York Borough Zoning Ordinance of 2003

### Type and Definition of Signs Not Requiring Permits

<table>
<thead>
<tr>
<th>Type and Definition of Signs Not Requiring Permits</th>
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<th>Max. Sign Area per Sign * on a Lot, other than a &quot;Non-Residential Lot&quot; (Sq. Ft.)</th>
<th>Max. Sign Area per Sign ** on a Non-residential Lot ** (Sq. Ft.)</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Sale Signs - temporary banners, flags and other signs that advertise a special sales event or grand opening at a lawful principal commercial business. A Portable Sign may be used under this provision.</td>
<td>5 per lot</td>
<td>Not permitted</td>
<td>Total of 60 sq. ft. for all such banners, flags and other temporary signs. No one banner, flag or sign shall exceed 40 sq. ft.</td>
<td>Shall be displayed a maximum of seven consecutive days per event, and a maximum of five events per year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.</td>
</tr>
<tr>
<td>Time and Temperature Sign- with a sole purpose to announce the current time and temperature and any non-profit public service messages.</td>
<td>1</td>
<td>Not permitted</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Trespassing Sign- indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.</td>
<td>No max.</td>
<td>2</td>
<td>4r</td>
<td></td>
</tr>
</tbody>
</table>

**Abbreviations:**
- "max." = maximum; "min." = minimum; "hrs." = hours.
- * Maximum sign areas are for each of two (2) sides of each permitted sign, measured in square feet.
- ** A “Non-residential Lot” shall be considered a lot occupied by a principal commercial, industrial or institutional use.”

In addition, the following types of signs are not regulated by this Article:

1. **Historic Sign.** Memorializes an important historic place, event or person and that is specifically authorized by the Borough or a County, State or Federal agency.
2. **Holiday Decorations.** Commemorates a holiday recognized by the Borough, County, State or Federal Government and that does not include advertising.
3. **Not Readable Sign.** Not readable from any public street or any exterior lot line.
4. **Official Sign.** Erected by the State, County, Borough or other legally constituted governmental body, or specifically authorized by Borough ordinance or resolution, and which exists for public purposes.
5. **Required Sign.** Only includes information required to be posted outdoors by a government agency or the Borough.
6. **Right-of-Way Sign.** Posted within the existing right-of-way of a public street and officially authorized by the Borough or PennDOT.

### 704. FREESTANDING, WALL AND WINDOW SIGNS
704.A. The following signs are permitted within the specified zoning districts, in compliance within the following regulations. In addition, "Exempt Signs" and "Temporary Signs" are permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 711.

<table>
<thead>
<tr>
<th>ZONING DISTRICT OR TYPE OF USE</th>
<th>MAXIMUM TOTAL HEIGHT OF FREESTANDING SIGNS</th>
<th>MAXIMUM AREA OF WALL SIGNS</th>
<th>MAXIMUM AREA OF WINDOW SIGNS</th>
<th>MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS ****</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Districts, with these signs limited to allowed principal non-residential uses, such as places of worship.</td>
<td>8 feet</td>
<td>20 square feet on each side of a principal building.</td>
<td>May be used in place of a wall sign with the same restrictions</td>
<td>One sign on each street the lot abuts, each with a maximum sign area of 20 sq. ft.**</td>
</tr>
<tr>
<td>Other types of signs are addressed in Section 703, including home occupation signs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New signs in these districts shall not be internally illuminated.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NC District. *</td>
<td>15 feet</td>
<td>10% of the vertical area of the building side on which the signs are attached, up to a maximum total of 150 square feet. *</td>
<td>Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.</td>
<td>One sign per street that the lot abuts, each with a maximum area of 20 sq. ft.**</td>
</tr>
<tr>
<td>LIC and MU Districts, except that residential development shall only be able to have the signs allowed by Section 703.</td>
<td>15 feet</td>
<td>15% of the vertical area of the building side on which the signs are attached, up to a maximum total of 150 square feet.</td>
<td>Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.</td>
<td>One sign per street that the lot abuts, each with a maximum area of 30 sq. ft.**, ***</td>
</tr>
</tbody>
</table>

* In the NC district, the following additional signs shall be allowed:

1. A maximum of one Projecting Sign shall be permitted per lot, provided:
   a) such sign has a minimum clearance over the sidewalk of nine feet (unless a differing standard is established by the Building Code),
   b) is constructed entirely from wood or materials with an appearance closely similar to wood, in addition to any metal fasteners,
   c) has a maximum sign area on each of 2 sides of 8 square feet, and
   d) is securely attached to the building.
2. A maximum of one Sidewalk Sign (or “sandwich board sign”) shall be permitted per lot, provided:
   a) such sign has a maximum sign area of 8 square feet on each of 2 sides and a maximum width of 3 feet, and has a maximum height of 4 feet,
   b) such sign is taken indoors during all hours when the business is not open to the public,
   c) such sign is not in a location that would interfere with pedestrian traffic, emergency access or parking spaces and maintains a 4 feet wide minimum clear path for pedestrians, and is kept as close to the building as is feasible, and
   d) such sign is attractive, well-maintained and durably constructed primarily of wood or materials with an appearance similar to wood.

** If the permitted freestanding sign area is not used, such sign area may be added to the permitted wall sign area.

*** If a lot includes 3 or more distinct commercial or industrial establishments, then along one (1) street, one or two freestanding signs shall be permitted with a maximum total freestanding sign area of 100 square feet.

**** See setbacks for freestanding signs in Section 706.A.

704.B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached.

704.C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Article.

2. Definition of a "Portable Sign"- A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one (1) location to another and that is not permanently attached to the ground.

3. Portable signs are prohibited in all districts, except as a temporary Charitable Event or temporary Special Sale sign as permitted by Section 703.

704.D. Signs on Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Article and with the wall itself not counting towards the maximum sign area.

705. ABANDONED OR OUTDATED SIGNS, Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. LOCATION OF SIGNS, The following shall regulate the location of signs:

706.A. Setbacks.
   1. A sign shall not project over any existing street right-of-way, except for permitted "projecting signs" within the NC district as regulated by Section 704.A.1 under footnote "**".
   2. Unless specifically stated otherwise, a sign is not required to be setback from a lot line or street right-of-way.
   3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.
706. B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 803.C.

706. C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.

706. D. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received from the owner.

706. E. Utility Poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.

707. ILLUMINATION OF SIGNS. See "Light and Glare Control" in Article 5 and provisions in Section 704.A. within residential districts.

708. VEHICLES FUNCTIONING AS SIGNS. Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

709. PROHIBITED SIGNS. The following signs are prohibited in all zoning districts:

709. A. Any moving object used to attract attention to a commercial use. Flags and banners except as is permitted by Section 703 and except for flags or banners meeting the requirements for a particular type of sign.

709. B. Flashing, blinking, twinkling, animated or moving signs of any type, except time and temperature signs may flash. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.

709. C. Signs which emit smoke, visible vapors or particles, sound or odor.

709. D. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Article.

709. E. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger").

709. F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic.

709. G. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes.

709. H. Floodlights and outdoor lasers for advertising purposes.

710. CONSTRUCTION OF SIGNS. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a
specify a period of time. If such order is not complied with, the Borough may repair or remove such
sign at the expense of such owner or lessee.

711. MEASUREMENT AND MAJOR TYPES OF SIGNS.

711.A. Sign Definitions. The following definitions shall be used in determining whether signs meet the
measurement and type requirements of this Article:

1. Building Face. The vertical area of a particular side of a building, but not including the area of any
   slanted roof.
2. Freestanding Sign. See Article 2.
3. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source
   adjacent to or outside of the sign. A sign within a display case with lights only shining onto the
   front of the sign shall be considered to be "externally" illuminated.
4. Off-Premise Sign. See Article 2.
5. Sign. See Article 2.
7. Window Sign. See Article 2.

711.B. Measurement of Sign Area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together
   with related background areas on which they are displayed. One "freestanding sign" may include
   several signs that are all attached to one structure, with the total "sign area" being the area of a
   common geometric form that could encompass all signs.
2. The sign area shall not include any structurally supporting framework, bracing, or supports if such
   area does not include any display, lettering or sign and if such area is clearly incidental to the sign
   area itself.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a
   building or window, other than an illuminated background that is a part of the sign, the sign area
   shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area shall be for each of 2 sides of a sign, provided that only one side of a sign
   is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

711.C. Measurement of Sign Height. The vertical distance measured from the average ground level
surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols,
when not accompanied by lettering, shall not be restricted by the sign heights of this Article when
attached to a tower or spire of a place of worship.

712. OFF-PREMISE SIGNS (Including Billboards).

712.A. Purposes. Off-premise signs are controlled by this Article for the following purposes, to: ensure
that a physical environment is maintained that is attractive to desirable types of development;
prevent visual pollution in the Borough and protect property values, especially in consideration of
the fact that most commercial areas of the Borough are within close proximity to existing
residences; prevent glare on adjacent property and streets; avoid the creation of additional visual
distractions to motorists, especially along busy arterial streets that involve complex turning
movements and numerous traffic hazards; recognize the numerous alternative forms of free speech
available in the Borough, including existing nonconforming off-premise signs, on-premise signs
and temporary signs and printed and electronic media; carry out the purposes listed in Section 701.

712.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an
existing lawfully-placed off-premise sign that is in structurally sound condition.
North York Borough Zoning Ordinance of 2003

712.C. **PennDOT Sign.** Signs erected and maintained by PennDOT are permitted by right in all Districts.

712.D. **Permitted Off-Premise Signs.** Except for signs allowed by Section 703, an off-premise sign is only permitted if it meets the following requirements:

1. **District.** An off-premise sign is only permitted in the LIC District.
2. **Location.** An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
3. **Maximum Sign Area.** 300 square feet.
4. **Spacing.** Any off-premise sign shall be separated by a minimum of 300 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premise sign.
5. **Maximum Height.** 35 feet above the elevation of the adjacent street, measured at the street centerline.
6. **Attached.** No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign may have 2 sign faces of 300 square feet each if they are placed approximately back-to-back.
7. **Control of Lighting and Glare.** See standards in Section 507.
8. **Residences.** No off-premise sign greater than 30 square feet in sign area shall be located within 200 feet of an existing dwelling.
9. **Condition.** The sign shall be maintained in a good and safe condition. The area around the sign shall be kept free of debris.
ARTICLE 8
GENERAL REGULATIONS

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

801.A. Frontage Required onto Improved Street.

1. Each proposed new lot, principal non-residential building and apartment building shall directly abuts one of the following: a) a public street, not including an “alley,” b) a street proposed to be dedicated to the Borough by the subdivision plan which created such lot, or c) a private street which meets all of the requirements of a public street.

2. In the case of townhouses, or apartments, each dwelling unit may be served with vehicle access onto a private parking court which then has access onto a street meeting Borough standards.

801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that every requirement is met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.

a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a 2 acre lot area, then the lot shall have a minimum lot area of 2 acres.

b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Article.

c. The lot may include a condominium form of ownership of individual buildings, with a legally binding property-owners association, if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place.

2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Article.

a. A manufactured/mobile home park, condominium residential development, apartment development, traditional neighborhood development or retirement community may include more than one principal building per lot, provided all other requirements of this Article are met.

b. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area, and which shall be primarily above the
ground level. This minimum floor area shall be increased to 800 square feet if there are 3 or more bedrooms.

802. **HEIGHT EXCEPTIONS.** The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Article, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys, mechanical equipment or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202.

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

803.A. **In General.**

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Article. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.

2. **Emergency Access.** All principal buildings shall have adequate provisions for access by emergency vehicles and fire ladders in order to reach all sides of a building.

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

1. **Corner Lots.** For a corner lot, the yard depth abutting each public street shall be equal to the minimum depth of the front yard, unless a larger width is provided for a side yard.

2. **Projections Into Required Yards.**
   a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, ground-mounted doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
   b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area. Stoops, fire escapes and handicapped ramps serving an existing building may extend into a street right-of-way where necessary, if granted written approval by the Zoning Officer.
   c. See also exceptions for decks and accessory buildings in the notes of Section 307.A.

3. **Front Yard Setback Exception.** In any district within a block containing a lot proposed for construction or expansion of a building, where 50 percent or more of the improved lots on such block frontage currently have front yards of less depth than is currently required for that district, and where the clear majority of such lots are already developed, the average of such existing front setbacks shall establish the minimum front yard depth for the remainder of the frontage.

803.C. **Sight Clearance at Intersections.**

1. Where two streets intersect, a clear sight triangle shall be
established with two legs of a triangle starting at a point 15 feet back from the edge of the cartway along the centerline of the intersecting street, and a second longer leg of the triangle measured 250 feet along each side of the intersection of the street centerlines. This longer leg shall be connected by two shorter legs to the initial point 15 feet back from the edge of cartway. This is illustrated on the sketch to the right, with "s" being a length of 250 feet.

2. In Section 202, see the definition of "Alley", which is distinguished from a "Street."

3. Where a street intersects with an alley, a clear sight triangle shall be established with one leg of the triangle 15 feet long along the edge of the right-of-way of the street and one leg of the triangle 10 feet long along the centerline of the alley, with the 2 legs connected by a 3rd longer leg.

4. Where 2 alleys intersection, a clear sight triangle shall be established with each leg of the triangle 10 feet long along the centerline of each alley, and with the 2 legs connected by a third longer leg.

5. Within these clear sight triangles, no new sight obstruction shall be allowed that obstructs the views of motorists of oncoming vehicle and pedestrian traffic at a height between 3 and 8 feet in elevation. To the maximum extent feasible, this clear sight triangle shall also be cleared of existing obstructions, such as by trimming vegetation.

803.D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations. These buffer yard standards shall supersede the buffer planting requirements of the Subdivision and Land Development Ordinance.

1. Buffer Yard Width, When Required. Buffer yards shall have a minimum width of 10 feet in the NC district and 20 feet in any other district, unless a larger width is required by another provision of this Article. Buffer yards shall be required in the following situations, and where otherwise required by this Ordinance:

<table>
<thead>
<tr>
<th>Buffer Yard to be Provided by the Following:</th>
<th>When the Use Providing the Screening and Buffer Is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Along side and rear lot lines of any new:</td>
<td>Abutting or across an alley from an existing dwelling within a residential district, and visible from such dwelling.</td>
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<tr>
<td>(1) principal commercial or industrial use,</td>
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<tr>
<td>(2) area of 10 or more new off-street parking spaces,</td>
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<tr>
<td>(3) an outdoor industrial storage area, or</td>
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<tr>
<td>(4) an area routinely used for the overnight parking of 2 or more tractor-trailer trucks.</td>
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</tbody>
</table>
Buffer Yard to be Provided by the Following: | When the Use Providing the Screening and Buffer Is:
---|---
b. Along the street right-of-way line or a lot line of any new:
(1) outdoor industrial storage area, or
(2) area routinely used for the overnight parking of 2 or more tractor-trailer trucks. | Abutting and visible from a public street

2. **Location of Buffer Yards.**
   a. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable.
   b. Plants needed for the visual screen shall not be placed within an existing street right-of-way. However, deciduous trees may be permitted by the Borough to be placed within a street right-of-way.
   c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.

3. **Characteristics of Buffer Yards.**
   a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. Buffer yards shall primarily include evergreen plants, in addition to any required shade trees.
   b. As a special exception use, the applicant may prove to the satisfaction of the Zoning Hearing Board that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the Board may approve a decorative brick wall to be placed between a loading area and an abutting street.

4. **Plant Screen.**
   a. Each buffer yard shall include a planting screen of trees or shrubs extending the length of the lot line.
   b. Each planting screen shall meet the following requirements:
   i) Plant materials needed to form the visual screen shall have a minimum height when planted of 3 feet. An initial height of 2 feet may be used where a parking area is intended to be visible from a street for security purposes. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly. Where street trees are approved and provided in the right-of-way, or healthy existing trees will be preserved, those trees may serve in place of this shade tree requirement.
ii) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 5 years a mostly solid year-round visual screen at least 6 feet in height.

iii) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.

iv) The plant visual screen shall be interrupted only at: a) approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements, and c) locations needed to meet other specific State, Borough and utility requirements.

v) American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.

vi) Where space allows, evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.

5. Parking Lot Screening. If 6 or more new off-street parking spaces are provided within 30 feet from the right-of-way of North George Street in the NC District, a 6 feet wide planting area shall be provided between the parking and the street right-of-way. To provide security and oversight of the parking area from a street, species of plants should be used that can be trimmed to a height of less than 4 feet. This provision shall not apply if a more intense buffer is required under Section 803.D.1 above (such as for truck parking).


7. Fences. a) Any fence in a buffer yard shall be placed on the inside of any required plant screening. b) As a condition of any variance or special exception approval, the Zoning Hearing Board may require the installation of a fence in addition to a buffer yard. As a condition of any land development approval, Borough Council may require the installation of a fence in addition to a buffer yard.

804. LANDSCAPING.

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

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

804.C. Parking Area Trees.

1. One deciduous tree shall be required for every 10 new off-street parking spaces.
2. If a lot will include 20 or more new parking spaces, landscaped areas shall be provided within the parking area. Otherwise, the trees may be planted around the parking area.

3. Trees required by this section shall meet the following standards:
   
a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer or his designee that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

   b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.

   c. Minimum Size. The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.

   d. Planting and Maintenance. Required trees shall be:
      i) planted with adequate unpaved surface around each for water and air, and
      ii) properly protected by curbs, curb stops, distance or other devices from damage from vehicles.

<table>
<thead>
<tr>
<th>TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS</th>
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<tbody>
<tr>
<td><strong>Acer rubrum</strong> - American Red Maple</td>
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<tr>
<td><strong>Acer saccharum</strong> - Sugar Maple</td>
</tr>
<tr>
<td><strong>Celtis occidentalis</strong> - Common Hackberry</td>
</tr>
<tr>
<td><strong>Fagus sylvatica</strong> - European Beech</td>
</tr>
<tr>
<td><strong>Fraxinus americana</strong> - White Ash</td>
</tr>
<tr>
<td><strong>Fraxinus pennsylvanina</strong> - Green Ash</td>
</tr>
<tr>
<td><strong>Ginko biloba fastigiata</strong> - Maiden Hair Tree</td>
</tr>
<tr>
<td>(male only; female has noxious odor)</td>
</tr>
<tr>
<td><strong>Gleditsia triacanthos</strong> - Thornless Locust</td>
</tr>
<tr>
<td><strong>Liriodendron tulipifera</strong> - Tulip Poplar</td>
</tr>
<tr>
<td><strong>Quercus alba</strong> - White Oak</td>
</tr>
<tr>
<td><strong>Quercus acutissima</strong> - Sawtooth Oak</td>
</tr>
<tr>
<td><strong>Quercus borealis</strong> - Red Oak</td>
</tr>
</tbody>
</table>

804.D. **Street Trees.** As part of the construction of any new street or any new principal non-residential building or any new apartment building, street trees shall be required to be planted. An average of one street tree shall be planted for every 50 feet of street length. The street trees do not need to be planted at specific intervals, but may be moved to fit with utilities, driveways and other features. The street trees shall meet Section 804.C.

1. The trees shall be in locations approved by the Zoning Officer. These locations may or may not be within the street right-of-way, depending upon the circumstances of the site. If the trees are not located in the right-of-way, they shall be placed within the yard immediately adjacent to the right-of-way.

2. New street trees shall not be required where existing healthy street trees will be preserved and will serve the same purpose.
804.E. Landscaping Maintenance. All shade tree, buffer yard and other landscaping required by this Article shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner as soon as is practical considering growing seasons, within a maximum of 150 days.

804.F. Review. Where landscaping is required by this Article, the applicant shall submit a site plan showing proposed initial sizes, locations and species of plantings and locations of any fencing in sufficient detail to determine compliance with this Section. Such landscaping plan should be provided to the Zoning Officer for approval.

805. NONCONFORMITIES.

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

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

805.C. Expansion of or Construction Upon Nonconformities.

1. Nonconforming Structure.

   a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
      i) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity (except as provided by subsection "1.c." below), and
      ii) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Article.

   b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

   c. Extension Along a Nonconforming Setback. If an existing building has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the nonconforming side or rear setback line, provided that:
      i) the structure shall not be extended beyond the existing nonconforming setback line,
      ii) no additional nonconformity shall be created,
iii) the new nonconforming extension shall not be greater than 25 percent of the existing floor area,
iv) all other requirements of this Article shall be met, and
v) such addition shall not be permitted for a non-residential building that abuts an existing primarily residential use.

2. Nonconforming Lots.

   a. Permitted Construction on a Nonconforming Lot. New permitted structures for a single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record held in single and separate ownership as a permitted by right use if minimum setback requirements are met.

   b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Article shall not by itself cause such lot to be considered to be a nonconforming lot.

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

   a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.

   b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.

   c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 25 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.

   i) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.

   d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Article, unless the Zoning Hearing Board grants a variance.

4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created, d) a nonconformity is not made more severe, and e) all other dimensional requirements of this Ordinance are met.

5. Nonconforming Sign. The provisions of this Article shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Article.

805.D. Damaged or Destroyed Nonconformities. A nonconforming structure that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction,
b) work begins in earnest within 12 months afterwards and continues, and c) no nonconformity may be created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

805.E. Abandonment of a Nonconformity.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
   a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section.
2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
3. An existing lawful separate dwelling unit may be un-rented for any period of time without being considered "abandoned" under this Article.

805.F. Changes from One Nonconforming Use to Another.

1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.

2. A nonconforming use may be changed to a different nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.

3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
   a. Traffic safety and generation (especially truck traffic),
   b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
   c. Amount and character of outdoor storage,
   d. Late night and early morning hours of operation if the use would be close to dwellings and
   e. Compatibility with the character of the surrounding area.

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

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

806.A. Any newly placed solid waste dumpster shall be screened on all sides as necessary to screen views from public streets and dwellings. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing or fencing of a similar appearance (such as white vinyl vertical planks). Primarily evergreen plantings are also encouraged in addition to the fence or wall. The fence or wall shall include a self-latching door or gate.

806.B. **Setback from Dwellings.** An outdoor solid waste container with a capacity of over 25 cubic feet shall be kept the maximum distance that is feasible from any abutting dwelling, in the determination of the Zoning Officer, provided that the container is not in the minimum front yard. In any case, an outdoor solid waste container shall be kept a minimum of 15 feet from an abutting dwelling. A solid waste dumpster shall not be located in a front yard.

806.C. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this Section 806.

806.D. All waste containers shall be completely enclosed, and the lid shall be kept in place. The locations of all dumpsters shall be shown on all site plans and land development plans submitted to the Borough.

806.E. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises, or for recycling containers that do not involve garbage.
This index is intended to assist applicants in locating appropriate sections. However, this index is not all-inclusive.

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